

# LEGAL DICTIONARY

This is a list of words which will be useful for you as a paralegal. We have tried to choose words that you may generally come across in working with the law, and words that are used a lot in this manual. So you will not find all the difficult words that are used in the manual in this dictionary. Words that you can find elsewhere in this dictionary are in *italics*.

**Accessible** – open, available, easy to get to

**Accrual system** – this applies to marriages after November 1984 which are out of *community of property*; all income and assets that are gained during the marriage will be shared equally if there is a divorce

**Accused** – a person charged with a crime

**Act** – a law made by parliament

**Acting for** – representing, a lawyer taking on a case for you

**Action, civil** – a case made by someone against another person or institution to claim money for damages or losses; also called *civil claim* or *suing*

**Action, criminal** – a case made by the state to punish someone who has committed a crime; also called a *criminal charge/case* or *prosecution*

**Acquitted** – found not guilty

**Ad hoc** – committee (or decision) for this purpose only

**Admissible** – allowed as *evidence* in a court case

**Admission** – saying you did something or you know something without admitting guilt

**Admission of guilt** – admitting guilt for a small crime and paying a fine instead of going to court e.g. traffic fine

**Advocate** – a lawyer who specialises in court work; also called counsel

**Affidavit** – a written statement that is sworn to be the truth in front of a *commissioner of oaths*; can be used as *evidence* in court

**Affirm** – swear in court that you will speak the truth, without swearing to God in the usual way

**Agent** – a person who is *authorised* to represent someone else

**Aggravating factors** – things that will cause you to get a heavier sentence, e.g. *previous convictions*, causing bad injuries

**Albeit** – if

**Alibi** – your witness who can say you were doing something else at the time of the crime

**Alien** – a person who is not a citizen of the Republic of South Africa

**Alleged / Allegation** – when something has not yet been proved in court

**Alternatively** – or

**Annuity** – what you pay to an insurance company every year

**Ante-nuptial contract** – a *contract* made before a marriage to say what will happen to the property and possessions of the couple if they divorce

**Anticipate** – expect

**Appeal** – asking a higher court or authority to overrule the judgment, sentence or decision of a lower court or authority

**Appear** – be in court

**Appellant** – the person or institution making an appeal

**Applicant** – a person, a CC, a company or an institution who applies for something. For example, a person or institution that applies to the court for an *interdict* or *court order*. If a CC fills in a form to be registered for VAT, it is applying to be registered and is called the applicant. If you apply for a disability grant, you are called the applicant.

**Apropos** – to do with

**Arbitration** – people who have a disagreement agree to use a third person to hear the case and to make a decision

**Argument** – summing up at the end of a case, done by *prosecutor* and *defence* to state the strength of their case

**Articled clerk** – see *candidate attorney*

**Assessor (court)** – someone who helps a judge in the High Court

**Assessor (property)** – a person who is registered to decide what something is worth

**Assets** – property that you own, for example houses, cars, furniture, linen, books, money in the bank and insurance policies, that can be used to pay your debts

**Assurance** – making payments as insurance on your life

**Attach property** – to seize someone's property when they owe money, after getting a court order

**Attorney** – a lawyer who works in a law firm

**Attorney-client privilege** – whatever a *client* tells to an *attorney* is secret and cannot be told to anyone else without the client's permission

**Attorney-General** – see *Director of Public Prosecutions*

**Authorise / Authority** – to give / have permission or power to do something

**Awaiting trial prisoner** – being held in a police station or a prison between the time of arrest and the court case or bail hearing

**Bail** – money paid by the *accused* to the court so s/he can go free until the trial which will decide whether s/he is guilty or not

**Balance of probabilities** – the amount of proof that you need to win a *civil action*; when you weigh up the two sides in the civil action, you have to show that your story is stronger than the other side's story on a balance of probabilities

**Bar Council** – you can make a complaint to this body that controls advocates

**Bargaining Council** – body in an industry where workers and employers make agreements on wages and working conditions

**Beneficiary** – someone who gets money or property in a will as an *heir* or *legatee*

**Benefit society** – a society that offers *insurance* against illness, unemployment, etc.

**Bequest** – a *legacy*, something left to someone in a will

**Beyond reasonable doubt** – the amount of *proof* needed for someone to be guilty in a criminal trial; the case has to be proved beyond reasonable doubt – there must be no doubt at all

