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- Ab Initio** : from the beginning [a contract found to be void ab initio]
- Abduct** : to carry or lead (a person) away by threat or use of force or often by fraud.
- Abet** : to assist, encourage, instigate, or support with criminal intent in attempting or carrying out a crime.
- Abrogate** : (Latin) abolish or cancel something, such as a law by authoritative, official, or formal action so that it is no longer in force.
- Absolute Abscond**: to depart secretly: withdraw and hide oneself specifically to evade the legal process of a court by hiding within or secretly leaving its jurisdiction.
- Acceptable quality**: the goods/services must be of a quality which makes them fit for sale for their usual purpose.
- Absolute** : free from qualification, condition, exception, or restriction.
- Absolute Right**: an unqualified right : a legally enforceable right to take some action or to refrain from acting at the sole discretion of the person having the right.

- Absolve** : to set free or release from some obligation or responsibility.
- Acceptance** : an unqualified assent or indication given by an offeree by words or by action in response to an offer which creates legally enforceable relationship with the offeror.
- Accused** : a person arrested for or charged with a crime; also known as a defendant.
- Act** : a written law that has passed by the Parliament. Alternative term for statute or legislation.
- Act Of God** : an extraordinary natural event (as a flood or earthquake) that cannot be reasonably foreseen or prevented.
- Action** : a legal proceeding in a civil case.
- Actionable** : subject to or providing grounds for an action or suit at law.
- Actionable per se**: without the plaintiff needing to establish proof of damage.
- Actual breach**: failure at the time required by the contract.
- Acquittal** : release or discharge from a debt or charge of an offense or other liability or setting free or deliverance from the charge of an offense by verdict of a jury, judgment of a court, or other legal process. (A finding of “not guilty” in a case).
- Actus reus** : (Latin) guilty act - a wrongful physical action that makes up the physical action of a crime; in combination with *mens rea* it produces criminal liability.

- Ad hoc** : (Latin) action taken for a particular reason or case at hand or in a special situation without consideration of wider application, such as an ad hoc committee formed to consider a specific, urgent matter.
- Ad Idem** : (Latin) in agreement : at a meeting of the minds [the parties were ad idem]
- Adjourn** : to put off further proceedings of either indefinitely or until a later stated time or to suspend a session or meeting till another time or indefinitely.
- Adjudicate** : to award in judgment to settle the rights and duties of the parties either finally or temporarily
- Administration**: the act or process of administering the justice or the management and disposal under court authority of the estate of a deceased person by an executor or an administrator.
- Administration of a company**: a formal process for gaining control, when a company is insolvent and facing serious threats from creditors. The Court may appoint a licensed insolvency practitioner as administrator with the goal of bringing about a recovery.
- Administrator**: a person appointed to temporarily manage the business of a company in financial difficulty or a person appointed by a court to manage the distribution of the assets in the estate of a person who has died without leaving a valid will.

Administrator (Estate): A person appointed by the court to administer the estate of a person who has died without a will or the estate of an executor named in a will.

Administrative Law: the branch of the law dealing with government agencies

Admiralty : the court having jurisdiction over questions of maritime law.

Admissible : capable of being allowed or permitted as prima facie evidence.

Adoption : the process in which a person, usually a child, becomes a legal member of a new family. Once an adoption is finalized, the person becomes the legal child of the adoptive parent(s) and the parental rights of the biological parent(s) are terminated.

Adult : a person who has reached an age specified by law.

Adulterate : to corrupt, debase, or make impure by the addition of a foreign or inferior substance or element.

Adultery : voluntary sexual activity between a married man and someone other than his wife or between a married woman and someone other than her husband.

Adversarial system: the legal system used in the common law countries where two advocates represent their parties' positions before

an impartial person or group of people, usually a jury or judge, who attempt to determine the truth of the case and where the role of the court is primarily that of an impartial referee between the prosecution and the defense.

Affidavit : (Latin) a written statement or declaration of facts setting out what a witness says is true that are sworn or affirmed to be true and correct in front of an authorised official.

AFFIRMATION: A solemn declaration made by a person to tell the truth. Lying in an affirmation is perjury, a criminal offence.

Age Of Consent: the age at which a person is deemed competent by law to give consent.

Age Of Majority: the age at which a person is granted by law the rights and responsibilities of an adult.

Agency : the person or thing through which power is exerted or an end is achieved.

Agent: party that has express (oral or written) or implied authority to act on behalf of another (the principal) so as to bring the principal into contractual relationships with other parties.

Aggravated damages: damages designed to compensate a plaintiff for suffering intangible damages such as humiliation and distress, as a result of the defendant's actions.

Aggravating factors: circumstances that make an offence much more serious.

Agreement: one of the requirements for the creation of a contract, normally consisting of an ‘offer’ and an ‘acceptance’, which may arise expressly or be inferred from conduct, between two or more people.

Agreement to sell: where the property in the goods is to be transferred at some later date, or when some condition has to be fulfilled, such as payment of the price.

Affidavit: a written statement confirmed by oath or affirmation, for use as evidence in court.

aiding and abetting: helping someone carry out a criminal offence.

Air Right : a property right to the space above a surface or object (as a building) that may be sold or leased for development purposes.

Aircraft Piracy: the hijacking of an aircraft esp. the act of seizing control of an aircraft by force, violence, threat, or intimidation with wrongful intent

Alias : (Latin) otherwise called: also known as.

Alibi : (Latin) a defense to a criminal charge of having been somewhere other than at the scene of a crime at the time the crime was committed.

Alimony : (Latin) an allowance made to one spouse by the other for support pending or after legal separation or divorce.

Allegation : the act of alleging: a statement not yet proven or a statement by a party to a lawsuit of what the party will attempt to prove.

Alter ego : a person or entity vicariously liable for another (as an agent).

Alternative Dispute Resolution (ADR): resolving conflict through means other than going to court such as through arbitration, mediation etc.

Amend : **change** the words of a text, especially a legislation or a legal document such as a contract in order to make it fairer or more accurate, or to reflect changing circumstances.

AMICUS CURIAE: (Latin) “friend of the court.” A person who is not a party to a dispute but appears in a case to help the court by representing a person without charge or by explaining complicated laws in a balanced way.

Animus : (Latin) intent.

Animus Furandi: (Latin) the intent to steal.

Animus Testandi: (Latin) the intent to make a testament or will

Annual general meeting:

a meeting that happens once every year in a company or an organization to discuss the past year’s activities and elects new officers etc.

Annuity : a payment or other benefit that is received once a year.

Annul : cancel the legal effect of something, as if it never happened: i.e. nullify, abolish or make void something such as a law, agreement, or marriage.

Answer : A response to an allegation or an application.

Antecedent : Prior.

Ante-nuptial Agreement: an agreement made between a man and a woman before marrying in which they give up future rights to each other's property in the event of a divorce or death - also called **Prenuptial Agreement**.

Anticipatory breach: a refusal by a party to a contract to perform their future contractual obligations at a time required by the contract either by a clear statement of refusal or by a statement or action that clearly implies refusal - also called **Anticipatory Repudiation**.

Anti-competitive agreements: contracts, arrangements or understandings that restrict dealings or affect competition.

Antitrust : laws to protect trade and commerce from unlawful restraints and monopolies.

Apparent authority: refers to a situation where a reasonable third party would understand that an agent had authority to act when the principal holds the agent as having authority.

Appeal : a request to a higher court of law, tribunal or authority to review a decision of a lower court.

Appeal Period: the time limit within which one can appeal.

Appellant : a person or party who appeals a court's judgment

Appellate jurisdiction: the power of a higher court to review and revise decisions of lower courts.

Arbitrator : an impartial person or group that is given the power by disputing parties to resolve their dispute.

Arbitration : resolving a dispute between parties to a contract by an unbiased and expert third person (the arbitrator) selected by the disputing parties without resorting to court action.

Arrears : money that is owed to a party under a court order or agreement, but has not been paid.

Arrest : the taking into custody of a person by the police / legal authority breaking the law and hold them under police control.

Arson : the act or crime of willfully, wrongfully, and unjustifiably setting fire.

Artificial Person: legal person.

Ascertained goods: goods which, in a contract for the sale of unascertained goods, have become identified and agreed upon by the parties.

Assault : a threat or attempt to inflict offensive physical attack or bodily harm on a person that puts the person in immediate danger of or in apprehension.

Assailant : a person who commits criminal assault.

Assignment : legal transfer of rights or property.

- Assurance** : a term used interchangeably with ‘insurance’.
- Asylum** : protection from arrest and extradition given esp. to political refugees by a nation or by an embassy or other agency that has diplomatic immunity.
- Attorney General:** the top legal officer in some countries, whose job is to provide legal advice to the government and to represent the government.
- Attorney – at – Law:** a term for a lawyer
- Auction** : a public sale of property to the highest bidder.
- Audit** : a formal examination of an organization’s or an individual’s financial records often for the purpose of uncovering fraud or inaccurate tax returns etc.
- Audit Committee:** a corporate committee made up of usually outside directors who review audits and evaluations of the corporation and its officers.
- Auditor** : a person qualified and authorized to examine and verify financial records
- Autopsy** : an examination of a body after death esp. to determine the cause of death - also called Post Mortem.
- Award** : a binding order made by an industrial tribunal, setting out the rights and obligations of employers and employees who fall under the ambit of the award.

B

- Bad faith** : intentional deception, dishonesty, or failure to meet an obligation.
- Bail** : the procedure by which an accused person charged with an offence is released from police custody or prison from the time of the charge until the hearing of the case.
- Bail bond** : a form signed by a person released on bail which sets out the promises the person has made to the court so they can be released from police control or prison.
- Bailment** : the transfer of possession of goods to a bailee for a limited time or for a designated purpose, without transfer of ownership.
- Bait advertising:** advertising a product or service at a special price, only to tell customers that the goods have all been sold or the service is no longer available at that price, and that another product or service is available at a higher price.
- Balance of probabilities:** more likely than not. The plaintiff in a civil case (a non-criminal case) must prove that what they are arguing is more likely to be true than false.

