

# Glossary of Legal Terms

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## **Contents**

- 1. Introduction
- 1. Legal Terms Glossary
- 16. Further Information



## Introduction

In this publication, we provide an explanation of legal terms. The glossary is intended to help you to understand the “jargon” which is used in legal circles.

This glossary is limited to legal terms but we publish several other glossaries as well – check our website or call us for details.

## Legal Terms Glossary

- **Accused** - The person charged. The person who has allegedly committed the offence.
- **Acknowledgement of service** - When the particulars of a claim form (outlining details of the claim) are served on (delivered to) a defendant, they receive a response pack including a form which they must use to acknowledge they have received the claim. The defendant must file (return) the acknowledgment form within 14 days of receiving the particulars of the claim. The particulars can be served with, or separately from the claim form.
- **Acquittal** - Discharge of defendant following verdict or direction of not guilty.
- **Act** - Law, as an act of parliament.
- **Action** - See Claim.
- **Adjourned generally or sine die** - Temporary suspension of the hearing of a case by order of the Court (maybe for a short period, e.g. to next day or sine die). See Latin Terms.
- **Adjournment** - The postponing of the hearing of a case until a later date.
- **Adjudication** - A judgment or decision of a court, tribunal or adjudicator in alternative dispute resolution (ADR) cases where disputes are resolved outside of the court.
- **Administrative Court** - The Administrative Court is part of the High Court. It deals with applications for judicial review.
- **Administration order** - An order by a County Court directing a debtor to pay a specified monthly instalment into Court in respect of outstanding debts. The Court retains the payments made and at intervals distributes it between the creditors on a pro-rata basis.
- **Admiralty Court** - Part of the High Court. An admiralty claim is a claim for the arrest of a ship at sea to satisfy a debt.
- **Admission (including part admissions)** - A party involved in a claim may admit the truth of all or part of the other party’s case, at any stage during proceedings. For example, a defendant may agree that he or she owes some money, but less than the amount being claimed. If the defendant makes an admission, the claimant may apply for judgment, on the admission.
- **Adoption** - An act by which the rights and duties of the natural parents of a child are extinguished and equivalent rights and duties become vested in the adopter or adopters, to whom the child then stands in all respects as if born to them in marriage.
- **Adultery** - Voluntary sexual intercourse between a married person and another person who is not the spouse, while the marriage is still valid. This is a common fact relied on for divorce.
- **Advocate** - A barrister or solicitor representing a party in a hearing before a Court.
- **Adversarial** - Arrangements designed to bring out the truth of a matter, through adversarial (conflict based) techniques such as cross-examination.
- **Affidavit** - See Statement. A written statement of evidence confirmed on oath or by affirmation to be true and taken before someone who has authority to administer it.
- **Affirmation** - Declaration by a witness who has no religious belief, or has religious beliefs that prevent him/her taking the oath. They declare by affirmation that the evidence he/she is giving is the truth.
- **Allocation** - The process by which a judge assigns a defended civil case, to one of three case management tracks, the small claims track, the fast track or the multi-track.
- **Allocation questionnaire** - A case (claim) is allocated to a case management track, when an allocation questionnaire has been returned completed by the people involved (parties) in the case. Responses to the questionnaire provide a judge with information on case value and other matters, to assist him or her to allocate the case to the correct track.

# Glossary of Legal Terms

- **Alternative dispute resolution** - These are schemes such as arbitration and mediation which are designed to allow parties to find a resolution to their problem, without legal action. A party's refusal to consider ADR could lead to sanctions (penalties) against that party, by a judge, even if the party wins the case.
- **Amendment** - The process by which corrections to court documents, such as statements of case, can be made. A statement of case can be amended at any time, before it is served or with permission of all other parties or the court, (once served). The court may reject the amendment, even if the party concerned has permission of other parties to the case.
- **Ancillary relief** - Additional claims (e.g. in respect of maintenance) attached to the petition for divorce/judicial separation/nullity.
- **Amount offered in satisfaction** - An amount of money offered by a defendant to pay a debt or to settle another type of claim, for example in a personal injury case.
- **Annul** - To declare no longer valid.
- **Appeal** - Application to a higher court or other body for review of a decision taken by a lower court or tribunal. The higher court may overturn or uphold (i.e. reject) the lower court's decision. Often, permission (leave) is required, to for an appeal to occur.
- **Appellant** - A person appealing to a higher court or body against a decision made in a lower court or body.
- **Applicant** - Person making the request or demand, e.g. person who issues an application.
- **Application** - The act of applying to a civil court to ask it to do something, for example to start proceedings.
- **Appraisement or appraisal** - Valuation of goods seized under warrant of execution prior to sale.
- **Apportioning** - To place or assign.
- **Appraisement or appraisal** - Valuation of goods seized under warrant of execution prior to sale.
- **Arbitrator or Arbitration** - A process in which both sides agree to use an independent arbitrator (an impartial person) who gives a binding decision in the matter. The person making the claim (claimant) has to choose between going to arbitration and court – it is not usually possible to take a claim to court after it has been through arbitration.
- **Assisted person (legally)** - A party to legal proceedings who is receiving legal aid.
- **Assured tenancy** - A tenancy defined by the Housing Act 1996 where the tenant enjoys security of tenure.
- **Attachment of earnings order** - An order that instructs an employer to deduct a regular amount, fixed by the court, from a debtor's earnings and to pay that money into court. The court pays the money to the person or people to whom it is owed.
- **Automatic transfer** - Providing that a number of criteria are met, proceedings must be transferred automatically to the court nearest to the defendant's home.
- **Award** - Result of an arbitration hearing or the amount of damages assessed by a Court.
- **Bail** - Release of a defendant from custody, until his/her next appearance in Court, subject sometimes to security being given and/or compliance with certain conditions.
- **Bailiff** - Bailiffs and enforcement officers are people authorised to remove and sell possessions in order to pay the money a debtor owes to a person or an organisation. They may also conduct evictions, and arrest people.

A bailiff can also serve (deliver) court documents on people.
- **Bankrupt** - (Insolvent) Unable to pay creditors and having all goods/effects administered by a liquidator or trustee and sold for the benefit of those creditors; as a result of an order under the Insolvency Act 1986.
- **Bar** - The collective term for barristers.
- **Barrister** - See Counsel; Silk. A member of the bar: a lawyer entitled to represent clients in all the courts.
- **Bench warrant** - A warrant issued by the judge for an absent defendant to be arrested and brought before a Court.
- **Bill of costs** - See Taxation of costs, Summary assessment and Detailed assessment.
- **Bill of indictment** - A written statement of the charges against a defendant sent for trial to the Crown Court, and signed by an officer of the Court.
- **Bind over** - In the Crown Court or (more usually) the Magistrates Court, and signed by an officer of the Court.
- **Bind over for sentence** - An order which requires the defendant to return to Court on an unspecified date for sentence. Failure to observe this order may result in a forfeit or penalty to be enforced.

