



## Appendix 1 Glossary

<b>abode</b>	Place of residence.
<b>absolute</b>	Final, complete, without conditions.
<b>abstract of title</b>	<p>An abbreviated version of old title deeds – which were used before photocopiers made copying easy! Abstracts may be found in bundles of old deeds, but are no longer prepared. Abstracts used shorthand principles to abbreviate words and also changed the text to past tense.</p> <p>For example: “the vendor hereby acknowledges” would be “Vdr thby acknd”</p>
<b>actus reus</b>	A Latin phrase meaning <i>the guilty deed or act</i> .
<b>action</b>	An action is a case which is commenced by a claimant against a defendant in a civil court. Many actions are started by the issue of a Claim Form.
<b>ad hoc</b>	A Latin phrase meaning <i>for this purpose</i> .
<b>ad valorem</b>	A Latin phrase meaning <i>according to the value</i> . An ad valorem stamp used to be impressed on deeds at the Stamp Office when stamp duty was payable. Since the introduction of Stamp Duty Land Tax, HM Revenue & Customs issue receipts. The rate of Stamp Duty Land Tax depends on the value of the property.
<b>address for service</b>	The address that a party in a civil action nominates as the address where he may be served with documents relating to the action. This is usually his solicitor’s address.
<b>adjourn</b>	Postpone the hearing of a case to a later date.
<b>adjourned sine die</b>	A Latin phrase which means <i>without day</i> . The adjournment of legal proceedings without fixing a future date on which they will start again.
<b>administration of estates</b>	The management and distribution of a deceased person’s estate.
<b>administrator (masculine)</b>	When someone dies intestate (without making a Will) Letters of Administration are obtained from the Family Division of the High Court. This allows the Administrator to collect money due to the deceased and wind up the estate.

<b>administratrix</b>	The <i>feminine</i> version of administrator.
<b>ADR – alternative dispute resolution</b>	Method of resolving disputes other than the normal trial process. ADR includes arbitration, mediation and conciliation.
<b>affidavit</b>	A written statement of facts which the deponent (person making the statement) knows to be true. The statement is then sworn on oath before a Commissioner for Oaths/Solicitor, or court officer empowered to administer oaths.
<b>affidavit of means</b>	Written statement setting out the financial position of a party which is sworn or declared before a Commissioner for Oaths/Solicitor or court officer empowered to administer oaths.
<b>aggregate</b>	The sum total.
<b>agreement</b>	Written evidence of consent between two people – where one party has made a promise and the other party has agreed to it.  Although agreements generally do not have to be written, there is a statutory requirement that agreements relating to land must be evidenced by writing to be enforceable.
<b>alibi</b>	Evidence to prove that the accused was not at the scene of a crime when it was committed.
<b>ancillary relief</b>	An order for maintenance pending suit, financial provision order, property adjustment order etc.
<b>Annual General Meeting (AGM)</b>	Shareholders in limited companies must be invited to an AGM every year to consider business as laid down in companies' legislation. This includes receiving the directors' and auditors' reports, approve the financial accounts, agree dividends, and appointing or reappointing directors.
<b>annual return</b>	A document which must be sent to the Registrar of Companies exactly one year after the company was registered and every subsequent year thereafter. It confirms details of the company and its share capital, names and addresses of directors etc.
<b>annuity</b>	An annual payment of a sum of money.
<b>annul</b>	To make void or invalid.
<b>answer</b>	A response by the Respondent to the allegations contained in a divorce petition.
<b>antecedents</b>	A person's past history, including details of any previous criminal convictions.

<b>application notice</b>	A document with which the applicant states his intention to seek a court order.
<b>appurtenances</b>	All land, outbuildings etc attached to a dwellinghouse.
<b>arrangements for children</b>	A statement of arrangements for the children of the family which is filed at court with the divorce petition. It details arrangements for the proposed residence, education, contact arrangements etc.
<b>Articles of Association</b>	<p>The Articles of Association is a document which sets out the aims of the company; its name and registered address; states that the company has limited liability; and shows the amount of nominal capital.</p> <p>Model articles for a company can be found on the Companies House website: <a href="http://www.companieshouse.gov.uk">http://www.companieshouse.gov.uk</a>.</p>
<b>assault</b>	Intentional and/or reckless act which causes someone physical harm.
<b>assets</b>	The total property of a person, firm or organisation.
<b>assignment</b>	A legal document which transfers ownership of property from one party to another. Assignments are used, for example, to transfer unregistered leasehold property or insurance policies.
<b>attendance note</b>	When a solicitor or fee earner interviews a client an Attendance Note will be completed to record what was discussed and decided during the interview. It is also a record of the time spent for accounting purposes.
<b>attestation</b>	The signature of the witness to a document's execution (signing).
<b>attestation clause</b>	A clause in a document which is typed immediately after the concluding words (the testimonium) of a document which confirms that the relevant party has executed the document. There is a separate clause for each party to the document. These clauses should not be on a separate page – otherwise that page could be removed and added to a totally different document.
<b>bail</b>	Release by police or court of person held in legal custody while awaiting the result of further investigations, trial or appeal against conviction. Bail is a right of the accused unless there are reasons why it should not be granted.
<b>barrister</b>	A barrister is a person who has qualified by passing the examinations set by the Bar Council and has completed some practical training. Barristers specialise mainly in one area of the law, just as consultants in a hospital specialise. Their main areas of work are to give advice to clients (usually through a solicitor) and to appear in any court as advocates.