- Ban** : to prohibit or forbid esp. by legal means.
- Bankrupt** : a person who is unable to meet his or her debts when they fall due and who has been declared bankrupt by the court and whose property is subject to administration under the bankruptcy laws for the benefit of the debtor's creditors.
- Bankruptcy** : a legal state (or status) in which a person has their property and financial affairs controlled by a trustee under an order of the court. Bankruptcy arises because a person is insolvent.
- Bar** : term used to describe the legal profession as a whole.
- Barter** : to trade by exchanging one commodity or service for another.
- Battery** : the crime or tort intentionally or recklessly causing offensive physical contact or bodily harm.
- Bearer** : a person in possession of a cheque.
- Bearer cheque:** a person holding a cheque, draft, or other negotiable instrument marked payable to bearer or having a blank endorsement. The drawee institution has to pay the sum ordered to be paid by the cheque to the person in possession of the cheque, title being transferred on delivery.
- Bench** : the place where a judge sits in court.
- Belligerency** : the state of being at war or in conflict, the status whereby a recognized military force

- is granted the protection of the international laws.
- Beneficiary** : a person designated to receive something as a result of a legal document, such as a will or insurance policy.
- Beneficial contract of service:** contracts that are for the minor's benefit and not oppressive, including contracts of employment, education, apprenticeship and training contracts.
- Bequeath** : to leave money or other property to someone in a will.
- Best Interests of the Child:** Circumstances that must be taken into account by the court when making orders concerning children in child protection and family law cases.
- Bestiality** : the crime of engaging in sexual relations with an animal.
- Beyond a reasonable doubt:** the standard of proof required in a criminal case that must be met by the prosecution in order to convict the defendant where the evidence is fully satisfied, all the facts are proven and guilt is established.
- Bigamy** : the crime of marrying someone while still legally married to someone else. A bill becomes law once it is approved by the legislature.
- Bill** : a legislative draft, proposal or a proposed law which, at this stage, is not law but presented to the legislature for enactment.

A bill becomes law once it is approved by the legislature.

Binding : mandatory, when applied to a court decision or order, required to be followed in cases with similar circumstances.

Biometrics : Biologically unique information used to identify individuals.

Blue Pencil Rule: a rule in contracts: a court may strike parts of a covenant not to compete in order to make the covenant reasonable.

Board of Directors: a group of individuals elected by the shareholders of a company to manage the company's business.

Bona Fide (Latin): good faith, honest and genuine and lack of fraud or deceit.

Bona Fide Holder: a holder of a negotiable instrument who acquired title to the instrument in the ordinary course of business for value before it became due and without knowledge of any defect in title.

Bona Fide Purchaser: a purchaser who purchases in good faith without notice of any defect in title and for a valuable consideration

Bond : A written and signed promise to pay a certain sum of money on a certain date, or on fulfillment of a specified condition. All documented contracts and loan agreements are bonds.

Bond certificate: a certificate of indebtedness that is issued by a company or government agency that guarantees payments of a principal at a specified time frame plus periodic interest

Bondmarket : financial market consisting of bond issuers, underwriters, buyers, and brokers/dealers.

Borrower : a person who has been approved to receive a loan and is then obligated to repay it and any additional fees according to the loan terms.

Brain Death : the final stopping of activity in the central nervous system.

Breach : a violation in the performance of or a failure to perform an obligation created by a promise, duty, or law.

Breach of contract: a party to a contract fails to do what they agreed to do under the contract. **Broker**: a mercantile agent who buys or sells goods for a principal (usually in their name) for a fee or commission, but who doesn't have possession of the goods or the documents of title.

Burden of Proof: the degree of proof needed in a proceeding for a party to prove a disputed assertion or charge. In a criminal trial, the prosecution must leave no reasonable doubt that what they allege is what really happened. If they cannot prove their case in this way, the accused will not be convicted. In a civil trial, the plaintiff must prove that their claim is more likely to be true than false.

Business : an organization or economic system where goods and services are exchanged for one another or for money.

Business Judgment Rule: a rule of law that provides corporate immunity to company directors of protecting them from liability for the consequences of informed decisions made in good faith

C

Capacity : the ability to understand and agree to something and be held responsible by the law for your actions.

Capital offence: any criminal charge that is punishable by the death penalty.

Career Offender: a habitual or repeat criminal

Carrier : an individual or entity engaged in transporting passengers or goods for hire by land, water, or air.

Case : a civil or criminal suit or action before the court for a decision which includes criminal charges, applications, motions, enforcements and appeals.

Case Law : (judge-made law) law established by judicial decisions. Under the doctrine of precedent, lower courts are bound to follow relevant decisions of higher courts. Case law is also called ‘common law’ and ‘judge-made law’.

Causa Mortis: (Latin) made or done in contemplation of one’s impending death.

Casus Omissus: (Latin)a situation omitted from or not provided for by statute or regulation and therefore governed by the common law

Causation : the connection between the breach and the loss suffered by the plaintiff.

Cause of Action: the grounds (as violation of a right) that entitle a plaintiff to bring a suit against another person.

Caveat : a warning or notice.

Caveat Emptor: (Latin)cautionary words - may the buyer beware, a principle in commercial transactions: without a warranty the buyer takes the risk as to the condition of the property or goods.

Certify (a copy): to formally acknowledge in writing that a copy is an accurate copy of the original document.

Certiorari : a remedy used by a superior court to quash an order or decision of a lower court or administrative body made without jurisdiction.

Character witness: a person who appears in court to give a character reference for an accused person.

Charge : a formal accusation of an offence as a preliminary step to prosecution.

Chattels : any property such as jewellery, that can be moved, unlike land.

Cheque : an unconditional order in writing that is addressed by one person to another person,

being a financial institution, and which is signed by the person giving it and requires the financial institution to pay on demand a sum certain in money.

Child : for most legal purposes, a person under 18 years of age or, in some instances, a person under 16 years of age. A young person without the legal rights and responsibilities of an adult. (see Minor)

Child Abduction: the taking of a child contrary to a court order or without the permission of the parent who has legal custody of the child.

Child Abuse : any action or series of actions that results in harm, potential for harm, or threat of harm to a child. Abuse can include physical harm, sexual molestation or exploitation, or emotional or psychological harm.

Choice Of Law: an issue in conflicts of law as to what law as among laws of different states should be applied in a case.

Citation : a reference to where to find a case in a law report.

Civil action : a court case where a person or organisation sues another for compensation or for some other court order. This is different from a criminal case, where the police bring criminal charges and the court may give the defendant a penalty, such as time in prison, if they are found guilty.

- Civil law** : the area of law that covers disputes between organisations, companies or individuals, such as the law relating to contracts.
- Civil Court** : a court having trial jurisdiction over usually minor civil matters
- Class action** : a lawsuit commenced by a single person or small group of people on behalf of a larger group of people who may all have a legal action against the same defendant .
- Claim** : the assertion of a legal right.
- Clayton Act** : an amendment to the Sherman Act, the Clayton Act prohibits price discrimination, exclusive dealing contracts and mergers where the effect may lessen competition or tend to create a monopoly.
- Clean Hands** : innocence of wrongdoing or deceit: plaintiff must come into court with clean hands.
- Clean Hands Doctrine**: a doctrine that originated in equity and that bars a plaintiff from seeking judicial relief regarding a matter in which he or she is not free of guilt and does not have clean hands.
- Clearinghouse** : an institution that arranges for payment of checks owed by one bank to another.
- Closely Held** : having most stock shares and corporate voting rights in the hands of a few shareholders
- Code of ethics** : a voluntary and self-regulatory framework that involves acting in a morally correct and

- honourable way but that is not enforceable in a court of law.
- Coercion** : the use of express or implied threats of violence or reprisal (as discharge from employment) or other intimidating behavior that puts a person in immediate fear
- Codicil** : (Latin) a formally executed document made after a will that adds to, subtracts from, or changes the will.
- Codify** : reduce (laws) to a code.
- Collateral Agreement**: an agreement related to and consistent with but independent of a larger written agreement.
- Collective Bargaining**: negotiation between an employer and a labor union usually on wages, benefits, hours, and working conditions.
- Collusion** : improper secret agreement between two or more entities, to defraud or deprive others of their property or rightful share, or to otherwise indulge in a forbidden, illegal, or illegitimate activity.
- Commercial Law**: the legal rules and principles bearing on commercial transactions and business organizations
- Co-Owner** : one of two or more individuals or entities owning property together.
- Co-ownership**: joint ownership of property.

Common law: a body of law developed from the common custom of the country as administered by the common law courts that serves as precedent or is applied to situations not covered by statute.

Common mistake: where both parties to a contract are mistaken about the same thing.

Company: a distinct legal entity separate from its shareholders.

Comparative Law: the study of the differences, similarities, and interrelationships of different systems of law.

Competition : the process by which producers (or consumers) of goods or services within a market compete with one another.

Compensatory damages: damages awarded for actual loss, in order to place the plaintiff in a position that he or she would have been in had he or she not suffered the wrong complained of.

Complainant : a person who formally brings a legal complaint or an action in a court or tribunal against another; may include the victim of an alleged criminal offence.

Composition : an arrangement with creditors whereby they accept payment of their debts by instalments, or less than the full amount of their debts, in full satisfaction of the entire debt.

Conciliation : an alternative form of settlement of a dispute by mutual and friendly agreement with a view to avoiding litigation. The aim is to sort out the dispute by agreement.

Concurrent sentence: a prison term that is served at the same time as another sentence as the sentences are not served one after the other, there is no extra time in prison for any sentences after the first one.

Condition : a stipulation going to the root of the contract, allowing the injured party the right to rescind and/ or claim damages.

Condition precedent: a term in a contract that delays the creation of the contract until the happening of the event-for example: 'This contract is subject to the purchaser obtaining finance'.

Condition subsequent: a term in a contract that destroys the contract upon the happening of the event-for example: 'If you are not completely satisfied, return the car within seven days and get your money back'.

Confession : an acknowledgment of a fact or allegation as true or proven or a written or oral statement by an accused party acknowledging the party's guilt.

Confidentiality : the principle that private information communicated to a person must not be revealed. Some professionals must keep information confidential, for example in a doctor-patient, Banker-customer relationship.

Confiscate : to seize without compensation as forfeited to the public treasury, illegal items such as narcotics or firearms, or profits from such sales.

