



HOUSING LAW
**GLOSSARY OF LEGAL
WORDS, PHRASES
AND ABBREVIATIONS**

When studying, interpreting or applying law, you will encounter some words or expressions that may be unfamiliar. To help, the following are a selection of words and terms, together with their meanings, that may occur in matters of law. For students who would like a more comprehensive listing of words and their meanings, there are a number of law dictionaries available, including: Osborn's *Concise Law Dictionary*, Curzon's *A Dictionary of Law* and Mozley and Whiteley's *Law Dictionary*.

ABBREVIATIONS – Judges

L.C.J.	Lord Chief Justice, head of the Court of Appeal (Criminal Division).
L.C.	Lord Chancellor, head of the judicial system.
L.J.	Lord Justice, member of the Court of Appeal. (plural is L.JJ. - Lord Justices)
M.R.	Master of the Rolls, head of the Court of Appeal (Civil Division).
P.	President, head of the Family Division of the High Court.
V.C.	Vice-Chancellor, head of the Chancery Division of the High Court.

ABBREVIATIONS - Selected Law Reports

All ER	All England Reports
AC	Appeal Cases
EGLR	Estates Gazette Law Reports
FLR	Family Law Reports
HLR	Housing Law Reports
JPL	Journal of Planning and Environmental Law
LGR	Local Government Reports
LR	Law Reports
SJ	Solicitors Journal
TLR	Times Law Reports
WLR	Weekly Law Reports

A

Actio

An action; the right of suing before a judge for what is due.

Administrators

Person to whom a grant of administration is made and who is authorised to manage the property of an intestate (executor manages the property arising from a will).

Agent

A person who is employed by another (called the principal) to put that other into contractual relationship with a third party.

Assignment

A transfer of the residue of the lease of the landlord's interest.

Arbitration

Determination of disputes by one or more arbitrators rather than have recourse to the courts of law. A contract may include a clause to refer disputes to an arbitrator.

Attest

To witness any act or document e.g. a signature to witness a will.

B

Battery

The actual striking of another person.

Beneficial interest

The interest of a beneficial owner or beneficiary, as contrasted with the estate or interest of a legal owner.

Beneficiaries

Those entitled to property under a will or a trust, e.g. their property is held by a trustee.

Bequeath

To give personal property by the use of a will, e.g. a legacy.

Bona fide

In good faith.

By-laws

Rules, subordinate to legislation, made by some authority for the regulation, management or administration of a local authority, undertaking, property, etc. and binding on all persons who come within their scope.

C

Case stated

A statement of the relevant fact in a case for the opinion or judgement of another court and may arise:

- (i) Following the hearing and decision from a Magistrates' Court, a party may require a case to be stated for the opinion of the Divisional Courts of Queen's Bench on a point of criminal law. The magistrates state the facts and the Queen's Bench rules on the correctness or otherwise of the law applied by the magistrates.
- (ii) An appeal from an arbitrator on a point of law.
- (iii) An appeal to the Court of Appeal from the decision of the Lands Tribunal.

Caution

In land law, a person with an interest in land (mortgage, easement, etc) may lodge a caution with the Land Registrar, which notifies others, such as prospective purchasers, of the interest.

Caveat emptor

'Let the buyer take care' – this implies that the buyer should watch for any defects in the goods he is buying since, in the absence of misrepresentation by the seller, he will bear the consequences of anything which he fails to notice.

Chancellor, Lord High

The Lord Chancellor, who is the chief judicial officer in the British Constitution. He is a Cabinet Minister and appoints magistrates and circuit judges, as well as nominating judges of the High Court.

Chattel

Any property other than freehold land.

Chattels real

Leasehold and other interests in land.

Chattels personal

Moveable and tangible property e.g. a watch.

Chose in action

An intangible asset such as shares, or where A owes money (the debt) to B.

Clean hands

A plaintiff who is free from any taint of fraud or underhand behaviour, e.g. one who sues in good faith.

Collateral

‘By the side of’, e.g. collateral security is something given in addition to the principal security.

Consensus as Idem

Agreement to the same thing, e.g. common consent necessary for a binding contract.

Contract

An agreement enforceable at law.

Co-ownership

When two or more people own land at the same time. They are either joint tenants or tenants in common.

Coroner

A royal officer, usually a barrister, solicitor or medical practitioner, who inquires into the death of persons slain or who die in suspicious circumstances.

Covenant

An agreement creating an obligation contained in a deed. It may restrict an act or use, such as keeping pigs or operating a business from a house, or it may require an act, such as keeping a property in a good state of repair.

D

Decree nisi

Order for divorce unless cause to the contrary is shown within a set period.

De die in diem

From day to day.

Deed

A document in writing, which testifies the agreement of parties, and is signed, witnessed, and delivered.

De facto

In fact, actual.

De jure

By right and in accordance with the law, legitimate.

Demise

The grant of a lease of land.

De minimus non curat lex

The law does not concern itself with trifles.

Deposition

A statement on oath of a witness in a judicial proceeding.

Devise

A gift of land (real property) by will.

Donatio inter vires

A gift between living persons.

Donatio mortis causa

A gift of personal property in anticipation of death.

Duress

Constraint by injury, imprisonment or threats.

E

Easement

A right enjoyed by the owner of land to do something on another person's land, e.g. right of access, right to water, etc.

Either-way 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.

Ejusdem generis

A rule where particular words are followed by general words, the general words are limited to the same kind as the particular words, e.g. in the Sunday Observance Act 1677 the following is included: 'no tradesman, artificer, workman, labourer or other person whatsoever'. The words 'or other person whatsoever' could not include a doctor.

