

Plain English Campaign: The A to Z guide to legal phrases

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## The A to Z guide to legal phrases

This is only a basic guide. If you have any suggestions, corrections or improvements, please contact us. You can contact us at:

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# Introduction

The language used in law is changing. Many lawyers are now adopting a plain English style. But there are still legal phrases that baffle non-lawyers.

This guide is intended to help in two ways:

- it should help non-lawyers understand legal phrases; and
- it should give lawyers ideas for explaining the legal phrases that they use.

The explanations in this guide are **not** intended to be straight alternatives.

Although we hope the explanations will prompt lawyers to make sure they only use legal jargon where strictly necessary, our wording is there to explain ideas and concepts rather than to give strict legal definitions.

The terms and explanations are for the law in England and Wales.

This is very much a 'work in progress', and we welcome any corrections, clarifications or suggested additions. Please email us with your comments.

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## A

### **Abandonment**

giving up a legal right.

### **Abatement** is:

cancelling a writ or action;  
stopping a nuisance;  
reducing the payments to creditors in proportion, if there is not enough money to pay them in full; or  
reducing the bequests in a will, in proportion, when there is not enough money to pay them in full.

### **Abduction**

taking someone away by force.

### **Ab initio**

from the start of something. (This phrase is Latin.)

### **Abovementioned**

describing something which has been referred to before in the document.

### **Abscond**

when a person fails to present themselves before the court when required, such as when they have been released on bail and not returned to court.

<b>Absolute</b>	complete and unconditional.
<b>Absolute discharge</b>	someone who has been convicted of an offence being released without any penalty. (They may still have to pay compensation though.)
<b>Absolute owner</b>	the only owner of property such as equipment, buildings, land or vehicles.
<b>Absolute privilege</b>	<p>a defence which can be used in a case of defamation if the statement from which the defamation arose was:</p> <ul style="list-style-type: none"> <li>• made in Parliament;</li> <li>• in fair and accurate news reporting of court proceedings; or</li> <li>• made during court proceedings.</li> </ul>
<b>Abstract of title</b>	a document, drawn up by the seller, summarising the title deeds to a property (such as a house).
<b>Abuse of process</b>	when criminal proceedings are brought against a person without there being any good reason and with malice.
<b>Abutments</b>	the parts of the boundaries of a piece of land which touch pieces of land alongside.
<b>Acceptance</b>	when an offer is accepted unconditionally and a legally binding agreement is created.
<b>Acceptance of service</b>	when a solicitor accepts a writ on behalf of a client.
<b>Acceptor</b>	the organisation (such as a bank) which will pay the cheque or bill of exchange it has accepted.
<b>Accessory</b>	someone who encourages or helps another person to commit a crime.
<b>Accomplice</b>	someone who helps another person to commit a crime.
<b>Accordingly</b>	a word used in legal documents which means therefore or so.
<b>Accounts</b>	the record of an organisation's income, spending and financial situation.

<b>Accumulation</b>	reinvesting income generated by a fund back into the fund.
<b>Accused</b>	the person charged with a criminal offence.
<b>Acknowledgement</b>	admitting that someone has a claim or admitting that a debt exists.
<b>Acknowledgement of Service</b>	when a defendant agrees that a writ or originating summons ('claim form' since April 1999) has been received. The defendant fills in, signs and sends back the acknowledgement of service to confirm in writing that the documents were received.
<b>Acquit</b>	when a court lets a person go without any penalty. If a court decides that a person is not guilty of a crime, or the case has not been proved, it will acquit the person.
<b>Acquittal</b>	the court's decision that a person is innocent of the crime they were charged with.
<b>Action</b>	using the law to make a claim.
<b>Active trust</b>	a trust where the trustees have other responsibilities rather than to just let the beneficiaries have the trust's assets when they ask for them.
<b>Act of bankruptcy</b>	an act which, if carried out by a person with debts, could have led to bankruptcy proceedings against that person.
<b>Act of God</b>	an extreme naturally occurring event (such as an earthquake, avalanche or flood) that could not have been anticipated.
<b>Actual bodily harm</b>	hurting another person but less severely than would amount to grievous bodily harm.
<b>Actual loss</b>	an insurance term which means that the insured item no longer exists.

