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## GLOSSARY OF LEGAL TERMS AND PHRASES

**Act (of Parliament)** - the main form of primary legislation in England & Wales. It begins as a Bill and passes through both Houses of Parliament. An Act may also be referred to as a Statute. An Act that applies to the whole country (i.e. the UK or at least one of its constituent countries) is called a Public General Act (PGA).

**Appellate court** - any court that has the power to hear an appeal of a decision of a lower court.

**Appellate jurisdiction** - the power of a court to review decisions of a lower court.

**Attorney General's reference** - the procedure whereby the Attorney General may refer a decision in the Crown Court to the Court of Appeal, either on a point of law or where the sentence may have been unduly lenient.

**Bill (of Parliament)** - a draft Act that has to pass through both Houses of Parliament and receive Royal Assent before becoming law.

**Books of authority** - the collective name for some older works published between the late 12th and mid 18th centuries that are considered to be reliable statements of the law of their time. Examples are Sir Edward Coke's *Institutes of the Laws of England* and Sir William Blackstone's *Commentaries on the Laws of England*.

**Byelaw (or By-law)** - a form of delegated legislation made by local authorities or other mostly public bodies, applying for example to public parks, roads, railways or waterways.

**Catchwords** - a set of indexing terms at the head of a law report that summarise the subject of the case.

**Chapter number** - the individual serial number of an Act. The word "chapter" is commonly abbreviated to c., ch. or chap. Acts are cited by their date and chapter number, e.g. 1998 ch.29 refers to the Data Protection Act 1998.

**Church Measure** - a form of primary legislation concerning the Church of England, passed by the General Synod of the Church of England and subject to approval by both Houses of Parliament. It may be cited by year and serial number e.g. 2011 No.3.

**Citation** - an abbreviated form of reference for a law report, piece of legislation, journal article and other kinds of legal material.

**Civil law system** - a legal system with origins in Roman law - contrasting with the common law system developed in England - in which laws are contained in codes which the courts then interpret.

**Civil Procedure Rules** - the set of rules governing procedure in the civil courts in England and Wales. They apply to all civil cases commenced after 26 April 1999, and replaced the previous Rules of the Supreme Court and County Court Rules.

**Claimant** - the term for the party who initiates a lawsuit. When the Civil Procedure Rules were introduced in 1999 it replaced the former term plaintiff.

**COM document** - a proposal for legislation from the European Commission. It is cited with a year and serial number, e.g. COM (80) 139 Final. The word Final indicates that it is the finalised version and has been made publicly available.

**Command Paper** - a type of document issued by the British government and presented to Parliament. The name derives from the fact that they are formally presented to Parliament 'by command of Her (or His) Majesty'. Examples include White Papers, treaties, reports from Royal Commissions and various government bodies. The current series is cited as Cm followed by a serial number; other abbreviations such as Cmd or Cmnd refer to one of several earlier series.

**Commencement date** - the date a piece of legislation came or will come into force (when it will have legal effect).

**Common law system** - a legal system in which the law is based on statutes passed by the legislature and, where there is no statute for an area of law, the decisions of the courts.

**Court of first instance** - the first court in which a trial takes place, as distinct from any subsequent appellate court.

**Decision (EU)** - a form of secondary legislation produced by the European Union. Decisions may be addressed to member states, individuals or groups, and are binding on those to whom they are addressed.

**Declaratory judgment** - a judgment of a civil court which declares the rights, duties, or obligations of each party.

**Default judgment** - a binding judgment in favor of the claimant when the defendant has not responded to a summons.

**Defendant** - the party who is required to answer the complaint of a claimant.

**Directive (EU)** - a form of secondary legislation produced by the European Union and addressed to all member states. It requires an objective to be achieved by a given date. National authorities must draw up legislation in order to conform with the Directive within a certain time frame. In the UK, Directives are usually implemented by Statutory Instruments and occasionally by Acts.

**English Reports** - a set of 176 volumes containing reprints of the Nominate Reports, the most important court decisions in England and Wales up to 1865.

