



UNITED NATIONS OFFICE AT GENEVA

LANGUAGES SERVICE
Terminology and Technical
Documentation Section

TERM/PROV/40
April 1990
ENGLISH-FRENCH-SPANISH

LAW TERMINOLOGY

in English, French and Spanish

*Volume I
A-H*



"When terms are incorrect, statements do not accord with facts. When statements do not accord with facts, affairs go wrong. When affairs go wrong, ritual and music wither. When ritual and music wither, justice fails. When justice fails, the people are bound hand and foot."

Confucius

"Mon but était simplement de diminuer cette masse de contradictions et d'abus qui finissent par faire de la procédure un maquis où les honnêtes gens n'osent s'aventurer et où prospèrent les bandits."

Marguerite Yourcenar,
Mémoires d'Hadrien

"... puesto que todos los sistemas de Derecho positivo presentan discrepancias más o menos relevantes entre la formulación lingüística de las normas y el uso que de ellas se hace en concreto."

Mario G. Losano, Los Grandes Sistemas Jurídicos

INTRODUCTION

The present trilingual glossary has been compiled from card indexes and vocabularies kept over a period of nearly 20 years by a free-lance English reviser and lawyer as a result of his work in the United Nations Office at Geneva. Although the glossary cannot claim to be systematic, the legislation and legal textbooks of a number of countries speaking English, French or Spanish were consulted during its preparation, and this made it possible for several families of legal terms to be added to it.

The glossary includes all the Spanish legal and administrative terms, relating mainly to criminal procedure, which appeared in the Geneva human rights glossary of May 1981 (UNOG document TERM/32). In many cases the entries for these terms have been expanded and, it is hoped, improved. The 1981 glossary should now be regarded as obsolete as far as its legal content is concerned.

The present glossary is indebted to the earlier one for its layout. It differs from it in having keywords not only in Spanish but also in French, and to a much lesser extent in English, as well as a few Latin entries. In some entries the explanatory wording is supplemented by references to separate notes. These will be found at the end of the glossary, and contain information which for reasons of space or presentation could not be included in the entries themselves; the notes also incorporate the tables which appear at the front of the 1981 glossary. All the explanatory material aims at helping translators, but none of it should be taken as a statement of the law.

Several hundred terms regarded as appropriate for inclusion in the glossary do not yet appear in it because further elaboration or research is required before the entries can be finalized. Among these are the entries sociedad and société; the absence from the glossary of these and related terms, representing approximately 100 entries, is a significant gap which it is hoped to fill before too long.

The glossary was originally conceived as a data bank from which individual bilingual glossaries would be prepared. The entire text is therefore stored electronically, enabling it to contain a large quantity of essential source references. The hope is that these will not distract the general user and will prove valuable for translators and terminologists who need more detailed information.

Shortage of time and lack of knowledge on the part of the compiler prevented all the entries from being completed in full and will certainly have been responsible for mistakes and misinterpretations. In the later stages of its preparation the glossary had to be finished at great speed and, as a result, is somewhat unbalanced alphabetically. It is also weighted in favour of the English translator. What is now put before the reader must therefore be regarded as a provisional document to which much remains to be done; it is greatly hoped that others, especially French and Spanish terminologists, will take up the task with the object of building up the glossary into a more comprehensive and authoritative work of reference for those who have the difficult task of translating legal material in the languages concerned. The Chief, Terminology and Technical Documentation Section, United Nations Office at Geneva will welcome suggestions for completing entries and remedying other shortcomings in the glossary.

In conclusion, it can only be a matter for regret that the glossary is unlikely to help its users to write such colourful but legally impeccable prose as the following:

"Ject un Brickbat a le dit Justice que narrowly
mist, & pur ceo immediately fuit Indictment drawn
per Noy envers le prisoner, & son dexter manus
ampute & fix al Gibbet sur que mesme immediatement
hange in presence de Court."

Such was the punishment for contempt of court in England in the year 1631.

Note regarding symbols, abbreviations and references

1. Symbols. The following symbols are used:

(i) =

This means that the term referred to is an equivalent of the keyword. It is used to avoid duplicating entries which are synonyms. Thus:

S abogado de oficio (AR, ES)
= defensor de oficio

F liberté provisoire
= libertad provisional

mean that all the information in the entry referred to is valid for both keywords.

(ii) v.

This means that the term referred to is a cognate of the keyword or gives useful information about it. For example:

S absolución
v. absolver

indicates that possible meanings of absolución other than the one, if any, given in the entry can be inferred from what is said about absolver.

(iii) ...

This is a space-saving device, used to give an abbreviated or general indication of the entry or entries referred to, e.g.:

E convention
v. Abolition of Forced Labour ...

is a cross-reference to "Abolition of Forced Labour Convention";

F droit
v. de droit ...

is a cross-reference to "de droit privé" and "de droit public".

(iv) ()

This means that the word in brackets is optional, e.g. in the entry "F action":

E 1. (right of) action

means that the French word "action", in the first meaning listed for it, can be translated either as "action" or as "right of action".

(v) /

This means that the word or words immediately preceding and following the oblique stroke are alternatives, e.g. in the entry "F acte de commerce":

E commercial/mercantile act/operation

means that the term can be translated as "commercial act", "commercial operation", "mercantile act" or "mercantile operation";

in the entry "F acte de justice":

E act of judicature/judicial administration

means that the term can be translated as "act of judicature" or "act of judicial administration".

(vi) ?

A question mark indicates a doubtful point.

2. Country indicators. ISO two-letter symbols are used to indicate the countries from which terms originate or to which information refers. The symbols employed are shown in the "List of References and Abbreviations" prefixed to the body of the glossary. Their use does not mean that the term or information is confined to the country mentioned, but simply that it was recorded or researched in respect of that country. It should be remembered that the law and legal terminology of England find widespread application in English-speaking countries throughout the world whose legal systems are part of the common law family. The same is true of the legal language of France and Spain in the many French-speaking and Spanish-speaking countries which have a civil law system.

3. Source references.

(i) The expression "non-code" means that the term is in use in the country concerned but has not been found in its legislation.

(ii) In France, subdivided articles of codes and other legislation usually appear in print as, for example, "2091-2", but are shown in the glossary in the form "2091.2" in order to avoid giving the impression that the reference is to articles 2091 and 2092.

(iii) In order to save space, a reference to a term which appears in a heading or subheading of a code or other piece of legislation is usually expressed by means of the number of the first article which follows that heading or subheading. This obviates the need for lengthy references such as "Title 6, chapter IV", which can be replaced by a number. References to legislation are either to a provision in which the term appears or to one which deals with the subject-matter which the term represents.

(iv) If no abbreviation is given between a reference and a number, the number refers to the page of the book or the article of the item of legislation in question (in the case of English legislation, to the section); e.g., "de Vries 84" means page 84 of the book referred to by "de Vries"; "CPP 243" means article 243 of the Code of Penal Procedure; "Companies Act 1985, 22" means section 22 of the Act. Where necessary the usual abbreviations "p.", "para.", "sect." and "art." are used.

(v) Dictionary references which have no words following them are references to the same keyword as the glossary term itself. In the English part of the entry "droit positif", for example, the reference "OCL" opposite "positive law" means that the entry "positive law" should be consulted in the Oxford Companion to Law. Where words are added, the reference is to a different keyword; for example, the reference "OCL right" opposite "positive right" means that the entry "right", not "positive right", should be consulted.

(vi) In the List of References and Abbreviations, indications such as "DROI 139" denote the number of the book in the UNOG Languages Service library, and those such as "347.9(8) C 58" the call number in the United Nations Library, Geneva, followed in the latter case by "LP" where the book is in the Legal and Political Reading Room.

4. The glossary is arranged in strictly English alphabetical order, e.g. "rechazar", which in Spanish alphabetical order would follow "recurso", comes before it. Where two entries have the same spelling, e.g. "requérir" in French and "requerir" in Spanish, the order is alphabetical by language: English, French, Spanish.

LIST OF REFERENCES AND ABBREVIATIONS

Abrams	<u>The Language of Cities</u> (CONST 67)
Access	M. Cappelletti and B. Garth, <u>Access to Justice</u> 347.9 A 169 LP
ACHR	American Convention on Human Rights (Organization of American States, <u>Treaty Series</u> 36; <u>Human Rights in International Law</u> , DROI 178)
ADR	European Agreement concerning the International Carriage of Dangerous Goods by Road
ADRDM	American Declaration of the Rights and Duties of Man (OEA/Ser.L/V/1.4, Rev., 26.8.1963, pp. 1-9)
Aguilar	<u>Código Civil comentado</u> , Aguilar S.A. de Ediciones, Madrid, 1964
AL	administrative law
Amend.	Amendment
Amos	<u>Amos and Walton's Introduction to French Law</u> , third edition (DROI 144) <u>1/</u>
Anabalón	Carlos Anabalón Sanderson, <u>Tratado Práctico de Derecho Procesal Civil Chileno</u> , tomo segundo
anc.	ancien
ant.	antiguo
AR	Argentina
Archbold	<u>Criminal Pleading Evidence and Practice</u> , forty-first edition (DROI 191)
Arguile	R. Arguile, <u>Criminal Procedure</u> , 1969
art.	article, artículo
AU	Australia
Auby	J.-M. Auby and R. Drago, <u>Traité de contentieux administratif</u> , third edition, Paris, 1984
Baker 1	E.R. Baker and F.B. Dodge, <u>Criminal Law</u> (Baker & Wilkie's Police Promotion Handbook 1), sixth edition, 1980

1/ An excellent work but out of date in some respects, especially as regards commercial law.

