

D

Damages	the name for money awarded by a court as compensation.
Dangerous driving	a standard of driving which falls far below that of a careful, competent driver and it would be obvious to such a driver that it was dangerous to drive that way. A driver found guilty of dangerous driving would be disqualified from driving by the court.
Debenture	a document issued by a company which acknowledges that some or all of the company's assets are security for a debt (usually to a bank). It is also the name for certain long-term loans to companies.
Debt	money owed.
Debtor	someone who owes you money.
Debt securities	debts which can be bought and sold, such as debentures.
Deceit	when one person deliberately misleads a second person with a statement which causes the second person to do something that causes them damage.
Decree	an order by a court.
Decree absolute	the final court order which ends a marriage.
Decree nisi	a provisional court order which orders that a marriage should be dissolved.
Deed	a legal document which commits the person signing it to something.
Deed of arrangement	a written agreement which can be made, when a debtor is in financial trouble, between the debtor and the creditors. It is intended to benefit the creditors and avoid the bankruptcy of the debtor. The creditors get a proportion of the money owing to them.
De facto	in fact or in reality. (This term is Latin.)

Defamation	making a statement, either orally or in writing, which damages someone's reputation.
Default	failing to do something which had been agreed to.
Defence	the name for the team of people (lawyers and so on) against proceedings brought against someone. It is also in a civil case a written statement (pleading) by the defendant setting out the facts that the defence will rely on.
Defendant	a person defending a court action which has been taken against them.
De jure	rightfully. (This term is Latin.)
De minimis non curat lex	the law will not take account of trifling matters. (This phrase is Latin.)
Dependant	someone who depends on someone else for financial support.
Deponent	a person who swears on oath that a statement is correct.
Deposition	a statement, by a witness, made under oath.
Depreciation	the drop in value of an asset due to wear and tear, age and obsolescence (going out of date), as recorded in an organisation's financial records.
Derogation	damaging someone's rights or entitlements.
Determination	ending an agreement.
Devise	to leave land in a will.
Devisee	the person who is left freehold property or land in a will.
Diminished responsibility	a defence sometimes used for someone charged with murder, that they suffered lowered powers of reasoning and judgement because of their unusual state of mind. If their defence succeeds they will be convicted of manslaughter.

Diocese	the area covered by a bishop's authority.
Diplomatic immunity	immunity given to certain members of foreign embassies, such as ambassadors, for crimes they may have committed.
Direction/directing	judges must give juries instructions on points of law. This is called directing the jury.
Director	a person appointed to help manage a company's affairs.
Disbursement	a payment made by a professional person, such as a solicitor or accountant, on behalf of a client. The money is claimed back by including it on the bill for professional services which is sent to the client.
Discharge	release from: <ul style="list-style-type: none"> • a commitment such as a debt; • a contract because it has finished or the parties agree to end it; or • a punishment for a crime. •
Disclaim/disclaimer	to give up a claim or a right or refuse to take over an onerous (having more obligations than advantages) contract. A disclaimer can also be a notice to limit responsibility.
Discovery	one party in a civil case revealing to the other party the documents relevant to the case under the first party's control and allowing them to be inspected.
Discretionary trust	a trust in which the trustees can decide who will benefit from the trust and how much they will get.
Disposal (dispose of)	selling, transferring or giving away something.
Distrain/distress	to seize goods as security for an unpaid debt.
Divorce	the legal end to a marriage.
Divorce petition	an application for the legal ending of a marriage.
Domicile	the country where your permanent home is, even if

you are living somewhere else for now.

Domiciled

permanently based in a country.

Domicile of choice

the country in which you make your home, intending it to be permanent.

Domicile of origin

the domicile a newborn child has. This is usually its father's domicile or, if the father is dead, its mother's.

Drawee

the organisation which will pay a bill of exchange (such as a cheque). In the case of a cheque, this is the bank that the cheque is drawn on.

Drawer

the person or organisation that has written a bill of exchange, such as a person who has written a cheque.

Duress

threatening or pressurising someone to do something.

Duty

a levy charged by the Government, usually when things are bought, such as shares or buildings.

E

Easement

a right to use someone else's land, such as a right of way.

Enabling legislation

legislation which authorises government ministers or bodies to create detailed rules to accomplish general principles set out in the legislation. For example it may allow a minister to create rules or laws for a particular body, such as the police, to follow.

Endorsement

a change to the original terms of a contract, such as an insurance policy.

Endowment policy

a type of insurance policy which will pay out a lump sum on a fixed date in the future, or when you die if this happens earlier.

Enduring power of Attorney

(in England and Wales)

a power of attorney which takes effect in the future. If a person is capable of dealing with their own affairs at present, they can sign an enduring power of attorney. It will only come into effect when they are no longer capable of looking after their own affairs. It gives authority to the person appointed to act for the person who signed the power of attorney.

(Enduring power of attorney (EPA) was replaced by lasting powers of attorney (LPA) on 1 October 2007. An EPA made before this date is still legal and can still be registered with the Office of the Public Guardian. After this date, you must make an LPA instead.)

Engrossment

preparing the final version of a legal document ready for it to be executed (made valid such as with a signature).

Equitable mortgage

the type of mortgage where the purchaser owns the property which is security for the mortgage.

Escrow

a deed which has been supplied but cannot become effective until a future date, or until a particular event happens.