**European Court of Justice** - the European Union's highest court, which interprets and applies EU law (as found in the EU treaties and legislation) across all member states. It was set up in 1952 and is based in Luxembourg. Since 2009 (under the Treaty of Lisbon) its official name has been the Court of Justice of the European Union, though it is still commonly referred to as the European Court of Justice.

**European Court of Human Rights** - an international court set up in 1959 and based in Strasbourg. It rules on alleged violations of rights set out in the European Convention on Human Rights.

**Ex parte** - (Latin, meaning "from a party or faction") a legal proceeding brought by one person in the absence of another, without notification or representation of the other parties.

**Extent clause** - the section of an Act that states the geographical area over which the legislation has effect.

**Green Book** - a familiar name for the *Civil Court Practice*, an authoritative guide to bringing, defending and appealing civil proceedings in England and Wales (found in Room H of the Inner Temple Library, filed under C).

**Green Paper** - a consultation document which sets out government proposals on a topic before they are fully formed. It is often published with green covers.

**Hansard** - the official edited verbatim report of proceedings of both the House of Commons and the House of Lords, named after its original publisher, Luke Hansard.

**Habeas corpus** - (Latin, meaning "you have the body") the writ, or legal action, by which a prisoner can seek to be released from unlawful detention.

**Headnote** - a summary, preceding the main body of a law report, of the facts of the case, the questions of law and the decision.

**In camera** - (Latin, meaning "in chambers") the hearing of a case in private rather than in open court, either in the judge's room or in a courtroom where there are no spectators.

**In curia** - (Latin, meaning "in court") the hearing of a case in open court.

**In force** - (of an Act or Statutory Instrument) passed by Parliament, or made under a statutory power, and having legal effect.

**Institutional writings** - the Scottish equivalent of the books of authority in England and Wales.

**Judgment** - the decision of the judge or judges in a court of law.

**Law report** - report of a case produced by legal publishers, containing the full text of a judgment with added content such as a headnote and catchwords.

**Litigant in person** - an individual, company or organisation that is not represented in court by a solicitor or barrister, instead representing themselves. (NB litigants in person cannot use the Inns of Court Libraries.)

**Local and Personal Act** - An Act of Parliament that originates as a Private Bill and applies to a particular individual or to an organisation such as a local authority. (Sometimes also referred to as a Private Act.)

**Mens rea** - (Latin, meaning “guilty mind”) criminal intent i.e. knowledge that a criminal act is wrong at the time it is committed.

**Neutral citation** - a system of citation independent of any particular form of publication, which was introduced in 2001 and is now used in the UK for all judgments from the Supreme Court, Privy Council, Court of Appeal and all divisions of the High Court. The aim is to make it easier to retrieve judgments that appear on the Internet. A neutral citation generally consists of the following: the year, court, case number and division e.g. [2003] EWHC 161 (Admin). This refers to case number 161 of 2003 in the High Court (Administrative Court).

**Nominate reports** - the collective term for law reports published between 1571 and 1865, which are mostly known by the name of the court reporter. These are reprinted in the *English Reports*.

**Official Journal of European Communities** - the official journal of the EU, containing legislation, proceedings and decisions of the European Court of Justice, and proposals made by the Commission.

**Order in Council** - an order made by the Privy Council and subject to formal approval by the monarch. Some Orders in Council are published as Statutory Instruments and some not. Those which are made under a statutory power are essentially just one form of Statutory Instrument, though a form usually reserved for particularly important matters. Those made not under statute but under the Royal Prerogative, e.g. some of those dealing with matters concerning the British Overseas Territories, are a form of primary legislation and so are not published in the Statutory Instruments series.

**Order of Council** - an order made by the Privy Council in its own right. Orders of Council are mostly made under powers granted to it by statute and deal with matters concerning the medical and veterinary professions and higher education institutions. They are published as Statutory Instruments.