Barristers work individually, not in partnership, but they often work together in one building which is called Chambers. A number of barristers can then share the cost and services of one clerk and other administrative staff, as well as the overheads such as electricity and rent.

<b>behaviour</b>	Action or conduct by one of the parties which affects the other party.
<b>bench</b>	This is how the tribunal of three lay Magistrates sitting in court on a given day are referred to.
<b>bench warrant</b>	An order issued by the court for the immediate arrest of someone.
<b>beneficiary</b>	A person entitled to benefit under the Will. A beneficiary must not witness the Will.
<b>bequeath</b>	To leave personal property to others in a Will.
<b>bequest</b>	A gift in a Will of property, other than land.
<b>bigamy</b>	The act of being married to another person while still legally married to the first person.
<b>bona fide</b>	A Latin phrase meaning <i>sincere, in good faith</i> .
<b>boundary</b>	The dividing line between one property and another.
<b>breach of contract</b>	The failure by one party who does not honour obligations under a contract.
<b>brief</b>	The written instructions to a barrister from a solicitor relating to the representation of a client in legal proceedings and arguing why the client should win.
<b>buyer</b>	The new term for a purchaser.
<b>caveat</b>	A Latin phrase meaning ' <i>let a person beware</i> ' ie a warning. This warning is lodged at court to avoid certain actions being taken without notifying the person lodging the caveat (the caveator).
<b>caveat emptor</b>	A Latin phrase which means <i>let the buyer beware</i> .
<b>certified copy</b>	A copy of an original deed or document which is signed and certified as true.
<b>Chambers</b>	Offices used by a barrister.
<b>charge</b>	In property law, a charge is a form of security for the payment of a debt, such as a mortgage.

<b>charge certificate</b>	A Certificate from the Land Registry containing details of the registered land – kept by the mortgagee, eg a Building Society, as security against payment of the mortgage. From 2003 most, if not all, Charge Certificates have been 'dematerialised'.
<b>chartered legal executive</b>	A Fellow of the Chartered Institute of Legal Executives- (FCILEx) has passed examinations set by CILEx and have had at least three years' experience working in a legal environment. They carry out similar duties to a solicitor such as preparing Wills, property transfers etc.
<b>chattels</b>	Any property other than freehold land.
<b>CILEx</b>	The Chartered Institute of Legal Executives is an awarding body and provides qualifications which include the Legal Secretaries' Certificate. It also sets the professional standards by which its members must comply.
<b>circumstantial evidence</b>	Evidence which is not actually seen by a witness but strongly suggests that a fact is so because of circumstance. It infers a link between the evidence and the action of the accused.
<b>civil procedure rules</b>	These are the rules which apply to Actions in the civil courts. They include management powers of the court to ensure that the Action proceeds without any undue delay.
<b>claim form</b>	The form which commences the legal process in the County Court or the High Court.
<b>claimant</b>	Person making a claim against any other person by any form of proceedings.  (Documents prepared before 26 April 1999 will use the word Plaintiff, instead of Claimant).
<b>client care letter</b>	A letter from a solicitor to his client setting out who is dealing with his case, people to contact, who to complain to, what work will be done and the cost. By signing and returning a copy of the letter the client enters into a contract with the solicitor.
<b>codicil</b>	A document which amends, or adds to, an existing Will.
<b>cohabitation</b>	Living together as man and wife without being married.
<b>collusion</b>	Secret or illegal co-operation or conspiracy, especially with the intent of deceiving or cheating others.
<b>commissioner for oaths</b>	Persons appointed by the Lord Chancellor to administer oaths to persons making affidavits. Most solicitors and chartered legal executives are also commissioners for oaths.

