

## **L**

### **Land**

includes:

- the buildings built on the land;
- the subsoil;
- the airspace above the land necessary for ordinary use of the land; and
- property fixed to the land.

### **Lasting powers of attorney** (in England and Wales)

There are two types of lasting powers of attorney (LPA):

- health and welfare; and
- property and financial affairs.

If a person is capable of dealing with their own affairs at present they can make either or both types of LPA.

A finance LPA can be used as soon as the Office for the Public Guardian has registered it. But, a health and welfare LPA can only be used when the person can no longer look after their own affairs.

A lasting power of attorney gives another person authority to act on your behalf.

### **Lawsuit**

a claim made in a court of law.

### **Leading question**

a question which:

- suggests the answer to be given; or
- assumes things to be true which in fact are disputed.

### **Lease**

a contract between the owner of a property and a tenant, giving the tenant sole use of the property for an agreed time.

### **Leasehold**

property held by a tenant with a lease.

### **Legacy**

a gift left to someone in a will, but not including land.

### **Legal aid scheme**

a scheme for paying legal costs out of public funds for people who cannot afford to pay for them.

### **Legatee**

the person who receives a legacy.

### **Lessee**

the person a property has been leased to.

### **Lessor**

the person who lets a property by lease.

<b>Letter of credit</b>	a letter one bank sends to a second bank asking them to pay money to a named person.
<b>Letters of administration</b>	an authority the courts give to a person to deal with a dead person's estate. It is given when someone dies intestate.
<b>Liabilities</b>	the debts that a person or organisation owes.
<b>Liability</b>	a debt or obligation.
<b>Libel</b>	a false statement made in writing or in some other permanent record (such as a film).
<b>Licence</b>	an authority to do something.
<b>Licensed conveyancer</b>	a person authorised to do conveyancing (but not including solicitors).
<b>Licensee</b>	the holder of a licence to do something.
<b>Lien</b>	the right to keep possession of something owned by someone who owes a debt, until the debt has been settled.
<b>Life assurance policy (or life insurance policy)</b>	a contract between the policyholder and the insurance company. The insurance company pays out if the policyholder dies.
<b>Life assured</b>	the person whose life is assured by a life assurance policy.
<b>Life imprisonment</b>	a sentence given to a criminal to be imprisoned for the rest of their life (though the Home Secretary may release them early on parole).
<b>Life interest</b>	an interest which will pass to someone else when the present owner dies.
<b>Life tenant</b>	someone entitled to use property for the rest of their life.

<b>Limited company</b>	a company which limits how much its members will have to pay if the company is wound up. The members of most limited companies will only have to pay any money unpaid on their shares. If a company limited by guarantee is wound up, the money its members have to pay is limited to the amount shown in the memorandum of association.
<b>Liquidated damages</b>	damages agreed beforehand by the parties to a contract in case one of them should later break the terms of the contract.
<b>Liquidation</b>	the process of winding up a company by disposing of its assets, paying its creditors in a strict order of priority and distributing any money left among the members.
<b>Liquidator</b>	the person appointed to wind up a company.
<b>Litigant</b>	a person involved in a lawsuit.
<b>Litigation</b>	taking legal action through the courts.
<b>Loan capital</b>	money borrowed by an organisation.
<b>Loan creditor</b>	a person or organisation which has lent money to an organisation.
<b>M</b>	
<b>Magistrate</b>	a Justice of the Peace who presides over (is in charge of) minor cases heard in the magistrates' court.
<b>Magistrates' court</b>	the lowest court. The things it deals with include minor criminal cases, most criminal cases involving 10- to 17-year-olds, issuing alcoholic drink licences and hearing child welfare cases.
<b>Maintenance</b>	money paid (and things paid for) to support a partner (husband or wife) and children when a marriage has failed.
<b>Majority</b>	the age when a person gains full legal rights and responsibilities. In the UK it is when a person becomes 18 years old.
<b>Male issue</b>	male descendants (sons only) of men.
<b>Malfeasance</b>	an unlawful act.