- **Bound / binding** - A binding decision is one that must be obeyed by the people concerned. For example, it is not possible to go to court after a binding decision has been issued by an arbitrator.
- **Brief** - Written instructions to counsel to appear at a hearing on behalf of a party prepared by the solicitor and setting out the facts of the case and any case law relied upon.
- **Bulk Centre** - See Northampton Bulk Centre.
- **Business address** - Premises or place from which business activities take place.
- **Case** - An action, suit or claim in a court of law. It can also mean the arguments put forward by parties in a court of law.
- **Case disposal** - The case is taken out of the court process. See Disposal.
- **Case Management Conference (CMC)** - This is a meeting between all parties to a case and the Judge to check the progress of the case, with regards to costs and other matters. The numbers of CMCs held depend on the complexity of the case.
- **Case management tracks** - Civil cases are allocated to one of three case management tracks, depending on financial value, issues of law and the likely duration (length) of the case. The three tracks are
  - (i) the small claims track in which cases to the value of five thousand pounds can be considered and the claimant does not have to have legal representation
  - (ii) the fast track for cases of value between five and fifteen thousand pounds and
  - (iii) the multi- track for cases of value over fifteen thousand pounds. Legal representation is advisable in the fast and multi-tracks.
- **Case number** - A unique reference number allocated to each case by the issuing Court.
- **Case value** - The financial value of a case - known as case value - is one of the factors used to assess which track a case (claim) should be allocated to. See also Case Management Tracks.
- **Caution** -
  - i) Notice given to the Land Registry by any person with an interest in particular land to ensure that no action is taken in respect of the land without the person's knowledge.
  - ii) Warning, given by a Police Officer, to a person charged with an offence.
  - iii) Warning, given by a Police Officer, instead of a charge
- **Caveat** - A notice given to the registrar that effectively prevents action by another party without first notifying the party entering the caveat.
- **Centralised Attachment of Earnings Payments (CAPS)** - A computer system that manages attachments of earnings orders in bulk.
- **Certificate of Legal Aid Costs** - A certificate of costs allowed following taxation by a judicial or taxing officer (Previously referred to as an Allocatur).
- **Certificate of service** - A document stating the date and manner in which the parties were served (given) a document. For example where a claim form is served by the claimant court rule requires the claimant to file a certificate of service within seven days of service of the claim form otherwise he may not obtain judgment in default.
- **Cessate** - A grant of representation of limited duration which has ceased and expired.
- **Chambers** -
  - i) Private room, or Court from which the public are excluded in which a District Judge or Judge may conduct certain sorts of hearings.
  - ii) Offices used by a barrister.
- **Chancery Division** - The Chancery Division is part of the High Court it deals with cases involving land law, trusts and company law.
- **Charge** - A formal accusation against a person that a criminal offence has been committed. See also Charging order.
- **Charging Order** - A court order directing that a charge be put on the judgment debtors' property, such as a house or piece of land to secure payment of money due. This prevents the debtor from selling the property or land - without paying what is owed to the claimant.
- **Circuit Judge** - A judge between the level of a High Court Judge and a District Judge, who sits in the County Court and/or Crown Court.
- **Citizen's Advice Bureau (CAB)** - A charity which can offer free legal and financial advice to the general public.
- **Civil** - Matters concerning private rights and not offences against the state.
- **Civil case or claim** - A civil dispute that involves court action. See Claim.
- **Civil Justice or civil law** - A branch of the law which applies to the rights and dealings of private citizens, (including such matters as unpaid debts, negligence and the enforcement of contracts). It does not include criminal, immigration, employment or family matters.
- **Civil Justice Reforms** - The result of the Access to Justice report by Lord Woolf The aim is to provide more effective access to Justice through

quicker, cheaper and more proportionate justice for defended cases. It introduced a unified set of Rules and Practice Directions for the County and High Courts, and Judicial Case Management. The reforms came into effect on 26 April 1999.

- **Civil Procedure** - The rules and procedures to be followed for civil cases in the county courts and High Court.
- **Civil Procedure Rules** - The rules and procedures for proceedings in civil courts England and Wales. An important feature is active case management by the courts.
- **Claim** - Proceedings issued in the County or High Court. Previously known as an Action. See also Civil case or claim.
- **Claimant** - The person issuing the claim. Previously known as the Plaintiff.
- **Claim form** - Proceedings in a civil court start with the issuing of a claim form. The form, which is issued by the court (after the claimant has filed the form in court), includes a summary of the nature of the claim and the remedy (compensation or amends) sought.
- **Claim Production Centre (CPC)** - See Northampton Bulk Centre.
- **Codicil** - An addendum signed and executed which amends or adds something to a will.
- **Coercion** - Coercion exists when an individual is forced to behave in a particular way, by threats of violence, for example. The person concerned does not act freely.
- **Collaboration / collaborative** - Working together to solve a problem.
- **Commercial Court** - Part of the Queen's Bench Division of the High Court.
- **Commissioner of Oaths** - Solicitors authorised by the Lord Chancellor to administer oaths and affirmations to a statement of evidence.
- **Committal** -
  - i) Committal for trial: Following examination by the Magistrates of a case involving an indictable or either way offence, the procedure of directing the case to the Crown Court to be dealt with.
  - ii) Committal for Sentence: Where the Magistrates consider that the offence justifies a sentence greater than they are empowered to impose they may commit the defendant to the Crown Court for sentence to be passed by a judge.
  - iii) Committal Order: An order of the Court committing someone to prison.
  - iv) Committal Warrant. See Warrant Of Committal.
- **Common Law** - The law established, by precedent, from judicial decisions and established within a community.
- **Compensation** - Usually a sum of money offered in recompense (to make amends) for an act, error or omission that harmed someone. The harm suffered may have been loss, personal injury or inconvenience.
- **Complainant** - A person who makes a complaint.
- **Complaint** - Expressing discontent for something.
- **Concurrent Sentence** - A direction by a Court that a number of sentences of imprisonment should run at the same time.
- **Concurrent Writ** - A duplicate of the original writ bearing the same date and expiring at the same time as the original.
- **Conditional Discharge** - A discharge of a convicted defendant without sentence on condition that he/she does not re-offend within a specified period of time.
- **Conduct Money** -
  - i) Money paid to a witness in advance of the hearing of a case as compensation for time spent attending Court.
  - ii) Commonly used to describe expenses paid to a debtor to cover the costs of traveling to Court.
- **Consecutive Sentence** - An order for a subsequent sentence of imprisonment to commence as soon as a previous sentence expires. Can apply to more than two sentences.
- **Contempt of Court** - Disobedience or wilful disregard to the judicial process. In civil cases, for example, failing to appear as a witness without informing the court or the party that called you. A person found to be in civil contempt of court could be fined.
- **Contents of trial (civil)** - See Trial contents.
- **Contributory Negligence** - Partial responsibility of a claimant for the injury in respect of which he/she claims damages.
- **Co-respondent** - A person named as an adulterer (or third person) in a petition for divorce.
- **Corroboration** - Evidence by one person confirming that of another or supporting evidence, for example forensic evidence (bloodstain, fibres etc) in murder cases.
- **Costs (civil)** - In civil proceedings the general rule is the person who wins the case is entitled to his or her costs. The court may decide to reduce the costs to be paid by the losing side if it feels that the winner has behaved unreasonably.