<b>committal</b>	The process of sending a defendant to stand trial at the Crown Court before a jury (committal for trial) OR sending a defendant from the Magistrates' Court to the Crown Court to be sentenced (committal for sentence).
<b>common law</b>	During the reign of Henry II judges travelled round the country on Circuit. On their return to London they discussed the different local laws they had considered. The best of these evolved into laws which were applied by the judges in all areas that they visited. This ensured that the same principles were adopted in the different parts of the country and those principles became known as the common law.
<b>common law marriage</b>	Cohabitation. It has no basis in English law and phrases such as 'common law wife' are meaningless.
<b>company accounts</b>	A registered company must, under companies' legislation, file with the Registrar of Companies a copy of the Company's Accounts within a specified period after the end of the accounting period. If the Accounts are not submitted within the prescribed period, civil penalties are charged by the Registrar. When filed, Company Accounts are open for public inspection.
<b>company seal</b>	Once a company is registered it may use a seal. This used to be sealing wax which was impressed (stamped) with the company logo. It is now, usually, a red wafer seal.
<b>company secretary</b>	A Company Secretary has specific obligations under law and is NOT to be confused with a shorthand-typist type of secretary. Often, a Company Secretary is an accountant or a lawyer because the role is concerned with the legal and financial running of the firm.
<b>Competition Commission</b>	The Competition Commission is an independent public body which helps to ensure healthy competition between companies in the UK for the ultimate benefit of consumers and the economy. It conducts in-depth investigations into mergers and markets and also has certain functions with regard to the major regulated industries.
<b>completion</b>	The final part of selling/purchasing property. The seller 'delivers' the goods (ie hands over the keys) and the buyer pays the agreed price and takes possession. The legal title to the property is transferred to the buyer by the seller.
<b>compos mentis</b>	A Latin phrase meaning <i>stable, lucid, sane, mentally sound</i> .
<b>condone</b>	Forgiveness or act so as to imply forgiveness of a matrimonial offence and the restoration of the offending spouse. This is no longer an absolute bar to divorce.
<b>confidentiality</b>	This is one of the most important aspects of life in a solicitor's office or in barrister's chambers. Clients must have confidence that anything they say will not be casually discussed, even inside the firm, and certainly not outside. Client's details must never be disclosed to any third party without the prior

approval of the client. Breach of confidentiality is a very serious matter which often results in disciplinary proceedings against the solicitor or barrister and termination of employment for any support staff who does not respect the confidentiality of a client's affairs.

<b>conflict of interest</b>	A solicitor is not usually able to act for both parties in a case. There would inevitably be a conflict of interest in that information obtained on behalf of one client could be used for the other. In order to avoid this, and before a new client is taken on, a Conflict Search is made in the firm's records to ensure that they do not already act for the other side. If there is a conflict of interest the solicitor must refuse to act.
<b>consideration</b>	Usually means money but can be anything of worth. A valuable consideration is necessary to make a legal, binding contract not under seal.
<b>contempt of court</b>	Conduct which interferes with the administration of justice, such as refusing to answer questions before a court or interrupting court proceedings. To be held in contempt is a declaration that a person or organisation has disobeyed or been disrespectful of the court's authority. Those found guilty of contempt of court may be imprisoned.
<b>contract</b>	<p>A binding agreement relating to the sale and purchase of property. It is prepared in duplicate and one copy is signed by the seller and the other by the buyer. The two parts are exchanged when a binding legal relationship exists.</p> <p>An agreement between two or more people, which is enforceable at law.</p>
<b>contributory negligence</b>	Where a person has contributed by their own negligence to, for example, an accident which caused them injury.
<b>conveyance</b>	A deed which transfers ownership of unregistered freehold property from one party to another.
<b>convicted</b>	A person is convicted when found guilty either after a trial or where the defendant has pleaded guilty.
<b>Co-respondent</b>	A joint defendant with the respondent, especially a person alleged to have committed adultery in a divorce petition.
<b>counsel</b>	A barrister.
<b>counterclaim</b>	A claim brought by a defendant against the claimant in response to the initial claim by the claimant. This is different to a defence.
<b>counterpart</b>	Some deeds (such as a Lease) are prepared with two identical copies – the original and a counterpart. Each copy is signed by one party and then exchanged and kept by the other party.

<b>covenant</b>	An agreement which forms part of a deed whereby one party is obliged to do something (or not to do something) which is for the benefit of the other party. This may be to pay rent, to paint the property at certain intervals, or not to cause a nuisance or annoyance when using the property.
<b>cross-examination</b>	A person giving evidence in court is examined by the legal representative of another party.
<b>custody</b>	Lawful imprisonment or confinement by the state.
<b>damages</b>	A sum of money awarded by the court to the claimant as compensation.
<b>de facto</b>	A Latin phrase meaning <i>in reality, actually, in effect</i> .
<b>deceased</b>	A person who has died.
<b>decree</b>	A law, judgment or order of the court in relation to dissolution of marriage.
<b>Decree Absolute</b>	Final order dissolving the marriage.
<b>Decree Nisi</b>	Conditional divorce decree. Requires a written application after six weeks to make it absolute, as long as Judge is satisfied nothing has changed in that time.
<b>deed of covenant</b>	Covenants are often entered into by a separate deed, such as a Deed of Covenant for production of deeds (now generally replaced by an acknowledgement).
<b>defence</b>	The defendant's answer to the allegations of the claimant contained in the Notice of Claim.
<b>defendant</b>	Person served with a notice of claim, summons or legal process. Also applied to person charged with an alleged criminal offence.
<b>delegated legislation</b>	Parliament passes an 'enabling Act' which delegates to other people or organisations the authority to alter the law. For example, local authorities and public corporations can make by-laws.
<b>delineate</b>	To mark the boundary of a property, particularly on a plan. Usually done in red by drawing a line around the edge of the property; drawing diagonal lines across the area of the property; or by colouring in the area.
<b>dematerialised</b>	Under the Land Registry Act of 2002 the Land Registry has the power to retain Charge Certificates for lenders. This is done electronically for all lenders from 2003.  Dematerialisation is also a term used to describe the transfer of company securities by electronic means.