Baker 2	E.R. Baker & F.B. Dodge, <u>Criminal Evidence and Procedure</u> (Baker & Wilkie's Police Promotion Handbook 2), seventh edition, 1981
Barraine	<u>Nouveau dictionnaire de droit et des sciences économiques</u> (DROI 75)
Barrillon	<u>Dictionnaire de la Constitution</u> , third edition (POL 1)
Battifol	Battifol et Lagarde, <u>Droit international privé</u> (DROI 157)
BE	Belgium 2/
Beckman	<u>The Criminal Justice Dictionary</u> (DROI 217)
Benoît	F.-P. Benoît, <u>Le droit administratif français</u> , 1968
BI	Burundi
BJ	Benin
Bk., bk.	Book, book
Black	<u>Black's Law Dictionary</u> , fifth edition (DROI 90)
BO	Bolivia
BOD	Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, A/RES/35/177
Boillod	J.-P. Boillod, <u>Manuel de droit</u> , second edition, 1981 ... [Swiss law]
Bourdon	<u>Lexique de termes politiques</u> , third edition (POL 25)
Bouzat	P. Bouzat and J. Pinatel, <u>Traité de droit pénal et de criminologie</u> , 343(44) B 78 t LP ... [French law]
Bradley	A.W. Bradley, <u>Constitutional and Administrative Law</u> 342(42) W 11 ac LP
Brown	<u>French Administrative Law</u> , third edition (DROI 139)
Brown & Jacobs	L.N. Brown and F.G. Jacobs, <u>The Court of Justice of the European Communities</u> , second edition, London, 1983
Brownlie	<u>Principles of Public International Law</u> , second edition (DROI 131)

2/ The abbreviation "BE FR" followed by a reference to the Civil Code means that the article numbers given are valid for the Civil Codes of both countries.

Buffelan 1	Y. Buffelan-Lanore, <u>Droit civil: Première année</u> , fourth edition, 1980
Buffelan 2	Y. Buffelan-Lanore, <u>Droit civil: Deuxième année</u> , second edition, 1980
Burdeau	G. Burdeau, <u>Droit constitutionnel et institutions politiques</u> , seventeenth edition, 1976
CA	Canada
Camino	CAMINO, <u>El Salvador: Background to the Crisis</u> 972.84 C 397
Capitant	<u>Vocabulaire juridique</u> , 1936 (DROI 20) 3/
Castán	J. Castán Tobeñas, <u>Derecho Civil Español, Común y Foral</u> (vol. 3): <u>Derecho de obligaciones</u> , thirteenth edition, 1983
CAV	<u>France: Code de l'aviation civile</u>
CC	<u>Malta, Philippines, Seychelles: Civil Code</u> <u>Quebec: Civil Code/Code civil</u> <u>Canada: Criminal Code/Code criminel</u> <u>Belgium, Burundi, France, Switzerland: Code civil</u> <u>Chile, Equatorial Guinea, Puerto Rico, Spain: Código Civil</u>
CCA	<u>England: County Courts Act 1984</u>
CCDF	<u>Mexico: Código Civil para el Distrito Federal</u>
CCFR	<u>England: County Court (Forms) Rules 1982</u>
CCH	<u>France: Code de la construction et de l'habitation</u> (see Decrees 621 and 622 of 31.5.1978)
CCOM	<u>Belgium, France: Code de commerce</u> <u>Mexico, Spain, Venezuela: Código de Comercio</u>
CCP	<u>India, Seychelles: Code of Civil Procedure</u> <u>Sri Lanka: Civil Procedure Code</u>
CCR	<u>England: County Court Rules 1981</u>
CDI	Commission du droit international, Comisión de Derecho Internacional

3/ This first-class dictionary has been superseded by a worthy successor: G. Cornu, Vocabulaire juridique (DROI 21).

CDO	<u>Switzerland</u> : Code (fédéral) des obligations
CDS	<u>Cuba</u> (? repealed): Código de Defensa Social
CE	Communauté européenne
CECA	Communauté européenne du charbon et de l'acier
CECR	<u>Venezuela</u> : Código de Enjuiciamiento Criminal
CEE	Communauté économique européenne
C.Eur	<u>Judicial Organisation in Europe, 1975 (DROI 201)</u>
CF	Central African Republic
CFAM	<u>Cuba</u> : Código de Familia
CFPP	<u>Mexico</u> : Código Federal de Procedimientos Penales
CG	Congo (People's Republic of)
CH	Switzerland
chap.	chapter
Charlesworth	<u>Charlesworth's Mercantile Law</u> , thirteenth edition
Charter	Charter of the United Nations, Charte des Nations Unies, Carta de las Naciones Unidas
Cheshire	M.P. Furmston, <u>Cheshire Fifoot and Furmston's Law of Contract</u> , eleventh edition, 1986
Cheshire & North	<u>Cheshire and North's Private International Law</u> , tenth edition (DROI 93)
CI	Côte d'Ivoire
CIC	<u>Belgium, Djibouti, France (repealed), Luxembourg</u> : Code d'instruction criminelle <u>Uruguay</u> (repealed): Código de Instrucción Criminal
CID	Convention on the Settlement of Investment Disputes between States and Nationals of Other States (UNTS 545 160, RITL II 46)
CIJ	Cour internationale de Justice, Corte Internacional de Justicia
CIM	<u>Uruguay</u> : Código de Instrucción Militar

CIMT	United Nations Convention on International Multimodal Transport of Goods (Sales No. 81.II.D.7 (Vol.I))
civ. proc.	civil procedure
CJ	<u>Belgium</u> : Code judiciaire <u>Panama</u> : Código Judicial
CJD	<u>Dictionary of Criminal Justice Data Terminology</u> , first edition (DROI 112)
CJEC	Court of Justice of the European Communities, Cour de justice des Communautés européennes, Tribunal de Justicia de las Comunidades Europeas
CJECC St.	Court of Justice of the European Coal and Steel Community: Statute
CJECRP	Court of Justice of the European Communities: Rules of Procedure (the Rules of Procedure and the three Statutes are in <u>Q.J.</u> 1982, C 39/1; the Rules of Procedure in F only are in 341.6(4) V 274 LP; the three Statutes and the Treaties, but not the Rules of Procedure, are in ORGS 53/1 and 53/3)
CJEEC St.	Court of Justice of the European Economic Community: Statute
CJENF	Convention on Jurisdiction and the Enforcement of Civil and Commercial Judgments, Brussels, 1968
CJM	<u>Argentina, Chile, Colombia, Spain</u> : Código de Justicia Militar <u>France</u> : Code de justice militaire
CL	Chile
Clagett	H.L. Clagett and D.M. Valderrama, <u>A Revised Guide to the Law and Legal Literature of Mexico</u> 340(72) C 58a LP
Clagett Adm.	H.L. Clagett, <u>Administration of Justice in Latin America</u> 347.9(8) C 58 LP
CM	Cameroon
Cmd., Ccmd.	United Kingdom Command paper
CMI	Código de Minería
CN	<u>France</u> : Code de la nationalité française
CO	Colombia

COD	Code of Conduct for Law Enforcement Officials, A/RES/34/169
COJ	<u>France</u> : Code de l'organisation judiciaire
Colex	<u>Código civil: Comentarios y Jurisprudencia</u> , Editorial Colex, Madrid, 1986
com.	comentario
comm.	commentary, commentaire
Const.	Constitución, Constitución Política, Constitution, constitutional
COPP	Convention on the Prevention and Punishment of the Crime of Genocide (Sales No. E.88.XIV.1, p. 143)
COPSM	<u>Draft Code of Offences against the Peace and Security of Mankind (Yearbook of the International Law Commission 1985, vol. II (Part Two), p. 8)</u>
Cornu	<u>Vocabulaire juridique (DROI 21)</u>
Costello	<u>The Pocket Law Lexicon, 1921 (DROI 12)</u>
GOT	<u>Chile</u> : Código Orgánico de Tribunales
COIM	<u>Uruguay</u> : Código de Organización de los Tribunales Militares
COV	International Covenant on Civil and Political Rights, A/RES/2200 A (XXI)
COVLON	Covenant of the League of Nations
CP	<u>Belgium, Burundi, Djibouti, France, Luxembourg, Niger, Rwanda, Senegal, Switzerland</u> : Code pénal <u>Argentina, Bolivia, Chile, Colombia, Cuba, El Salvador, Mexico, Nicaragua, Peru, Spain, Uruguay, Venezuela</u> : Código Penal
CPC	<u>Burundi, Québec</u> : Code de procédure civile <u>Bolivia, Chile, Colombia, Dominican Republic, Ecuador, Uruguay, Venezuela</u> : Código de Procedimiento Civil <u>Costa Rica, Peru</u> : Código de Procedimientos Civiles
CPCA	<u>France</u> : Code de procédure civile (ancien; parts are still in force)
CPCC	<u>Argentina</u> : Código Procesal Civil y Comercial de la Nación