<b>Malice</b>	intending to do something which is against the law.
<b>Malice aforethought</b>	planning to kill someone or intending to do something which is likely to kill.
<b>Malicious falsehood</b>	a written or spoken lie told to harm somebody and which does do harm.
<b>Malicious prosecution</b>	a prosecution which is brought unreasonably.
<b>Mandate</b>	an authority to act given by one party to another. An example is when a bank's customer writes instructions on the mandate for the bank to follow when operating the customer's account.
<b>Manslaughter</b>	killing someone illegally but by accident. (See also <b>Involuntary manslaughter</b> and <b>Voluntary manslaughter</b> )
<b>Market overt</b>	a lawful market in which, as long as someone buying goods is not aware that they do not belong to the seller, the buyer will get a good title to the goods.
<b>Martial law</b>	government of a country by the military.
<b>Master of the Rolls</b>	the person in charge of: <ul style="list-style-type: none"> <li>• the Civil Division of the Appeal Court; and</li> <li>• admitting solicitors to the roll of solicitors in practice.</li> </ul>
<b>Material facts</b>	facts which are a key part of a defence or a claim.
<b>Matricide</b>	the killing of a mother by her son or daughter.
<b>Matrimonial causes</b>	the court proceedings: <ul style="list-style-type: none"> <li>• to divorce people;</li> <li>• to separate a married couple; or</li> <li>• to dissolve a marriage.</li> </ul>
<b>Matrimonial home</b>	the house that a husband and wife live in as a married couple.
<b>Mediation</b>	help from an independent person (a mediator) to solve differences between a husband and wife whose marriage has broken down. The mediator helps them to agree what should be done about their children, money and so on.

<b>Memorandum and articles of association</b>	The memorandum gives details of a company's name, objects (purposes) and share capital. It also sets out the limits of the shareholders' liability if the company has to be wound up. The articles set out the members' rights and the directors' powers.
<b>Mens rea</b>	the intent to commit a crime and also the knowledge that an act is wrong. (This term is Latin.)
<b>Mercantile law</b>	the branch of the law dealing with commerce.
<b>Merchantable quality</b>	the assumption in the law that goods sold by a business will be fit for their purpose.
<b>Mesne profits</b>	income lost by a landlord because the property is occupied without the landlord's permission. An example would be a tenant failing to leave the property when the tenancy finished. It is also the profits lost by a landowner when wrongly deprived of the use of his or her land.
<b>Messuage</b>	a house together with its land and outbuildings.
<b>Minor</b>	someone who has not yet reached the age when they get full legal rights and responsibilities. In the UK this is a person under 18 years old.
<b>Minority</b>	being under the age of full legal rights and responsibilities.
<b>Minutes</b>	a record of the meetings held by members and directors of companies.
<b>Misadventure</b>	an unexpected accident which happens while lawfully doing something.
<b>Miscarriage of justice</b>	the court system failing to give justice to someone.
<b>Misconduct</b>	deliberately doing something which is against the law or which is wrong.
<b>Misdirection</b>	a judge instructing a jury wrongly.
<b>Misfeasance</b>	when: <ul style="list-style-type: none"> <li>• something is done badly even though it is still legal; or</li> <li>• a company officer does something which is a breach of trust or a breach of duty.</li> </ul>
<b>Misrepresentation</b>	a lie told to persuade someone to enter into a contract.

<b>Mistrial</b>	a trial that has been made invalid.
<b>Mitigation</b>	putting facts to a judge, after someone has been found guilty, to justify a lower sentence.
<b>Molest/Molestation</b>	behaviour by a person which annoys or greatly troubles their children or spouse. The behaviour can include violence, verbal threats and written threats.
<b>Money laundering</b>	making money from crime and then passing it through a business to make it appear legitimate.
<b>Moratorium</b>	an agreement not to take action to recover a debt for an agreed period of time.
<b>Mortgage</b>	using property as security for a debt. It is also the name for the contract which is signed by the borrower and lender when money is lent using property as security for a loan.
<b>Mortgagee</b>	the lender of the money which is secured by a mortgage.
<b>Mortgagor</b>	the person who borrows the money to buy a property. The lending is secured with a mortgage of the property.
<b>Motive</b>	a reason for a person doing something.
<b>Muniments</b>	documents which are evidence of a right to something.

## **N**

<b>Naked trust</b>	a trust which holds property for a person until they ask the trustee to return it.
<b>Naturalisation</b>	giving a citizen of one country citizenship of another.
<b>Negligence</b>	lack of proper care to do a duty properly.
<b>Negligent</b>	lacking proper care to do a duty properly.
<b>Negotiable instrument</b>	a document which: <ul style="list-style-type: none"> <li>• is signed;</li> <li>• is an instruction to pay an amount of money;</li> <li>• can have its ownership changed by changing the name it is paid to; and</li> <li>• can have its ownership changed simply by being</li> </ul>

delivered to its next owner.

**Next of kin**

a person's closest blood relatives.