Conflict of Interest: a conflict between the personal interests and the official or professional responsibilities of a person in a position of trust

Conflict of Laws: opposition or conflict between the applicable laws of different states or jurisdictions regarding the rights of the parties in a case

Conglomerate : a widely diversified company; esp, a corporation that acquires other companies whose activities are unrelated to the corporation's primary activity.

Connive : (Latin) close one's eyes, knowingly overlook something; to assent knowingly and wrongfully without opposition to another's wrongdoing.

Consensus Ad Idem: (Latin) agreement with respect to the same thing: meeting of the minds.

Consequentialism: concerned with the consequences. It is an approach to morals which evaluates behaviour according to the consequences of that behaviour.

Consideration : something of value, such as money, given by one person to another person as part of a contract i.e. the price paid to buy the other person's promise.

Consumer Credit: credit extended by merchants or banks to finance the purchase of consumer goods (as home appliances) or services (as travel or hotel accommodations)

Constitution : the fundamental principles and laws of a nation, state, or social group.

Constitutional Law: a body of statutory and case law that is based on, concerns, or interprets a constitution.

Consumer Protection: laws designed to protect consumers against unfair trade and credit practices involving faulty or dangerous goods.

Contempt of Court: willful disobedience or open disrespect of the orders, authority, or dignity of a court or judge.

Contract : a voluntary, deliberate, and legally binding agreement that gives rise to rights and obligations between the parties to it and that will be enforced in a court of law.

Constructive Desertion: the act of one spouse forcing the other to abandon the home or relationship.

Contravene: break a rule or requirement.

Contributory negligence: defence available to a defendant in a negligence case at common law for damages for injuries arising from the plaintiff's negligence. The defendant tries to prove that the plaintiff's own carelessness was part of the reason they got injured.

Conversion : a tort committed by a person who retains another's property without permission and with the intention of depriving them of the use and possession of it.

Conviction : the final judgment entered after a finding of guilt

Cooling-off period: the period in which a buyer can legally get out of a contract they have signed without breaking it.

Copy : in the law of copyright, refers to the literal copying of a work.

Copyright : legal protection for works that owe their origin to the expressive efforts of a writer, composer, artist or other creative individual which gives the individual the exclusive right to copy a particular form of expression of literary, dramatic, musical or artistic work; sound recordings; films; television or radio broadcasts; published editions of works; or computer programs. Generally only the copyright owner, or someone who has their permission, can publish, copy, perform or broadcast the works.

Corporal Punishment: punishment inflicted on a person's body.

Corporate culture: an attitude, policy, rule, course of conduct or practice existing within the body corporate generally or in the part of the body corporate where the relevant activities take place.

Corroboration : Something that backs up evidence another witness has given in court.

Counterclaim : an action brought by the defendant in an existing action against the plaintiff, which is usually tried with the plaintiff's claim.

Counterfeit: made in imitation of a genuine article.

Counter-offer: an offer made in response to a different offer by the other party and which automatically rejects and terminates the prior offer.

Countersign : a signature attesting the authenticity of a document already signed by another.

Course of dealing: the conduct of parties to a business deal during past business deals that may be used as a basis for understanding each other's expressions and conduct during the current deal.

Court : a place where justice is administered.

Covenant : a formal, written agreement that creates a legal obligation.

Cover note : an interim contract of insurance pending the acceptance or decline of a full contract of insurance.

Credit contract: a contract in writing signed by the debtor and creditor under which credit is or may be provided and on which title doesn't pass until the instalments are paid.

Credit provider: a person who provides credit in the course of a business of providing credit (eg, bank, finance company).

Creditor : a person to whom debt is owed or a person to whom money or goods are due.

Creditor's petition: application to court by a creditor requesting that a particular debtor be made bankrupt.

Criminal Law: public law that deals with crimes and their prosecution.

Criminal Code: a statutory code which compiles all, or a significant amount of, a jurisdiction's common law rules on the criminal law into one comprehensive statutory instrument (or one Act of Parliament).

Cumulative sentences: prison terms that are served one after another, not at the same time.

Custody : when a person is put under lawful control, such as when a person is arrested by the police and taken to a police station.

Cybercrime : electronic criminal offences usually involving unauthorised access to a computer or alteration to computer records.

Cybersquatting: registering, selling or using a domain name with the intent of profiting from the goodwill of someone else's trade mark.

D

Damages : compensation for loss or injuries in monetary form for the loss suffered by the plaintiff, which puts the plaintiff back in the position they would have been in had the breach not occurred.

Debenture : a document whereby a company acknowledges a debt.

Debtor : a person who owes money (debt) or to whom credit has been supplied

Debtor's petition: application by a debtor to be made bankrupt.

Decree : a command given by a public authority or a court order.

Decree absolute: the final court order in divorce proceedings.

Decree nisi : a temporary order that terminates a marriage. Neither party can remarry until the order is finalized.

Defamation : a tortious action encompassing both words spoken (slander) and recorded (libel) that tend to injure a person's reputation.

Default : Failure to do something that is legally required.

Defense : a defendant or accused person's reason(s) why a plaintiff or a prosecutor does not have a valid case.

Defense counsel: a lawyer who represents a defendant or accused person in a civil or criminal case.

Defendant : the party against whom a criminal or civil action is brought.

Deferred claim s : debts which are postponed until all other creditors have been paid in full.

Del credere agent: a person who guarantees payment by third parties to the principal in return for extra commission.

Delegated legislation: regulations and by-laws passed by a subordinate authority, such as a municipal council, in reliance on some regulation-making powers conferred by an Act of Parliament upon it.

Deontological ethics: an ethical system that requires a person to do the right thing regardless of the consequences.

Dependent : a person who relies on another for support. A person whom another has an obligation to support.

Deportation : removal of a non-citizen from a country because they do not have a legal right to enter or remain there, have been convicted of a serious crime or are regarded as a threat to national security.

Dereliction : an intentional abandonment or an intentional or conscious neglect of duty etc.

Design : the overall appearance of a product resulting from one or more of its visual features.

Digital signature: a subset of the electronic signature which is attached to specific data.

Diligence : earnest and persistent application of effort esp. as required by law.

Directors : the persons that manages or oversees the affairs of a business and responsible for its management.

Disclosure: providing information to a party as required by a contract or other legal process. **Discharge:** a release from obligation when a legal duty has ended. In the criminal context, the result of a discharge is that the offender has no criminal record of a finding of guilt.

Discretion : Power to choose whether to do something or not.

Discrimination: bias or prejudice resulting in denial of opportunity, or unfair treatment regarding selection, promotion, or transfer. Discrimination is practiced commonly on the grounds of age, disability, ethnicity, origin, political belief, race, religion, sex, etc. Factors which are irrelevant to a person's competence or suitability.

Dismissal : a judicial officer's decision to terminate an action, claim, or charges.

Disparagement: the publication of false and injurious statements that are derogatory of another's property, business, or product.

- Dissolution** : the act or process of ending or the termination of an organized body or ending of a partnership relationship.
- Distrain** : to seize property of a debtor to enforce the payment of a debt.
- Dividend** : a share of the after-tax profit of a company, distributed to its shareholders.
- Divisible contract**: a contract that is capable of being divided into separate parts.
- Divisible property**: property belonging to a bankrupt that can be used to pay off debts.
- Divorce** : the legal ending of a marriage by a court order.
- Dock** : The place in a criminal court where a prisoner stands or sits during trial.
- Doctrine** : a principle established through judicial decisions.
- Domain name** : an Internet address.
- Domestic agreements** : agreements made between family members and relatives.
- Domestic law** : that body of law concerned with regulating the relations or conduct between individuals and organisations within a state's borders.
- Domestic violence**: Any or all of the many different forms of abuse and mistreatment that people may experience in their intimate domestic relationships.
- Donatio Inter Vivos**: (Latin) gift between living people.

- Donatio Mortis Causa**: (Latin) gift in contemplation of death.
- Donation** : A voluntary transfer of ownership of property from one person to another.
- Double Jeopardy**: the prosecution of a person for an offense for which he or she has already been prosecuted.
- Double Taxation**: taxation by the same authority of the same property for the same period and the same purpose.
- Draftsman** : a person who prepares or composes legal or legislative documents.
- Drawee** : the bank upon whom the cheque is drawn (ie, the drawer's bank and the paying institution).
- Drawer**: the person who gives the order and draws the cheque upon a bank and whose account will be charged with the value of the cheque.
- Due Care** : the care that an ordinarily reasonable and prudent person would use under the same or similar circumstances.
- Due Diligence** : such diligence as a reasonable person under the same circumstances would use.
- Due Process** : a course of formal proceedings carried out regularly, fairly, and in accordance with established rules and principles.
- Duress** : physical, emotional pressure or psychological threats of, or use of, force that

deprives the innocent party of exercising their free will.

Duty of care : an obligation to take reasonable care to avoid harming someone or something.

E

E commerce : commerce by means of computer, the Internet, and other telecommunications link such as electronic data exchange (EDI); also known as ‘electronic commerce’.

Easements : the legal rights that give someone other than the owner access to use property for a specific purpose.

Ecclesiastical Law: canon law

Economic Duress: wrongful or unlawful conduct that creates fear of economic hardship which prevents the exercise of free will in engaging in a business transaction.

Ejectment : an action by an owner to get their land back, sometimes involving evicting a tenant from it.

Ejusdem Generis Rule: a rule of construction: general words (as in a statute) that follow specific words in a list must be construed as referring only to the types of things identified by the specific words.

Electric Chair: a chair used in performing a legal electrocution: the penalty of death by electrocution.

Electronic communication: the communication of information in the form of signals, data, sounds, texts, signs or images sent via an **electronic** device such as email, text messages, social media messaging and image sharing.

Electronic signature: a method of authenticating an electronic transmission.

Embargo : an order of a government prohibiting the departure of commercial ships from its ports.

Eminent Domain: the right of the government to take property from a private owner for public use by virtue of the superior dominion of its sovereignty over all lands within its jurisdiction.

Employee : a person employed under a contract of service (employment) who personally performs a task or tasks allocated by their employer, and who is subject to the control and direction of the employer regarding the manner in which their work is to be done.

Encryption : transforming data into a form that is unreadable without a key.

Encumbrance : a legal restriction, such as a mortgage, that prevents the owner from freely dealing with real estate or other property.

Enforcement : where one party takes measures under the law or with permission of the court to compel the other party to obey a court order.