**Bill of Rights** – a list of rights and freedoms for all people living in a country, which is part of the law of that country; South Africa has a Bill of Rights in our Constitution

**Bona fide** – in good faith, believing that you are doing something you have a right to do

**Breach of contract** – breaking the terms agreed on in a *contract*

**By-law** – law made by a local authority

**Candidate attorney** – someone with a law degree who works for a law firm for two years before qualifying as an *attorney*; used to be called an *articled clerk*

**Capacity** – see *legal capacity*

**Case-docket** – file opened by police when investigating a crime

**c.f.** – compare with

**Chambers** – the offices where advocates work

**Charge-sheet** – the paper in the Magistrate's Court that lists all the crimes that someone is charged with

**Children's Court** – special court at Magistrate's Court that decides cases affecting the welfare of children

**Citizen's arrest** – when you arrest someone that you see committing a serious crime or you have a good reason for thinking was involved in a serious crime, e.g. murder, rape, theft

**Civil action / claim** – claiming money through the civil court from a person who caused you harm

**Civil union** – legal recognition of a marriage or civil partnership between two persons regardless of their sexual orientation or gender identity but may only be registered by two

civil union partners who would not otherwise be allowed by law to marry each other under the Marriage Act or Recognition of Customary Marriages Act

**Clerk of the Court** – official in Magistrate's Court who receives and *issues* legal papers

**Client** – the person you give advice to or act for as a *paralegal* or *attorney*

**Commission of Enquiry** – government-appointed investigation, often headed by a judge

**Commissioner** – person who decides cases in the *Small Claims Court*; also used as abbreviation for Commissioner of Oaths, Commissioner of Inland Revenue, Compensation Commissioner, and so on

**Commissioner of Oaths** – person in front of whom an affidavit can be sworn, e.g. police, ministers, postmasters, bank managers

**Common cause** – what is agreed

**Common law** – laws not made by parliament that have been around for centuries, for things like murder, theft, assault, etc.

**Community of property** – all the possessions of a married couple are shared between them

**Community Service Order** – doing a sentence of community service in the community instead of going to prison

**Compensation** – money that a court orders you must be paid for damages or losses you suffered; money paid from the Compensation for Occupational Injuries and Diseases Fund

**Complainant** – person who makes a *criminal charge* against someone else at a police station

**Comprehensive Insurance** – general *insurance* covering matters like personal injuries, fire, theft and damage to property

**Confession** – admitting that you committed a crime

**Consensus** – agreement which everyone is satisfied with

**Consent** – giving your permission or agreement to something

**Consultation** – meeting between lawyer and client

**Contempt of Court** – breaking a *court order* or showing disrespect for the court, e.g. swearing at the magistrate

**Contract** – written or verbal agreement between people

**Conveyancer** – lawyer specialising in property transfers

**Conviction** – found guilty of a crime by a court

**Correctional supervision** – a conditional release from prison, similar to *parole* and *probation*, where you are released and monitored by someone called a Correctional Official

**Correspondent** – local lawyer used by law firm from another town

**Costs / Legal costs** – expenses of a legal action

**Counsel** – *advocate*, lawyer who appears in court

**Court order** – an official order by a judge telling someone to do something or to stop doing something

**Credit** – when someone is allowed to buy things and pay them off later

**Credit agreement** – a written *contract* about how money owed will be paid off

**Creditor** – person money is owed to

**Criminal charge / case / action** – court case against someone who committed a crime

**Criminal record** – list of all the crimes you have been found guilty of; also called *previous convictions*

**Cross-examination** – chance for the other side in a court case to ask you questions about your evidence

**Custody (arrest)** – being held in police or prison cells

**Custody (of children)** – day-to-day care and control of a child who lives with you

**Customary African law** – the indigenous laws of African tradition

**Customary union / marriage** – marriage according to African customary law

**Damages** – money claimed for loss, harm or pain suffered

**Debt** – money which one person or institution owes another

#### EXAMPLE

DEBT

*Sarah owes Petrus R100  
and she owes Thandi R200,  
so she has debts of R300*

**Debt collection** – collecting of money owed

**Debt counsellor** – a person who is trained and registered to assist consumers who may have become over-indebted as a result of entering into credit agreements

