

## CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

Word/expression	Definition
<b>abduction</b>	illegal carrying or enticing away of a person; usually applied to children removed from a country without permission from one of their parents.
<b>access to justice</b>	one of three priorities set out by the EU to enable individuals and companies to exercise their rights in an EU country other than their own. Other priorities are mutual recognition of judicial decisions and increased convergence in procedural law
<b>acknowledgement of service</b>	document a person returns to the court when they have received a notification
<b>acknowledgment of receipt</b>	recognition by an addressee that a letter or notification has been received
<b>acquiesce</b>	to give one's consent to something
<b>acta iure imperii</b>	acts and omissions in the exercise of State authority
<b>ad litem</b>	for a suit, for specific proceedings (e.g. "representative ad litem")
<b>admissibility</b>	criterion whereby evidence may be considered by a judge in deciding the merits of a case
<b>admission of debt</b>	recognition by a party that an amount of money is owed
<b>ADR</b>	Alternative Dispute Resolution: extra-judicial procedures used for resolving civil or commercial disputes
<b>affidavit</b>	written, sworn statement of evidence
<b>ancillary</b>	supplementary, additional (e.g. "ancillary measures")
<b>annulment</b>	court declaration that something is void from the very beginning (e.g. "marriage annulment")
<b>appeal</b>	the transfer of a case from a lower to a higher court for a new hearing, request for a new hearing.
<b>appellate court</b>	court where appeals are heard
<b>applicable law</b>	national law that governs a given question of law in an international context
<b>applicant</b>	anybody filing an application
<b>arbitration</b>	Legal technique for out-of-court dispute resolution whereby the parties refer the issue to a person or persons known as the arbitrator, arbiter or arbitral tribunal, whose decision is binding
<b>attestation</b>	act of certifying in an official capacity
<b>authentic instrument</b>	document recording a legal act or fact whose authenticity is certified by a public authority. Certain authentic instruments are enforceable
<b>award</b>	decision by a court, an arbitrator or an arbitration tribunal
<b>award an amount</b>	to decide (e.g. a court) that an amount must be paid
<b>bankruptcy</b>	legal proceedings and decision whereby which a person or firm is held unable to pay debts
<b>binding</b>	obligatory (e.g. "binding instrument", "binding legislation")
<b>bond</b>	obligation made binding by a money forfeit; the amount of the money guarantee
<b>Brussels I</b>	Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

<b>Word/expression</b>	<b>Definition</b>
<b>Brussels IIa</b>	Council Regulation (EC) No 2201/2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility. The Regulation lays down rules governing international jurisdiction and the recognition and enforcement of judgments in cases concerning divorce, separation and annulment of marriage and judgments concerning parental responsibility.
<b>case law</b>	rules of law flowing from a set of convergent decisions of the courts. The case-law of the Court of Justice of the European Unions is particularly rich in decisions on the interpretation of the Union treaties, directives and regulations. It is a source of Union law.
<b>cause of action</b>	legal grounds and alleged facts enabling someone to start legal proceedings against someone
<b>choice of court agreement</b>	also called “forum selection agreement”, it is an agreement whereby parties to a contract agree which court should decide in case of conflict arising from such contract
<b>civil partnership</b>	in some states, same-sex marriage
<b>claimant</b>	person initiating a law suit; in some jurisdictions it is called “plaintiff”
<b>composition</b>	agreement or compromise by which a creditor or group of creditors accepts partial payment from a debtor
<b>conflict of jurisdiction</b>	See "international jurisdiction".
<b>conflict of laws</b>	See "applicable law”
<b>contact</b>	visitation by a parent who does not have residence.
<b>contact order</b>	court order setting out when the parent without residence will see a child
<b>contest</b>	challenge, to oppose something (e.g. “contest a claim”)
<b>copyright</b>	rights given to creators for their literary and artistic work
<b>copyright infringement</b>	unauthorized use of material covered by copyright law
<b>counterclaim</b>	claim brought by a defendant in response to the claimant’s claim; it is usually included in the same proceedings
<b>court cost/fees</b>	fees for expenses which must be paid by the parties to a suit, or in some cases, by the losing party
<b>creditor</b>	someone to whom money is owed
<b>cross-examination</b>	questioning of a witness by a party other than the party who called the witness
<b>cross-border case</b>	one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court seised.
<b>curator</b>	in some countries (e.g. Scotland), the guardian of a child