The award of costs is at the court's discretion.

- **Counsel** - A Barrister or solicitor in legal proceedings.
- **Count** - An individual offence set out in an indictment.
- **Counterclaim** - A claim made by a defendant against a claimant in an action. There is no limit imposed on a counterclaim, but a fee is payable according to the amount counterclaimed.
- **County Court** - County courts deal with civil matters such as disputes over contracts, unpaid debts and negligence claims. County courts deal with all monetary claims up to £50,000. There are 218 county courts in England and Wales. The county court is a court of the first instance – where civil cases start.
- **County court judgment (CCJ)** - A judgment of the county court that orders a defendant to pay a sum of money to the claimant. CCJs are recorded on the Register of County Court Judgments for six years and can affect a defendant's ability to borrow money.
- **Court** - Body with judicial powers. See also Courtroom.
- **Court of Appeal** - Divided into:
  - i) civil and
  - ii) criminal divisions and hears appeals:
    - i) from decisions in the High Court and county courts and,
    - ii) against convictions or sentences passed by the Crown Court. See also Public trustee Monies held in Court, in the name of the Accountant General, for suitors, minors, Court of Protection patients etc).
- **Court of Protection** - The branch of the High Court with jurisdiction over the estates of people mentally incapable of handling their own financial affairs.
- **Court fees** - The County Court will charge to issue a claim in a civil case and to launch enforcement proceedings if the defendant ignores the judgment of the court. You will also be charged if you make applications to the court.
- **Courtroom** - The room in which cases are heard.
- **Court sanction** - See Sanction.
- **Covenant** - A formal agreement or a contract constituting an obligation to perform an act.
- **Creditor** - A person to whom money is owed by a debtor.
- **Criminal** - Person who has been found guilty of a criminal offence.

- **Cross-examination** - The questioning of a witness for the other side in a case.
- **Crown Court** - The Crown Court deals with all crime committed for trial by Magistrates Courts. Cases for trial are heard before a judge and jury. The Crown Court also acts as an appeal Court for cases heard and dealt with by the Magistrates. The Crown Court can also deal with some civil and family matters.

The Crown Court is divided into tiers, depending on the type of work dealt with.

## First Tier

- Defended High Court Civil work.
- All classes of offence in criminal proceedings.
- Committals for sentence from the Magistrates' Court.
- Appeals against convictions and sentences imposed at Magistrates' Court.

## Second Tier

- All classes of offence in criminal proceedings.
- Committals for sentence from Magistrates' Court.
- Appeals against convictions and sentences imposed at Magistrates' Court.

## Third Tier

- Class 4 offences only in criminal proceedings.
- Committals for sentence from Magistrates' Court.
- Appeals against convictions and sentences.
- **Damages** - An amount of money claimed as compensation for physical/material loss, e.g. personal injury, breach of contract.
- **Date of service (civil claims)** - The date of service of the claim is the date upon which the defendant receives the claim form issued by the court on behalf of the claimant. If the 'particulars of claim' section is completed or the particulars of claim are attached, the defendant must acknowledge receipt within 14 days.
- **Debt recovery after judgment** - See Enforcement.
- **Debtor** - A person who owes money to someone or to an organisation.
- **Decree** - An order of the Court in proceedings commenced by petition.
- **Decree Absolute** - A final certificate, resulting from an application, dissolving a marriage.

# Glossary of Legal Terms

- **Decree Nisi** - Order for divorce unless cause to contrary is shown within a set period.
- **Declaration** - Court order setting out the rights of a party in the form of a statement.
- **Deed** - A legal document which sets out the terms of an agreement, which is signed by both parties.
- **Default Judgment** - May be obtained without a hearing by the claimant if the defendant fails to reply or pay within a 14 day period after service of the claim. A claimant can apply for a default judgment if the amount claimed is specified or for a judgment on liability if the amount claimed is unspecified.
- **Defence or defending a claim (civil)** - When the defendant disputes the claim made by the claimant.
- **Defendant (civil)** - The person who has a claim made against them. They can defend (dispute the claim) or admit liability, in part or in full.
- **Defendant (criminal)** - Person standing trial or appearing for sentence.
- **Deponent** - Person giving evidence by affidavit.
- **Deposition** - A statement of evidence written down and sworn on oath, or by affirmation.
- **Designated Civil Judge** - A Judge designated to deal with the Civil Justice Reforms for a group of courts.
- **Detailed Assessment (of costs)** - When a court makes a costs order it may make a detailed assessment of costs, usually at the conclusion of proceedings. A costs officer would carry out the assessment. See also Summary assessment.
- **Determination (criminal)** - Act of scrutinising a bill of costs in criminal proceedings to see if the work done and amount claimed is reasonable.
- **Determination (civil)** - If the defendant offers to pay to the claimant an amount by instalments and the claimant refuses the offer, an officer of the court will make an assessment of what would be reasonable for the defendant to pay.
- **Devi** - Person to whom freehold land is given by a will.
- **Directions (civil)** - Case management instructions given by the judge which give a time-table for pre-trial procedures. In cases allocated to the small claims track the judge will usually give standard directions, in cases allocated to the multi-track, there may be several hearings on directions.
- **Disability** - The inability of a person to handle their own affairs (e.g. through mental illness or a minor under 18 years of age) which prevents involvement in civil legal proceedings without representation.
- **Disclosure** - Parties to a civil case must disclose (show to the other party) documents they intend to rely on in court to support their case.
- **Discovery of documents** - Mutual exchange of evidence and all relevant information held by each party relating to the case.
- **Discontinuance** - Notice given by the Court, on instruction by the claimant, that they no longer wish to proceed with the case.
- **Dismissal** - To make order or decision that a claim be ceased.
- **Disposal** - See Case disposal.
- **Dispute** - A civil problem not dealt with in court, (a civil dispute which comes to court is called a civil case); challenging the views of the opposing party in a civil case.
- **District Judge** - A judicial officer of the Court whose duties involve hearing applications made within proceedings and final hearings subject to any limit of jurisdiction. Previously known as Registrars.
- **District Registry** - See High Court.
- **Divisional Court** - As well as having an original jurisdiction of their own, all three divisions of the High Court have appellate jurisdiction to hear appeals from lower Courts and tribunals. The Divisional Court of the Chancery Division deals with appeals in bankruptcy matters from the County Court. The Divisional Court of the Queen's Bench Division deals largely with certain appeals on points of law from many Courts. The Divisional Court of the Family Division deals largely with appeals from Magistrates Courts in matrimonial matters a 'next friend' or 'guardian ad litem'.
- **Divorce** - Dissolution or nullity of marriage.
- **Dock** - Enclosure in criminal Court for the defendant on trial.