**Debtor** – person who owes money

**Deed of sale** – written sale agreement for the sale of land or houses

**Deed of transfer** – certificate of the transfer (handing over) of land or houses; proof of ownership of the land or house

**Deeds office** – government office where ownership of land is recorded

**De facto** – real or actual

**De novo** – new

**Default judgment** – judgment given against someone in a civil claim when they do not come to defend themselves

**Defective goods** – goods that have something wrong with them

**Defence** – legal reason to explain or excuse what you did, e.g. you hit someone because you were provoked

**Defence / Defence counsel** – lawyer or team of lawyers defending someone in a criminal case

**Defendant** – the person against whom a *civil claim* is made

**Delict** – a civil wrong done by one person against another, which might lead to a *civil action*

**Demarcation** – setting a limit, drawing a line between

**Dependant** – someone who is financially dependent on another person, e.g. a child on a parent

**Deponent** – person who makes an *affidavit*

**Deposit** – money paid when you buy something on credit

**Deputy-Sheriff** – court official who delivers legal *documents* in a High Court case

**Deregulation** – removing labour laws and regulations to make it easier to work or set up a business in an area or sector

**Derogate** – take away from

**Detainee** – person held in prison or police cells

**Determine** – decide

**Desist** – stop

**Director of Public Prosecutions** – boss of all the *state prosecutors* in a region, who decides about who should be charged in criminal cases

**Disburse** – pay or pay out

**Discharge** – court case being stopped because of a lack of *evidence*

**Discovery** – a legal procedure to get someone to show you what documents they have in their possession

**District Courts** – ordinary Magistrate's Courts in each big town

**District Surgeon** – doctor employed by the state to gather medical *evidence* for court cases, to treat prisoners, to give the public injections, etc

**Divorce Courts** – courts where people can go to have divorce cases resolved more cheaply and quicker

**Documents / Documentary evidence** – legal papers which could also be used as *evidence* in court

**Domiciled** – living somewhere permanently

**Duress** – force or pressure

**Estate** – all the things and money that belonged to a person who has died

**Evidence** – information, including *statements* and *documents*, that is used as proof in a court case

**Ex officio** – arising out of or by virtue of a job or position, e.g. all police are *ex officio peace officers*

**Ex parte application** – a very urgent court *application* that is done verbally without written papers or without going through all the usual procedures (e.g. giving the other side a chance to get to court)

**Ex post facto** – afterwards or later

**Excess** – the first part of the claim that an insured person has to pay

#### EXAMPLE

#### EXCESS

*out of a R1 000 claim, the insured pays R200 and the insurance company the other R800*

**Exculpatory statement** – a *statement* to the police where you state your innocence or you don't make any *admissions*

**Executor** – the person who sorts out the affairs of a dead person

**Expert / Expert witness** – someone who has specialist knowledge of something and who could be called to court to give evidence on this

**Express terms** – things written down or spoken in a contract

**Expropriate** – the state taking over land and paying the owner for the loss

**Final order** – when the court makes a final order, it replaces any previous (interim) *court orders*

**Finance charges** – payments made for using someone else's money, e.g. interest

**Finding** – decision of a court or a *Commission of Enquiry*

**Foreclose** – selling property to get back a loan made under a mortgage

**Foster grant** – money to pay for things like food, clothes and education for a child that has been entrusted to you by the state because her/his own parents do not look after the child

**Fraud** – the crime of lying or deceiving in a way that causes harm to someone else

**Fraudulent misrepresentation** – lying on purpose

**Freehold** – the right to buy and own property (land, house or buildings)

**Friendly society** – a society for insurance against sickness, etc.

**Further particulars** – asking the other side to give you more details about the charge or the allegations in a criminal or civil case

**Garnishee order** – when the court orders people who owe the consumer money to pay the credit provider who is owed money, instead of the consumer. A garnishee order also allows the credit provider to take money that the consumer expects to receive from, for example, an inheritance

**Guarantee** – a promise that things bought are in a good condition

**Guardian** – person who has legal *authority* over a child

**Hearsay evidence** – something you heard from someone else

**Heir** – a person who inherits from a will

**High Court** – higher court than Magistrate's Court, for serious cases or cases involving large amounts of money

**Hire purchase agreement** – see *Instalment Sales Agreement*

**Identity parade** – where you try to point out someone to be charged in a criminal case

**Illegal** – against the law, breaking the law

**Immoveable property** – property that you cannot move like land, houses and other buildings

**Implied terms** – things in a *contract* which are understood between the two sides even though they are not written down or spoken