Enjoin: to prohibit by judicial order.

Enterprise agreement: a collective agreement made between unions and employers or employees and employers, usually covering a single business (or a distinct operational or organizational unit within a single business) or a geographically distinct part of a business.

Entity : an organization that has a legal identity which is separate from those of its members.

Equity : Fairness and justice.

Escalator Clause: a clause in a contract that provides for an increase in the amount of the payments made under the contract to reflect an increase in costs.

Estate : the property that a person owns or has a legal interest in. Often used to describe the property after the person's death.

Estopped : prevented.

Estoppel : a rule of law which prevents a person from denying the truth of some statement formerly made by them, or the existence of facts which by their words or conduct have given the impression to others of the statement's truthfulness.

Ethical considerations: considerations that involve going beyond self interest in reaching a decision.

Ethical investing: investment in companies that operate ethically, provide social benefits and are sensitive to the environment.

Ethical judgement: a judgement that can be seen to apply to everyone in similar circumstances and not only to a particular individual.

Ethical opinion : opinion concerned with behavior and with establishing ways in which people should behave.

Ethics : a system of basic concepts and fundamental principles of morals, the treatment of moral questions, and acting in a morally correct, honorable way.

Eviction : the lawful removal of a tenant from a property.

Evidence : statements, information, and things that are used to prove or disprove an alleged fact.

Examination : the questioning of a witness under oath or affirmation.

Examination (Cross): the examination of a witness by an opposing party to develop or test the truth of evidence given by the witness during direct examination.

Examination (Direct): the questioning of a witness in a trial or other proceeding, conducted by the party who called the witness to testify.

Exclusion clause: a contractual term that attempts to limit or exclude the liability of the person inserting it to the contract.

Exclusive dealing: the supplying or acquiring of goods and services on the condition that the purchaser, or supplier, accepts a restriction on its ability to deal with others.

Execution : a process by which orders of the court are enforced.

Exemplary damages: a court order that a wrongdoer pay the victim a larger amount of damages than necessary to compensate for their loss. Its purpose is to punish the wrongdoer. Also known as punitive damages.

Existing goods: goods owned or possessed by the seller at the time of the contract.

Ex officio : (Latin) by virtue or because of an office.

Ex gratia : something done as a favour, without any legal obligation to do so.

Ex parte : (Latin) made in the absence of the opposing party to a legal matter and in the absence of and usually without notice to the other party.

Expert evidence: opinion evidence given by a person whom the court finds to be qualified to act as an expert.

Expert Witness: a person who, through education or experience, has developed skill or knowledge on a particular subject, so that he or she may form an opinion that will assist the trier of fact.

Express warranties by manufactures or suppliers: the manufacturer of the goods will comply with any express warranty given or made by the

manufacturer in relation to the goods; a similar consumer guarantee applies to express warranties given by the supplier of goods.

Extrinsic material: external material apart from the section under consideration, including healings, marginal notes, end notes, reports of Royal Commissions, Law Reform Commissions, committees of inquiry, Hansard, explanatory memoranda.

F

Family law : the laws that deal with family-related issues and domestic relations including child protection, divorce, separation, custody and access, division of property, support, and adoption.

Factor: a mercantile agent who, in the usual course of their business, has possession of the goods, or the documents of the title to the goods, of their principal and who can sell or pledge the goods whereby the principal is bound by such sale or pledge.

Failure of Consideration: the neglect, refusal, or failure of a party to a contract to perform as promised or furnish the consideration promised.

Fair Trial : a trial that is conducted fairly, justly, and with procedural regularity by an impartial judge and in which the defendant is afforded his or her rights.

False Pretenses: false representations concerning past or present facts that are made with the intent to defraud another.

False representation: a representation that is untrue or incorrect regarding a material fact, even if the person making it believes it to be untrue.

False Statement: a statement that is known or believed by its maker to be incorrect or untrue and is made esp. with intent to deceive or mislead.

Family Law : an area of law dealing with family relations including divorce, adoption, paternity, custody, and support.

Fee simple : a freehold estate and the most extensive interest in land.

Felony : serious crime and an indictable offence (eg, murder).

Fiduciary : a person who has a legal obligation to act in good faith for the benefit of another person, for example a trustee.

Fiduciary duty: an obligation to act honestly and for the benefit of another person.

Fiduciary Relationship: a relationship in which one party places special trust, confidence, and reliance in and is influenced by another who has a fiduciary duty to act for the benefit of the party.

Filius Nullius : (Latin) an illegitimate child.

Financial statement: forms that set out a person's income, expenses, property, debts and liabilities.

Fine : a monetary penalty.

Fit for disclosed purpose: where the buyer expressly or by implication makes known to the seller the particular purpose for which the goods/services are required, and shows that there is a reliance on the judgment and skill of the seller, the goods must be reasonably fit for that purpose.

Fictitious Payee: a person named as payee in an instrument who does not in fact exist or who does exist but to whom the maker of the instrument does not intend to convey any interest in the instrument.

Fixture : an item of movable property so incorporated into a real property that it may be regarded as legally a part of it.

Forbearance : a refraining from the enforcement of something such as a debt, right, or obligation that is due.

Force : **power**, pressure, or violence, generally of an unlawful nature, directed against a person or thing to damage, harm, or remove it.

Force Majeure: an event (as war, labor strike, or extreme weather) or effect that cannot be reasonably anticipated or controlled.

Force Majeure Clause: a clause in an agreement that excuses performance in the event that a force majeure makes the performance impracticable or impossible.

Foreseeability : a question of fact based on an objective test of whether a reasonable person would have foreseen that, taking into account all the circumstances of the particular case, there was a real risk of the likelihood of injury to people in the plaintiff's position.

Foreign policy: plan of action adopted by one nation in regards to its diplomatic dealings with other countries.

Forgery : the act of falsely making, altering, or imitating with intent to defraud.

Form : in the sense that it is used in contract law, those statutory procedural requirements that need to be satisfied for some contracts to be enforceable.

Fortuitous Event: an event of natural or human origin that could not have been reasonably foreseen or expected and is out of the control of the persons concerned.

Four Corners Rule: a rule holding that if a document, a contract, deed, or will appears on its face to be complete no outside evidence may be used to challenge it.

Franchise : a contractual relationship between the franchisor and the franchisee in which the franchisor agrees to maintain a continuing interest in the business of the franchisee in such areas as technical knowledge,

advertising and marketing, product control, and expertise and training. The franchisee agrees to operate under a common trade name, format and procedure owned and controlled by the franchisor.

Fraud : an intentionally dishonest act, expression, omission, or concealment done with the design of gaining material advantage over another to his or her disadvantage.

Fraudulent transactions: a transaction at any time made with the intention to defeat or delay creditors and not for valuable consideration.

Free market : where buyers and sellers can make the deals they wish to make without any interference, except by the forces of demand and supply.

Free from undisclosed securities: a consumer guarantee that the goods are free from any charge (mortgage) in favour of a third party who is unknown to the buyer.

Freedom of Contract: a power or right to contract and freely determine the provisions of contracts without arbitrary or unreasonable legal restrictions.

Frustrate : make invalid ineffectual or defeat.

Frustration : the discharge of a contract rendered impossible of performance because of the operation of external factors beyond the contemplation of the parties.

Full Bench : full court, a court with all or the required number of the judges present.

Fundamental Right: a right that is considered by a court to be explicitly or implicitly expressed in a constitution.

Future goods : goods to be manufactured or acquired by the seller after the making of the contract for sale.

Freedom of information: the right to access documents held by government agencies, except documents excluded under the law. **Garnishment**: a remedial device used by a creditor to have property of the debtor or money owed to the debtor that is in the possession of a third party attached to pay the debt to the creditor.

G

Genocide : acts committed with intent to partially or wholly destroy a national, ethnic, racial, or religious group.

Globalization: The worldwide movement toward economic, financial, trade, and communications integration.

Goods : broadly defined, include all ‘chattels personal other than things in action and money’ which generally includes only physical and movable things, ownership of which transfers to the buyer for a money consideration called the ‘price’.

Government : a group of people that governs a community or unit. It sets and administers public policy and exercises executive, political and sovereign power through customs, institutions, and laws within a state.

Gratuitous : not involving a return benefit, compensation, or consideration.

Gross National Product: the total value of the goods and services produced by the residents of a nation during a specified period.

Guilty : having committed a crime.

Guarantee : a binding promise made by one person to ensure that another person carries out their legal obligations.

Guardian : a person given legal authority by law or court order to have custody of another person or their property or both, because they are not able to manage their own affairs.

Guilty : a verdict convicting an accused person of the crime he or she is charged with: an accused person's plea when he or she does not contest the offence he or she is charged with.

H

Habeas Corpus: a common law action challenging the legality of someone's imprisonment.

Hearsay : a statement made out of court and not under oath which is offered as proof that what is stated is true.

Hearsay evidence: statements about something that has not been seen or heard by the witness, but has been told to them by another person.

Hierarchy : a ranking of courts by their importance.

Hire purchase: a contract that requires a buyer to purchase goods by making instalment payments. The buyer only owns the goods after they have made the final instalment payment. **Hit-And-Run:** having left the scene of a motor vehicle accident without stopping to fulfill the duties imposed by law.

Holder : the person in possession of a cheque in the case of a bearer cheque, or the payee or an indorsee in the case of an order cheque.

Holder in due course: a person who is a holder of a cheque, taking it as complete and regular on its face.

Homicide : a person who kills another or the killing of one human being by another

Horizontal Agreement: an agreement among economic competitors on the same level of production or distribution.

Horizontal Restraint: a restraint of trade involving an agreement among competitors at the same distribution level for the purpose of minimizing competition.

I

Illegal : contrary to or in violation of or prohibited by law.

Illicit : not permitted or unlawful.

Impersonate: assume another's or a fictitious identity without authority and with fraudulent intent.

Impersonation: the act or an instance of impersonating another.

Implied terms: unwritten promises that a court considers are part of an agreement because it is clear that the parties meant to include them.

Imprison: to confine in prison as punishment for a crime.

Imprisonment: the act of confining someone in a jail or prison as part of a criminal sentence.

Imputation: a defamatory accusation which the plaintiff alleges is conveyed by the defendant's statement (oral or written) about the plaintiff.