- **Either-way Offence** - See Indictable Offence, Summary Offence. An offence for which the accused may elect the case to be dealt with either summarily by the magistrates or by committal to the Crown Court to be tried by jury.
- **Enforcement** - Method of pursuing a civil action after judgment has been made in favour of a party. Process carried out by Magistrates Court to collect fines and other monetary orders made in the Crown Court.
- **Enforcement / enforcing a judgment** - When a judgment/order has not been paid or terms obeyed with, enforcement proceedings can be issued to ensure compliance. A court can order such action as the seizure of a defendant's property for sale.
- **Entering judgment on admission** - The claimant can ask the court to enter judgment on admission when the defendant has admitted all or part of the case and offered payment or other restitution.
- **Entry of Judgment** - Decision of the Court in favour of one or other of the parties.
- **Estate** - The rights and assets of a person in property.
- **Evidence** - Documentary or other material which is used to support a person's case in a court of law.
- **Execution** - See Levy. Seizure of debtor's goods following non payment of a Court order.
- **Executor** - A person or persons specified to carry out the provisions of a will.
- **Exempt** - To be freed from liability or allegiance.
- **Exhibit** - Item or document referred to in an affidavit or used as evidence during a Court trial or hearing.
- **Expert Witness** - Person employed to give evidence on a subject in which they are qualified or have expertise.
- **Family Division** - See High Court.
- **Fast Track** - The path to which defended claims of not more than £15,000 are allocated. See Allocation, Case Management tracks.
- **Fees and costs** - See Court fees.
- **Fiat** - A decree or command.
- **Fieri-Facias (FI-FA)** - See Sheriff. High Court version of warrant of execution in County Court. A directive by a High Court to a sheriff to seize sufficient goods of a debtor to satisfy judgment debt.
- **Filing** - The process of delivering or presenting forms and other documents to a court. For example a claim or a defence to a claim must be filed.
- **Fixed costs** - Costs in civil cases that are set at a certain level and can be claimed in specific circumstances. For example, if a defendant does not acknowledge a claim, the claimant can obtain judgment and an order for fixed costs to offset the cost of beginning the claim.
- **Garnishee** - A summons issued by a plaintiff, against a third party, for seizure of money or other assets in their keeping, but belonging to the defendant.
- **Group Litigation Orders** - A Group Litigation Order can be made in a claim in which there are multiple parties or claimants. The order will provide for the case management of claims which give rise to common or related issues of fact or law.
- **Guarantor** - Someone who promises to make payment for another if payment is not made by the person responsible for making the repayments of a loan or hire purchase agreement.
- **Guardian** - A person appointed to safeguard/protect/manage the interests of a child or person under mental disability. See Next Friend.
- **Hearing** - A hearing is the trial of the case. Hearings are usually held in public.
- **High Court** - A civil Court which consists of three divisions:
  - i) Queen's Bench (can be known as King's Bench Division if a King is assuming the throne) - civil disputes for recovery of money, including breach of contract, personal injuries, libel/slander;
  - ii) Family - concerned with matrimonial matters and proceedings relating to children, e.g. wardship;
  - iii) Chancery - property matters including fraud and bankruptcy.
- **High Court Enforcement Officers** - An enforcement officer appointed by the Lord Chancellor to enforce High Court judgments and orders.
- **High Court Judge** - See Judge and High Court.
- **Home court (civil)** - The court nearest to the defendant's home or place of business.
- **Housing claim** - The procedure that a landlord may use in a county court to recover land or property (and money for arrears of rent or damage to property, if applicable). See also Possession Claim Online (PCOL).
- **Impartial** - Not having or showing any favouritism to one side in a dispute.



- **Independent** - Person or organisation not connected to any of the parties in a dispute or legal case.
- **Indictable Offence** - A criminal offence triable only by the Crown Court. The different types of offence are classified 1, 2, 3 or 4. Murder is a class 1 offence.
- **Infant** - Also known as a minor: A person under 18 years of age which prevents them from acting on their own behalf in legal proceedings. See Next Friend.
- **Injunction** - A court order which either restrains a person from a course of action or behaviour, or which requires a person to follow another course of action.
- **Insolvency** - See Bankrupt.
- **Inspection of Documents** - See Disclosure of documents. Arrangements made by the parties to allow mutual exchange and copying of documents.
- **Instalments** - A method of paying a debt in several parts at intervals. Payment by instalments is agreed to make the burden of repayment lighter.
- **Interest** - A charge for borrowed money, a percentage of the sum borrowed.
- **Interlocutory** - Interim, pending a full order/decision, e.g. interlocutory judgment for damages pending further hearing to assess amount to be awarded and entered as final judgment.
- **Interpleader** - A claim by a third party to ownership of goods levied upon under a warrant of execution which is disputed by a creditor. The Court then issues an interpleader summons for the parties to attend Court to adjudicate on rightful ownership.
- **Intestate** - Without leaving a will.
- **Interim order** - An order made during proceedings which is not a final order.
- **Issue / issuing** - To initiate legal proceedings in pursuit of a claim.
- **Judge** - An officer appointed to administer the law and who has authority to hear and try cases in a court of law.
- **Judgment** - The decision or sentence issued by a court in legal proceedings.
- **Judgment set aside** - A judgment or order can be set aside (made void) at the request of a party to the case in certain circumstances, for example if they were too ill to attend court on the day of the judgment.
- **Judgment on liability** - See Default judgment.
- **Judicial/Judiciary**
  - i) Relating to the Administration of justice or to the judgment of a Court.
  - ii) A judge or other officer empowered to act as a judge.
- **Judicial directions** - See Directions.
- **Judicial discretion (civil)** - Judges have the power to decide how best to manage the case on the individual facts. They do not necessarily have to look at how similar cases are managed. The judge has very wide case management powers under Rule 3 of the civil procedure rules to decide on the evidence parties produce how best to manage their case.
- **Judicial review** - The High Court can review decisions of inferior (lower) courts, public bodies and other bodies to ensure that the decision making process has been lawful.
- **Junior Counsel** - See Counsel, Silk. A member of the bar: the branch of the legal profession which has rights of audience before all Courts.
- **Jurat** - A statement contained at the conclusion of an affidavit which states the name of the person giving the evidence, the name of the person before whom and the place where the oath or affirmation was taken.
- **Jurisdiction** - The area and matters over which a court has legal authority.
- **Juror** - See Jury. A person who has been summoned by a Court to be a member of the jury.
- **Jury** - Body of jurors sworn to reach a verdict according to the evidence in a Court.
- **Justice of the Peace** - A lay magistrate - person appointed to administer judicial business in a Magistrates Court. Also sits in the Crown Court with a judge or recorder to hear appeals and committals for sentence.
- **Jurisdiction** - The area and matters over which a Court has legal authority.
- **Juvenile** - Person under 17 years of age.
- **Landlord** - A person or organisation which owns land and / or buildings which are leased to tenants.
- **Landlord and Tenant Act** - Act which empowers applications (seeking extension of a lease or some other action concerning tenancy).
- **Law** - The system made up of rules established by an act of parliament, custom or practice enjoining or prohibiting certain action See also Common Law.
- **Law Lords** - Describes the judges of the House of Lords who are known as the Lords of Appeal in ordinary.
- **Lawyer** - The legal profession in the UK is divided into two branches. Barristers have the right to represent clients in higher courts whereas most