**In camera** – a hearing or court case without members of the public present

**In lieu of** – instead of or in the place of

**Income tax** – tax on the money you get from employment or property

**Indemnity** – when the law says you cannot make a case against someone even though they have done something wrong

**Indictment** – the paper in the High Court listing all the crimes someone is charged with

**Inquest** – *judicial* investigation into whether any person or group of people was responsible for the death of someone who did not die of natural causes

**Insolvency** – bankruptcy, when you owe more money than you have in money or possessions; when a person does not have enough assets to pay their *debts*, the court will say that the person is insolvent and appoint someone to manage the insolvent person's affairs

**Instalment** – money paid by a buyer each week or month

**Instalment Sales Agreement** – a *contract* where the buyer pays off the price of something in instalments, and the seller usually stays the owner until the last instalment has been made

**Instruct / Instructions** – telling someone, e.g. a lawyer, what to do

**Insurance** – protecting yourself against loss by making certain payments

**Inter alia** – among other things

**Interdict** – a *court order* to protect someone or to force someone to do something

**Interest** – money charged to you when you borrow money; money you earn when you lend money e.g. when you keep your money in a bank account you are lending the bank the money

**Interim order** – a *court order* that is temporary (for the time being) and not final

**Intestate** – dying without a will

**Invoice** – a paper saying what was sold and what it cost

**Ipso facto** – by / through that fact

**Issue / Issuing** – when the court official puts the official stamp on a document

**Judgment** – decision made by judge or magistrate

**Judicial** – to do with the courts

**Junior counsel** – an ordinary or junior *advocate*, who assists a senior, more experienced advocate in a court case

**Jurisdiction** – the powers and functions of a court or other institution

**Justices of the Peace** – senior public officials who are given powers by the government to keep the peace and to perform certain tasks in an area, e.g. magistrates, *state advocates*, lieutenants or higher ranks in the SAPS or SANDF

**Juvenile** – under the age of 18

**Juvenile Courts** – special courts at the Magistrate's Court which decide cases where the accused is a juvenile

**Labour Court** – court where workers can make a case against their employers or employers can make a case against workers

**Latent defects** – problems or faults in things that you buy that the eye cannot see

**Law Society** – you can make a complaint to this body that controls the work of *attorneys*

**Lawful** – done with power given by the law

**Lawyer** – general name for someone who has a law degree

**Lease** – *contract* that allows someone to rent the property of another person

**Leasehold** – the right to rent property for a certain length of time

**Legacy** – a bequest, something left to someone in a will

**Legal** – something that the law allows, not breaking the law

**Legal aid** – state assistance to someone who can't afford a lawyer

**Legal Aid Board** – you can appeal or make a complaint to this body about legal aid

**Legal capacity** – ability in law to take legal *action* or to have action taken against you

**Legatee** – someone who benefits from a *legacy* (*bequest*) in a will

**Legislation** – laws passed by parliament

**Lessee** – a person who rents something from someone else

**Lessor** – a person who rents something to someone else

**Letter of demand** – letter demanding payment in a civil claim

**Levy** – a tax

**Liable / Liability** – when by law you are responsible for something or owe money; if a person or a company owes someone money, then they are *liable* for paying that money and can be taken to court if they don't pay; if the person owes R1 000, then their *liability* is R1 000

**Lien** – the right to keep something you have repaired until the owner pays you for the work

**Lieu / in lieu of** – instead of, in the place of, e.g. salary in lieu of notice

**Life policy** – *insurance* that gets paid out when someone dies

**Liquidation** – declaring a company bankrupt

**Litigant** – a person who takes legal action

**Litigation** – legal action

**Lockout** – employers keeping workers out of the workplace to force them to come to an agreement

**Locus standi** – legal standing, the right to bring a case to court, e.g. a child does not have locus standi

**Magistrate's Courts** – lower courts run by a magistrate

**Maintenance** – money paid by a parent to the person looking after his/her children e.g. by the father to mother if he does not live with her and his children; also money paid to a divorced wife by her ex-husband