<b>demise</b>	The grant of a limited period of time during which ownership of property is transferred to another person, such as a lease for twenty-one years. The word implies an absolute covenant on the part of the lessor for 'quiet enjoyment' (ie to use the property without interference).
<b>deponent</b>	Person who gives evidence by deposition.
<b>deposition</b>	Evidence, either verbal or written, given under oath.
<b>devise</b>	A gift of lands and goods contained in a Will.
<b>director</b>	An appointed or elected member of the board of directors of a company who, with other directors, has the responsibility for determining and implementing the company's policy. Directors have statutory responsibilities under the Companies Acts.
<b>disclosure of documents</b>	Parties to an Action must disclose to each other documents in their possession relating to that Action. This process is known as disclosure and is governed by the Civil Procedure Rules.
<b>dismissed</b>	Where prosecution fails to prove its case beyond all reasonable doubt the defendant is found not guilty and the case dismissed.
<b>dividend</b>	A payment representing a portion of the company's after tax profits which is paid to shareholders. It represents a 'reward' for investing in a company.
<b>domicile</b>	The country where a person has their permanent home.
<b>donee</b>	A person who receives a gift from another.
<b>donor</b>	A person who makes a gift to another.
<b>draft</b>	All documents are produced in draft first. This is a 'working' document which may be subject to discussions with the client, the other party's solicitor or anyone who is concerned with the case. It may be altered until everyone is happy with the content. Since it may have several alterations written on it, it is usually printed out in double line spacing, or occasionally in treble line spacing, in order to leave sufficient room for the alterations to be written legibly.
<b>duty solicitor</b>	A solicitor who is available to give free advice to a defendant at court or the police station.
<b>dwellinghouse</b>	A house occupied, or intended to be occupied, as a residence.
<b>DX</b>	<b><i>Document Exchange</i></b> . This is a private postal system used by solicitors and associated services, such as: building societies, banks, estate agents, courts

etc. Lockers are provided in a Document Exchange (often a room within a local solicitor's premises) where documents are exchanged between firms in the same town or may be sent for onward transmission to other towns country-wide.

<b>dying without issue</b>	To die without leaving children, grandchildren or other descendants.
<b>easement</b>	A right enjoyed by a person over adjoining property, such as a right of way.
<b>either way offence</b>	An offence which may be tried in the Magistrates' Court or in the Crown Court.
<b>endorsement</b>	This is often called a <i>backsheet</i> . This is like the cover of a book – it wraps around the document and indicates the type of document – whose Will it is; who is transferring land to whom; who is changing his name etc. It may show a court name and action number etc depending on the type of document. It is usually typed on the right-hand side of a sheet of A4 portrait.
<b>engrossment</b>	This is the final version of a document with all the agreed alterations included. It will usually be in double line spacing, completely without error and ready for execution (signing).
<b>estate</b>	The total possessions of a person when they die. Includes: property, money, possessions, investments etc.
<b>evidence in chief</b>	The evidence given by a witness for the party who called him.
<b>executed</b>	The signing of a Will (or other legal document) so as to make it legally binding.
<b>execution</b>	When a document has been agreed and engrossed it is ready to be signed (executed) by all the parties to the document. It is usual to 'mark up for execution' documents which are to be sent out by post to be signed. Pencil crosses will be placed to show where the parties are to sign and where the witnesses are to sign.
<b>executor</b>	<i>(masculine)</i> The person appointed in a Will to administer the estate of the deceased.
<b>executrix</b>	<i>(feminine)</i> As above.
<b>ex-gratia</b>	Latin phrase meaning <i>as a favour</i> . A payment not compelled by any legal right and often made without admission of liability.
<b>ex officio</b>	A Latin phrase meaning <i>by benefit of office</i> .