In lieu of : Instead of.

- In Pari Causa:** (Latin) in a case where all parties stand equal in right according to law.
- In Pari Delicto:** (Latin) in equal fault or wrong used of parties to a lawsuit.
- In Personam :** (Latin) against a person for the purpose of imposing a liability or obligation to do or not do something.
- In Re :** (Latin) in the matter of used in the title or name of a case where the proceeding is in rem or quasi in rem and not in personam.
- In Rem :** (Latin) against or with respect to a thing (as a right, status, or interest in property) without reference to the persons involved.
- In Toto :** as a whole or in total.
- Inadmissible :** something that is not allowed as evidence in a court hearing. **Incontestability Clause:** a clause in an insurance policy that forbids the insurer from disputing the policy on the ground that the insured made false statements, after a set period of time.
- Indemnify :** secure, compensate or reimburse against hurt, loss, or damage.
- Incorporated documents:** papers that are included in a contract or other legal document because they are specifically referred to and stated to form part of the contract.
- Indemnity :** a promise to pay compensation to cover losses or expenses that may arise in the future. **Independent contractor:**

- a person who works under a contract for service, and performs an agreed task for an agreed price and is only subject to limited control and direction of the employer.
- Indictment :** a written document containing the charge against the defendant.
- Indictable offence:** an offence that can be prosecuted on indictment.
- Indivisible :** consisting of one whole whose parts cannot be divided.
- Indorsement :** the act of writing on a cheque the name of the person who is the transferor, indicating their intention to transfer the right to payment.
- Inequitable :** contrary to the principles of equity: not fair or just.
- Infant :** a person under the age of 18 years; also known as a ‘minor’ or ‘child’.
- Infanticide :** the killing of a newly or recently born child.
- Information system:** a system for generating, sending, receiving, storing or otherwise processing electronic communications.
- Infringement :** the act or an instance of infringing; esp : the unauthorized use of copyrighted or patented material or of a trademark, trade name etc.
- Informed consent:** when a person freely agrees to a procedure with full understanding of what it involves and knowing about any risks.

- Ingratitude** : forgetfulness of or lack of appreciation for kindness or esp. a gift received.
- Injunction** : a court order requiring someone to do something or to refrain from doing something.
- Injurious falsehood**: a tort and a sub-category of defamation which refers to statements that may cause damage to a business, as distinct from statements that are harmful to somebody's reputation.
- Innocent Misrepresentation**: a representation that is made in good faith and believed to be true by the one making it but that is in fact false.
- Inquisitorial** : constituting or relating to a system of justice in which the judge conducts an inquiry developing the facts of the litigant's case.
- Insanity** : unsoundness of mind or lack of the ability to understand that prevents one from having the mental capacity required by law to enter into a particular relationship, status, or transaction etc.
- Insider** : a person who is in a position of power or has access to confidential information.
- Insolvency** : the inability to pay debts as they come due.
- Insolvent** : unable to pay debts as and when they fall due out of the debtor's own funds.
- Insurable interest**: the pecuniary interest that the insured has in the subject matter of the insurance which signifies the benefit the insured

- will gain from the preservation of the subject matter insured or the detriment the insured will suffer from its loss.
- Insurance**: a contract whereby the 'insurer' agrees, in consideration of money paid to them by the 'assured', to indemnify the latter against loss resulting on the occurrence of a specified event.
- Insured** : the person covered by an insurance policy.
- Insurer** : the person who contracts, for a premium, to indemnify another against losses; also called an 'assurer'.
- Intangible**: incapable of being touched or having no physical existence or not tangible or corporeal.
- Intellectual property**: knowledge, creative ideas, or expressions of human mind that have commercial value and are protectable under copyright, patent, service mark, trademark, or trade secret laws from imitation, infringement, and dilution. Intellectual property includes brand names, discoveries, formulas, inventions, knowledge, registered designs, software, and works of artistic, literary, or musical nature.
- Inter Alia** : (Latin): among other things.
- Interim order**: a temporary court order that stays in place only until a court can make a decision on the issue at a full hearing.

- Intermediate or innominate terms:** contractual terms, the remedy for the breach of which depends on the seriousness of the breach rather than on the classification of the term as a condition or a warranty.
- International Court of Justice:** the judicial arm of the United Nations which has jurisdiction to settle legal disputes between nations.
- International Jurisdiction:** power of a court or other organization to hear and determine matters between different countries or persons of different countries or foreign states.
- International law:** that body of law concerned with regulating conduct between nation states.
- Interrogatories:** written questions served by the opposing party that must be answered in writing as part of the discovery process.
- Intervention order:** a court order that prohibits a person from harming or harassing someone.
- Intestate** : dying without having made a valid will.
- Intoxicate** : excite or stupefy by alcohol or a drug esp. to the point where physical and mental control is markedly diminished.
- Intra Vires** : (Latin) within the powers.
- Invalid** : without force or effect under the law.
- Invalidate** : make or declare invalid.
- Inventive step:** closely associated with the concept of novelty, in that it must be something new but need not

be totally new. It can consist of taking a known invention and adapting it to a similar, but nonetheless different, use.

- Ipsa Facto** : (Latin) by the fact itself or by that very fact or act or as an inevitable result.
- Ipsa Jure** : (Latin) by the law itself: by the operation of law.
- Irresistible Impulse:** an overpowering impulse produced by mental disease or defect that leads to the commission of a criminal act.

J

- Joint Account:** Bank account in the name of two or more individuals (account owners) who jointly (equally) share its concomitant rights and liabilities.
- Joint venture:** two or more people entering into a one-off agreement for profit.
- Judge** : the person authorized to determine legal matters in court.
- Judgment** : a judicial decision; the determination of a court; a court's sentence or decision on the question in a proceeding.
- Judgment debt:** the amount of money that a court has ordered a debtor to pay.
- Judgment debtor:** In civil cases, a person who owes money under a court judgment or order.
- Judgment creditor:** in civil cases, a person who is owed money under a court judgment or order.
- Judgment (summary):** In civil or family law matters, a motion for a final order without a trial on the basis that there is no genuine issue for trial because the evidence favouring one of the parties is overwhelming.

- Judiciary** : the system of courts that interprets and applies the law for and on behalf of the state.
Judicial review: the court's review of an administrative decision on the basis of a legal error in the decision-making process.
- Jurisdiction** : the power and legal authority of a court to hear and determine a particular matter.
- Jury** : a group of people sworn to deliver a verdict after considering evidence delivered to them concerning the issue.
- Justice** : the principle of giving every person his or her due or a judge.
- Jus Cogens** : (Latin) a principle of international law that is based on values taken to be fundamental to the international community and that cannot be set aside.
- Jus In Re** : a right of property ownership that is enforced by an action in rem.

L

Laissez-faire economics: One of the guiding principles of capitalism, this doctrine claims that an economic system should be free from government intervention or moderation, and be driven only by the market forces.

Launder : transfer money or instruments deriving from illegal activity so as to conceal the true nature and source.

Law : statutes, acts, regulations, rules, standards and principles that govern people. Law can also be based on court decisions.

Law merchant: that part of the common law relating to mercantile matters.

Lawsuit : an action brought in a court for the purpose of seeking relief from or remedy for an alleged wrong.

Lease : a contract granting exclusive possession of property to a person other than the owner for a certain period of time (referred to as the 'term') in return for payment of money (referred to as 'rent').

Legal aid : legal advice and services to assist those who are financially unable to retain a lawyer privately.

Legal Fiction : something assumed in law to be fact irrespective of the truth or accuracy of that assumption.

Legal Person : a body of persons or an entity (as a corporation) considered as having many of the rights and responsibilities of a natural person.

Legal Separation: a separation of spouses which does not involve a dissolution of the marriage but in which certain arrangements such as for maintenance and custody that are ordered by the court.

Legal tender : currency that may be lawfully tendered in payment of a debt.

Legally binding: an obligation the law will enforce.

Legatee : a person who receives a gift in a will. The gift, called a legacy, is not land but usually something else of value, such as jewellery or shares.

Lessee : a person who has possession of real or personal property under a lease.

Lessor : a person who conveys the possession of real or personal property under a lease

Letter of credit (L/C): a written commitment to pay, by a buyer's or importer's bank (called the issuing bank) to the seller's or

exporter's bank (called the accepting bank, negotiating bank, or paying bank).

Letter of demand: a letter, usually written by a lawyer for their client, telling the person who receives it that unless they do what the letter says they will be sued.

Letter of indemnity: a written undertaking by a third party (such as a bank or insurance company), on behalf of one of the parties (the first party) to a transaction or contract, to cover the other party (the second party) against specific loss or damage arising out the action (or a failure to act) of the first party. Also called indemnity bond, bond of indemnity.

Letter of setoff: written agreement through which a bank obtains a borrower's consent to seize his or her deposit(s) for non-payment of a loan or other obligations, or to offset credit balance of one account with the debit balance of another. Also called lien letter.

Liability : legal responsibility for the consequences of one's acts or omissions, or a financial obligation.

Liability (Absolute): a person is held liable simply because they engaged in the behaviour. No proof of intent or negligence is required.

Liability (Joint): liability shared amongst parties.

Liability (Limited): liability limited to contractual obligations or restricted by law.

Liability (Severel): liability that is separate from that of other parties.

Liability (Strict): a person is held liable because the act occurred. Some proof of intent or negligence is required, and there are some defences available.

Liability (Vicarious): where the actions of one person render another person liable i.e., an employer can be held vicariously liable for actions of employees in the course of their employment.

Libel : a defamatory statement or representation.

Libel Per Se : libel that is actionable without the plaintiff introducing additional facts to show defamation or claiming special damages.

Licensing : The sale of a license permitting the use of patents, trademarks, or other technology to another.

Lien : the right to hold a person's property as security until an obligation is performed.

Limited partnership: a partnership in which there is at least one general partner with unlimited liability and one or more partners whose liability for the debts and obligations of the partnership is limited.

Liquidated damages: an agreed sum based on a genuine pre-estimate of the actual loss that would be suffered by the plaintiff in the event of breach of the contract.