**Maintenance Court / Officer** – place and person for sorting out maintenance problems at the Magistrate's Court

**Mala fide** – something done in bad faith, not in the way or in the spirit it should be done

**Malicious** – when someone causes harm or damage on purpose

**Marriage (civil)** – registered marriage that took place in front of a magistrate or a minister of certain religions

**Marriage (common law)** – living together without being legally married

**Matter** – case or legal problem

**Means test** – test used to decide whether someone is poor enough to get *legal aid* or state grants

**Mediation** – using a go-between to help sort out a disagreement between people

**Messenger of the Court** – court official who delivers court papers in the Magistrate's Court

**Minor** – person under 18

**Misrepresentation** – making a false or incorrect statement

**Mitigation / Mitigating factors** – reasons why someone who has been found guilty of a crime should get a light sentence

**Mortgage / Mortgage bond** – signing away part of your house as *security* for a loan; if you do not pay back the loan, the house can be sold to pay back the money

**Mutatis mutandis** – with the necessary changes

**Negligent / Negligence** – not being careful enough

**Negotiation** – when people who have a disagreement talk to each other to try and sort it out

**No-claim bonus** – a discount given in insurance payment if no claims have been made for a long time

**Nolle prosequi** – the certificate that the *Director of Public Prosecutions* writes when he/she decides not to prosecute someone

**Notary public** – an *attorney* who specialises in certifying or drawing up legal documents

**Notice (civil claim)** – special kind of *letter of demand*, e.g. in cases against the police, where you demand payment by a certain date

**Notice (work)** – period of advance warning that someone gets before being dismissed from work

**Notice of intention to defend** – after a *summons* is served on someone in a *civil claim*, they can send back a paper to say they will defend themselves against the claim

**Notice of motion** – a paper sent by the *applicant* in an interdict or other court *application* to the person against whom the case is made, to let them know

**Oath** – swearing that something is the truth

**Offence** – crime

**Oral evidence** – telling your story in court

**Order of court** – see *court order*

**Ordinance** – law made by a provincial council

**Out-of-court settlement** – see *settlement*

**Paralegal** – a person without a law degree who has legal skills, knowledge and experience

**Parole** – being released from prison on condition that you do not misbehave

**Particulars of claim** – a *document* in which the legal grounds for a *civil claim* are set out

**Party** – one of the sides or people involved in a court case or legal dispute

**Peace Officers** – public officials who through their job have certain powers to keep the public peace, e.g. the power of all members of the SAPS to arrest or search you

**Peace Order** – an official letter from a magistrate to someone warning them that if they do not stop certain behaviour, they will be arrested and charged, e.g. to a man who is beating a woman

**Pending** – being held over or waiting for, e.g. pending a decision

**Pension fund** – fund which usually when you retire immediately pays you out one third of what you have paid in and two thirds over the rest of your life

**Per se** – in itself

**Perjury** – lying under *oath* in court or in a sworn *statement*

**Place of Safety** – a home for children who have no-one to look after them

**Plaintiff** – the person who makes a civil claim

**Plea / Plead** – saying 'guilty' or 'not guilty' to charges in a criminal case; also stating your *defence* in a *civil action*

**Pleadings** – *documents* in *civil actions* where the *parties* set out their cases

**Pointing out** – showing the police some place, person or thing; a kind of *evidence* that can be used against you in court

**Post-mortem** – medical examination of dead body to find cause of death

**Power-of-attorney** – a legal *document* you sign giving someone else the right to do certain things for you, e.g. collect your wages

**Precedent** – example or standard that can be used or followed in future

**Premium** – amount paid each year for *insurance*

**Prescribe / Prescription period** – time-limit before a case falls away

**Previous convictions** – see *criminal record*

**Prima facie** – at first sight, as it looks at first

**Prisoner's Friend** – Magistrate's Court official who can help you with matters like getting money to pay for *bail* or fines

**Private prosecution** – a special kind of *criminal case* you can make when the *Director of Public Prosecutions* decides not to *prosecute* someone

**Privatisation** – where the government sells public services to private owners, e.g. telephone and electricity supplies

**Pro deo counsel** – see *Public Defenders*

**Probation** – a trial period where people, often *juveniles*, have a chance to prove that they can behave

**Probation Officer** – person, usually a social worker, who has to make sure that someone on probation behaves themselves