**Pepper v Hart research** - research into the background relating to the passing of a Bill. *Pepper v Hart* was a 1992 House of Lords case which established the principle that reference may in certain circumstances be made during a court case to draft Bills, Committee reports and Parliamentary debates for the purposes of statutory interpretation.

**Plaintiff** - the former term for the party who initiates a lawsuit. It was replaced in 1999 under the Civil Procedure Rules by the term claimant.

**Pleading** - a formal written statement filed with a court by parties in a civil action. Pleadings establish the issues to be decided by the court.

**Practice Directions** - directions given by judges on matters of court practice and procedure. They are published in law reports and on relevant government websites.

**Practicks** - in Scotland, notes on decided cases which were precursors of modern law reports. They were originally made privately by judges for their own use and later handed on, taking the name of their compiler, e.g. *Balfour's Practicks*.

**Primary legislation** - legislation enacted directly by Parliament, as distinct from secondary or delegated legislation which is made under powers delegated by Parliament (e.g. to government ministers). In the UK these mostly take the form of Acts of Parliament.

**Private Bill** - a Bill that is introduced into Parliament by an individual, a group, a company or local authority. If passed it becomes a Local and Personal Act.

**Private Member's Bill** - a Bill introduced into Parliament by an MP who is not a government minister.

**Public Bill** - a Bill introduced into Parliament by a member of the government.

**Public General Act** - an Act of Parliament which applies to the whole country (i.e. the UK or at least one of its constituent countries).

**Quantum of damages** - the amount of money a successful claimant will receive in a court action.

**Red Book** - a familiar name for the *Family Court Practice*, an authoritative guide to practice and procedure in the family courts of England and Wales (found in Room H of the Inner Temple Library, filed under F).

**Regulation (EU)** - a form of secondary legislation produced by the European Union. Regulations are addressed to all member states and are applied in full, without the need for national legislation.

**Regnal year** - a specified year of a monarch's reign, calculated from the date of accession, e.g. 54 George III or Geo. III refers to the 54th year of George III's reign. This may form part of the citation of an Act, e.g. 54 Geo. III ch.96.

**Repealed** - (of an Act of Parliament), no longer in force and so no longer having legal effect, as a result of its rescinding by later legislation. Repeals may be full or partial.

**Revoked** - (of a Statutory Instrument), no longer in force, equivalent of the term "repealed" as used for an Act.

**Right of audience** - the right of a lawyer to appear in court and represent their client.

**Royal Assent** - formal approval of a Bill by the monarch, the final step whereby a Bill becomes an Act of Parliament. (This does not necessarily mean the Act is in force).

**Secondary legislation** - legislation that is delegated by Parliament. Secondary legislation is made because Parliament can delegate law making powers through an "enabling" section in an Act. Powers are mainly granted to government ministers, local authorities and the Crown. In the UK most secondary legislation is in the form of Statutory Instruments.

**Solicitor advocate** - the title used by a solicitor who is qualified to represent clients as an advocate in the higher courts in England and Wales or in Scotland.

**Statute** - an alternative term for an Act of Parliament, the main form of primary legislation in England & Wales.

**Statutory Instrument (SI)** - the main form of secondary or delegated legislation in England and Wales. Statutory Instruments replaced Statutory Rules and Orders (SR&Os) in 1948.

**Statutory Rules and Orders (SR&Os)** - the main form of secondary or delegated legislation in England and Wales before 1948, when they were replaced by Statutory Instruments (SIs).

**Summary judgment** - a court judgment made without a full trial.

**Transcript** - the official recorded proceedings of a court case.

**Unreported case** - a case that has not been reported in any series of law reports.

**White Book** - a familiar name for *Civil Procedure*, an authoritative guide to civil procedure in county courts, the High Court and the Court of Appeal (found in Room H of the Inner Temple Library, filed under C).

**White Paper** - a document issued by the government which sets out fully considered statements of policy or proposals for legislative change. White Papers are normally published as Command Papers, and often precede the introduction of a Bill to Parliament.