Encumbrances

Rights, charges or interests over the owner's land in favour of another person, e.g. a Building Society with a mortgage over a dwelling house.

Equitable interest

An interest recognised by equity but not by law.

Equity

Primarily fairness or natural justice.

Estate

The types of interest in land, namely freehold and leasehold.

Executor

The person appointed by a testator in his will to administer an estate.

Ex gratia

Without charge or return (as a favour).

Ex hypothesi

In view of what has already been assumed.

Ex officio

By virtue of a person's official position.

Ex parte

An ex parte application is one made to the court during proceedings by one party in the absence of another or without notifying the other party.

Expert witness

A person with a special skill, technical knowledge or professional qualifications whose opinions are admitted as evidence; this is contrary to the general rule that mere opinions are irrelevant.

Ex post facto

After the event.

FG

Fee simple absolute in possession

The nearest thing to absolute ownership of land in English law. Often referred to by a lay person as freehold.

Fieri-facias (Fi-Fa)

High Court warrant of execution, in the form of a directive to seize sufficient goods of a debtor to satisfy judgement debt.

Fiduciary

The relationship of one person to another, where one is bound to exercise rights and powers in good faith, e.g. as between a trustee and beneficiary.

Fixtures

Anything annexed (fixed) to land (freehold) becomes, as a general rule, the property of the freeholder.

Force majeure

Unavoidable supervening event (often known as an act of God).

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.

IJ

Ibid

In the same place, book or source.

In autre droit

In the right of another, e.g. an executor holds property in the right of his testator (person who made the will).

In camera

The hearing of a case in private.

In curia

In open court.

In delicto

At fault.

Indictable offence

A criminal offence triable only by the Crown Court.

Infra

Below.

Indictable offence

A crime triable by jury either because the law requires it, as in the case of murder, or, at the option of the defendant, where the offence is triable either summarily or on an indictment.

Indictment

A written accusation, of one or more persons, of a crime.

Injunction

An order of court requiring a person to do, or refrain from doing a particular thing.

In personam

Against a person.

In statu quo

In the former position.

Inter alia

Amongst other things.

Inter partes

Between the parties.

Intra vires

Acting within the powers legally belonging to the body in question.

Intestate

When a person dies without leaving a will.

Ipsso facto

By that very fact, automatically.

Joint tenancy

The ownership of land in common by several persons where there is a right of survivorship, e.g. on the death of one joint owner the land vests in the survivors.

Jury

A body of sworn men or women summoned to decide questions of fact in a judicial proceeding.

Jus ex injuria non oritur

A right does not arise out of a wrong.

L

Lease

A grant of possession of land to last for a period of years or other defined period.

Legacy

A gift of personal property by will.

Lessee

One to whom a lease is granted, i.e. a tenant

Lessor

One who grants the lease, i.e. the landlord.

Licence

A permission to be on another person's land.

Litigation

Legal proceedings.

Locus standi

Standing; right to appear and be heard by a court on a matter.

MNO

Mens rea

Guilty mind; knowledge of the wrongfulness of an act. It is an essential ingredient of a criminal offence.

Mortgage

A loan of money advanced to purchase property, where the property (deeds) is given as security for a loan.

Mortgagee

The lender.

Mortgagor

The borrower.

Nemo debet bis puniri pro uno delicto

No one should be punished twice for one fault.

Obiter dicta

Things said by the way in the course of a judgement, but not absolutely essential to the decision.

Op cit

The book previously cited.

Ouster

An order within an injunction to force a person to leave the property.

PQ

Pari passu

On an equal footing.

Parol

By word of mouth.

Per

In the opinion of judgement of, e.g. - per Lord Denning MR.

Per curiam

In the opinion of the court.

Per incuriam

Mistaken decision of a court, it having overlooked authority.

Perjury

The making of an oath by a witness, which is known or believed to be untrue.

Per se

By or in itself.

Personality

Personal property unconnected with land.

Piller, Anton

A High Court order for the detention and preservation of documents.

Plaintiff

One who brings action at law.

Pleadings

Documents setting out claim or defence of parties involved in civil proceedings.

Precedent

The decision of a case which established principles of law that act as an authority for future cases of a similar nature.

Prima facie

At first sight.

Pro rata

In proportion.

Puisne

Inferior.

Quantum meruit

As much as he has earned: in cases where a person had been engaged to undertake something but there has been no agreement over remuneration.

Quash

To annul, i.e. to declare a decision or action is no longer valid.

Quasi

As if it were.

Quid pro quo

Something for something.

RST

Ratio decidendi

The principle of law on which a law case is decided.

Real property

Land.

Res ipsa loquitur

The thing speaks for itself, e.g. where it is improbable that an accident could not have happened without negligence by the defendant.

Res judicata

A matter finally decided, which cannot now be reopened.

Simple contract

A contract made orally or in writing, but not by deed.

Speciality contract

A contract made by deed.

Stare decisis

The sacred principle of English law by which case law precedents are authoritative and binding, and must be followed.

Sui juris

A person of full legal capacity.

Summary offence

A criminal offence which is triable only by a Magistrates Court.

Supra

Above.

Tenants in common

Where two or more persons are entitled to land and they have undivided possession, i.e. no one person has a right to exclusive possession of any part of the land.

Term of years absolute in possession

A lease.

UVW

Uberimmae fidei

Of the utmost good faith.

Ultra vires

Acting outside the powers legally belonging to the body in question.

Vicarious liability

Liability which falls on one person as a result of an action of another, e.g. the liability of an employer for acts and omissions by an employee.

Volenti non fit injuria

That to which a person consents cannot be considered an injury.

Warranty

A guarantee or assurance.