solicitors are restricted to represent their clients in the lower courts.

- **Lay representative** - A person, not legally qualified, who accompanies another during a court hearing. The person may be a colleague, friend or spouse.
- **Leading junior counsel** - A senior barrister who deals with more serious cases, but not a QC.
- **Lease** - The letting of land or tenements, e.g. rent etc, for property for a prescribed period.
- **Leave** - Leave means 'permission'. Some steps in legal action require the permission of the court. For example a losing party may be granted leave to appeal.
- **Legal advice** - Advice about the law and your options from a qualified legal representative or advice centre.
- **Legal Aid / Public Funding** - State funded assistance, for those on low incomes, to cover legal fees.
- **Legal counsel** - See Counsel, Barrister, Solicitor.
- **Legal representation** - See Counsel, Barrister, Solicitor.
- **Legal Personal Representative** - The person to whom a grant of probate or letters of ADMINISTRATION has been issued.
- **Legatee** - Person to whom personal estate is given by will.
- **Letters of Administration** - Authority granted by a Probate Registry to someone interested in the estate of a person who has died without leaving a will. The order allows the 'administrator' to carry out the duties relating to the estate.
- **Levy** - See Execution and Fi-Fa. A duty carried out by a bailiff or sheriff under the authority of a warrant or writ of fi-fa, for a sum of money whereby goods of value belonging to the debtor are claimed with a view to removal and sale at a public auction in an attempt to obtain payment.
- **Liability** - Responsibility or obligation. For example, a debt is a liability or responsibility.
- **Libel** - A written and published statement/article which infers damaging remarks on a person's reputation.
- **Licence** - Permission to carry out an act that would otherwise be considered illegal.
- **Lien** - A legal right to withhold the goods/property of another until payment is made.
- **Listing Questionnaire** - This form is used to ensure that all issues are resolved and that the parties are ready for trial. Used for Fast track and Multi track claims only.
- **Litigant in person** - A person who starts or defends a case without legal representation. Such a person is entitled to be accompanied by another person who may advise them, but may not address the court.
- **Litigation** - Legal proceedings or court action. Litigation can be either civil or criminal proceedings.
- **Litigation friend** - A person who conducts legal proceedings on behalf of a child or a mentally incapacitated person.
- **Lodging** - The process of filing (delivering) documents to a court. See also Filing.
- **Long Vacation** - Period between 1 August and 30 September in each year during which there are only restricted High Court sittings for urgent matters.
- **Lord Chancellor** - The cabinet minister who acts as speaker of the House of Lords and oversees the hearings of the Law Lords. Additional responsibilities include supervising the procedure of Courts other than Magistrates or Coroners Courts and selection of judges, magistrates, Queen's Counsel and members of tribunals.
- **Lord Chief Justice** - Senior judge of the Court of Appeal (Criminal Division) who also heads the Queens Bench Division of the High Court of Justice).
- **Lord Justice of Appeal** - Title given to certain judges sitting in the Court of Appeal.
- **Magistrates Court** - A Court where criminal proceedings are commenced before justices of the peace who examine the evidence/statements and either deal with the case themselves or commit to the Crown Court for trial or sentence. Also has jurisdiction in a range of civil matters See also Stipendiary Magistrate.
- **Maintenance Pending Suit** - A temporary order for financial provision made within divorce proceedings until such time as the proceedings are finalised (i.e. by issue of the Decree Absolute).

- **Maladministration** - Maladministration is administration that leads to injustice because of such factors as excessive delay, bias or arbitrary decision-making.
- **Master** - See Registrar. Judicial officer of the High Court in the Royal Courts of Justice who normally deals with preliminary matters before trial.
- **Master of the Rolls** - Senior judge of the Court of Appeal (Civil Division).
- **Matter** - See Originating Application. Proceedings commenced by way of originating application.
- **Mediation** - A process for resolving disagreements in which an impartial third party (the mediator) helps people in dispute to find a mutually acceptable resolution. If mediation fails court proceedings can be initiated or re-activated.
- **Mesne Profits** - Sum of money claimed by the owner of property against someone not legally entitled to be in possession. Calculated from the date the notice to quit expires until the date possession is given up.
- **Minor** - Someone below 18 years of age and unable to sue or be sued without representation, other than for wages. A minor sues by a next friend and defends by a guardian.
- **Mitigation** - Reasons submitted on behalf of a guilty party in order to excuse or partly excuse the offence committed in an attempt to minimise the sentence.
- **Money Claim** - A claim for money only in the county court. The claim can be for a fixed or unspecified amount. See also Unspecified amount of money.
- **Money Claim Online (MCOL)** - An online Service that allows claimants to start legal proceedings which relate to money. Defendants can use the service to respond to a claim against them also.
- **Mortgage** - A loan of money advanced to purchase property. The transfer of the property is withheld as security for payment.
- **Mortgagor** - The party obtaining the loan.
- **Mortgagee** - The party that advances the loan.
- **Motion** - An application by one party to the High Court for an order in their favour.
- **Multi Track** - The path that defended claims over £15000 are allocated to.
- **Next Friend** - See Guardian. A person representing a minor or mental patient who is involved in legal proceedings.
- **Non-Molestation** - An order within an injunction to prevent one person physically attacking another.
- **Non-Suit** - Proceedings where the plaintiff has failed to establish to the Court's satisfaction that there is a case for the defendant to answer.
- **Northampton Bulk Centre** - Bulk users in court actions are businesses and local authorities. Their claims are issued by this centre in the name of Northampton County Court. This centre deals with administrative casework on a larger scale than most courts. For example, they will issue debt recovery and hire purchase claims in multiples for businesses.
- **Notary Public** - Someone who is authorised to swear oaths and certify the execution of deeds.
- **Notice of Issue** - Notice sent by a Court to the claimant giving notification of the case number allocated to their action and details of fees paid. Confirms date of service.
- **Notice to Quit** - Gives prior notice, when served in possession proceedings, of termination of a tenancy.
- **Nullity** - Application to the Court for a declaration that a marriage be declared 'void' or be annulled i.e. declared never to have existed or to have subsisted until the Court dissolved it.
- **Oath** - To call upon God to witness that what you say at the hearing is the truth or binding. See Affirmation.
- **Objection** - Disagreement with an argument or set out by another at the hearing.
- **Official Receiver** - A civil servant who works for the Department of Trade and Industry and is appointed by the Court to act as:
  - i) a liquidator when a company is being wound up;
  - ii) a trustee when an individual is made bankrupt. The duties of an official receiver will include examining the company/bankrupt's property which is available to pay the debts and distributing the money amongst the creditors.
- **Official Solicitor** - A solicitor or barrister appointed by the Lord Chancellor and working in the Lord Chancellor's Department. The duties include representing, in legal proceedings, people who are incapable of looking after their own affairs i.e. children/persons suffering from mental illness.