CPCDF	<u>Mexico</u> : Código de Procedimientos Civiles para el Distrito Federal
CPCM	<u>Guatemala</u> : Código Procesal Civil y Mercantil
CPCN	<u>France</u> : Nouveau Code de procédure civile
CPCR	<u>Argentina</u> : Código de Procedimientos en lo Criminal
CPDF	<u>Mexico</u> : Código Penal para el Distrito y Territorios Federales
CPM	<u>Uruguay</u> : Código Penal Militar
CPN	<u>Spain</u> : Propuesta de Anteproyecto del Nuevo Código Penal (1984 edition)
CPO	<u>Uruguay</u> : Código Penal (Ordinario)
CPP	<u>Burundi, Congo, Côte d'Ivoire, France, Niger, Rwanda, Senegal</u> : Code de procédure pénale <u>Uruguay</u> : Código del Proceso Penal <u>Bolivia, Chile, Colombia</u> : Código de Procedimiento Penal <u>Costa Rica, Peru</u> : Código de Procedimientos Penales <u>El Salvador, Guatemala</u> : Código Procesal Penal
CPPDF	<u>Mexico</u> : Código de Procedimientos Penales para el Distrito Federal
CPM	<u>Uruguay</u> : Código de Procedimiento Penal Militar
CR	Costa Rica
CREFAA	Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York 1958 (UNTS 330 38, RITL II 24)
Cretney	<u>Principles of Family Law</u> , third edition (DROI 171)
crim. proc.	criminal procedure
Cross & Jones	<u>Introduction to Criminal Law</u> , eighth edition (DROI 102)
CRU	<u>France</u> : Code rural
CSAJED	Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, The Hague 1965 (UNTS 658 164)
CSM	Convention on Special Missions, 1969

CSTP	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, A/RES/317 (IV)
CT	<u>Chile</u> : Código del Trabajo <u>France</u> : Code du travail
CTA	<u>France</u> : Code des tribunaux administratifs (see Decrees 73682 and 73683 of 13.7.1973)
CTS	<u>Consolidated Treaty Series</u>
CU	Cuba
CURB	<u>France</u> : Code de l'urbanisme
Curzon	<u>A Dictionary of Law</u> (DROI 147)
Curzon Criminal	L.B. Curzon, <u>Criminal Law</u> , fifth edition, 1987
DA	draft articles <u>4/</u>

4/

1966 DA	Draft articles on the law of treaties (<u>Yearbook of the International Law Commission 1966</u> , vol. II, pp. 173 <u>et seq.</u>)
1980 DA	Draft articles on State responsibility, Part I (<u>Yearbook of the International Law Commission 1980</u> , vol. II (Part Two), pp. 26 <u>et seq.</u>)
1981 DA	Draft articles on succession of States in respect of State property, archives and debts (<u>Yearbook of the International Law Commission 1981</u> , vol. II (Part Two), pp. 20 <u>et seq.</u>)
1982 DA	Draft articles on treaties concluded between States and international organizations or between international organizations (<u>Yearbook of the International Law Commission 1982</u> , vol. II (Part Two), pp. 17 <u>et seq.</u>)

A reference written "DA24cl" is to paragraph (1) of the commentary to article 24 of the draft articles in question.

Dalloz	<u>Dictionnaire de droit</u> , second edition and supplement 1977 (DROI 27/1-3) 5/
Dalloz Civ. biens	<u>Droit civil: Les biens</u> , second edition (DROI 19/3)
Dalloz Civ. intro.	<u>Droit civil: Introduction générale</u> , fourth edition (DROI 19/1)
Dalloz Civ. obl.	<u>Droit civil: Les obligations</u> , second edition (DROI 19/4)
Dalloz Civ. pers.	<u>Droit civil: Les personnes, la famille, les incapacités</u> , fourth edition (DROI 19/2)
Dalloz Civ. sûretés	<u>Droit civil: Les sûretés, la publicité foncière</u> (DROI 19/5)
Dalloz Comm.	<u>Droit commercial: Groupements commerciaux</u> , tenth edition (DROI 127/2)
Dalloz Comm. Eff.	<u>Droit commercial: Effets de commerce ...</u> , eighth edition (DROI 127/1)
Dalloz Crim.	<u>Criminologie et science pénitentiaire</u> , third edition (DROI 185)
Dalloz Dr. Adm.	<u>Droit administratif</u> , ninth edition (DROI 184)
Dalloz Pén.	<u>Droit pénal général</u> , eleventh edition (DROI 179)
Dalloz Proc. civ.	<u>Procédure civile</u> , twentieth edition (DROI 210)
Dalloz Proc. pén.	<u>Procédure pénale</u> , eleventh edition (DROI 180)
Dalloz Voies	<u>Voies d'exécution</u> , thirteenth edition (DROI 182)
David	R. David, <u>Le droit français</u> 340(44) D 249
David Con.	R. David and D. Pugsley, <u>Les contrats en droit anglais</u> 347.4(42) D 249
David GS	<u>Les grands systèmes de droit contemporains</u> , third edition (DROI 011)

5/ Certain articles must be regarded as obsolete until a more up-to-date supplement is available.

David Law	R. David, <u>English and French Law</u> , 1980
David Sys.	<u>Major Legal Systems in the World Today</u> , second edition (DROI 231)
Dec.	Decreto
Déc.	Décret
Dec. Supr.	Decreto Supremo
der. adm.	derecho administrativo
der. civ.	derecho civil
der. com.	derecho comercial
der. const.	derecho constitucional
der. int.	derecho internacional público
der. pen.	derecho penal
der. púb.	derecho público
der. rom.	derecho romano
Dessemontet	F. Dessemontet and T. Ansay (eds.), <u>Introduction to Swiss Law</u> , Deventer, 1983
de Vries	H.P. de Vries, <u>Civil Law and the Anglo-American Lawyer</u> 340(44) V 982
de Vries Galston	H.P. de Vries, N.M. Galston and R.B. Loening, <u>Materials for the French Legal System</u> 340(44) F 815 mtbea LP
DFL	Decreto con fuerza de ley
Dicey	L. Collins (ed.), <u>Dicey and Morris on the Conflict of Laws</u> , eleventh edition, 1987
DJ	Djibouti
DL	Decreto-Ley
DO	Dominican Republic
Docte	<u>Dictionnaire de termes juridiques en quatre langues</u> , third edition (1982) (DROI 145)
Doucet	<u>Legal and Economic Dictionary</u> (DROI 143)

dr. adm.	droit administratif
dr. civ.	droit civil
dr. com.	droit commercial
dr. const.	droit constitutionnel
dr. fin.	droit financier
dr. fisc.	droit fiscal
dr. int.	droit international public
dr. pén.	droit pénal
dr. privé	droit privé
dr. pub.	droit public
dr. rom.	droit romain
DT	Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/RES/3452 (XXX)
Dubouis	L. Dubouis and G. Peiser, <u>Droit public</u> , eighth edition, Paris, 1984
DZ	Algeria
E	English language
EC	Ecuador
ECHR	European Convention on Human Rights (UNTS 213 222; <u>Human Rights in International Law</u> , DROI 178)
ECHRRRC	European Court of Human Rights: Rules of Court
ECHRRP	European Commission of Human Rights: Rules of Procedure (both are in <u>European Convention on Human Rights: Texts and Documents</u> (341.1(4) E8955 LP), vol.I)
ECICA	European Convention on International Commercial Arbitration, Geneva 1961 (UNTS 484 364, RITL II 34)
ECIVCJ	European Convention on the International Validity of Criminal Judgements (Council of Europe, <u>European Treaty Series</u> , No. 70)
ECSC	European Coal and Steel Community

ECSC Treaty	Treaty establishing the European Coal and Steel Community
ECULA	European Convention providing a Uniform Law on Arbitration, Strasbourg 1966 (RITL II 65)
EG	Egypt
EGLAT	<u>European Glossary of Legal and Administrative Terminology</u> , vol. 12, 1972 (DROI 34/40) 6/
ELS	<u>The English Legal System</u> (DROI 39)
Emmins	C.J. Emmins, <u>A Practical Approach to Criminal Procedure</u> , third edition, London, 1985
EN	England
ES	Spain
Escrache	<u>Diccionario de Legislación y Jurisprudencia</u> (DROI 154)
esp.	especially
ETS	Council of Europe, <u>European Treaty Series</u>
Euro Coy	Clive M. Schmitthoff (ed.), <u>European Company Law Texts</u> 347.72(4) S 355 LP
F	French language
FCA	<u>Canada: Federal Court Act 1970</u>
FR	France <u>Z/</u>
FRCP	<u>United States: Federal Rules of Civil Procedure</u> (United States Code, title 28, appendix)
FRCRP	<u>United States: Federal Rules of Criminal Procedure</u> (United States Code, title 18, appendix)
Fridman	G.H.L. Fridman, <u>The Law of Agency</u> , fifth edition, 1983
Frommel	S.N. Frommel and J.H. Thompson (eds.), <u>Company Law in Europe</u> 347.72(4) C 737

6/ Some of the explanatory material in this glossary is out of date. A number of the translations it gives have been improved on in the present work.