<b>Extraordinary General Meeting (EGM)</b>	A meeting called by a company to discuss a particular aspect of management or to transact business which cannot wait until the AGM.
<b>fast track</b>	The normal track for any claim that has a financial value of not more than £25,000.
<b>fee earner</b>	This refers to anyone who earns fees for the firm (solicitor, FCILEx, trainee solicitor, clerk etc).
<b>fee simple</b>	An estate in land of unqualified ownership which the owner has the right to control, use or transfer at will.
<b>freehold</b>	A legal estate in fee simple in possession. This is the most complete form of ownership of land.
<b>ground rent</b>	A sum payable by one person to another, usually annually eg by Lessee to Lessor.
<b>hatching plans</b>	Plans which are attached to documents will need to have the appropriate portion of land clearly indicated. This is often done by hatching (drawing diagonal lines across the area) or colouring or outlining.
<b>heir</b>	A person who inherits an estate.
<b>hereditament</b>	Any real property which on an intestacy occurring before 1926 might have passed to an heir. The word includes everything which might have descended to the heir.
<b>HM Revenue &amp; Customs</b>	The government body which administers taxation.
<b>illegitimate</b>	Status of child born outside marriage.
<b>in absentia</b>	A Latin phrase meaning <i>while absent</i> .
<b>in chambers</b>	Proceedings in the offices of a Judge or District Judge which are closed to members of the public.
<b>in situ</b>	A Latin phrase meaning <i>in its place</i> .
<b>incumbrance</b>	A right over land which is held by someone who does not own the land, such as a charge, ground rent or a right.
<b>indemnify</b>	To promise to compensate someone against any loss or damage they may incur.
<b>indemnity</b>	(a) Security from damage or loss. If a property is sold subject to covenants the buyer may be required to give an indemnity against future breaches of the covenants.

(b) The right for somebody to recover from a third party the whole amount which he himself is liable to pay.

<b>indictable offence</b>	An offence which can only be tried in the Crown Court.
<b>indictment</b>	A written document prepared by the prosecution detailing the offence with which a defendant is charged. Indictments only apply to serious crime which is tried in the Crown Court.
<b>inheritance</b>	The assets which descends to the heir on the death of the owner.
<b>injunction</b>	A court order prohibiting a person from doing something or requiring a person to do something.
<b>intellectual property</b>	Relates to the ownership of ideas and includes copyrights, patents, trademarks, designs, goodwill etc. Intellectual property rights protect the exploitation of one person's work by another.
<b>inter alia</b>	A Latin phrase which means <i>among other things</i> .
<b>interim settlement</b>	Payment of money part way through a legal process, while awaiting final assessment of damages. This often arises in cases that take a considerable amount of time to finalise.
<b>interlocutory</b>	Intermediate. Often refers to a judgment, order or decree given at an intermediate stage of legal proceedings between commencement and finalisation.
<b>intestate</b>	A person who dies without leaving a valid Will.
<b>irretrievable breakdown</b>	The only ground for breakdown of marriage.
<b>issue</b>	Offspring - children, grandchildren or other blood descendants.
<b>invitation to treat</b>	An invitation to treat is not an offer of any kind. It is a method by which a business invites potential customers to do business with it. Shops, for example, do not offer things for sale; they merely issue an invitation to treat and it is then up to prospective buyers to make an offer to buy (which the shop can accept or reject).
<b>joint and several liability</b>	Where two or more people may be liable both individually and jointly. For example, all borrowers will have joint and several liability if they have a joint mortgage.
<b>joint liability</b>	Parties who are jointly liable share a single liability and each party can individually be held liable for the whole. If one party to a mortgage fails to pay the amount due the other is liable for payment of all amounts owing.

<b>Judgment</b>	The final decision of a court.
<b>judicial precedent (case law)</b>	At the end of an important case the judge makes a speech (a judgment) stating the principles of law used to make the decision in the case. The decision may set a precedent and subsequent cases will then be judged on the same principles, using this precedent. Not all judges can create precedent, which is dependent on the court in which the matter was heard.
<b>judicial</b>	Of, relating to or proper to the courts of law or the administration of justice.
<b>judicial act</b>	An act resulting from the exercise of judicial power, such as the determination by the court of a question of rights.
<b>judicial precedent</b>	A previous, binding decision of a court.
<b>Judicial Separation</b>	Remedy based on a judicial decree under which, whilst the marriage is not dissolved, it becomes no longer necessary for the Petitioner to cohabit with the Respondent.
<b>jurat</b>	A memorandum at the end of an affidavit which shows details of how the affidavit was sworn (ie before whom, when and where).
<b>jurisdiction</b>	Power of court or judge to hear and decide on a case.
<b>land certificate</b>	A Certificate from the Land Registry confirming ownership and containing particulars of registered land. Previously held by the registered Proprietor (ie owner of the land) when all charges, such as a mortgage, have been paid. Since 2003, Land Certificates are not issued and Office Copy Entries are supplied by the Land Registry. See also dematerialised.
<b>land registry</b>	A Government department where details of all registered land ownership are held. In addition to the Land Registry, there are several District Land Registries at strategic locations around the country.
<b>law society</b>	The Law Society is the representative body for solicitors. It also determines how trainee solicitors should be qualified. When a solicitor qualifies, he is entered on the Roll of Solicitors.
<b>law reports</b>	In order to be able to follow previous decisions (judicial precedent), the decisions must be recorded. Barristers report important cases in law reports such as All England Law Reports (All ER) and Weekly Law Reports (WLR).
<b>lease</b>	A document which grants the right for the exclusive possession of property for a specific period of time.
<b>leasehold</b>	Land held under lease for a specific period of time, usually providing for payment of rent and containing covenants as to the use of the property, insurance, repairing liabilities etc.