- Liquidator** : the person appointed to carry out the winding-up of a company.
- Liquidation** : collecting assets, converting assets to money, paying debts, and distributing the surplus while in the process of closing a business.
- Litigate** : to seek resolution of a legal contest by judicial process.
- Litigation** : legal proceedings before a court or tribunal.
- Loan** : written or oral agreement for a temporary transfer of a property (usually cash) from its owner (the lender) to a borrower who promises to return it according to the terms of the agreement, usually with interest for its use.
- Lobbying** : an act of attempting to influence business and government leaders to create legislation or conduct an activity that will help a particular organization. People who do lobbying are called lobbyists.
- Locus standi** : (Latin) the right to appear in a court action and be heard.
- Lower Court** : a court whose decisions are subject to review or to appeal to a higher court.
- Majority Shareholder** : a shareholder who alone or in combination with others controls a majority of the outstanding shares in a company.

M

- Malice** : the intention or desire to cause harm to another through an unlawful or wrongful act without justification or excuse.
- Malicious Mischief** : the act or offense of intentionally damaging or destroying another's property.
- Malicious Prosecution** : the tort of initiating a criminal prosecution or civil suit against another party with malice and without probable cause.
- Malpractice** : negligence, misconduct, lack of ordinary skill, or a breach of duty in the performance of a professional service resulting in injury or loss.
- Mandamus** : a court order requiring a lower court, government body or official to do something that they have a duty to do.
- Mandatory** : required by law to be done.
- Mandatory reporting** : a law that says people in particular jobs must tell a government agency if they know an offence is being committed.
- Market** : all goods or services that compete with each other or are generally substitutable for one another.

Mediation : a process where a neutral third party (mediator), selected by the disputing parties, assists parties to reach agreement on issues in dispute.

Mediator : a neutral third party who assists parties to resolve issues in dispute.

Mens rea: (latin) “guilty mind.” The intent to commit the offence that the prosecution must prove in a trial.

Mentally incapable: when someone cannot understand relevant information or cannot appreciate what may happen as the result of decisions they make or do not make.

Merchantable quality: of a quality which makes the goods/services fit for sale for their usual purpose.

Minor: a person who has not yet reached the age of majority (a person under the age of 18). (see child)

Minority Shareholder: a shareholder whose proportion of shares is too small to confer any power to exert control or influence over corporate action.

Misconduct : intentional or wanton wrongful but usually not criminal behavior.

Misdemeanor: less serious crime and generally a summary offence.

Misjoinder : an incorrect joinder of claims or parties in a legal action or an impermissible joinder of criminal charges or defendants.

Misleading or deceptive conduct: conduct that is capable of misleading the public at large or an identifiable section of it, determined by an objective test of a ‘reasonable person’.

Misrepresentation: a false or misleading statement of fact, which may be intentionally or unintentionally made.

Mistake : an unintentional error esp. in legal procedure or form that does not indicate bad faith and that commonly warrants excuse or relief by the court.

Misuse of market power: abuse of power by a corporation that has a substantial degree of power in the market segment it occupies.

Mitigating circumstances: circumstances which reduce the damages or punishment a court may order against a defendant.

Mitigation of Damages: a doctrine in tort and contract law: a person injured by another is required to mitigate his or her losses resulting from the injury.

Modus Operandi: (Latin) manner of operating or a distinct pattern or method of operation.

Monopoly : exclusive control of a particular market that is marked by the power to control prices and exclude competition.

Moot Court : a mock court in which law students argue hypothetical cases for practice.

- Morals** : principles concerned with the distinction between right and wrong.
- Moratorium** : (Latin) an authorized period of delay in the performance of an obligation.
- Most-Favored-Nation Clause**: a clause in a treaty granting to a nation in certain stipulated matters the same terms as are then or may thereafter be granted to any other nation.
- Mortgage** : a legal agreement that conveys the conditional right of ownership on an asset or property by its owner (the mortgagor) to a lender (the mortgagee) as security for a loan. The mortgage stops the owner of the property selling it until they have paid off the loan.
- Motion** : a process used to make a request to a judge for an order, either before, during, or after a trial or other proceeding.
- Mutual mistake**: both parties to a contract are mistaken, but about different things.

N

- Natural justice**: rules that courts, other dispute settlement bodies and government officials must follow to ensure that decisions are fair to all parties.
- Natural Person**: a human being as distinguished from a person created by operation of law.
- Necessaries** : goods or services that are reasonably necessary to an infant or minor and their actual requirements.
- Negligence** : the failure to exercise the degree of reasonable care expected of a person of ordinary prudence in like circumstances to prevent foreseeable harm to others.
- Negligent misstatement**: a statement of fact, advice or opinion made in business that is relied on by another but which is inaccurate or misleading.
- Negotiable instrument**: a signed document, such as a cheque, that transfers money from person to person.
- Nemo dat quod non habet rule**: (Latin) when a person acquires goods (eg, a buyer), they get only the same rights to

the goods as the person from whom they took them (eg, a seller).

Nominal damages: where the plaintiff's rights have been infringed but they have suffered no actual loss.

Non est factum: (Latin) 'it is not my deed': where a party under a disability is mistaken about the very nature of a document that they are signing, believing it to be one thing when in fact it is something quite different.

Non-delegable duty: a duty that cannot be passed on or delegated to another person to try to avoid responsibility or liability, although it is not an absolute duty to prevent harm.

Not negotiable : on a cheque, the phrase 'not negotiable' doesn't affect transferability but means that no one can claim to have a better title to the cheque than the previous holder.

Notary / Notary Public: a person with legal authority to prepare and verify specific legal documents. A notary need not be a lawyer, and not all lawyers are notaries.

Notice : legal notification of something.

Notice of garnishment: a court order requiring garnishment of a debt owing by a third party to a judgment creditor or recipient.

Novation : the substitution of a new contract for an old one where the new contract extinguishes the rights and liabilities that were in effect under the old contract.

Nuisance : an act, object, or practice that invades or interferes with another's rights or interests.

Null : having no legal or binding force.

Nullity : the quality or state of being null or an act, proceeding, or contract void of legal effect.

O

- Oath** : a person's promise to tell the truth in court.
- Obiter Dictum**: words said or written by a judge, when deciding a court case but is not binding.
- Objective test**: a test of whether the words or conduct of the parties would lead a reasonable person to believe, on the balance of probabilities, that legal relations were intended i.e. to create a contract.
- Occupier's liability**: the liability of those people who have control over their land or premises to anyone who comes on to their property to ensure that they are not exposed to danger and risk of injury.
- Offence** : a violation of the law.
- Offence (Indictable)**: more serious criminal offences that carry longer maximum sentences and higher fines; these offences are also subject to more complex court procedures.

- Offence (Regulatory)**: a non-criminal offence that regulates conduct in the public interest, such as securities regulations.
- Offer** : a communication amounting to a promise to do (or not do) something to another party.
- Offeree** : the one to whom an offer is made.
Offeror: the one who makes the offer.
- Offset** : a claim or amount that reduces or balances another claim or amount.
- Offshoring** : the moving of various operations of a company to another country.
- Oligopoly** : a condition in which a few sellers dominate a particular market to the detriment of competition by others.
- Ombudsman**: the person who takes complaints from citizens or consumers, usually involving government or statutory agencies or service providers.
- Omission**: the failure to do something which it is one's duty to do, or which a reasonable person would do.
- Onus of proof** : the responsibility to prove a case in court.
- Open Market**: a freely competitive market in which any buyer or seller may trade and in which prices are determined by competition.
- Oppression** : an unjust or excessive exercise of power: a unlawful, wrongful, or corrupt exercise of authority by a person acting under color of authority that causes a person harm.

Order(law) : a mandate, command, or direction issued by a court requiring a party to do something or refrain from doing something.

Order (final): judgment. Order (Interim or Interlocutory): an order that is valid for a specified period of time or until there is a final order. It does not finally dispose of the case or claim before the court or tribunal.

Order cheque : an order to the drawee institution to pay the sum ordered to or to the order of a person specified in the cheque as payee and must be indorsed by the payee before it can be cashed or negotiated unless paid into the account of the payee.

Ordinary Course Of Business: the usual manner and range of a business esp. considered in relation to the amount, circumstances, and validity of a particular transfer.

Ordinary damages: the amount awarded by the court on its assessment of the loss suffered by the plaintiff as a result of the breach.

Organized Crime: criminal activity on the part of an organized and extensive group of people.

Orphan: a child deprived by death of one or usually both parents or a child without a parent or guardian.

P

Pacta Sunt Servanda: agreements must be kept.

Paradigm : Intellectual perception or view, accepted by an individual or a society as a clear example, model, or pattern of how things work in the world.

Parol : oral or spoken.

Parol evidence rule: the rule of evidence which states that additional oral evidence is not considered by the courts to either contradict, vary, add to or subtract from its terms when a contract is complete on its face.

Partition : the severance voluntarily or by legal proceedings of common or undivided interests in property or division into severalty of property held jointly or in common.

Partner : a member of a partnership.

Partnership : the relationship that exists between two or more persons carrying on a business with a view to making a profit.

Paramountcy principle: the family law principle that the welfare of children is the most important consideration to be taken into account when court orders are being made.

Parolevidence: verbal evidence. The parole evidence rule says that where a written agreement exists, verbal evidence cannot be used to change the meaning of that agreement.

Party : a person by or against whom a legal action is brought. The people who make promises to each other in a contract.

Passing off : arises where a person attempts to 'pass off' or pretend that their goods are those of another person.

Patent : the granting of an exclusive right to commercially exploit any device, substance, method or process that is new, inventive and useful.

Patentable invention: an invention which is novel and involving an inventive.

Payee : the person to whom money is to be or has been paid; specif : the person named in a bill of exchange, promissory note, or cheque as the one to whom the amount is directed to be paid.

Pecuniary : involving money. A pecuniary loss is a loss of money and a pecuniary penalty is a fine.
Perjury: an intentional lie given under oath or affirmation, either in person or in writing. It is a criminal offence.

Perpetrator : a person who commits a crime.

Perpetual succession: the fact that a company or organisation continues, even if one or more of its members dies.

Piercing the Corporate Veil: act of imposing personal liability on otherwise immune corporate officers, directors and shareholders for a corporation's fraudulent or wrongful acts.

Plaintiff : a person who commences a legal action.

Plea : the declaration made by a person accused of a crime as to whether he or she is guilty or not guilty of the charge.