Z/ See footnote 2 above.

- G German language
- GA Gabon
- Gall J. Le Gall, French Company Law, London, 1974
- Gamboa A Dictionary of International Law and Diplomacy (DROI 105)
- GB United Kingdom
- GCBE Convention providing a Uniform Law for Bills of Exchange and Promissory Notes, Geneva 1930, annex I (Uniform Law) (LONTS CXLIII 259, RITL I 157)
- GCC Convention providing a Uniform Law for Cheques, Geneva 1931, annex I (Uniform Law) (LONTS CXLIII 357, RITL I 195)
- GDEL Grand dictionnaire encyclopédique Larousse
- GE Geneva
- Georges P. Georges, Droit public, fifth edition, Paris, 1984
- GN Guinea (Revolutionary People's Republic of)
- Gómez F. Gómez de Liaño, Diccionario Jurídico, Salamanca, Spain, 1983
- GQ Equatorial Guinea
- Graulich Graulich et al., Guide to Foreign Legal Materials: Belgium, Luxembourg, Netherlands 340 (4359:493) AG 946 LP
- Greaves A. Greaves & D. Pickover, The Criminal Law, 3 v., 1979-1981
- Gr. Lar. Grand Larousse de la langue française
- GT Guatemala
- Guide juridique Le Guide juridique pratique 340(44) G 815 g
- Guide pratique Ministère de la justice, Guide pratique de la justice, 1984 (DROI 239) [French law]
- Guillien Lexique de termes juridiques, fifth edition (DROI 1)
- Habscheid W.J. Habscheid, Droit judiciaire privé suisse 347.9(494) H 115A LP

Hague 1899	International Convention for the Pacific Settlement of International Disputes, The Hague 1899 (United Kingdom, <u>Treaty Series</u> 9(1901), Cd. 798)
Halsbury	<u>Halsbury's Laws of England</u> , fourth edition 340(42) H 196 AA
Hampton	Hampton, <u>Criminal Procedure</u> , third edition
HCBE	Convention on the Unification of the Law relating to Bills of Exchange and Promissory Notes, The Hague 1912: Uniform Regulation (RITL I 134)
Herget	J.E. Herget and J. Camil, <u>An Introduction to the Mexican Legal System</u> 340(72) H 545 LP
Herrero	<u>Diccionario de Expresiones y Frases Latinas</u> (DIV 26)
Herzog	P. Herzog, <u>Civil Procedure in France</u> , The Hague, 1967 8/
HN	Honduras
HR	Human rights
HRC	<u>Human Rights: A Compilation of International Instruments</u> (Sales No. 83.XIV.1) 9/
HT	Haiti
Hudson	<u>Dictionary of Commercial Law</u> (DROI 23)
IACEV	Inter-American Convention on Extraterritorial Validity of Foreign Judgments and Arbitral Awards (Organization of American States, <u>Treaty Series</u> 51)
ICJ	International Court of Justice, Cour internationale de Justice, Corte Internacional de Justicia
ICJ R	ICJ Rules of Court, Règlement de la Cour
IE	Ireland
IECL	<u>International Encyclopaedia of Comparative Law</u> 340 AAI 615 LP
IL	public international law

8/ This work is based on the old French Code of Civil Procedure and should therefore be used with caution.

9/ Superseded by Sales No. 88.XIV.1. Any references in the body of the glossary to page numbers are references to the 1983 edition.

ILC	International Law Commission
IN	India
Ingman	T. Ingman, <u>The English Legal Process</u> , 1983
INJ	International liability for injurious consequences arising out of acts not prohibited by international law (Quentin-Baxter)
IP	intellectual property law
Isaac	G. Isaac, <u>Droit communautaire général</u> (1983)
James	<u>Introduction to English Law</u> , tenth edition
Jéraute	<u>Vocabulaire ... de termes ... juridiques</u> (DROI 44)
JI	Jurisdictional immunities of States and their property (Sucharitkul)
Jowitt	<u>Dictionary of English Law</u> (DROI 114) and second supplement, 1985
JYB	United Nations <u>Juridical Yearbook</u>
Kahn-Freund	O. Kahn-Freund and C. Lévy, <u>A Source-book on French Law</u> 340(44) K 125
Kelsen	H. Kelsen, <u>General Theory of Law and State</u> 340 K 29g LP
KM	Comoros
L	Latin language
LAM	Latin America, América Latina
Langan	Langan and Lawrence, <u>Civil Procedure</u> , third edition
Laubadère	A. de Laubadère, <u>Traité de droit administratif</u> , ninth edition, Paris, 1984
Lawson	F.H. Lawson, <u>Remedies of English Law</u> , second edition
LB	Lebanon
LCC	<u>Spain</u> : Ley de 16 de julio de 1985 Cambiaria y del Cheque
LCF	<u>Canada</u> : Loi sur la Cour fédérale de 1970
LEC	<u>Equatorial Guinea, Spain</u> : Ley de Enjuiciamiento Civil

LECR	<u>Equatorial Guinea, Spain:</u> Ley de Enjuiciamiento Criminal
LFOJ	<u>Switzerland:</u> Loi fédérale d'organisation judiciaire
LG	<u>Lexique général,</u> ST/DCS/1/Rev.2
Littré	<u>Dictionnaire de la langue française</u>
LK	Sri Lanka
LOGGPJ	<u>Spain:</u> Ley Orgánica del Consejo General del Poder Judicial (10.1.1980), derogada
LOE	<u>Spain:</u> Ley Orgánica del Estado
LOGP	<u>Spain:</u> Ley Orgánica General Penitenciaria (26.9.1979)
LOJ	<u>Spain:</u> Ley de Bases Orgánica de la Justicia (? derogada) <u>Cuba:</u> Ley de Organización del Sistema Judicial <u>Geneva:</u> Loi sur l'organisation judiciaire
LONTS	League of Nations, <u>Treaty Series</u>
LOP	<u>Mexico:</u> Ley Orgánica de la Procuraduría General de Justicia del Distrito Federal
LOT	<u>Mexico:</u> Ley Orgánica de los Tribunales de Justicia del Fuero Común del Distrito Federal
LOPJ	<u>Spain:</u> Ley Orgánica del Poder Judicial (1.7.1985)
LOU	Louisiana
LP	<u>Switzerland:</u> Loi fédérale sur la poursuite pour dettes et la faillite
LPFR	<u>Switzerland:</u> Loi fédérale sur le maintien de la propriété foncière rurale
LPG	<u>Mexico:</u> Ley de la Procuraduría General de la República
LPP	<u>Cuba:</u> Ley de Procedimiento Penal
LPFS	<u>El Salvador:</u> Ley de Procedimientos Penales Aplicables al Suspenderse las Garantías Constitucionales
LPRS	<u>Spain:</u> Ley de Peligrosidad y Rehabilitación Social
LRJCA	<u>Spain:</u> Ley de 27 de diciembre de 1956 reguladora de la jurisdicción contencioso-administrativa (parcialmente derogada)