Estate

is:

- all a person owns at the date of their death; or
- the right to use land for a period of time.

Estimate	an offer to do stated work for a set price.
Estoppel	a rule of law that a person cannot deny something they previously said, if someone else acted on what was said and their position was changed, possibly for the worse, as a result.
Et seq	'and in the following pages'. It is sometimes written in books and documents. (This phrase is abbreviated from the Latin 'et sequeus'.)
Euthanasia	killing someone to end their suffering.
Excess of jurisdiction	someone such as a judge acting without authority.
Exchange of contract	swapping identical contracts. When land is sold, the person selling and the person buying both sign identical copies of the contract and exchange them. The contract is then binding on both of them.
Excise duty	a type of tax levied on certain goods such as petrol. It is also levied on some activities such as gambling and on certain licences for activities (such as driving a car on the public roads).
Exclusions	the things an insurance policy does not provide cover for. They will be listed in the insurance policy.
Exclusive licence	a licence under which only the licence holder has any rights.
Ex dividend	without dividend. If a share is sold ex dividend, the seller will receive the dividend declared just before it was sold.
Execute	to carry out a contract.
Executed	describing a document which is made valid (in the eyes of the law) such as by being signed or sealed.
Executive director	a director who usually works full time as a director of the company.
Executor	a man appointed in a will to deal with the estate, according to the wishes set out in the will. Today it is often used to refer to a woman as well.
Executory	describing something, such as a contract, which has not been started yet.
Executrix	a woman appointed in a will to deal with the estate,

according to the wishes set out in the will.

Exemplary damages

damages given as a punishment for the defendant.

Ex gratia

describing something done or given as a favour rather than a legal obligation. (This term is Latin.)

Ex parte

done by one side only in a case. (This term is Latin. Since April 1999, it is often replaced with 'without notice'.)

Expert witness

an expert in a particular field who is called to give an opinion in a court case.

Ex post facto

describing a law which is retrospective (it affects past acts as well as future ones). (This term is Latin.)

Extradition

the handing over of a criminal to the country the crime was committed in.

Extraordinary general Meeting

a general meeting of the members of a company which is not the annual general meeting.

Extraordinary Resolution

a resolution for consideration by the members of a company at a general meeting of the members.

Ex works

available from the factory. When something is sold ex works the buyer can collect it from the place it was manufactured or from some other place agreed by the buyer and seller.

F

Factor

is:

- someone buying or selling for a commission; or
- an organisation which provides finance for a business by advancing money on the value of the invoices the business sends out.

False imprisonment	wrongfully keeping someone in custody (for example in prison).
False pretence	misleading someone by deliberately making a false statement.
False representation	lying in a statement to persuade someone to enter a contract.
Family Division	the part of the High Court dealing with marriage breakdowns and probate.
Felony	the former term used for serious crimes such as rape or murder. It is still in use in the USA.
Feme covert	a woman who is married.
Feme sole	a woman who is not married or no longer married.
Feu	a lease which lasts for ever.
Feu duty	a yearly charge on a feu (which only applies in Scotland.)
Fiduciary	in a position of trust. This includes people such as trustees looking after trust assets for the beneficiaries and company directors running a company for the shareholders' benefit.
Final judgement	the court's final decision in a civil case.
Fitness to plead	whether or not the person charged is capable of making an informed decision. If, because of mental illness, a person charged with an offence is unable to understand what is going on the person may not be fit to plead guilty or not guilty.
Fixed charge	a charge which provides security for money lent. The charge is over a specific property.
Floating charge	a charge used to provide security for money lent to a company. The charge is over the company's liquid assets (such as stocks and debtors) but it is only triggered by an event such as liquidation.
Forbearance	when one party to an agreement does not pursue rights under the agreement even though the other party has not kept to its terms. An example would be someone not suing to recover an overdue debt.

Force majeure	an event which cannot be controlled and which stops duties under an agreement from being carried out. (This phrase is French.)
Foreclosure	repossessing property. If a mortgagor (the borrower) has failed to keep up the repayments on a mortgage, the mortgagee (the lender) may apply to the High Court for an order that the debt be repaid by a particular date. If the debt is not repaid the property will be repossessed. This procedure is called foreclosure.
Forfeiture	the loss of possession of a property because the tenancy conditions have not been met by the tenant.
Fostering	looking after other people's children. Sometimes children are looked after by people who are not their parents (natural or adopted). It usually happens because the parents cannot look after the children properly because of changed circumstances such as illness.
Fraud	lying or deceiving to make a profit or gain an advantage, or to cause someone else to make a loss or suffer a disadvantage.
Fraudulent conveyance	ownership of land being transferred without consideration and with the intention of defrauding someone.
Fraudulent preference	someone who is insolvent paying one of their creditors while knowing there is not enough money to pay the others.
Fraudulent trading	running a business with the intention of defrauding its creditors or other people.
Freehold	describing land that only the owner has any rights over.
Free of encumbrances	no one else having any rights over something. When property is owned by someone and nobody else has any rights over it, it is owned free of encumbrances.
Frustration	stopping a contract. Sometimes a contract cannot be carried out because something has happened which makes it impossible. This is called frustration of contract.
Futures contract	a binding contract to buy or sell something on a date in the future at a fixed price.