<b>Word/expression</b>	<b>Definition</b>
<b>custody</b>	now referred to as residence in some countries, arrangement establishing who lives with the children and provides daily care. It may also be “joint” or “shared”, if the children live part of the time with one parent and part of the time with the other parent.
<b>damages</b>	Sum of money awarded by a court as compensation to a claimant
<b>debtor</b>	The party owing a debt to another party. EU measures relating to insolvency proceedings having cross-border effects make it more difficult for a debtor to escape obligations.
<b>decision</b>	In EU law, a decision is a legislative instrument that is binding in its entirety on all those to whom it is addressed
<b>declaration</b>	type of court judgment which states that something is the case (e.g. declaration of enforceability)
<b>decline</b>	refuse (e.g. decline jurisdiction)
<b>deed of separation</b>	A contract, usually drawn up by a solicitor, which records an agreement reached in respect of financial matters following separation.
<b>default</b>	Failure in duty or performance (e.g. default of appearance, person in default, etc.)
<b>defence</b>	factual denial or assertion of facts or law that counters or negates a claim made by the other part in proceedings (e.g. “defence of res judicata”)
<b>defendant</b>	person against whom civil proceedings are initiated
<b>desertion</b>	intentional abandonment of a spouse
<b>dispense</b>	to allow someone not to do something which the law or a regulation usually requires (e.g. “dispense with the production of a document”)
<b>disposal</b>	act of selling or transferring goods (e.g. “disposal of property”)
<b>dissolution</b>	legal process which ends a contract of marriage or civil partnership
<b>divorce</b>	legal process which ends a of marriage
<b>domicile</b>	A here a person actually lives
<b>effect</b>	to carry out (e.g. “effect service”)
<b>emancipation</b>	legal state by which a child acquires the rights of an adult before he or she is 18 (or otherwise legally of age)
<b>enforcement</b>	execution of a law or a court decision
<b>eu acquis</b>	also known as "acquis communautaire", the entire body of legislation of the EU, of which a significant body relates to justice, which must be accepted by countries before they can join the EU
<b>europaean order for payment</b>	procedure that may help someone to obtain quickly the repayment of the sums owed by a debtor
<b>evidence</b>	something legally submitted to a tribunal to ascertain the truth of a matter
<b>evidence in chief</b>	evidence given by a witness for the party who called him/her
<b>exemption</b>	release from an obligation, a duty, or a liability to which others are subject

<b>Word/expression</b>	<b>Definition</b>
<b>exequatur</b>	procedure by which a party requires of a national tribunal to confer the execution on a foreign legal decision
<b>expeditiously</b>	in an accelerated manner
<b>fall due</b>	reach the date for payment
<b>force majeure</b>	causes that are outside the control of the parties
<b>forum</b>	The forum is a specific concept of private international law. It means the courts of a given country in which an action is brought. The concept of forum underlies the concepts of <i>lex fori</i> and forum-shopping
<b>forum selection agreement</b>	See “choice of court agreement”
<b>forum-shopping</b>	practice adopted by some litigants to have their legal case heard in the court thought most likely to provide a favorable judgment.
<b>foster family</b>	family with whom a child lives because, for some reason, the child cannot live with his or her family
<b>freezing order</b>	layman’s term for an Injunction Order to stop a party from disposing of money or assets pending a final decision being made by the Court about distribution of that money or assets
<b>guardian</b>	person responsible for making major decisions about such things as what kind of education, health care or religious training the children will receive, and how to manage anything the children may own, such as property or money. Like custody, guardianship can be handled by one parent only, or shared between the parents - which means that both parents will remain involved in making important decisions about the children's future.
<b>hearing</b>	session in which testimony is taken from witnesses or oral arguments are heard from parties
<b>indemnity</b>	right to recover from a third party the whole amount someone is liable to pay
<b>infringe</b>	encroach upon in a way that violates law or the rights of another (e.g. “infringes somebody’s parental responsibility”)
<b>injunction</b>	order of a court preventing someone from doing something eg. disposing of assets, being violent or threatening or ordering someone to do something
<b>insolvency</b>	situation where someone has insufficient assets to meet debts and liabilities
<b>international jurisdiction</b>	international jurisdiction refers to the fact that the courts of a given country will be the most appropriate to hear and determine a case that has an international dimension. A dispute has an international dimension where, for example, the parties have different nationalities or are not resident in the same country. In such a situation the courts of several countries might have jurisdiction in the case, and we have what is known as a conflict of jurisdiction. The rules of international jurisdiction lay down criteria for determining the country whose courts will have jurisdiction in the case.
<b>irreconcilable</b>	something for which a solution is not possible (e.g. “irreconcilable differences”) or which cannot be made compatible (e.g. “irreconcilable judgments”)