LSA	<u>Spain: Ley de 17 de julio de 1951 de Régimen Jurídico de las Sociedades Anónimas</u>
LSC	<u>France: Loi du 24 juillet 1966 sur les sociétés commerciales</u>
LSRL	<u>Spain: Ley de 17 de julio de 1953 sobre Régimen Jurídico de las Sociedades de Responsabilidad Limitada</u>
LT	law of treaties
LU	Luxembourg
Marchais	<u>Glossaire de psychiatrie (DROI 10)</u>
Marshall	<u>General Principles of Scots Law, fourth edition (DROI 230)</u>
Martin	<u>A Concise Dictionary of Law, 1983 (DROI 237)</u>
Marty Civ. biens	G. Marty and P. Raynaud, <u>Droit civil</u> (t. II, vol. 2): <u>Les biens</u> , second edition (DROI 202/2)
Marty Civ. intro.	G. Marty and P. Raynaud, <u>Droit civil</u> (t. I, vol. 1): <u>Introduction générale à l'étude du droit</u> , second edition, 1972
Marty Civ. obl.	G. Marty and P. Raynaud, <u>Droit civil</u> (t. II, vol. 1): <u>Les obligations</u> , 1962
Marty Civ. pers.	G. Marty and P. Raynaud, <u>Droit civil</u> (t. I, vol. 2): <u>Les personnes</u> , third edition (DROI 202/1)
Marty Succ.	G. Marty and P. Raynaud, <u>Droit civil</u> (t. IV, vol. 2): <u>Les successions et les libéralités</u> , 1983
McNair	<u>Law of Treaties</u> (DROI 33)
MCA	<u>England: Magistrates' Courts Act 1980</u>
MCR	<u>England: Magistrates' Courts Rules 1981</u>
Merryman	J.H. Merryman and D.S. Clark, <u>Comparative Law: Western European and Latin American Legal Systems: Cases and Materials</u> 340 M 573 C LP 10/
MFN	Most-favoured-nation treatment
MG	Madagascar

10/ Deals with a limited number of topics only, including torts, criminal procedure and astreinte in France; criminal procedure in Peru; and land law in Bolivia, Chile, Colombia, Cuba, Mexico and Puerto Rico.

MI	Mali
ML	municipal law
Moliner	M. Moliner, <u>Diccionario del uso del Español</u>
Morris	J.H.C. Morris, <u>Conflict of Laws</u> 341.5(42) M 876 LP
Morrish Crown	P. Morrish and I. McLean, <u>The Crown Court</u> , tenth edition, Chichester, England, 1980
Morrish Magistrates	I. McLean and P. Morrish, <u>The Magistrates' Court</u> , fifth edition, Chichester, England, 1980
MR	Mauritania
MRAP	Model Rules on Arbitral Procedure (<u>The Work of the International Law Commission</u>) (Sales No. E.88.V.11, p. 146)
MT	Malta
MU	Mauritius
MX	Mexico
n.	note
NB	New Brunswick, Nouveau-Brunswick
NE	Niger
NI	Nicaragua
Nicholas	B. Nicholas, <u>French Law of Contract</u> , 1982
Nicholas Roman	B. Nicholas, <u>An Introduction to Roman Law</u> , 1962
Nihalani	P. Nihalani, R.K. Tongue and P. Hosali, <u>Indian and British English</u> , Delhi, 1979
NL	Netherlands
NY	New York
NZ	New Zealand
O.	Order
OAS	Organization of American States

obs.	obsolete or repealed <u>11/</u>
OCL	<u>The Oxford Companion to Law</u> , 1980 (DROI 172)
O'Connell	D.P. O'Connell, <u>The Law of State Succession</u> 341.2 018 LP
Ogders	<u>Ogders' Principles of Pleading and Practice in Civil Actions in the High Court of Justice</u> , twenty-second edition
Ogders Construction	<u>Ogders' Construction of Deeds and Statutes</u> , fifth edition (DROI 134)
Oliver	M.C. Oliver, <u>Company Law</u> , ninth edition, 1982
Opp. Peace	L. Oppenheim, <u>International Law: A Treatise</u> , eighth edition (ed. H. Lauterpacht), vol 1: <u>Peace</u>
Opt. Proc.	Optional Protocol
ORC	<u>Switzerland</u> : Ordonnance du Conseil fédéral sur le registre du commerce
Ord.	Ordonnance
ORLT	<u>Official Records of the United Nations Conference on the Law of Treaties</u>
O'Rooney	"Notes on the criminal laws and related matters in certain countries" (DROI 2)
Osborn	<u>Concise Law Dictionary</u> , seventh edition (DROI 3)
Ossorio	<u>Diccionario de Ciencias Jurídicas, Políticas y Sociales</u> (DROI 135)
P.	page
PA	Panama
PAC	Protocol on Arbitration Clauses, Geneva 1923 (RITL II 8)
Pace	P.J. Pace, <u>Family Law</u> , third edition, London, 1986
Padfield	C.F. Padfield, <u>Law Made Simple</u> , 1981
Paenson	<u>Manual of the Terminology of Public International Law ...</u> (DROI 226)

11/ The fact that a term or meaning is obsolete in a particular country does not mean that it may not still be valid elsewhere.

par.	paragraphe
para.	paragraph
párr.	párrafo
Parry	Parry and Clark, <u>The Law of Succession</u> , eighth edition, 1983
Paton	G.W. Paton, <u>A Text-Book of Jurisprudence</u> 340 P31 LP
PC	<u>India, Philippines, Seychelles, Singapore, Somalia</u> : Penal Code
PCIJ	Permanent Court of International Justice
PE	Peru
p. ej.	por ejemplo
Petit Robert	<u>Dictionnaire ... de la langue française</u>
p. ex.	par exemple
PG	Papua New Guinea
PH	Philippines
PIL	private international law
PM	permanent missions
PR	Puerto Rico
Prieto-Castro	<u>Tribunales Españoles: Organización y Funcionamiento</u> (DROI 133)
proc. adm.	procédure administrative, procedimiento administrativo
proc. civ.	procédure civile, procedimiento civil
proc. gén., gen.	procédure générale, procedimiento general
proc. pén., pen.	procédure pénale, procedimiento penal
PY	Paraguay
QU	Quebec, Québec
Quemmer	<u>Dictionnaire juridique français-anglais</u> (DROI 162)
R	Russian language
r.	rule
Rabasa	<u>El Derecho Angloamericano</u> (DROI 67)

RC	<u>Philippines</u> : Rules of Court
RCAICC	Rules of Conciliation and Arbitration of the International Chamber of Commerce (RITL II 77)
RD	Real Decreto
RDL	Real Decreto-Ley
Real Acad.	<u>Diccionario de la Lengua Española</u>
Recueil	<u>Recueil des définitions des lois fédérales</u> (DROI 94)
Rép.	<u>Répertoire Dalloz de droit civil</u>
RIAA	Reports of International Arbitral Awards
RITL	United Nations <u>Register of Texts ... concerning International Trade Law</u> (Sales Nos. 71.V.3, 73.V.3)
RL	Roman law
RRM	<u>Spain</u> : Reglamento del Registro Mercantil
RSC	<u>England</u> : Rules of the Supreme Court 1965 <u>12/</u>
RT	Treaty of Rome (Treaty establishing the European Economic Community)
RW	Rwanda
S	Spanish language
Salmond	<u>Salmond on Jurisprudence</u> , twelfth edition (DROI 74) <u>13/</u>
Samyn	<u>Dictionnaire des termes juridiques</u> (DROI 253)
SC	Seychelles
SCAS	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Sales No. 88.XIV.1, p. 160)
sch., Sch.	schedule, Schedule
SCO	Scotland

12/ As amended; best consulted in the annotated version published at regular intervals in The Supreme Court Practice, commonly called the "White Book".

13/ This work cannot be recommended too highly for its clear and concise exposition of legal concepts.

SCP	Sub-Commission on Prevention of Discrimination and Protection of Minorities
sect.	section
SG	Singapore
sin.	sinónimo
SIO	Relations between States and international organizations
SM	Special missions
SMR	<u>Standard Minimum Rules for the Treatment of Prisoners</u> (Sales No. 1956.IV.4, Annex; Sales No. 88.XIV.1, p. 190)
SN	Senegal
SO	Somalia
SOED	Shorter Oxford English Dictionary
SR	State responsibility
SS	succession of States
SU	Soviet Union
SUR	"Survey of international law", A/CN.4/245
SV	El Salvador
syn.	synonym, synonyme, synonymous
t.	tome
TD	Chad
tit.	title, titre, título
trans. prov.	transitional provision
UCC	<u>United States: Uniform Commercial Code</u>
UDHR	Universal Declaration of Human Rights
UEC	<u>Lexique UEC (ECON 77)</u>
UK	United Kingdom
UN	United Nations
UNTS	United Nations, <u>Treaty Series</u>
US	United States of America

UTEHA	<u>Diccionario enciclopédico UTEHA</u>
UY	Uruguay
v.	véase, <u>vide</u> , voir
VCCR	Vienna Convention on Consular Relations, 1963
VCDR	Vienna Convention on Diplomatic Relations, 1961
VCLT	Vienna Convention on the Law of Treaties, 1969
VD	Vaud
VE	Venezuela
VU	Vanuatu
VOCL	<u>Vocabulaire de la "common law", Vocabulary of the Common Law (DROI 26/1-4) 14/</u>
VOGE	<u>Vocabulaire général ... (BIL 33)</u>
vol.	volume
VS	Valais
Wade	H.W.R. Wade, <u>Administrative Law</u> 350(42) W 119 ac LP
Walker EN	<u>Walker & Walker: The English Legal System</u> , fifth edition
Walker Prins.	D.M. Walker, <u>Principles of Scottish Private Law</u> 347(41) W 178 LP
Walker SCO	D.M. Walker, <u>The Scottish Legal System</u> 340(41) W 178
Webster	<u>Webster's Third New International Dictionary</u>
West	<u>West's Law and Commercial Dictionary</u> , St. Paul, Minnesota, 1986
White Book	<u>The Supreme Court Practice 1987</u> , London, 1987

14/ The professed aim of the compilers of this work - Centre de traduction et de terminologie juridiques, Université de Moncton, Nouveau-Brunswick, Canada - is to create a vocabulary of the common law in French (Le Mot, 16 November 1981) by virtue of the use of both English and French in the law of certain parts of Canada.

