

Glossary of key EU family law terms¹

(Terms extracted from the Council Regulation (EC) No 2201/2003 of 27 November 2003, the Practical Guide for the Application of the Brussels Ila Regulation, the exercises in the manual)

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A

access/right of access	right of a child to see a parent regularly or of a parent or grandparent to see a child regularly, where the child is in the care of someone else
access order	court order allowing a parent to see a child regularly, where the child is in the care of someone else
adjective law	law which refers to legal practices and procedures
administration of property	management of property; to dispose of property
aggrieved	(party) who has been damaged or harmed by a defendant's actions
agreement on	to reach an agreement on; to agree on
ancillary	which gives help or support
ancillary relief	financial provision or adjustment of property rights ordered by a court for a spouse or child in divorce proceedings
appellant	person who appeals, who goes to a higher court to ask it to change a decision or a sentence imposed by a lower court
applicant	person who applies for a court order, plaintiff, claimant

B

bring suit	to bring a case, to file a lawsuit
by operation of law	based on the application of law
by virtue of	as a result of, on the grounds of, on account of, owing to

C

circumstantial evidence	evidence which suggests that something has happened, but does not give firm proof of it
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¹ Explanations taken from *Dictionary of Law*, Peter Collin Publishing, Third Edition, 2000

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claimant	person who makes a claim against someone in the civil courts; compare “defendant” (NOTE: Since the introduction of the new Civil Procedure Rules in April 1999, this term has replaced “plaintiff”)
conservation of property	keeping of property; taking care of property
to contest	to argue that a decision or a ruling is wrong
contention	opinion or belief
counterclaim	claim in a court by a defendant against the claimant who is bringing a claim against him (the counterclaim is included in the same proceedings and statement of case as the claim)
custody rights	the rights of a parent to keep and bring up a child after a divorce

D

default judgment	see “judgment by default”
defendant	person who is sued in a civil case; see “respondent”, “claimant” and “plaintiff”
dilatory plea	plea by a defendant relating to the jurisdiction of the court, which has the effect of delaying the action
disclosure	stating that documents exist or have existed before a hearing starts in the civil courts (usually done by preparing a list of documents: parties to whom documents have been disclosed have the right to inspect them); see “non-disclosure” specific disclosure = order by a court for a party to disclose certain documents or to search for them and disclose them if they are found to exist standard disclosure = statement by a party that certain documents exist (these are documents which will support his case, documents which do not support his case, and documents which will support the case of the other party)
dispute	disagreement or argument between parties; to mediate or to adjudicate in a dispute; in EU law: genuine dispute – real conflict between parties (The ECJ refused to hear the reference because it considered there was no genuine dispute between the parties.);
to draw up a document	to write up, to compose, to write, to execute, to prepare, to formulate

E

to have effect	to be in force
ex officio	by virtue of holding an office; of judge’s own motion
exequatur	the process for declaring a foreign judgment to be enforceable

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ex parte "on the part of one side only"; an **ex parte application** = application made to a court where only one side is represented and no notice is given to the other side

expert evidence evidence given by an expert witness

expert's report report written by an expert (usually for a court case)

expert witness expert who is a specialist in a subject and is asked to give his opinion on technical matters

F

findings decision reached by a court

forum court; but also: theatre, discussion, auditorium, convention; pl. fora, forums

G

guardian ad litem person who acts on behalf of a minor who is a defendant in a court case

I

injunction court order compelling someone to stop doing something, or not to do something

interim injunction injunction which prevents someone from doing something until a certain date

J

judgment by default judgment without trial against a defendant who fails to respond to a claim

L

legalisation to make lawful or legal

litigant a person engaged in a lawsuit

litigation going to law, bringing of a lawsuit against someone to have a dispute settled

N

non-disclosure failure to disclose information which one has a duty to disclose

P

plaintiff	person who starts an action against someone in the civil courts
to prejudice	to harm (e.g. to prejudice someone's claim); without prejudice to = phrase spoken or written in letters when attempting to negotiate a settlement, meaning that the negotiations cannot be referred to in court or relied upon by the other party if the discussions fail
prorogue	to defer, to postpone, to suspend

R

rectification	making changes to a document or register to make it correct
redress	compensation for injuries sustained; recovery or restitution for harm or injury; damages or equitable relief. Access to the courts to gain reparation for a wrong
repeal	to do away with (a law/regulation, etc.); to revoke, to annul
respect	in respect of, in relation to, with regard to
respondent	person against whom an order is sought; person who answers a petition, especially one who is being sued for divorce;
review	to analyse, to examine, to check
revocation	cancelling or annulment (e.g. of agreement, adoption, offer, permission, right or will)

S

to seise/seize a court	to file a petition/an application to a court
separate property	property owned by a husband and wife before their marriage (as opposed to "community property")
service (of process)	delivery of a document (such as a writ or summons) to someone in person or to his legal representative; also: personal service
to set out	to put down in writing
sham marriage	form of marriage arranged for the purpose of acquiring the nationality of the spouse or for other reasons
stay of proceedings	stopping of a case which is being heard
to stay proceedings	
subject to	depending on

suit

T

trial court/trial judge the court/judge that/who is hearing a trial/case

V

vouch to guarantee, to confirm, to verify

W

ward minor protected by a guardian