<b>Word/expression</b>	<b>Definition</b>
<b>issue</b>	to make, to publish (e.g. “issue an order”, “issue a judgment”).
<b>joint</b>	shared with other people, belonging to or made by more than one person (e.g. “joint ownership”, “joint application”)
<b>joint liability</b>	Situation where two parties share a single liability, but each party can be held liable for the whole of such liability
<b>judgment</b>	decision by a court
<b>judicial separation</b>	legal process whereby you remain man and wife, but separated, the advantage of this being that you can apply to the Court for Orders about financial matters to be decided if you cannot agree
<b>legal aid</b>	type of funding which may be available to a person if he or she is in receipt of benefits, or on a really low income. It is now called public funding. It can help with the cost of a divorce, children proceedings, or issues relating to money and property.
<b>legal person</b>	group of natural persons which is allowed by the law to create a legal entity in order to act as a single individual for certain purposes, or also a single person having a separate legal personality other than his own
<b>legalisation</b>	authentication (e.g. of a document) so that it is acceptable by a court
<b>lex causae</b>	law governing the substance of the case, designated by the rules of conflict of laws. See applicable law
<b>lex fori</b>	law of the court in which the action is brought. Where an action is brought in a court and has an international dimension, the court must consider the law applicable to the case. In certain circumstances, the lex fori will apply. Traditionally the lex fori governs questions of procedure, regardless of the lex causae.
<b>lex loci delicti</b>	law of the country where, in terms of non-contractual obligations, the harmful event occurred.
<b>limitation period</b>	period within which a person must start court proceedings if he/she wants to enforce a right against other person
<b>liquidated debt</b>	in bankruptcy cases, situation where the existence and amount of debt is not disputed
<b>lis pendens</b>	suit pending. It may refer to any proceedings which have not been settled by a court
<b>lis alibi pendens</b>	suit which has not been decided in a different jurisdiction or before a different court
<b>litigation</b>	conduct of a lawsuit
<b>lodge</b>	to submit (e.g. “lodge an application”, “lodge a complaint”)
<b>lump sum provision</b>	A capital payment from one party to the other.
<b>maintenance</b>	mutual assistance on the basis of family solidarity: parents must feed, educate and maintain their children. In some EU countries children must assist their parents in case of need. A divorced spouse is obliged to pay maintenance to a former spouse who has custody of their children. This obligation is generally discharged by a monthly payment known as maintenance.
<b>mandatory</b>	obligatory

<b>Word/expression</b>	<b>Definition</b>
<b>matrimonial</b>	related to matrimony or a married couple (e.g. matrimonial home, matrimonial property, etc.
<b>member state of enforcement</b>	Member State in which enforcement is sought
<b>member state of origin</b>	Member State in which a decision, an instrument or an order is issued
<b>merits</b>	substantive elements of a claim
<b>non-contractual obligations</b>	where a person who is responsible for loss sustained by another person is required to compensate the victim, in cases not linked to the performance of a contract, such as traffic accidents, environmental damage or defamation.
<b>nullity</b>	court proceedings to void a contract of marriage
<b>occupation order</b>	order of a Court granting you the right to occupy a property to the exclusion of one's husband or wife.
<b>oppose a claim</b>	to contest a claim
<b>outstanding</b>	still in existence; not settled or resolved (e.g. "outstanding debt")
<b>parental responsibility</b>	the rights, duties and obligations that a parent has towards their child and their child's property.
<b>parenthood</b>	quality of being somebody's father or mother (e.g. establishment of parenthood)
<b>party</b>	person or group involved in a contract or proceedings as a litigant.
<b>pecuniary</b>	related to money (e.g. "pecuniary damages", "non-pecuniary loss")
<b>periodical payments</b>	regular maintenance payments from one party to the other.
<b>petitioner</b>	in some countries, the person who issues divorce proceedings.
<b>placement</b>	arrangement whereby a child is put under the care of a family other than the child's parents, so that the child's needs and protection are ensured
<b>premises</b>	land and buildings considered as a property
<b>pre-nuptial agreement</b>	contract entered into in contemplation of marriage, usually to regulate division of money and assets in the event of later separation or divorce.
<b>principal</b>	capital sum earning interest, due as a debt
<b>private international law</b>	in its broad sense, means the set of legal rules governing international relations between private individuals.
<b>proof of service</b>	evidence that proves that a document has been served to its addressee; it may be a certificate, an acknowledgement of receipt, etc.
<b>public international law</b>	set of legal rules governing international relations between public bodies such as States and international organisations. Conventions and uniform laws are common instruments of public international law.
<b>public policy</b>	courses of action, regulatory measures, laws and priorities concerning a given topic promulgated by a governmental entity or its representatives
<b>pursue a claim</b>	to file a claim, start legal proceedings