WILC	<u>The Work of the International Law Commission</u> (Sales No. 80.V.11) 15/
Wood	<u>Law and Practice of International Finance</u> (DROI 31)
Words and Phrases	<u>Words and Phrases Legally Defined</u> (DROI 4/1-6)
YB ... I	<u>Yearbook of the International Law Commission ...</u> , vol. I
YB ... II	<u>Yearbook of the International Law Commission ...</u> , vol. II
ZA	South Africa
ZR	Zaire

15/ Superseded by Sales No. 88.V.1. Any references in the body of the glossary to page numbers are references to the 1980 edition.

A

F abandon (FR)

Dr. civ.: acte unilatéral ou conventionnel par lequel une personne renonce à un droit, syn. renonciation; p. ex. abandon d'un enfant, d'un bail, d'un droit, d'un usufruit, d'une action en justice; Guillien, Rép. 'Acte' paras. 75-78

E abandonment*, ****
- surrender**
- waiver***
- discontinuance****

See E note to surrender 1.
*(unilateral) e.g. of a child, property, a ship
**(contractual) e.g. of a lease, patent
***Of a right
****Of a judicial action; for the distinction between discontinuance and abandonment see E note to surrender 1.

S abandono

Ossorio abandono, abandono de hijos, abandono de la acción, etc.;
CL CPC 152-157

E abandonment = F abandon

S abandono = F abandon

E abatement

OCL, Black, Curzon; note 15

1. Of an action, proceedings, appeal: its suspension or ending
2. Of a debt, legacy, rent: its reduction
3. Of a nuisance: its removal

EN RSC 0.15, r.7; SC CCP 312

Of a legacy: MT CC 684,
FR Amos 336-338

F 1.

2.

3.

S 1.

2.

3.

S a beneficio de inventario
= sous bénéfice d'inventaire

S	abogado	Ossorio
	E advocate	Lawyer who pleads in court for a party and gives legal advice
	F	
S	abogado defensor = defensor 1.	
S	abogado de oficio (AR, ES) = defensor de oficio	
S	abogado fiscal	ES Estatuto Orgánico del Ministerio Fiscal (Ley 30.12.1981), 34(3); note 4
	E government advocate	
	F ?avocat du parquet	
S	abogado integrante = conjuez 2.	
S	abogado patrocinante	
	E lawyer for the case/ responsible/instructed	The lawyer representing one of the parties
	F avocat chargé de la représentation d'une partie	
E	Abolition of Forced Labour Convention	HRC
	F Convention sur l'abolition du travail forcé	
	S Convenio sobre la abolición del trabajo forzoso	
S	abrogar	ADR 15(d)
	E to abrogate - to terminate*	For usage and alternatives see note 15 * A treaty: ADR 15(d)
	F abroger	
F	abroger	CA; QU CC 2613
	E to repeal* - to abrogate**	For usage and alternatives see note 15 * CA, EN ** QU CC 2613
	S abrogar	

F absence d'exécution du contrat

E breach of contract

S

F absent = ausente

S absolución (CL, ES, MX, PE, BO)
v. absolver

CL CPP 500, ES LEGR 742,
MX CPPDF 85, CFPP 385

E acquittal* - absolution**

* The finding by a jury or court that a person is not guilty of an offence (CL, ES MX, PE); note 1
** BO; similar in its effects to EN discharge; note 1

F

F absolution (FR)

CPP 366, 468, 542; Dalloz responsabilité civile, Dalloz Proc. pén. p. 664

E absolution

FR: by an assize, correctional or police court; similar in its effects to EN discharge (Hampton 274); NOT pardon, acquittal; note 1

S absolución

BO

F absolutoire

v. excuses absolutoires

S absolver

E to acquit* - to dismiss**, ***
- to release****
- to discharge*****
- to answer *****

* Crim. proc.: a defendant

** Civ. proc.: a claim made against a person

*** A person from a post

**** A person from an obligation

***** A person from an office e.g. to discharge a liquidator

***** A question, e.g. absolver posiciones, to answer interrogatories, to make a deposition in reply to questioning (translate according to context)

F

- F abstention (FR)
v. demande d'abstention
Proc. civ.; CPCN 339-340;
Guillien
- E self-disqualification
EN: of a judge who stands
down voluntarily because he
might be thought to have
an interest in a case assigned
to him, e.g. because of a
family or previous professional
connection with one of the
parties; Black disqualify,
Jowitt interest, disqualifica-
tion for; OCL, SCO declinature
ES LOPJ 217-222
- S abstención
- S absuelto de culpa y cargo
- E acquitted
F
- L abundans cautela non nocet
- E abundant caution does no harm
F
S el exceso de preocupación
no perjudica
- F abus
Terme général
- E wrong - abuse
- irregularity
- malpractice
S
- F abus d'autorité (FR)
CP 334.1
- E abuse of authority
S
- F abus de citation (FR)
Daloz exceptions et fins
de non-recevoir sect. 5
- E abuse of process
- malicious process
S

- F abus de droit (FR)
v. théorie de l'abus de droit
- E abuse of rights
- S abuso del derecho
- F abus de pouvoir
- E abuse of powers
S
- F abus des droits (FR)
= abus de droit
- F abus d'un droit (FR)
= abus de droit
- E abuse of process (EN, US)
- F
S
- E abuse of rights
- F abus de droit
S
- F abusif
v. de façon abusive
recours abusif
- E abusive - wrongful
- improper
S abusivo
- S abusivo = abusif
- Guillien, Capitant,
De Vries 267
- ZA; IECL XI/1, sect. 2-230
et seq.; covers what in EN,
US are a number of different
torts, including abuse of
process and, in particular,
nuisance
Ossorio
- Includes vexatious
prosecution (EN: of a
criminal action), vexatious
action (EN: of a civil
action) and certain forms of
want of prosecution
(Langan 113-119) and may be
malicious, e.g. malicious abuse
of process, malicious
prosecution; in some cases it
may be actionable in tort or
prosecutable as a criminal
offence (criminal contempt of
court); Black, Osborn
- Doctrine unknown to the law
of EN, US

- S abuso de autoridad
E abuse of authority
F abus d'autorité
- S abuso del derecho
= abus de droit
- S acaso (CL)
E contingency
F événement incertain
- F accéder à l'indépendance
E to attain independence
S
- F acceptance
E acceptance
S LT: of a protocol
- F acceptance des successions
E acceptance of succession
S FR CC 774, QU CC 641;
Amos 305-307
In the abstract; SC CC 774,
QU CC 641, PH CC 1014
- F acceptance d'une succession
E acceptance of a
succession
S FR CC 774; Amos 305-307
SC CC 774
- F accès à un traité
E participation in a treaty
S Covers both ratification
and accession; distinguish
from accession à un traité
- S acceso a un juicio (AR)
E access to justice
F accès à la justice
- S accesorio legal
E legal incident/consequence
F peine accessoire
Of a penalty, e.g.
disqualification from
exercising certain rights

F accession à la propriété (FR)

E ?owner occupancy -
?deferred purchase
S

Housing

F accession à un traité

E accession to a treaty
S

Distinguish from accès à un traité

E accession formulas

LT: Vienna formula:

VCDR, VCCR, VCLT, CSM;
Moscow formula, all States formula: all States; new Vienna formula: ORLT, Documents of the Conference, p. 253, para. 144(a), art. A

F
S

F accessoire

v. entraîner
peine accessoire

E access order (EN)

Court order which allows a divorced parent to visit his or her child where the child is in the custody of the other parent

F
S

S acción

v. acciones
producir obligación y acción en juicio
1. derecho de pedir alguna cosa en juicio
2. hecho de ejercitar este derecho
3. parte del fondo de una sociedad comercial

Ossorio; ES CC 1299, LEC 153, LCC 49, 50; MX CC 2167, PE CC 1321; GCBE 50
Ossorio; Sin. pleito;
MX CC 2163, Ley de 1974 de Responsabilidad Civil por Daños Nucleares, 22
ES CCOM 160-169 LSA 33-47