# Glossary of Legal Terms

- **Ombudsman** - Independent 'referees' who consider complaints against public and private organisations in a wide range of fields including housing, health and banking. They are often used as a last resort when complaints cannot be resolved through an organisation's own complaints procedure. Ombudsman services are free to use. Recommendations made by ombudsmen are not binding on the person making the complaint (complainant). They can still go to court even if the ombudsman decided against them.
- **Oral evidence** - Evidence given to a court, verbally rather than in writing.
- **Oral Examination** - A method of questioning a person under oath before an officer of the Court to obtain details of their financial affairs.
- **Order** - A direction by a Court.
- **Oral evidence** - Evidence given to a court, verbally rather than in writing.
- **Originating Application** - See Matter. A method of commencing proceedings under the authority of a specific act of parliament, e.g. Landlord and Tenant Act, whereby the applicant asks the Court to grant an order in their favour.
- **Ouster** - An order within an injunction to force a person to leave a property.
- **Part 8 Claim** - An alternative procedure for issuing a claim to the court.
- **Part admission** - See Admission.
- **Particulars of claim** - This document contains details of the claimant's claim which must be contained in the claim form or served shortly after the claim form has been served. The particulars should be a concise statement of the facts of the claim.
- **Party / parties** - People involved in court proceedings either as the defendant(s) or claimant(s).
- **Party and Party** - Costs that one party must pay to another.
- **Patient** - A person who is deemed incapable of handling his/her own affairs by reason of mental incapacity and who is under the jurisdiction of the Court of Protection.
- **Penal Notice** - Directions attached to an order of a Court stating the penalty for disobedience may result in imprisonment.
- **Permission** - See Leave.
- **Personal Application** - Application made to the Court without legal representation.
- **Personal injury claim** - A civil claim, which relates to physical or mental harm suffered by a claimant, due to the defendant's alleged negligence.
- **Personal Service** - Personal delivery (i.e. not by mail) of a claim, summons or notice.
- **Personal Support Unit (PSU) Royal Courts of Justice and Wandsworth County Court** - A charity based at the Royal Courts of Justice and Wandsworth County Court. They give guidance and support for litigants in person, but not legal advice.
- **Petition** - A method of commencing proceedings whereby the order required by the petitioner from the Court is expressed as a prayer, e.g. the petitioner therefore prays that the marriage be dissolved (divorce proceedings).
- **Petitioner** - A person who presents the petition.
- **Plaintiff** - See Claimant.
- **Plaint Note** - See Notice Of Issue.
- **Plaint Number** - Old-fashioned term for Claim Number.
- **Plea** - A defendant's reply to a charge put to him by a court; i.e. guilty or not guilty.
- **Pleading** - Documents setting out claim/defence of parties involved in civil proceedings.
- **Possession Claim Online (PCOL)** - An online Service which allows claimants to start legal proceedings related to property online. Defendants can use the service to respond to a claim against them also.
- **Possession Proceedings** - Legal proceedings by a landlord to recover land or property such as a house or flat.
- **Power of Arrest** - An order attached to some injunctions to allow the police to arrest a person who has broken the terms of the order.
- **Practice Directions** - These are steps to be followed by parties to a dispute prior to legal action. The aim of this is to increase co-operation between parties and therefore the chances of an early settlement.
- **Pre-action protocols** - These are steps to be followed by parties to a dispute prior to legal action. The aim is to increase co-operation between parties and therefore the chances of an early settlement.
- **Precedent** - The decision of a case which established principles of law that act as an authority for future cases of a similar nature.
- **Preliminary hearing** - A hearing in which the Judge ensures that the parties understand what they must do to comply with any directions and offers guidance on such matters as the use of an expert witness. This hearing is before the final hearing.