<b>Word/expression</b>	<b>Definition</b>
<b>recognition</b>	recognising a judgment given in one EU country in another means agreeing that it may have effect there
<b>rectify</b>	to set right what is wrong, to remedy a defect (e.g. “rectify a certificate”, “rectify an application”)
<b>regulation</b>	instrument of general scope that is binding in its entirety and directly applicable in all EU countries
<b>removal</b>	moving a person or thing from one place to another (e.g. “wrongful removal”)
<b>residence</b>	place (usually country) where a person habitually lives
<b>respondent</b>	person who responds to proceedings issued at Court
<b>retention</b>	action of keeping something in one's own hands or under one's own control; continued possession of something
<b>review</b>	judicial re-examination of a decision, in order to correct possible errors
<b>right of appeal</b>	right to challenge a decision by a court or tribunal
<b>Rome I</b>	Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations
<b>Rome II</b>	Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations
<b>security</b>	property deposited or pledged by or on behalf of a person as a guarantee of the payment of a debt, and liable to forfeit in the event of default
<b>seise</b>	place a case before a court so that it can hear the case (usually in the passive, e.g. “the court is seised”)
<b>self-employed</b>	person who works for him/herself instead of for an employer, and who operate their own trade or business
<b>separation</b>	condition of a husband and wife who remain married but who live apart, whether by mutual agreement or by decree of a court
<b>service</b>	formal delivery of a document or a notification (e.g. “postal service”)
<b>several liability</b>	situation where parties are liable for only their respective obligations.
<b>shared custody (residence in some countries)</b>	arrangement approved by a court whereby a child is to live with both parents after a separation or divorce, usually in blocks of time (e.g. Monday to Thursday, Friday to Sunday, or alternate weeks).
<b>small claims</b>	cases concerning sums under EUR 2000, excluding interest, expenses and disbursements (at the time when the claim form is received by the competent court)
<b>spouse</b>	husband or wife
<b>statutory</b>	governed by a written law, e.g. “statutory interest”
<b>stay</b>	judicial order forbidding or postponing some action until some particular event occurs, or until the court lifts such order (e.g. “stay of enforcement”, “stay of proceedings”)
<b>submission</b>	allegation made by one of the parties (e.g. make submissions to the court)
<b>submit</b>	file, lodge (e.g. “submit an application”)

<b>Word/expression</b>	<b>Definition</b>
<b>substance</b>	merits of a case
<b>succession</b>	act or process of a person's becoming beneficially entitled to a property or property interest of a deceased person
<b>summons</b>	notice calling somebody to appear in court
<b>suspension</b>	temporary stop of proceedings
<b>tortious or delictual obligations</b>	See non-contractual obligations
<b>transcript</b>	certified copy of the proceedings that occurred in a court, especially if they were made orally
<b>true copy</b>	certified copy
<b>uncontested claim</b>	claim which has not been opposed by the other party
<b>undertaking</b>	promise to the court to do, or not to do something
<b>unequivocal</b>	clear, leaving no doubt for doubt or dispute (e.g. "in an unequivocal manner")
<b>unfounded claim</b>	claim for which there is no justification
<b>will</b>	legal document which allows people to leave their assets to beneficiaries of their choice.
<b>winding-up</b>	process of dissolving a corporate body by collecting all assets and outstanding income, satisfying all the creditors' claims, and distributing whatever remains (the net assets).
<b>writ of summons</b>	document issued by a court that orders a person to answer a legal complaint within a specified time