- E 1. (right of) action -
 (right of) recourse*
 2. action - proceedings(s)
 - case
 3. share
- F 1. action - recours*
 2.
 3.
- S acción cambiaria (ES)
- E action on a negotiable
 instrument
- F action cambiaire
- e.g. in this event X has a right of action for damages, X has an action for damages, an action lies for damages: Black right of action; EN syn. cause of action (Halsbury vol. 37, para. 20) * GCBE 50 right of recourse
Judicial proceedings taken to enforce or obtain recognition of a right; Black action; note 3 EN Companies Act 1985, 1,182,744; in the plural avoid stock: see E note to F action 3.
* GCBE 50
- LCC 49-68, 96, 146 ES,
FR judicial proceedings taken against any party liable on a bill of exchange, promissory note or cheque when the instrument has been dishonoured; usually called recourse in EN (Bills of Exchange Act 1882, 47(2), 57, 73, 89(1)) and recours in FR (CCOM 147), especially where the proceedings are taken, not against the person who dishonoured the instrument, but against another party liable on it; in ES the acción cambiaria is directa if taken against the former and de regreso if taken against any of the latter; in FR this right of action is available in respect not only of bills of exchange, promissory notes and cheques but also of warrants of movables
Dalloz Comm. Eff. pp. 76-81, Amos 367; FR CCOM 147, 151, 185; Loi 30.10.1935, 40

- S acción civil = action civile
- S acción de cosa juzgada
E res judicata action
F
- S acción de evicción (?ES)
E dispossession action ?Does this mean an action to evict (EN action of ejectment) or an action by an evicted purchaser or lessee; see E note to éviction
F
- S acción de evicción y saneamiento
= acción de saneamiento por evicción
- S acción de nulidad = action en nullité
- S acción de perjuicios (CL) CC 1458, 1521
E action for damages
F action en dommages-intérêts
- S acción de reforma (CL, ES) CC 1216; del testamento
E action for reduction Costello reduction
F action en réduction FR CC 920-921, 1077.2
- S acción de regreso
= action récursoire
- S acción de repetición
E action for restitution Judicial proceedings for recovery of what has been paid when it was not owing (FR paiement de l'indu, ES pago de lo indebido, CL pago de no lo debido); FR Amos 194-197, ES Aguilar art. 1895 com.; sometimes called action for recovery; both action for restitution and action for recovery can be used in a wide variety of other contexts, so it may be necessary to spell out the precise meaning, e.g. action for restitution of undue payment

	F action en répétition	Nicholas 128
S	acción de repetición de lo indebido = acción de repetición	
S	acción de rescisión = action en rescision	
S	acción de saneamiento (CL, ?ES)	CL CC 1422, 1840
	E warranty action	Court action to enforce a warranty; see E note to <u>garantie</u> 1.
	F action en garantie	
S	acción de saneamiento por evicción	
	E action for peaceful possession	Judicial proceedings for peaceful possession of a thing purchased or taken on lease or hire; see E note to <u>éviction</u> ; sometimes called <u>action for disencumbrance</u> , <u>action for clear title</u> ; NOT <u>action for dispossession</u> , <u>action for eviction</u> , <u>action for possession</u> , <u>action of ejection</u>
	F ?action en garantie pour éviction	
S	acción de saneamiento y evicción = acción de saneamiento por evicción	

- S acción ejecutiva (CL, ES) CL CC 1614, 1624, CPC 434-544
ES LEC 1429-1480, LCC 49;
Escriche, Ossorio; sin.
juicio ejecutivo
E enforcement action Judicial proceedings taken
to enforce the satisfaction
of a judgement (also called
execution proceedings,
particularly where the
judgement is in favour of a
creditor) or other court order
or the performance of an
executory obligation, e.g. under
a contract, mortgage or bill of
exchange (also called action on
the instrument where the
obligation arises under a
negotiable instrument); US LOU
executory process (Black)
- F
- S acciones GCBE 43, 44, 51
E recourse i.e. right of recourse;
GCBE 43, 44, 51
F recours FR CCOM 147, GCBE 43, 44, 51
- S acción estimatoria
= action estimatoire
- S acción ordinaria (CL) CC 2515; Escriche acción
ejecutiva, Ossorio
E ordinary action - ordinary
process of law* * QU CC 16
F action ordinaire QU CC 16
- S acción penal (MX CPPDF 2,
CFPP 3(II)) = acción pública
- S acción personal
= action personnelle
- S acción popular (ES LECR 270)
= acción pública

- S acción posesoria (CL) CC 916
E possessory*/possession**
action - action for
possession Black possessory action
* EN
** SC CCP 97
F action possessoire
- S acción pública (CL, ES, UY) CL CPP 11, 15, ES LECR 101,
v. delito de acción pública 270, UY CPP 10
E public right of action The right to take criminal
proceedings which is vested
in the public and, depending
on the country and kind of
offence involved, is
exercisable by any member of
the public (RL actio popularis,
actio publica, EN popular
action (obsolete, Costello), by
a State agency, by the person
injured by the offence or by
more than one of these
categories
F action publique BE CIC 1, FR CPP 1,
CI CPP 1, NE CPP 1; Dalloz
Proc. pén. pp. 93 et seq.
- S acción real
= action réelle
- S acción redhibitoria (CL, ES) CL CC 1857, ES CC 1484-1499
E redhibitory action Black; judicial proceedings
taken to rescind a sale
for defect in the thing
sold
F action rédhibitoire FR CC 1644-1645, Capitant,
Nicholas 79
- S acción regresiva (Ossorio)
= acción de regreso
- S acción reivindicatoria (CL) CC 889
E revendication action Black; also called action
for repossession
F action en revendication FR CC 2279.2
- S acción rescisoria
= action en rescision

- S acción resolutoria
= action résolutoire
- F accomplissement d'un fait SR
E performance of an act
S
- F accord Guillien
v. par commun accord
E agreement - arrangement Generally, but not necessarily,
one intended to have legal
effect; Black, OCL agreement;
note 14
S acuerdo
- F accord de volontés (FR) Dalloz Civ. obl. p. 25,
Marty Civ. obl. paras. 23-26
E concurrence of wills -
consensus in idem
S acuerdo de voluntades
- F accorder
v. bref
E 1. to grant
2. to accord MFN: treatment applied by
granting State to beneficiary
State
S
- F accord inter se LT
E inter se agreement
S
- E accredited To a country, to an
organization
F
S acreditado
- F accroissement = acrecimiento

- F accusation (FR)
v. arrêt de mise en accusation
mise en accusation
mis en accusation
1. (proc. pén.) partie qui exerce l'action publique, ou ses moyens; dans ce dernier cas, syn. de moyens de l'accusation ?FR CPP 347
2. (proc. pén.) acte de procédure
- E 1. the prosecution* - case/arguments for the prosecution - the prosecution('s) case *i.e. the prosecutor
2. charge* - indictment* - articles of impeachment** *FR: brought against an accused; for the distinction between charge and indictment see note 1; EN, US
**FR: of the President of the Republic or a member of the Government (Const. 68); EN, US
- S 1.
2.
- F accusé = acusado 1.
- E accused = acusado 1., 2.
- E accused person Note 1
1. = acusado 1.
2. COV 10(2)(a)
- F 1. = acusado 1.
2. prévenu
- S 1. = acusado 1.
2. procesado
- F accuser = acusar
- S acensuado
- E rent-yielding i.e., of land, charged with payment of a rent
- F
- S acervo (CL) CC 959
- E estate* - assets** * Law of succession
** Law of bankruptcy
- F masse

F	à charge	
	E for the prosecution	A witness, evidence etc.
	S	
S	acogido	
	E found proved	
	F	
S	acompañar	
	E to submit/lodge	
	F joindre	Un document, p. ex.
F	à compter de	
	E after* - following**	* VCLT 65(2)
	S	** VCLT Annex, 2
E	acquired rights	Acquired rights in international law: D.P. O'Connell, <u>The Law of State Succession</u> (1956), ch. VI
	F	
	S derechos adquiridos	CL CC 209, 605
F	acquit-à-caution	Capitant
	E ?bond note	
	S	
F	acquittement (FR)	CPP 366, 474, 543
	E acquittal	FR: by an assize, correctional or police court; see E note to <u>absolución</u>
	S	
F	acquitter	
	1.	
	2. (QU) Loi concernant les lettres de change ... de 1952, 139	
	E 1. to receipt	
	2. to discharge	A bill of exchange: CA, QU Federal Bills of Exchange Act 1952, 139; GB Bills of Exchange Act 1882, 59
	S	