**Nondisclosure**

the failure by one side to a contract to disclose (reveal) a fact to the other side that would influence their decision to go ahead with the contract.

**Non-exclusive licence**

an agreement giving someone the right to use something but which does not prevent other people being given similar agreements.

**Notary**

a person (usually a solicitor) who is authorised to certify documents, take affidavits and swear oaths.

**Not guilty**

a court's verdict that the person charged with a crime did not commit it. When criminal court cases start the defendants are asked for their pleas. If they want to deny they committed the offence they plead not guilty.

If a court's verdict is that the prosecution has not proved the defendant committed a crime, the defendant has been found not guilty.

**Notice**

a warning of something which is about to happen.

**Notice to quit**

a notice to end a tenancy on a stated date. It is usually sent by the landlord to the tenant although the tenant can also send one to the landlord.

**Not negotiable**

cannot be transferred. If a bill of exchange is marked not negotiable it cannot be transferred to someone else.

**Novation**

replacing an existing agreement with a new one.

**Nuisance**

doing something that harms other people's rights.

**O**

**Oath**

swearing the truth of a statement.

**Objects clause**

a clause which forms part of a company's memorandum of association It sets out the purposes the company was formed for.

**Obligation**

a legal duty to do something.

**Obligee**

someone who, under a contract, receives money or has something done.

<b>Obligor</b>	someone who is bound by a contract to pay money or do something.
<b>Obstruction</b>	a motoring offence involving: <ul style="list-style-type: none"> <li>• leaving a vehicle or other obstruction in a road; or</li> <li>• driving in a way which inconveniences other road users.</li> </ul>
<b>Occupation</b>	taking control of a piece of land which belongs to someone else.
<b>Occupational pension Scheme</b>	a pension scheme organised by an employer for its employees.
<b>Occupier</b>	the person who is in control of a piece of land, such as a tenant.
<b>Offensive weapon</b>	an object that is intended to physically injure someone.
<b>Offer</b>	a promise to do something, or not to do something. If the promise is accepted it becomes legally binding.
<b>Offeree</b>	the person who receives the legally binding offer.
<b>Offeror</b>	the person who makes the legally binding offer.
<b>Official receiver</b>	the person appointed to act as a receiver in bankruptcies and company winding-up cases. The Department of Trade and Industry appoints official receivers.
<b>Official secret</b>	information which the Government classifies as confidential. It is a criminal offence to disclose an official secret without permission.
<b>Official Solicitor</b>	an officer of the Supreme Court whose duties include acting for people who cannot act for themselves, such as children or people with mental health problems.
<b>Omission</b>	a failure to do something.
<b>Oppression</b>	the offence of public officials using their official positions to harm or injure people.
<b>Option</b>	a type of contract under which money is paid for a right to buy or sell goods at a fixed price by a particular date in the future.



<b>Order</b>	an instruction by or command of a court.
<b>Order in Council</b>	an order given by the monarch (King or Queen) after taking advice from the members of the Privy Council.
<b>Originating summons</b>	a summons that sets out the questions the court is being asked to settle. When the facts in a case are not disputed, but the interpretation of the law or of the documents needs to be resolved, an originating summons is prepared.
<b>Outlaw</b>	formerly, a person who was not protected by the law.
<b>Overt act</b>	an act done openly and from which the criminal intention of the act is clear.
<b>P</b>	
<b>Panel</b>	the list of people who have been summoned for jury service.
<b>Pardon</b>	releasing someone from a court's punishment. The Crown has the right to alter, cancel or reduce the penalties imposed by the courts.
<b>Pari passu</b>	equally. (This term is Latin.)
<b>Parole</b>	release from prison early. If someone is given parole they may be returned to prison if they offend again.
<b>Party</b>	the claimant ('plaintiff' before April 1999) or defendant in a lawsuit. It is also someone who has taken out a contract or agreement.
<b>Passing off</b>	pretending that the goods and services offered are those supplied by another business.
<b>Patent</b>	an official right for a specified period of time to be the only person (or organisation) to make or sell something.
<b>Patricide</b>	the killing of a father by his own son or daughter.
<b>Pawn</b>	to pledge goods as security for a loan.
<b>Payee</b>	the person money is being paid to.