<b>legacy</b>	A gift of personal property.
<b>legal funding</b>	<p>The Legal Aid Agency oversees the public funding of legal services. Funding is subject to a merit test, a means test and other funding criteria.</p> <p>Within the Legal Aid Agency there are two different services: Civil Legal Aid which covers civil matters and Criminal Legal Aid for criminal matters.</p> <p>The Legal Aid Board replaced the Legal Services Commission on 1 April 2013.</p>
<b>legitimate</b>	Status of child born within marriage.
<b>lessee</b>	A person who is granted a lease of land. Sometimes also called “the tenant”.
<b>lessor</b>	A person who grants a lease to another.
<b>letters of administration</b>	The document issued by the court authorising someone to deal with the estate of an intestate. It is issued by the Family Division of the High Court.
<b>limitation period</b>	The period within which a person who has a right to claim against another person must start court proceedings.
<b>limited liability partnership (LLP)</b>	A LLP is a partnership in which some or all of the partners have limited liability. In an LLP one partner is not liable for another partner’s misconduct or negligence. In practical terms a LLP is a cross between a partnership and a limited company.
<b>liquidation</b>	In law, liquidation is the process by which a company is brought to an end and the assets of the company distributed to those entitled.
<b>matrimonial application</b>	This is the new name for a divorce petition.
<b>matter</b>	Proceedings, other than Actions, are known as Matters. For example matrimonial matters. These are questions to be settled by the court.
<b>medical reports</b> <i>exchange of</i>	<p>In personal injury cases the defence will require the claimant to be medically examined and a medical expert’s report submitted to them. If the defence have the claimant examined by their own expert they send the claimant a copy of the report.</p> <p>Exchange of documents is governed by any relevant pre-action protocol.</p>
<b>Memorandum of Association</b>	This is a statement made by each person wishing to start a company stating that they wish to form a company and to become a member of the company. It also regulates the relationship of the company with those who may wish to deal with it (such as banks and investors).

<b>mens rea</b>	A Latin phrase meaning <i>guilty mind</i> .
<b>message</b>	<i>Pronounced: mes'wij</i> A house, including gardens, courtyards, orchards and outbuildings.
<b>mitigation</b>	A plea in mitigation is a statement giving reasons for the particular offence occurring. It aims to reduce the seriousness of the offence or severity of any sentence which may be imposed by the court.
<b>mode of trial</b>	A procedure for determining whether a defendant charged with an either way offence will be tried in the Magistrates' Court or in the Crown Court.
<b>mortgage</b>	A loan, usually supplied by a building society or bank, to a buyer to enable the purchase of a property. When registered at HM Land Registry it is known as a charge.
<b>mortgagee</b>	The person who makes the loan and who holds the deeds as security against the loan. (also see Dematerialisation)
<b>mortgagor</b>	The person who grants a mortgage to a mortgagee as security for a loan.
<b>multi track</b>	The allocated track for any claim for which the other tracks (ie small claims track or fast track) are not applicable.
<b>murder</b>	The act of one person intentionally and unlawfully killing another person or persons. This is the most serious of the offences against the person.
<b>nisi</b>	A Latin phrase meaning <i>not yet final</i> .
<b>no win - no fee conditional fee arrangement</b>	Arrangement whereby the solicitor does not claim a fee if the claimant loses the case. However, he charges a success fee over and above his normal fee if he wins, which could be up to 100%. The solicitor may take out insurance to cover costs of losing the case.
<b>non sequitur</b>	A Latin phrase meaning <i>it does not follow</i> .
<b>notice to quit</b>	A notice given by a landlord to a tenant to terminate a tenancy.
<b>obiter dicta</b>	This is a Latin phrase which means <i>other things said</i> . The judge may say other things in the summing up which are important, but do not set a precedent. They are comments said "by the way". However, these comments may be taken into account in future cases.
<b>office copy</b> (also called: official copy)	A copy of an official document, supplied and marked as a copy by the office which issued the original. A small fee is charged.