- **President of the Family Division** - Senior judge and head of the family Division of the High Court of Justice.
- **Pre-trial checklist** - A pre-trial checklist is completed before the trial. The checklist is for the parties and the Judge, as a reminder of the issues to be considered. The checklist will then be reviewed at a pre-trial review just before the final hearing.
- **Pre-trial Review** - A meeting at which the Judge considers the issues before the timetable for the trial/final hearing date is finalised.
- **Probate** - The legal recognition of the validity of a will.
- **Process** - The document commencing a claim or subsequent action.
- **Prosecution** - The institution or conduct of criminal proceedings against a person.
- **Prosecutor** - Person who prosecutes See Prosecution.
- **Public trustee** - A person (usually a barrister or solicitor) appointed by the Lord Chancellor as:
  - i) trustee for trusts managed by the Public trust Office;
  - ii) Accountant General for Court Funds;
  - iii) Receiver (of last resort) for Court of Protection patients.
- **Puisne Judge** - (Pronounced Puny) High Court judge. Any judge of the High Court other than the heads of each division. The word puisne means junior and is used to distinguish High Court judges from senior judges sitting at the Court of Appeal.
- **Putative Father** - The alleged or supposed father of an illegitimate child.
- **QC** - See Queen's Counsel.
- **Quash** - To annul; i.e. to declare no longer valid.
- **Quasi-judicial functions** - A quasi-judicial function is an executive function that involves the exercise of discretion (judgment). Court staff perform quasi-judicial executive functions such as managing the issuing of claims, serving court documents and deciding what would be reasonable for the defendant to pay – for example, see Determination.
- **Quantum** - In a damages claim the amount to be determined by the court.
- **Queens Bench Division** - A division of the High Court. The QBD has jurisdiction (reasonability for) civil disputes involving the recovery of money, including breach of contract; personal injuries; libel and slander.
- **Queen's Counsel** - Barristers of at least ten years standing may apply to become Queen's Counsel. QCs undertake work of an important nature and are referred to as 'silks' which is derived from the Courts gown that is worn. Will be known as King's Counsel if a king assumes the throne.
- **Re-allocation** - Transferring the case from one allocated track to another. This can happen if the value of the case increases.
- **Receiver** - Person appointed by the Court of Protection to act on behalf of a patient.
- **Recognisance** - An undertaking before the Court by which a person agrees to comply with a certain condition, e.g. keep the peace/appear in court. A sum of money is normally pledged to ensure compliance.
- **Recorder** - (also Assistant Recorder) Members of the legal profession (barristers or solicitors) who are appointed to act in a judicial capacity on a part time bases. They may progress to become a full time judge.
- **Redeterminaion (civil)** - If the defendant or claimant objects to the rate of repayment set by a court officer, the judge will decide on the matter. See Determination.
- **Redetermination (criminal)** - An application by a solicitor or counsel for amounts assessed by determination to be reconsidered.
- **Register of judgments, orders and fines** - A public register containing details of county court and High Court judgments, fines enforced by magistrates' courts and county court administration orders.
- **Registrar** - See District judge. Registrars and deputy registrars were renamed District Judges and Deputy District Judges respectively in the Courts and Legal Services Act 1990.
- **Registry Trust Limited (RTL)** - The company contracted to the Ministry of Justice to maintain the Register of Judgments Orders and Fines. You can find out if an individual or a company at a particular address has unsatisfied (unpaid) court judgments against them by searching the Register of Judgments, Orders and Fines. There is a small fee for this.  
  
You can get further information about searching the Register from: Registry Trust Ltd, 73-75 Cleveland Street, London, W1T 6QR.
- **Released** - A witness is released (freed from an obligation or duty) by the court, when he or she has given evidence in a case.
- **Remand** - To order an accused person to be kept in custody or placed on bail pending further Court appearance.
- **Representation** - See Legal representation.

- **Respondent (Family)** - The person on whom a petition or originating application is served.
  - **Respondent (Civil & Crime)** - The defending party (person) in an appeal or in a petition to the courts. See also Appellant.
  - **Response pack** - A response pack is sent to the defendant in a civil claim with the claim form or with the particulars of claim (if they were served separately). The pack contains all the forms needed to reply to the claim.
  - **Restitution** - Where a defendant who has been evicted by a bailiff illegally re-enters the property the claimant must issue a warrant of restitution with the court in order to regain possession.
  - **Right of Audience** - Entitlement to appear before a Court in a legal capacity and conduct proceedings on behalf of a party to the proceedings.
  - **Sanction** - A penalty imposed on a person involved in a case if he or she, for example, fails to comply with directions or refuses to consider an alternative to court. Even though a person wins a case, the judge may order them to pay the other party's costs.
  - **Satisfaction** - Paying a debt or settling an obligation by an act or deed.
  - **Security of tenure** - A period in which something is held.
  - **Service** - Delivery by post, or in person, of the claim form, or other court documents.
  - **Set aside judgment** - See Judgment set aside.
  - **Settlement** - A voluntarily agreement by the claimant and defendant to settle their civil case.
  - **Sheriff** - An officer of the Crown whose duties, amongst other things, consist of the enforcement of High Court writs of execution.
  - **Skeleton argument** - A written summary of the main points of a case to be heard by an appeal court.
  - **Silk** - Queens Counsel, a senior barrister sometimes referred to as a leader or leading counsel.
  - **Slander** - Spoken words which have a damaging effect on a person's reputation.
- Small Claims Track** - The path that defended claims of no more than £5,000 (and personal injury and housing disrepair claims of no more than £1,000) are allocated to.
- **Solicitor** - Member of the legal profession chiefly concerned with advising clients and preparing their cases and representing them in some Courts. May also act as advocates before certain Courts or tribunals.
  - **Specified amounts of money** - A specific and easily calculable amount of money, such as a debt owed to a claimant.
  - **Specified Claim** - A type of claim which is issued for a fixed amount of money allegedly owing. Previously known as a liquidated claim.
  - **Squatter** - A person occupying land or property without the owners consent.
  - **Squatting** - The occupation of land or property without the owner's consent.
  - **Standard directions** - See Directions.
  - **Statement** - A written account by a witness of the facts of details of a matter.
  - **Statement of case** - The statement of case contains the outline of the claimant's case and includes:
    - i) a claim form,
    - ii) the particulars of claim – where these are not included in the claim form;
    - iii) the defence and
    - iv) a reply to the defence
    - v) any counterclaim.
  - **Statement of truth** - Every statement of case must be verified by a statement of truth, signed by the parties involved. A statement of truth is a statement that says that a party believes the facts they have written down are true.
  - **Statutory Instrument** - A document issued by the delegated authority (usually a Government Minister or committee) named within an act of parliament which affects the workings of the original Act, e.g. The County Courts Act 1984 confers authority on to the County Court Rule Committee to make rules relating to the operation of the County Courts Act.
  - **Stay** - A suspension of court proceedings. This remains in effect until an order has been followed. No action may be taken in the case other than an application to have the stay lifted. A case can also be stayed when an offer of payment is accepted or if the court feels it is necessary.
  - **Stay of Execution** - An order following which judgment cannot be enforced without leave of the court.
  - **Striking a case out (striking out)** - The court can strike out a case (prevent all further proceedings) if a party fails to comply with a rule, practice direction or court order. It can also happen if it appears there are no reasonable grounds for bringing or defending a claim. Either party (the defendant or the claimant) can ask the court to strike a case out.