<b>Payment into court</b>	money paid to the court by the defendant for payment to the claimant ('plaintiff' before April 1999).
<b>Penalty</b>	is: <ul style="list-style-type: none"> <li>• a sum of money which has to be paid if the terms of a contract are broken; or</li> <li>• a punishment given to someone who commits a crime.</li> </ul>
<b>Penalty points</b>	points given by a court as punishment for driving offences. If enough penalty points have been collected the offenders may have their driving licences taken off them.
<b>Per</b>	through or by. (This word is Latin.)
<b>Performance</b>	doing what is required under a contract.
<b>Perjury</b>	lying to a court after you have been sworn in.
<b>Perpetuity</b>	forever. The law prevents property being tied up in perpetuity because it could stop owners disposing of it.
<b>Per pro</b>	on behalf of. (This term is Latin.)
<b>Per quod</b>	in accordance with or whereby. (This term is Latin.)
<b>Per se</b>	in itself or by itself. (This term is Latin.)
<b>Personal guarantee</b>	a pledge, by a person to a bank, to repay a debt owed to the bank if the bank's customer fails to pay it.
<b>Personal injury</b>	an injury caused to a person.
<b>Personal property</b>	all property except land.
<b>Personal representative</b>	a person who is appointed to deal with a dead person's estate. If there is a will, the executors appointed will be the personal representatives. If there is no will, the courts will appoint someone called the administrator.
<b>Personalty</b>	another word for personal property.
<b>Personation</b>	pretending to be someone you are not.

<b>Per stirpes</b>	describes property divided equally between the offspring. If a parent who is a beneficiary under a will dies and the legacy goes to the children in equal shares, the legacy has been divided per stirpes. (This term is Latin.)
<b>Perverting the course of justice</b>	doing something to interfere with the justice system (such as misleading the court or intimidating witnesses).
<b>Plaintiff</b>	the person who goes to court to make a claim against someone else. (Since April 1999, this term has been replaced with 'Claimant'.)
<b>Plea</b>	the defendant's answer to the accusations.
<b>Plea bargain</b>	when the defendant pleads guilty instead of not guilty in return for a concession by the prosecution (such as dropping another charge).
<b>Plead</b>	to declare to the court whether you are guilty or not guilty.
<b>Pleadings</b>	statements of the facts prepared by both sides in a civil case. Each side gives the other its pleadings so that they are both aware of what arguments will be used during the trial. (This term was replaced with 'statement of case' in April 1999).
<b>Pledge</b>	letting someone take possession of goods but the ownership does not change. It is often done to give security for money owed or to make sure that something is done as promised.
<b>Plenipotentiary</b>	someone who has been given complete authority to act.
<b>Poaching</b>	taking game from someone else's land without permission.
<b>Polygamy</b>	being married to more than one person at once.
<b>Possess</b>	to have property under your control.
<b>Possession</b>	having something under your control even though you may not own it.

<b>Possessory title</b>	gaining title through possession. If you have possession of something for a long time you may gain title to it even though you do not have documents to prove that it is yours.
<b>Post-mortem</b>	the examination of a dead body to establish the cause of death.
<b>Power of appointment</b>	a person giving a second person the power to dispose of the first person's property.
<b>Power of attorney</b>	a document which gives power to the person appointed by it to act for the person who signed the document.
<b>Practising certificate</b>	certificates showing a person is entitled to practise law. Every year the Law Society issues these certificates to the solicitors who can practise law.
<b>Preamble</b>	an explanation of a proposed law. At the beginning of each Act of Parliament there is an explanation of what the Act is intended to achieve.
<b>Precedent</b>	Lower courts have to follow the decisions of the higher courts. This is called precedent, binding precedent or judicial precedent.
<b>Precept</b>	an order given by an official body or person. It is used: <ul style="list-style-type: none"> <li>• by a county council to tell a body to levy (charge) rates for the benefit of the county Council;</li> <li>• by a sheriff to call an election; or</li> <li>• to order payment of a sum of money, such as by a writ or a warrant.</li> </ul>
<b>Pre-emption</b>	the right to buy property before others are given the chance to buy.
<b>Preference</b>	when insolvent, paying one creditor while leaving other creditors unpaid.
<b>Preference shares</b>	a share entitled to a fixed dividend. Holders of preference shares are treated more favourably than ordinary shareholders. The preference dividend is at a fixed rate and must be paid in full before a dividend can be paid on the ordinary shares. When the company is wound up the preference shares must be fully paid out before the ordinary shareholders can be paid.

**Preferential creditor**

a creditor who has to be paid in full before unsecured creditors can be paid anything.

**Prima facie**

on the face of it. (This term is Latin.)

**Principal**

is:

- someone who authorises another person to act for them;
- the actual person who committed a crime; or
- an amount of money lent or invested, not including the interest.