**Procedural** – to do with procedures and process rather than the content of something

**Professional Assistant** – fully qualified *attorney* who works in a law firm, but who is not a partner in the firm

**Profit** – all the money a business gets in minus all the money the business spends on costs

#### EXAMPLE

*Busy Bees pre-school looks after 30 children. The parents each pay R50 per month to Busy Bee. The pre-school therefore gets 30 times R50, which is R1 500 (the turnover). There are two teachers, who are paid R450 each per month. Per month electricity and water costs R10; cooldrink and bread for the children costs R200; and crayons and paper and so on costs R100. All the costs together add up to R1 210. The profit is worked out by taking the R1 500 turnover, and subtracting the R1 210 costs. The profit is therefore R290 per month.*

**Proof** – enough *evidence* to win or at least to make a good case

**Prosecute / Prosecution** – bringing a case against someone accused of breaking the law

**Prosecutor** – see *state prosecutor*

**Provident fund** – fund which usually pays you out all your pension money immediately as a lump sum

**Provisional taxpayer** – someone who owns a business or earns more than R1 000 profit every year must register as a provisional taxpayer with the South African Revenue Services; this means that you pay all your tax 2 or 3 times a year

**Provisions** – rules made by a law

**Public Defender** – government-employed lawyers who have the job of defending people who can't afford lawyers in *criminal cases*

**Public Protector** – public official appointed by the government to investigate complaints of corruption and *unlawful* actions by government officials or civil servants

**Quid pro quo** – one thing for another, exchange

**Rebates** – amounts taken off the tax you have to pay

**Re-examination** – the time after *cross-examination* in a court case where your lawyer gets a chance to ask you some more questions

**Receipt** – paper to prove money was paid or to claim back things taken away from you

**Recognition agreement** – *document* signed by employers saying that a union is allowed to organise their employees; also contains agreements on *retrenchments*, disciplinary procedure, etc.

**Reformatory** – a special kind of prison for *juveniles*

**Regional Courts** – higher Magistrate's Courts in large towns or cities that have more powers than *District (Magistrate's) Courts*

**Registrar** – court official at the High Court, responsible for *issuing* documents and setting dates for cases

**Regulation** – a law made by a government minister who is given the *authority* to do so

**Reinstatement** – re-employing a dismissed worker

**Retrenchment** – an employer cutting down on his/her workforce by paying off workers

**Remand** – postpone

**Remission** – time taken off a prison sentence for good behaviour

**Repossession** – taking back goods sold on credit if instalments are not paid on time

**Respondent** – person against whom an *application* (including an *interdict*), or an *appeal*, is made

**Restrain** – to stop

**Return day** – the date when a court *application* (including an *interdict*) will come back to court for a decision or for the next step to be taken; also called a *rule nisi*

**Review** – higher court looking at decisions made by lower courts or authorities, to see if anything was done wrongly, e.g. correct procedures were not followed

**Roadworthy certificate** – a *document* saying a vehicle is fit to be driven

**Rule nisi** – see *return day*

**Sectional title** – ownership of part of a building or block of flats

**Security** – being a *surety* or cover for someone, especially to pay money



**Self-incrimination /Right against self-incrimination** – the right to stay silent and not to say things which can be used against you in court

**Senior Counsel** – a senior *advocate* who will work with a junior advocate in a court case

**Sequestration** – the process for declaring someone bankrupt or *insolvent*

**Serve / Service** – when official court documents are delivered to you and you have to sign to say you have received them

**Servitude** – right to use land that belongs to someone else without paying rent

**Set aside** – to cancel

**Settlement** – agreement between *parties* in a *civil claim* to accept what is offered and to stop the court case

**Sine die** – without a date; when an *application* is postponed without a fixed date being set for when the case will carry on

**Sine qua non** – essential part or requirement

**Small Claims Court** – court for civil claims up to R3 000

**Solvent** – able to pay *debts*

**Specific performance** – when a court orders someone to do exactly what they promised under a *contract*

**Spoilation order** – special *court order* to immediately get back something that was taken away from you

**Stamp duty** – a tax you have to pay on *freehold* property

**State advocate** – advocate who works in the *Director of Public Prosecutions'* office and who represents the state in court