Pleading : a statement in writing of material facts and law on which a party to a dispute relies in support of a claim or defence.

Possession : the right to occupy land, or control and use goods.

Possession of goods: the control or custody of goods.
Power of Attorney: a formal, written legal document containing an authorization for one to act as the agent of the principal that terminates esp. upon revocation by the principal or death of the principal or agent.

Precedent : courts must follow past rulings of higher courts in very similar cases.

Premium : the price payable for a contract of insurance.

Predatory Pricing: the practice of pricing goods below cost and incurring a loss in order to reduce or eliminate competition.

Prerogative writs: The remedies of certiorari, habeas corpus, mandamus, prohibition and quo warranto.

Presumption of innocence: the principle in criminal law that every person is innocent until a court finds them guilty.

Prima facie : (Latin) “at first glance”; on the surface. It describes evidence or an argument that is sufficient to establish a fact or raise a presumption unless disproved or rebutted.

Principal : a party who designates another (the agent) to act on his or her behalf.

Private law : that body of law concerned with regulating the relationships between private persons, property, and relationships within the state.

Privileged information: information that is not allowed to be revealed in court.

Privity of contract: the basic rule that only those who are a party to the contract are affected by it.

Probate : acceptance by a court that a deceased person’s will is valid and was the last will they made before they died.

Pro Bono Services: (Latin) “for the public good”. Legal services provided by a lawyer, free of charge, to individuals or to groups.

Proceeding : a legal process used to seek redress or a matter before the court.

Procedural Law: law that prescribes the procedures and methods for enforcing rights and duties and for obtaining redress.

Prohibition : a remedy used by a superior court to prohibit a lower court or tribunal from exercising or continuing to exercise an authority it does not have.

Promisee : the person who is receiving, or the recipient of, the promise. Promisor: the person undertaking the promise.

Property : anything over which the rights of possession, use, and enjoyment are exercised.

Property (Real): used to describe land and anything attached to the land.

Property (Personal): anything not classified as real property (also known as chattels).

Property in goods: ownership of, or title to, goods.

Prospectus : Legally mandated document published by every public company offering its securities to public to subscribe to (buy) them. .

Prosecute : to commence and carry out a legal action in a criminal proceeding.

Prosecution : a proceeding in which an accused person is tried.

Proxy Statement: a document containing information about a proposed corporate action that the corporation is required to submit to shareholders for their vote on the action.

Public company: a company that is able to invite the public to invest in its shares.

Public law : that body of law concerned with the relationship between the state and the individual.

Public Trust Doctrine: a doctrine asserting that the state holds land lying beneath navigable waters as trustee of a public trust for the benefit of its citizens.

Q

Quantum meruit: (Latin)as much as a person has earned or as much as that person deserves for services or materials provided.

Quash: to terminate or void something.

Quid Pro Quo: something (as consideration) given or received for something else.

Quo Warranto: a remedy used to challenge a person's entitlement to a public office that he or she purports to occupy and exercise.

R

Ratification : the act of adopting a transaction by a person who was not bound by it originally.

Ratio Decidendi: (Latin) the principle or rule constituting the basis of a court decision.

Real Right : a right that is attached to a thing rather than a person.

Reasonable Person : a fictional person with an ordinary degree of reason, prudence, care, foresight, or intelligence whose conduct, conclusion, or expectation in relation to a particular circumstance or fact is used

Reasonable person: a hypothetical person who exercises what is considered to be the average care, skill and judgment that a reasonable person in the community would exercise.

Rebate : a refund or deduction of part of a payment, price, or charge.

Receiver : a person appointed by a creditor or the court who enters into the possession of the property of a

company in accordance with the powers granted by the creditors or the court.

Recovery in banking: Collection of a loan amount from a borrower in default.

Referral selling: the practice of allowing the purchaser of a product to become an 'agent' for the seller and to collect a commission for introducing new customers to the seller.

Regulatory Offense: a violation of a regulation that is not part of a criminal code and that carries the punishment of a fine or imprisonment.

Rejection an offer: occurs where the party to whom the offer was made (the offeree) tells the party making the offer (the offeror) that they are not accepting the offer which terminates the offer.

Relief : redress, assistance, or protection given by law esp. from a court or release from obligation or duty. **Relieve:** to set free from a duty, burden, or liability.

Repudiation: act, intention, or threat of disowning or rejection of an agreement already accepted or agreed to.

Recall : Revocation of a judgment on a question of fact or a question of law.

Relief : the remedy a party asks for in a proceeding.

- Remedy** : the award a party seeks in a proceeding to enforce a right or redress a wrong.
- Remoteness** : the losses suffered by the plaintiff must be reasonably related to the contract.
- Renunciation**: the act of refusing to continue to acknowledge, recognize, or be bound by a contract or obligation.
- Repeal** : to rescind or annul by authoritative act.
- Reply** : a response to a claim.
- Representation**: a statement of fact.
- Repudiate** : indicate an inability or unwillingness to perform an obligation or duty as promised.
- Repugnancy** : the quality or fact of being inconsistent, irreconcilable, or in disagreement; specif : a contradiction or inconsistency between sections of a legal instrument.
- Requisition** : taking of property by a public authority for a public use.
- Resale price maintenance**: the setting of a minimum price by a supplier below which its goods or services cannot be sold.
- Rescind** : to cancel.
- Rescission** : annulment or the cancelling of the contract, effective from inception and restoring the parties to the positions they were in as if the contract had never been made.
- Res Gestae** : (Latin)the acts, facts, circumstances, statements, or occurrences that form the

environment of a main act or event and esp. of a crime and are so closely connected to it.

Res ipsa loquitur: (Latin) a rule of evidence, meaning ‘the facts speak for themselves’, a doctrine that provides that the elements of duty, breach and damage can sometimes be inferred from the nature of the accident even though the exact act of negligence cannot be exactly identified.

Res Judicata : (Latin) - judged matter, a thing, matter, or determination that is adjudged or final.

Resolution : Formal authorization or expression of an action, decision, intention, opinion, transaction, etc. Also a proposition put before a meeting of shareholders or the directors of a company for discussion, approval or adoption.

Respondent : a person against whom a claim is made in an application, answer or appeal or a person against whom one issues a summons.

Restitution : an order requiring a convicted person to restore property to its rightful owner, compensate for a loss, or repair damage caused or to remedy the unjust enrichment of the defendant at the plaintiff's expense.

Restraint of trade: an agreement in which a party agrees to restrict or restrain their activities in the future to carry on their trade, profession or business with other persons who are not a party to the contract.

Retribution : punishment imposed for ex. on a convicted criminal for purposes of repayment or revenge for the wrong committed.

Retrospective: affecting things past, or being a law that takes away or impairs vested rights, creates new duties or obligations, or attaches new disabilities.

Revenue Law: a law relating to the imposition or collection of taxes to defray the expenses of government.

Revocation : occurs where the offeror withdraws an offer. This terminates the offer.
Revenue: The income generated from sale of goods or services, or any other use of capital or assets, associated with the main operations of an organization before any costs or expenses are deducted.

Rule of Law : fundamental legal principle that everyone – including the government – is subject to the same law that regulates behaviour and preserves order.

S

Safe Harbor : a statutory or regulatory provision that provides protection from a penalty or liability etc.

Sale by description: when goods are sold by description, there is a consumer guarantee that the goods shall correspond with the description.

Sale of goods : ownership (or property) transfers from the seller to the buyer at the time of the contract.

Sale by sample or description: the bulk of the goods must correspond with both the sample and the description.

Sanction : a punitive or coercive measure or action that results from failure to comply with a law, rule, or order: explicit or official approval .

Sane : mentally sound; specif : able to understand one's actions and distinguish right from wrong.

Seal : an imprint affixed to a document to prove authenticity and attest to its accuracy.

Secondary Market: the market in which previously issued securities are sold.

Secured Debt: debt backed by a mortgage, pledge of collateral, or other lien; debt for which the creditor has the right to pursue specific pledged property upon default.

Security Council: the executive body of the United Nations, charged with the duty of preventing or stopping wars by diplomatic, economic or military action.

Seizure : the taking of property from a person, without his or her consent, by a public authority who is acting pursuant to a court order or other legal authority.

Sentence : the penalty imposed on the finding of guilt.

Sentence (Concurrent): two or more terms of imprisonment served simultaneously.

Sentence (Consecutive): two or more terms of imprisonment served one after the other.

Separation (Breakdown of the Relationship): in family law cases, where spouses are living separate and apart and one or both of them has the intention of ending the relationship.

Sequestration order: an order of the court whereby all of a person's assets are taken from them and given to the trustee in bankruptcy for the benefit of all their creditors.

Set Aside : disagree with and overturn a decision or act of a lower tribunal upon review.

Shares : the parts into which the capital of a company is divided.
Shareholders: a person who owns stock in a corporation with certain legal rights attached.

Smuggle : to import or export secretly and illegally esp. to avoid paying duties or to evade enforcement of laws.

Social agreements: agreements made between friends or acquaintances.

Socialism: an economic system in which goods and services are provided through a central system of cooperative and/or government ownership rather than through competition and a free market system.

Sole proprietorship: most common form of business ownership in which only one individual acquires all the benefits and risks of running an enterprise.

Solvent : able to pay all legal debts as they become due.

Spam : electronic messages, usually of a commercial nature, sent without the consent of the recipient which is also known as **junk email**.

Specific goods: goods identified and agreed upon at the time of the contract of sale.

Specific Performance: an equitable remedy that a court requires the performance of a legal or contractual obligation where monetary

damages would be inadequate remedy for the breach of an agreement.

Squatter : a person who occupies real property without a claim of right or title.

Stakeholder : A person, group or organization that has interest or concern in an organization. Stakeholders can affect or be affected by the organization's actions, objectives and policies. **Stale**: impaired in legal effect or force by reason of not being used, acted upon, or demanded in a timely fashion.

Stale cheque : a cheque that has been in circulation more than 06 months from the date on the cheque.

Standing : a party's right to make a legal claim or seek judicial redress.

Stare Decisis : (Latin) the principle by which a precedent or decision of one court binds lower courts in order to insure certainty, consistency, and stability.

Status Quo : (Latin) the existing state of affairs.

Statute law : laws passed by Parliament.