<b>Actuary</b>	an expert on pension scheme assets and liabilities, life expectancy and probabilities (the likelihood of things happening) for insurance purposes. An actuary works out whether enough money is being paid into a pension scheme to pay the pensions when they are due.
<b>Actus reus</b>	an act which is illegal, such as theft. (This term is Latin.)
<b>Additional voluntary contribution (AVC)</b>	extra money people in occupational pension schemes can pay in to increase their pension benefits.
<b>Ademption</b>	when a gift in a will cannot be made because the item no longer exists.
<b>Ad hoc</b>	for a particular purpose. For example, a committee set up to deal with a particular situation is an ad hoc committee. (This term is Latin.)
<b>Ad idem</b>	- in agreement. (This term is Latin.)
<b>Ad infinitum</b>	endlessly or forever. (This term is Latin.)
<b>Adjourned sine die</b>	when a court case has no date fixed for it to continue.
<b>Adjournment</b>	postponing a court hearing.
<b>Adjudge/adjudicate</b>	to give an official judgement about something. For example, if someone cannot pay their debts a court may adjudge them bankrupt.
<b>Adjudication order</b>	the former name for a court order which made someone bankrupt. It has now been replaced with the term bankruptcy order.
<b>Administration order</b>	an order made by a county court when a person or a company cannot pay their debts. Normally the court orders that the debts are repaid by instalments and as long as the debtor keeps to the order the creditors cannot do anything else to recover their money.

<b>Administrator</b>	someone who has been appointed to manage the affairs of a bankrupt business; or to manage the estate of someone who has died without leaving a will.
<b>Admissibility of Evidence</b>	which evidence can be presented in court. Evidence must be relevant to the case but even some relevant evidence cannot be presented, such as hearsay or evidence of little value. The judge decides whether or not evidence can be used in the case.
<b>Admission</b>	one side in a case agreeing that something the other side has alleged is true.
<b>Admonition</b>	reprimanding of a defendant by a judge even though the case against the defendant has been discharged (dropped).
<b>Adoption</b>	the system which people use to become parents, even though they are not the child's natural parents.
<b>Adoptive child</b>	a child who has been legally adopted.
<b>Adoptive parent</b>	a person who has legally adopted a child.
<b>Ad valorem</b>	in proportion to the value. An ad valorem duty goes up as the value of the goods, shares and so on that it is charged on rises. (This term is Latin.)
<b>Adverse possession</b>	intentionally occupying land to prevent the rightful owner or tenant using it.
<b>Adverse witness</b>	a witness who gives evidence which damages the case of the side which asked the witness to testify for them.
<b>Advocate</b>	is: <ul style="list-style-type: none"> <li>• the lawyer who speaks in court for a client; or</li> <li>• a Scottish lawyer who is the equivalent of a barrister in England and Wales.</li> </ul>
<b>Affidavit</b>	a written statement which is sworn to be true by the person signing it. It is sworn before someone authorised by the court.

<b>Affirm</b>	<p>to:</p> <ul style="list-style-type: none"> <li>• solemnly promise to tell the truth in court;</li> <li>• solemnly promise to tell the truth in an affidavit;</li> <li>• confirm a decision made by a lower court; or</li> <li>• allow a contract to continue even though it could have been cancelled because it was fundamentally breached.</li> </ul>
<b>Affirmation</b>	solemnly promising to tell the truth when giving evidence. It is an alternative to swearing an oath when the person giving evidence does not wish to.
<b>Affray</b>	fighting unlawfully. It is a criminal offence.
<b>Aforementioned</b>	describing something referred to previously in the document.
<b>Aforesaid</b>	describing something which has been said or referred to before in the document.
<b>Agency</b>	the relationship between a principal and an agent.
<b>Agent</b>	someone appointed to act for a principal.
<b>Age of consent</b>	the age when someone can consent to have sexual intercourse. In the UK it is 16.
<b>Aggravated assault</b>	a more serious type of assault such as one leading to actual bodily harm.
<b>Aggravated burglary</b>	entering premises armed with a weapon, intending to steal goods.
<b>Aggravated damages</b>	extra damages awarded because the defendant has caused the victim anguish, loss of self-respect or shame.
<b>Aggravated vehicle taking</b>	stealing a vehicle, driving it dangerously and as a result injuring someone or damaging property.