CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

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

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Brussels IIa	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.
case law	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.
cause of action	legal grounds and alleged facts enabling someone to start legal proceedings against someone
choice of court agreement	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
civil partnership	in some states, same-sex marriage
claimant	person initiating a law suit; in some jurisdictions it is called "plaintiff"
composition	agreement or compromise by which a creditor or group of creditors accepts partial payment from a debtor
conflict of jurisdiction	See "international jurisdiction".
conflict of laws	See "applicable law"
contact	visitation by a parent who does not have residence.
contact order	court order setting out when the parent without residence will see a child
contest	challenge, to oppose something (e.g. "contest a claim")
copyright	rights given to creators for their literary and artistic work
copyright infringement	unauthorized use of material covered by copyright law
counterclaim	qlaim brought by a defendant in response to the claimant's claim; it is usually included in the same proceedings
court cost/fees	fees for expenses which must be paid by the parties to a suit, or in some cases, by the losing party
creditor	someone to whom money is owed
cross-examination	questioning of a witness by a party other than the party who called the witness
cross-border case	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.
curator	in some countries (e.g. Scotland), the guardian of a child

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custody	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.
damages	Sum of money awarded by a court as compensation to a claimant
debtor	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.
decision	In EU law, a decision is a legislative instrument that is binding in its entirety on all those to whom it is addressed
declaration	type of court judgment which states that something is the case (e.g. declaration of enforceability)
decline	refuse (e.g. decline jurisdiction)
deed of separation	A contract, usually drawn up by a solicitor, which records an agreement reached in respect of financial matters following separation.
default	Failure in duty or performance (e.g. default of appearance, person in default, etc.)
defence	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")
defendant	person against whom civil proceedings are initiated
desertion	intentional abandonment of a spouse
dispense	to allow someone not to do something which the law or a regulation usually requires (e.g. "dispense with the production of a document")
disposal	act of selling or transferring goods (e.g. "disposal or property")
dissolution	legal process which ends a contract of marriage or civil partnership
divorce	legal process which ends a of marriage
domicile	A here a person actually lives
effect	to carry out (e.g. "effect service")
emancipation	legal state by which a child acquires the rights of an adult before he or she is 18 (or otherwise legally of age)
enforcement	execution of a law or a court decision
eu acquis	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
european order for payment	procedure that may help someone to obtain quickly the repayment of the sums owed by a debtor
evidence	something legally submitted to a tribunal to ascertain the truth of a matter
evidence in chief	evidence given by a witness for the party who called him/her
exemption	release from an obligation, a duty, or a liability to which others are subject

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exequatur	procedure by which a party requires of a national tribunal to confer the execution on a foreign legal decision
expeditiously	in an accelerated manner
fall due	reach the date for payment
force majeure	causes that are outside the control of the parties
forum	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 lex fori and forum-shopping
forum selection agreement	See "choice of court agreement"
forum-shopping	practice adopted by some litigants to have their legal case heard in the court thought most likely to provide a favuorable judgment.
foster family	family with whom a child lives because, for some reason, the child cannot live with his or her family
freezing order	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
guardian	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.
hearing	session in which testimony is taken from witnesses or oral arguments are heard from parties
indemnity	right to recover from a third party the whole amount someone is liable to pay
infringe	encroach upon in a way that violates law or the rights of another (e.g. "infringes somebody's parental responsibility")
injunction	order of a court preventing someone from doing something eg. disposing of assets, being violent or threatening or ordering someone to do something
insolvency	situation where someone has insufficient assets to meet debts and liabilities
international jurisdiction	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.
irreconciliable	something for which a solution is not possible (e.g. "irreconciliable differences") or which cannot be made compatible (e.g. "irreconciliable judgments")

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Word/expression	Definition
issue	to make, to publish (e.g. "issue an order", "issue a judgment").
joint	shared with other people, belonging to or made by more than one person (e.g. "joint ownership", "joint application")
joint liability	Situation where two parties share a single liability, but each party can be held liable for the whole of such liability
judgment	decision by a court
judicial separation	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
legal aid	type of funding which may be available to a person if he or she isin 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.
legal person	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
legalisation	authentication (e.g. of a document) so that it is acceptable by a court
lex causae	law governing the substance of the case, designated by the rules of conflict of laws. See applicable law
lex fori	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.
lex loci delicti	law of the country where, in terms of non-contractual obligations, the harmful event occurred.
limitation period	period within which a person must start court proceedings if he/she wants to enforce a right against other person
liquidated debt	in bankruptcy cases, situation where the existence and amount of debt is not disputed
lis pendens	suit pending. It may refer to any proceedings which have not been settled by a court
lis alibi pendens	suit which has not been decided in a different jurisdiction or before a different court
litigation	conduct of a lawsuit
lodge	to submit (e.g. "lodge an application", "lodge a complaint")
lump sum provision	A capital payment from one party to the other.
maintenance	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.
mandatory	obligatory

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

Word/expression	Definition
recognition	recognising a judgment given in one EU country in another means agreeing that it may have effect there
rectify	to set right what is wrong, ro remedy a defect (e.g. "rectify a certificate", "rectify an application")
regulation	instrument of general scope that is binding in its entirety and directly applicable in all EU countries
removal	moving a person or thing from one place to another (e.g. "wrongful removal")
residence	place (usuallly country) where a person habitually lives
respondent	person who responds to proceedings issued at Court
retention	action of keeping something in one's own hands or under one's own control; continued possession of something
review	judicial re-examination of a decision, in order to correct possible errors
right of appeal	right to challenge a decision by a court or tribunal
Rome I	Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations
Rome Ii	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
security	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
seise	place a case before a court so that it can hear the case (usually in the passive, e.g. "the court is seised")
self-employed	person who works for him/herself instead of for an employer, and who operate their own trade or business
separation	condition of a husband and wife who remain married but who live apart, whether by mutual agreement or by decree of a court
service	formal delivery of a document or a notification (e.g. "postal service")
several liability	situation where parties are liable for only their respective obligations.
shared custody (residence in some countries)	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).
small claims	cases concerning sums under EUR 2000, excluding interest, expenses and disbursements (at the time when the claim form is received by the competent court)
spouse	husband or wife
statutory	governed by a written law, e.g. "statutory interest"
stay	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")
submission	allegation made by one of the parties (e.g. make submissions to the court)
submit	file, lodge (e.g. "submit an application")

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