Statute of limitations:legislation that sets a timeframe (limitations period) within which affected parties must take action to enforce their rights or to seek redress after a damage or injury.

Statutory Law : the law that exists in legislatively enacted statutes esp. as distinguished from common law.

Statutory Rape : rape consisting of sexual intercourse with a person beneath an age specified by statute.

Stock:equity capital raised through sale of shares.

Stock Exchange: a place where security trading is conducted on an organized system.

Stoppage In Transit: the right of a seller of goods to stop them on their way to the buyer and resume possession of them.

Strata : literally 'air space', but it describes a system of ownership relating to units or apartments. **Suable**: capable of being or liable to be sued.

Subrogation : the substitution of one person or thing for another so that the same rights and duties that were possessed by the original person are transferred to the substituted one.

Subpoena : a document that compels a person to attend proceedings as a witness in order to give testimony.

Subsidiary : a company having the majority of its shares owned by another company.

Substantive Law: law that creates or defines rights, duties, obligations, and causes of action that can be enforced by law.

Sui Generis : (Latin); of its own kind : constituting a class alone : unique or particular to itself.

Sui Juris : (Latin); of one's own right] : having full legal capacity to act on one's own behalf

: not subject to the authority of another :
qualified to enjoy full rights of citizenship.

Summary offence: less serious (or minor) offence where questions of law and fact are dealt with ‘summarily’ by a magistrate (no jury).

Summons (to Witness): a document issued by a court, requiring a person to appear voluntarily at a certain court at a particular time and place, and either to give evidence or to produce documents or other things.

Sunset clause: a clause in an Act stating when that Act is to cease to operate.

Surcharge : an additional or extra charge.

Suretyship : the contractual relationship in which a surety engages to answer for the debt or default of a principal to a third party.

Suspend : to debar temporarily from a privilege, office, or function.

Symbolic Delivery: constructive delivery at delivery.

T

Tacit : implied by an act or by silence rather than express.

Taking : a seizure of private property or a substantial deprivation of the right to its free use or enjoyment that is caused by government action.

Tax Evasion : a willful attempt to evade the imposition or payment of a tax.

Term : fixed period for which a loan, insurance policy, or bond is issued, a time or fixed deposit is made, or a contract lasts; or clause or provision that constitutes a substantive part of a contract and may create a contractual obligation breach of which could be cause for legal action.

Terra nullius : (Latin) territory belonging to no one.

Testament : a legal document to take effect on the death of the person making it.

Testate : dying having made a will.

Testator : person making a will or who has died having made a will.

- Testify** : to make a solemn declaration under oath or affirmation for the purpose of establishing a fact. **Testimony**: the evidence which a witness gives.
- Theft/robbery**: stealing ie, taking without the consent of the owner.
- Threat** : an expression of an intention to injure another.
- Threshold** : a point of beginning: a minimum requirement for further action.
- Tippee** : one who receives a tip esp. in insider trading.
- Title Search** : a search of public records to determine the condition of title to real property.
- Tort** : a civil wrong, other than breach of contract, for which a remedy may be provided, usually in the form of damages to relieve a person who has suffered harm from the wrongful act/ s of another (or others).
- Trial** : the hearing of a legal issue by a court.
- Trademark** : Distinctive design, graphics, logo, symbols, words, or any combination thereof that uniquely identifies a firm and/or its goods or services, guarantees the item's genuineness, and gives it owner the legal rights to prevent the trademark's unauthorized use.
- Trade Secret** : a formula, process, device, or item of information used by a business that has

- economic value because it is not generally known or easily discovered by observation or examination.
- Trespass** : a tort involving wrongful interference with the person or property of another.
- Trust** : legal entity created by a party (the trustor) involving the holding of the title of property by a person (the trustee) holds the right to manage the trustor's assets or property for the benefit of another person (the beneficiary).
- Trust (Constructive)**: a type of trust that may arise where one person contributes to the worth of another person's property. The court may find that it is a constructive trust if the property owner is unjustly enriched and the contributor receives no benefit. The effect of a constructive trust is that the owner of the property may have to hold the property in trust for the contributor.
- Trustee** : a person who holds and manages assets property on for another.

U

Uberrimaefidei: (Latin) in the utmost good faith.

Ultra vires : (Latin) beyond legal power and therefore invalid.

Unascertained goods: goods that are defined by description only and not identified when the contract is made, and they may or may not be future goods.

Unconscionable conduct: conduct that takes unfair advantage of a vulnerable person in a contract or other transaction.

Unconscionable contract: an unfair or unjust contract.

Undertaking : a promise to do or not do something.

Undisturbed possession: a consumer guarantee that the buyer shall have and enjoy quiet (or undisturbed) possession of the goods assumes that a third party will not come and claim to be the true owner or that they have a right in the goods after the sale has taken place.

Undue influence: the improper use of power.

Unilateral mistake: one party is mistaken about some aspect of the contract and the other party is not.

Unliquidated damages: damages for a loss, where the value of the loss cannot be accurately determined or exactly calculated.

Unjust Enrichment: a benefit obtained by one person at the expense of another, without a legal justification for it.

Unlawful : illegal.

Utilitarianism: a form of consequentialism ethics which holds that an act is right as long as it produces the greatest good for the greatest number.

V

- Valid** : having legal efficacy, legitimate basis or force.
- Verdict** : a judge or jury's decision in a trial.
- Vendee** : one to whom a thing is sold.
- Vendor** : one that sells something.
- Vertical Agreement**: an agreement among economic competitors on different levels of production or distribution that affects competition.
- Vertical Price-Fixing**: an illegal arrangement in which parties at different levels of a system of production and distribution act to fix the market price of goods.
- Vertical Restraint**: a restraint of trade involving parties (as manufacturers and wholesalers) at different levels of a market structure.
- Vested** : fully and absolutely established as a right, benefit, or privilege.
- Vested Right**: a right belonging completely and unconditionally to a person as a property

interest which cannot be impaired or taken away without the consent of the owner.

Vicarious : imposed on one person in place of another

Vicarious liability: (See liability).

Violate : to go against or fail to observe or respect a law, due process etc.

Violent Felony: a crime that presents a serious risk of potential injury to another.

Virtue ethics: principles that stress the type of moral qualities that put us in a position to act morally.
Virtues: personal qualities that provide the basis for an individual to lead a good or noble life.

Vitiate : to make ineffective.

Viva Voce : (Latin) through speech, by word of mouth

Void : of no legal force or effect.

Voidable : capable of being voided.

Voidable contract: a contract that is valid and binding initially but which, because of fraud, mistake, misrepresentation, lack of capacity, duress, undue influence or unconscionability on the part of one party, allows the other party to choose whether to ratify the contract or apply to the court to avoid it.

Voluntary agreements: agreements where the parties may volunteer their services.

Voluntary assumption of risk: the plaintiff freely and voluntarily understood and assumed the risk that caused the injury.

Volenti Non Fit Injuria: (Latin) to one who is willing no harm is done used as a common-law maxim expressing the principle that one is not injured when a risk is voluntarily assumed.

Voluntary : one's own free choice or consent and done as a matter of choice or agreement: not compelled by law :

Voting Rights: rights of participation i.e. public elections: the rights of shareholders or directors to vote on corporate matters.

Voting Stock Waiver: a voluntary, intentionally or knowingly act of renunciation or abandon of right, claim, or privilege by a person.

W

Walkout : strike or action of leaving a meeting or organization as an expression of disapproval.

War Criminal: an individual who has committed a war crime.

Warehouse Receipt: a receipt issued by a person engaged in the business of storage for hire that constitutes a document of title.

Warrant : a judicial order directing a peace officer to do something such as arrest someone, search or seize something, or enforce a judicial order.

Warrant (Arrest): a document authorizing the police to arrest an individual where the court orders it.

Warrant (Executed): a warrant that has been carried out.

Warrant (Search): an order issued by a justice under statutory powers, authorizing a named person to enter a specified place to search for and seize specified property which will provide evidence of the actual or intended commission of an offence.

Warrantee : a person to whom a warranty is given or made

Warrantor : a person who makes or gives a warranty

Warranty in contracts: expressed or implied term of lesser importance to the main purpose of the contract and which, if breached, only allows the injured party to claim for damages.

Warranty in General: legally binding assurance that a good or service is, among other things, fit for use as represented, free from defective material and workmanship, meets statutory and/or other specifications.

Warranty of Merchantability (Fitness for a particular purpose): a promise arising by operation of law that something sold shall be merchantable and fit for the purpose required.

Way Of Necessity: easement by implication at easement.

Whistleblower: an employee who brings wrongdoing by an employer or other employees to the attention of a government or law enforcement agency and who is commonly vested by statute with rights and remedies.

White-Collar Crime: crime that is committed by salaried professional workers or persons in business and that usually involves a form of financial theft or fraud (as in securities dealing).

Will : a legal declaration where a person instructs how his or her estate should be administered

and distributed upon death. It takes effect upon a person's death.

Willful : not accidental: done deliberately or knowingly: conscious violation or disregard of the law, duty, or the rights of others.

Willful Blindness: deliberate failure to make a reasonable inquiry of wrongdoing despite suspicion or an awareness of the high probability of its existence.

Winding Up : liquidating a business

Withdrawal : discontinuing or abandoning a case or part of a case.

Without prejudice: without abandonment of a claim, privilege, or right, and without implying an admission of liability.

Witness : one who, in the course of judicial processes, provides evidence to assist a party or the court in a trial.

Witness (Compellable): a witness who may be required by law to give evidence.

Witness (Material): A person who has significant information to affect the outcome of a case.

Writ : the formal order issued by a court which directs a person or persons to whom it is addressed to do or refrain from doing a particular act.

Work-To-Rule: the practice of working to the strictest interpretation of the rules as a job action

World Court : international court of justice

Write Down : to reduce the book value of (an asset).

Write Off : to eliminate (an asset) from the books: enter as a loss or expense i.e. write off a bad loan].

Write Up: to increase the book value of (an asset).

Written Premium: premium received by an insurer in a particular period i.e. annually.

Wrong : a violation of the rights of i.e. tort or something (as conduct, practices, or qualities) contrary to justice, goodness, equity, or law.

Wrongdoer : one (as a criminal or tortfeasor) who does wrong.

Wrongdoing : injurious, criminal, or improper behavior.