<b>open court</b>	Court to which public has access.
<b>partnership</b>	A contractual relationship between two or more persons carrying on a joint business venture with view to profit and by which each person incurs liability for losses and a right to share in the profits.
<b>pecuniary legacy</b>	A gift of money in a Will.
<b>pending suit</b>	Proceedings pending in court (ie waiting to be heard).
<b>per diem</b>	A Latin phrase meaning <i>daily</i> .
<b>per se</b>	A Latin phrase meaning <i>taken alone, it itself</i> .
<b>Petition</b>	Written application <i>praying</i> for relief or remedy from the court.
<b>Petitioner</b>	Person filing petition for divorce.
<b>plea</b>	The defendant's formal response to the charge put by the prosecution. The plea is, usually, 'guilty' or 'not guilty'.
<b>precedent</b>	<p>Can be used in two ways:</p> <p>(a) A precedent is something which serves as a model. The former decision serves as a model for future cases.</p> <p>(b) A <i>precedent document</i> is a template, such as a Will, a Transfer etc which can be adapted to suit current needs.</p>
<b>predecease</b>	To die before someone else.
<b>Private Limited Company (Ltd)</b>	A company registered under the Companies Acts which offers limited liability or protection to its shareholders but places restrictions on ownership. The company's share capital is usually divided into 'shares' and the liability of each shareholder is limited to the amount unpaid on their shares. Shares are not sold on the Stock Market and not generally available to the public.
<b>pro bono</b>	A Latin phrase meaning <i>done without charge in the public interest</i> .
<b>pro forma</b>	A Latin phrase meaning <i>done as a formality for the sake of form</i> .
<b>pro rata</b>	A Latin phrase meaning <i>according to the rate, in proportion</i> .



<b>probate</b>	A document confirming that an executor has the right to administer the deceased's estate. Probate is granted by the Family Division of the High Court.
<b>process server</b>	A person (who is not an officer of the court) who makes a living tracing people and serving papers on them in person.
<b>pronounced</b>	Declared.
<b>prosecution</b>	(a) The act of prosecuting a case against an alleged offender or  (b) The name of the body conducting the case on behalf of the state.
<b>Public Funding</b>	New term for Legal Aid.
<b>Public Limited Company (plc)</b>	A registered company under the Companies Acts whose value is divided into 'shares' and the liability of each shareholder is limited to the amount unpaid on their shares. Unlike a private limited company, its shares are sold on the Stock Market to anyone who wishes to invest. Plcs are very strictly regulated because of the opportunity for fraud.
<b>purchaser</b>	The old term for the buyer.
<b>quantum</b>	A quantity or amount (usually money).
<b>quarter days</b>	Specific days during the year on which rent is often due under the terms of a lease. They never vary and are: Lady Day – 25 March, Midsummer day – 24 June, Michaelmas day – 29 September, Christmas day – 25 December.
<b>ratio decidendi</b>	This is a Latin phrase which means <i>the reason for deciding</i> (NOTE <i>the plural of ratio is rationes</i> )  This is the part of the judge's speech which explains the principles of law used when arriving at the decision. It is this part of the speech which may set a precedent.
<b>rebut</b>	Refute; disprove; prove falsity of statement or alleged liability.
<b>recitals</b>	Clauses at the beginning of a deed and which usually begin with the word WHEREAS. Recitals set out the seller's authority to sell.
<b>reconciliation</b>	Act of harmonising differences and settling disputes.
<b>Regina</b>	The sovereign, in whose name all prosecutions are commenced (Regina – Queen; Rex – King).

<b>Registrar of Companies</b>	All new companies are legally required to register with the Registrar of Companies at Companies House. Details are recorded and they are issued with a register number and a Certificate of Incorporation (which is like a birth certificate for the company).
<b>remand</b>	When a court adjourns a case the defendant is remanded to appear again at a later date. The defendant may be remanded on bail or in custody.
<b>repudiate</b>	Deny liability.
<b>res ipsa loquitur</b>	A Latin phrase which means <i>the thing speaks for itself</i> . In negligence actions – it states that if the accident happened there must have been negligence.
<b>residue</b>	The remaining assets of an estate after payment of debts, funeral expenses and legacies.
<b>Respondent</b>	A person against whom a petition for divorce is presented.
<b>revoke</b>	Cancel or withdraw.
<b>rights of audience</b>	A right of a lawyer (barrister, solicitor or chartered legal executive) to appear and conduct proceedings in a court on behalf of a client. There are different rights of audience for barristers, solicitors, solicitor advocates, and chartered legal executives.
<b>seal</b>	A seal is a mark, which the court puts on a document to indicate that the document has been issued by the court. It used to be made of wax but now is an inked rubber stamp.
<b>seller</b>	The new term for the vendor.
<b>service</b>	Steps required by rules of court to bring documents used in court proceedings to a person's attention.
<b>sewing</b>	Although many firms use heat binding or other methods to secure multi-page documents, some firms still like their documents to be sewn up, using green tape for most types of documents but black for Wills.
<b>Shares</b>	<p>The value of a company is divided into shares which are held by shareholders. As a reward for investing in the company shareholders expect to receive a dividend which represents their portion of the profits made by the company.</p> <p>There are several types of shares including preference shares, deferred shares, and ordinary shares.</p>