- **Subpoena** - A summons issued to a person directing their attendance in Court to give evidence.
- **Suit** - Legal proceedings commenced by petition.
- **Suitor** - Person bringing a suit before the Courts.
- **Summary Assessment (of costs)** - When a court makes a cost order it may make a summary assessment of costs immediately after it has made the order. The court will usually make a summary assessment.
- **Summary Judgment** - A judgment obtained by a claimant where there is no defence to the case or the defence contains no valid grounds. A summary judgment can be obtained without a trial or hearing. A defendant can also obtain summary judgment if he or she can establish that the claimant has no real prospect of succeeding on the claim. You have to apply to the court for a summary judgement hearing to take place.
- **Summary Offence** - See Indictable, Either Way Offence. A criminal offence which is triable only by a Magistrates Court.
- **Summary procedure** - A procedure by which the court when making an order about costs, orders payment of a sum of money instead of fixed costs or detailed assessment.
- **Summing-up** - A review of the evidence and directions as to the law by a judge immediately before a jury retires to consider its verdict.
- **Summons** - Order to appear or to produce evidence to a court.
- **Summons (Jury)** - Order to attend for jury service.
- **Summons (Witness)** - Order to appear as a witness at a hearing.
- **Supreme Court of Judicature** - Collective name encompassing - High Court of Justice, Crown Court and Court of Appeal.
- **Surety** - A person's undertaking to be liable for another's default or non-attendance at Court.
- **Suspended Sentence** - A custodial sentence which will not take effect unless there is a subsequent offence within a specified period.
- **Taxation of Costs** - See Summary Assessment And Detailed Assessment. An examination of a solicitor's bill in civil proceedings by a Court to ensure that all charges against the legal aid fund are fair and reasonable. See also Party And Party Costs which are also examined by a Court.
- **Technology and Construction Court** - A specialist court which deals with disputes in the construction industry. It is part of the Queen's Bench Division of the High Court.
- **Telephone hearing** - Hearings which can be conducted by telephone unless otherwise ordered are:
  - i) all allocation hearings,
  - ii) listing hearings,
  - iii) case management hearings, and
  - iv) interim applications.
 They are under an hour. Any other application, requires the consent of all the parties and the agreement of the court.
- **Tenant** - A person who holds land or property under a lease.
- **Testor** - A person who makes a will.
- **Third party** - Person who is not party to a legal case, but may be relevant because he or she owes the defendant money. In that case the defendant can issue a third party notice against such a party.
- **Third party debt order** - An order issued by a Claimant, against a third party, to seize money or other assets in their keeping, but belonging to the debtor. Orders can be granted preventing a defendant from withdrawing money from their bank or building society account. The money is paid to the claimant from the account. A third party debt order can also be sent to anyone who owes the defendant money.
- **Tipstaff** - An officer of the Supreme Court whose duties involve the enforcement of High Court arrest warrants.
- **Tort** - An action in tort is a claim for damages to compensate the claimant for harm suffered. Such claims arise from cases of personal injury, breach of contract and damage to personal reputation. As well as damages, remedies include an injunction to prevent harm occurring again.
- **Track allocation** - See Allocation Case management tracks Allocation questionnaire.
- **Trial** - A public hearing in which the evidence in a case, and the law which applies, are examined.
- **Trial (civil)** - Civil trials are generally held before one or more judges without a jury. The form and length of a civil trial will depend on the track to which the case has been allocated.
- **Trial bundles** - These are the documents that are likely to be referred to in a trial or tribunal hearing. Identical bundles are prepared for the judge and the parties to the case.
- **Trial contents** - The contents of the trial include any written statements and documents in trial bundles.

- **Trial Window** - A period of time within which the case must be listed for trial.
- **Tribunal** - A tribunal is a body outside of the court structure. They hear disputes relating to specific areas such as immigration, employment and some tax matters and adjudicate on them. Tribunals are thought to be cheap and fast and allow expert knowledge to be applied.
- **Trust** - Property legally entrusted to a person with instructions to use it for another person (or persons benefit).
- **Trustee** - A person who holds or administers property in a trust for another (or others).
- **Undertaking** - A promise, which can be enforced by law, made by a party (person) or their legal representative during legal proceedings.
- **Unspecified amount of money** - An unspecified amount of money is one which is not precise. For example, if you are claiming damages (compensation) for loss or injury, you might not be able to work out exactly what those damages are.
- **Unspecified Claim** - A claim where the amount to be awarded is left to the Court to determine, e.g. damages to be assessed for personal injuries. Previously known as an unliquidated claim.
- **Varied order** - If a defendant has been ordered to pay an amount in full or by instalments, which they cannot afford, they can ask the court to vary the order to allow payment by instalments or by reduced instalments.
- **Verdict** - The finding of guilty or not guilty by a jury.
- **Vexatious litigant** - A person who regularly brings court cases which have little chance of succeeding. The Attorney General can apply to the High Court for an order to prevent such a person from starting legal proceedings without permission.
- **Vice Chancellor** - Senior judge and head of the Chancery Division of the High Court of Justice (although the Lord Chancellor is the nominal head).
- **Voluntary** - Something is voluntary when it is entered into without compulsion, as a result of the free choice of the person(s) concerned.
- **Walking Possession** - A signed agreement by a debtor not to remove goods levied by a bailiff under the authority of a warrant of execution and to allow the bailiff access at any time to inspect the goods, in consideration of which the bailiff leaves the goods in the possession of the debtor.
- **Ward of Court** - The title given to a minor who is the subject of a wardship order. The order ensures that custody of the minor is held by the Court with day to day care of the minor being carried out by an individual(s) or local authority. As long as the minor remains a ward of Court, all decisions regarding the minor's upbringing must be approved by the Court, e.g. transfer to a different school, medical treatment etc.
- **Wardship** - High Court action making a minor a ward of court.
- **Warrant of Committal** - Method of enforcing an order of the Court whereby the penalty for failing to comply with its terms is imprisonment; the bailiff is authorised to carry out the arrest and deliver the person to prison (or in some instances the Court).
- **Warrant of Delivery** - Method of enforcing a judgment for the return of goods (or value of the goods) whereby a bailiff is authorised to recover the goods (or their value) from the debtor and return them to the creditor.
- **Warrant of Execution** - A method of enforcing a judgment. The bailiff is authorised to remove goods belonging to a defendant from their home or business for sale at public auction.
- **Warrant of Possession** - This gives court bailiffs the authority to take possession of a property and evict the defendant in cases, where an order for possession has been granted by a court.
- **Warrant of Restitution** - A remedy available following illegal re-entry of premises by persons evicted under a warrant of possession. The bailiff is authorised to evict all occupants found on the premises and re-deliver the premises to the plaintiff.
- **Will** - A declaration of a person's intentions to distribute his/her estate and assets.
- **Winding up** - The voluntary or compulsory closure of a company and the subsequent realisation of assets and payment to creditors.
- **Witness** - A person who gives evidence in Court, called to give evidence because they witness an event. See also Expert witness.
- **Witness summons** - A document issued by a court which requires a person to give evidence in court or to produce a report or other documentation for the court.
- **Writ of Summons** - See Claim.
- **Written evidence / statement** - A written statement of relevant facts which is submitted to the court.



## Further Information

This guide is for general interest - it is always essential to take advice on specific issues. We believe that the facts are correct as at the date of publication, but there may be certain errors and omissions for which we cannot be responsible.

If you would like to receive further information about this subject or other publications, please call us – see our contact details on the next page.

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