**State prosecutor** – person who presents the case against the accused in a *criminal case*; lawyer for the state

**State witness** – witness used by the *prosecutor* to prove the case against the accused

**Statement** – a written or verbal account of what happened, which could be used as *evidence* in court

**Status quo** – the position or situation as it is now, without any change

**Statutes** – laws passed by parliament; also called *Acts*

**Sub judice** – being heard in court (usually used to say the media cannot comment on a case because it is still being heard)

**Submit / Submission** – stating something which is an opinion or *allegation*

**Subpoena** – official paper used to tell witnesses they must come to court to give *evidence*

**Subsidy** – a hand-out of money for purchases like housing, usually from the government or an employer

**Substantive** – to do with the content or substance of something, not the procedures involved

**Succession** – law dealing with what happens to people's property after they die

**Sue / Suing** – to claim money through a *civil action* from someone who caused you damage

**Summary dismissal** – being sacked without notice or notice pay

**Summons (civil)** – a *document* that contains a demand for money and starts a *civil action*

**Summons (criminal)** – a *document* calling a person to come to court to stand trial for breaking the law

**Supreme Court of Appeal** – the highest court in the country (except for the Constitutional Court)

**Surety** – being a *security* for someone, by paying or being in a position to pay money, e.g. helping with bail

If one person signs a piece of paper saying that they will pay another person's debt if that person cannot pay the debt, they have stood surety for that person.

#### EXAMPLE

#### STANDING SURETY

*Vuyiswa owes Paul R500. Nolita signs a piece of paper which says that if Vuyiswa cannot pay Paul the money she owes him, then Nolita will pay Paul the money. Nolita has stood surety for Vuyiswa. If Nolita refuses to pay Paul, he can take her to court.*

**Suspended sentence** – part of a prison sentence or fine is put off or postponed and will only be imposed if the same crime is committed within a stated time

**Sworn statement** – *statement* sworn under *oath*, which is strong *evidence* in court; also called affidavit

**Tariff** – the lists of what to charge for different kinds of legal work, which lawyers are meant to follow

**Tenant** – a person who rents property from a landlord/lady

**Tenure** – way of possessing or occupying, e.g. land tenure

**Testate** – having a *valid* will

**Testator** – person who makes a *valid* will

**Testify** – give evidence in court

**Third party** – someone other than the two *parties* who make an agreement

**Third party insurance** – automatic *insurance* for all cars to pay people who are injured in car accidents

**Title deed** – the legal *document* which shows who owns a property

**Transfer duty** – the tax you have to pay when land is transferred

**Trespass** – to go onto or stay on property without the permission of the owner

**Trial** – court case

**Trial-within-a-trial** – a trial held as part of another trial to decide whether certain evidence will be allowed

**Turnover** – all the money that comes into the business from sales and services, without subtracting the money which is spent on the business, such as wages, materials and so on.

#### EXAMPLE

#### TURNOVER

*Busy Bees pre-school looks after 30 children and the parents each pay R50 per month to Busy Bee, so the turnover is 30 times R50, which is R1 500*

(Turnover is different to *profit*. To work out the profit, you subtract the costs from the turnover.)

**Vires** – beyond the *authority* given by law

**Unfair dismissal** – where an employer unlawfully fires a worker

**Unfair labour practice** – employers doing something that the law or the courts say is unfair

**Unlawful** – outside the powers given by law

**Urgent application** – applying to the High Court for an urgent *court order* or *interdict*

**Usufruct** – the right to use and enjoy the fruits of land that belongs to someone else

**Valid** – well-based or good in law, e.g. a valid claim

**Visa** – permit to enter a country

**Vis-a-vis** – to do with

**Viz.** – namely

**Voetstoots** – just as it is

**Wage determination** – *regulations* for wages and working conditions in a specific industry or area

**Warning / Released on warning** – released without *bail* and warned to *appear* on a certain date

**Warrant** – a *document* issued by a magistrate (or sometimes a police officer of rank of lieutenant or higher) that gives permission for things like arrests, searches, and evictions

**Warrant of Execution** – *document* giving court officials the right to take away certain property to cover your debts

**Warranty** – see *guarantee*

**Will** – a signed *document* saying how a person's possessions should be disposed of after they die

**Wind up** – collect all possessions and money that belong to an estate and pay all the *debts*

**Witness** – person who saw something and may give *evidence* in a court case

**Witness's friend** – a person at the Magistrate's Court who *explains* witnesses' rights and pays their transport costs