<b>small claims track</b>	The normal track where the financial value of the claim is not more than £5,000 although, personal injury and some housing claims over £1,000 will be allocated to the fast track.
<b>sole trader</b>	Refers to one person running a business. A sole trader is liable for all the debts incurred by the business and in the event of the business failing the personal assets (such as house, car, investments etc) of the sole trader can be seized to pay the business debts.
<b>solicitor</b>	<p>A solicitor is someone who has undertaken a prescribed course of study and passed examinations set by The Law Society. Solicitors deal with all aspects of the law, just as GPs deal with all aspects of health care. However, some may specialise in certain areas of law, such as conveyancing, probate, civil litigation or criminal law.</p> <p>Solicitors generally work together in partnership where all solicitors are partners in the firm. The size of the firm will vary from two or three partners in a small firm to over 100 partners in large city firms. They may also employ associate solicitors, who are not partners. Solicitors may appear in Magistrates' and County Courts as of right.</p>
<b>solicitor advocate</b>	A solicitor advocate is a qualified solicitor who has undertaken and passed an additional Advocacy qualification which allows rights of audience in the Crown and High Courts in much the same way as barristers work in these courts.
<b>special damages</b>	A payment which is not intended to compensate for the wrongful act, but to reimburse for a particular loss such as travel expenses or loss of wages.
<b>specific legacy</b>	Leaving a specific item in a Will to a named beneficiary.
<b>spent conviction</b>	A previous conviction which no longer forms part of a person's criminal record because a certain period of time has elapsed since the conviction. Introduced by the Rehabilitation of Offenders Act 1974.
<b>stakeholder</b>	An independent person holding money or property in which he/she has no interest, right or title. In conveyancing, a stakeholder often holds the deposit paid by a buyer until completion of the transfer of the legal title, after which it is paid to the seller.
<b>stare decisis</b> (et non quieta movere)	<p>This is a Latin phrase which means <i>let the decision stand (and do not unsettle the established)</i></p> <p>It is fair that if one case is tried according to a legal principle and a judge's decision given, then all other cases with the same facts should be tried on the same principles with a similar result.</p>
<b>statement of case</b>	Precise legal document stating each party's case.

<b>status quo</b>	A Latin phrase meaning <i>how things are currently, the existing state of affairs</i> .
<b>statute</b>	A statute is an Act of Parliament (ie a law passed by Parliament). A Bill is presented to Parliament, passes through several stages in both the Houses of Commons and Lords and finally is signed by the Queen. It is then Law.
<b>stay</b>	A postponement eg a halt on proceedings.
<b>strike out</b>	Where the court orders written material to be deleted so that it can no longer be relied upon.
<b>sub judice</b>	A Latin phrase which means <i>under trial</i> . Matters which are under trial (ie the subject of legal proceedings) may not be publicly discussed.
<b>subpoena</b>	An order by the court for a person to appear in court to give evidence. Failure to attend court could result in being in contempt of court.
<b>summons</b>	A court order issued to a person to appear in court.
<b>tenure</b>	The legal status under which property is held and/or occupied. The most common forms are home-ownership (including mortgaged property) and rented property.
<b>testamentary expenses</b>	Expenses incurred by the executor or administrator in administering a deceased's estate.
<b>testator / testatrix</b>	<i>(male / female)</i> Person who makes a Will.
<b>testimonium clause</b>	The authenticating clause of an instrument (such as a deed) that typically begins "In witness whereof" and furnishes such information as when it was signed and before what witnesses.
<b>third party</b>	A person other than the principals in any proceedings.
<b>time recording</b>	All Fee Earners' time spent on clients' cases is recorded so that it can be charged to the client on their final Bill of Costs.  Fee Earners' time is often recorded in 6 minute units (10 to an hour).
<b>tort</b>	A French phrase which means <i>a wrong</i> . A wrongful act for which a person has a right to have remedied. This is different from a crime which is a wrong against the state.
<b>trustee</b>	A person appointed in a Will to administer a trust.

<b>ultra vires</b>	This is a Latin phrase which means <i>beyond the powers</i> . Delegated legislation or the actions of legal entities can be challenged if they have exceeded the powers which they have.
<b>vendor</b>	The old term for the seller.
<b>verbatim</b>	A Latin phrase meaning <i>exactly as said</i> .
<b>versus</b>	A Latin phrase meaning <i>against</i> .
<b>vice versa</b>	A Latin phrase meaning <i>the order being reversed</i> .
<b>vested interest</b>	A claim under a Will.
<b>Will</b>	Declaration made in writing concerning the disposition of property after death.
<b>without prejudice</b>	Without prejudice is a method by which parties to a dispute are encouraged to settle without the need for a court hearing or proceedings at all. Negotiations can be entered into openly and without the fear that anything said during the negotiations can be used in evidence if the negotiations fail to reach a settlement.
<b>witness</b>	A person who, having sworn to tell the truth, makes a statement of facts in court.