S	acrecer = acrecimiento	
S	acreimiento (CL)	CC 988, 1147-1148, 1191
	E accretion* - accrual	* QU CC 868; the verb is <u>to accresce</u>
	F accroissement	QU CC 868
S	acreedor = créancier	
S	acreedor privilegiado	
	E preferred/preferential creditor	
	F	
S	acreencias a que haya sido afectada ... (VE)	CCOM 615(11)
	E indebtedness attaching to ...	
	F	
E	act	An act is committed,
	v. Act	performed, perpetrated, done
	acts, deeds, conveyances and assurances	
	F acte	
	S acto	
E	Act	i.e. of a legislature; AU, EN, CA (Interpretation Act 1967-68), US; see <u>Act of Parliament</u>
	v. Act of parliament	
	F Loi	CA (Loi d'interprétation 1967-68)
	S Ley	
S	acta	ES: los instrumentos públicos son de dos tipos: escrituras y actas
	E 1. record - report - certificate minute* - memorandum**	For alternative renderings see specific examples below; if in doubt translate as <u>record</u> or <u>report</u> * of a meeting, frequently used in the plural: <u>actas</u> , minutes. ** Document drawn up, e.g., by a notary, to record a fact or statement for legal purposes Legislative enactment
	2. act	
	F ? procès-verbal	

S	Acta Constitucional (CL)	"Decreto-ley" relativo a materias propias de una Constitución
	E Constitutional Act	
	F Acte constitutionnel	
S	acta de notificación (CL)	
	E official notification	e.g., from military authorities closing down a periodical
	F acte de notification	
S	actas	
	E minutes - proceedings - file - papers	
	F	
S	actas de emisión	
	E conditions of issue	Of bonds
	F	
F	acte	EGLAT; CSAJED 5; RT 173-174
	v. donner acte de dresser acte de passage d'un acte prendre acte	
	E act* - instrument - document* - step - measure - operation - action - proceeding	If in doubt about whether to use a term such as <u>document</u> , meaning something tangible, or a term such as <u>step</u> , meaning something intangible, prefer the latter kind; <u>act</u> itself has the advantage of covering both * RT 173-174 ** CSAJED 5
	S acto* - escritura - instrumento	*Contrasted with <u>hecho</u> : A/CN.4/351, p. 3
F	acte abdicatif (FR)	Acte unilatéral ou conventionnel qui éteint un droit, p. ex. la renonciation (répudiation) d'une succession, l'abandon d'un enfant, la remise d'une dette; Marty Civ. intro para. 176 n. 2, Rép. 'Acte' paras. 75-78 See <u>surrender</u> 1 and 2. Ossorio <u>actos extintivos</u>
	E surrender	
	S ?acto extintivo	

F	acte à titre gratuit	Capitant
	E gratuitous act	
	S acto a título gratuito	
F	acte attributif (Capitant) = acte translatif	
F	acte authentique (BE, CH, FR, MU, QU)	Ecrit établi par un officier public (p. ex. notaire, greffier, huissier, maire) dont les affirmations font foi: BE, FR CC 1317; QU CC 1210; CH LP 82; Guillien, EGLAT, Black; CJENF 50
	E authentic instrument	Often called <u>authentic act</u> , but since it is a document there is no reason not to use a word which has that meaning instead of one which is ambiguous (see E Note to <u>acte</u>); sometimes called <u>public document</u> , but in EN this has a specific and quite different meaning; or <u>public instrument</u> , <u>public act</u> , but in EN and US these terms mainly denote legislation; the F and S terms include not only notarial acts but also certificates of civil status, judgements and other court orders, and imply that the document in question has probative force; QU CC 1210 <u>authentic writing</u> , MU <u>authentic deed</u> (a reasonably good equivalent where the F or S term denotes a notarial act recording the wishes of a party or parties); Osborn <u>public document</u> ; CJENF 50
	S documento público - instrumento público	ES CC 1216-1224, LEC 596-601 CL CC 1699; v. <u>instrumento público</u>
F	acte collectif	
	1. acte juridique	Guillien
	2. droit administratif	

E	1. collective act 2. act of collective application	AL: Brown 99
S		
F	acte confirmatif (FR)	CC 1338; Capitant
E	confirmation - ratification	Of a voidable act; Black <u>ratification</u>
S	ratificación	CL CC 1693
F	acte conservatoire (FR, QU) v. instance, acte conservatoire ou procédure d'exécution	QU CC 646; Capitant
E	act of preservation - conservatory act*	* QU CC 646
S		
F	acte constitutif (FR)	Acte qui crée un droit; Capitant, Cornu <u>constitutif</u> , Guillien, Marty Civ. intro para. 153
E	constituent instrument* - instrument of incorporation** - grant***	* Of a public organization ** Of a private body, e.g. a company; in FR and CH the <u>acte constitutif</u> may be combined with the <u>statuts</u> *** Of a right, see <u>grant</u> 1. and 2.; in its broadest sense, however, and <u>acte constitutif</u> is one which creates a new legal situation, and therefore includes not only a conveyance, for example, a juridical act which is a grant, but also other juridical acts which are not, e.g. an appointment, a divorce decree; in this sense, if in doubt use <u>constitutive act</u> instead of <u>grant</u>
S	título constitutivo* - acto constitutivo**	*ES CC 470, CL CC 703 **Ossorio <u>actos constitutivos</u>

F acte contraire

E acte contraire

LT: the théorie de l'acte contraire, the theory of the acte contraire, is that the mode of terminating a treaty must be the same as the mode of concluding it; YB 1966 II, p. 249, para. 3, 1966 DA 51c3, 1980, DA 68c2

S

F acte d'accusation (BE, CA, FR)

FR obsolete, Dalloz Proc. pén. p. 603

E indictment

Formal written accusation which initiates the trial stage of criminal proceedings; BE: (? only) for a crime, serious offence

S

F acte d'administration judiciaire

Guillien

E act of judicial administration

S

F acte d'appel

FR CPCA 457 (abrogé); obsolete, now replaced by déclaration d'appel, Dalloz Proc. civ. pp. 827-828

E appeal summons

S

F acte d'autorité
= acte de la puissance publique

F acte d'avoué à avoué (FR)

One of the two kinds of acte du palais, Déc. 788 28.8.1972, 30; Dalloz Proc. civ. p. 459

E notice served on opposing counsel

S

F acte d'avocat à avocat (FR)

One of the two kinds of acte du palais, Déc. 788 28.8.1972, 30; Dalloz Proc. civ. p. 459

E notice served on opposing counsel

S

F	acte déclaratif (FR)	Acte qui reconnaît un droit et en même temps crée un titre originel, par opposition à <u>l'acte reconnaîtif</u> (selon certains auteurs, l'acte reconnaîtif est une catégorie des actes déclaratifs); Capitant, Guillien, Marty Civ. intro para. 153, Rép. 'Acte' paras. 66, 70; s'applique p. ex. au partage, à la transaction; s'oppose à <u>l'acte constitutif</u> , qui crée un droit, et à <u>l'acte translatif</u> (syn. <u>attributif</u>), qui transfère un droit
	E declaratory act - acknowledgement *	Translate as <u>declaratory act</u> or <u>investitive acknowledgement</u> if <u>acte déclaratif</u> has to be distinguished from <u>acte reconnaîtif</u> or its synonyms *EN, US
	S acto declarativo	Ossorio <u>actos declarativos</u>
F	acte de commerce (FR)	CCOM 632-633; EGLAT
	E commercial/mercantile act/operation	
	S acto mercantil/comercial	
F	acte de confirmation (FR CC 1338) = acte confirmatif	
F	acte de contrainte	
	E coercive act	
	S	
F	acte de disposition	Capitant
	E grant	
	S	
F	acte de gestion (FR)	Dr. adm.: Brown 80
	E (mere) act of management	
	S	
F	acte de gouvernement (FR)	Dr. adm.: Brown 85, 100-101; Capitant; Dalloz Dr. adm. pp. 68, 161-164

E	governmental act	Sometimes equated with EN, US <u>act of State</u> , but the two terms are not synonymous (compare the respective definitions in Capitant and in Black, OCL); can be translated as <u>act of State</u> if <u>acte de gouvernement</u> is added in French in brackets Ossorio <u>actos de gobierno</u>
S	acto de gobierno	
F	acte de juridiction	syn. <u>acte juridictionnel</u>
E	act of jurisdiction	
S		
F	acte de juridiction contentieuse	
E	act of contentious jurisdiction	
S	acto de jurisdicción contenciosa - acto de jurisdicción no voluntaria	
F	acte de juridiction gracieuse	
E	act of non-contentious jurisdiction	
S	acto de jurisdicción voluntaria - acto de jurisdicción graciosa - acto de jurisdicción no contenciosa	
F	acte de justice	
E	act of judicature/ judicial administration	e.g. issue by the court of a copy of a judgement; NOT <u>judicial act</u>
S		
F	acte de la puissance publique	Dr. adm.: Brown 80, Capitant <u>acte d'autorité</u>
E	act of public authority	
S		
F	acte de l'état civil (FR, QU)	FR CC 34, QU CC 39; EGLAT, Capitant
E	act of civil status* - civil status document	*QU CC 39, SC CC 34
S	acto del estado civil	

- F acte délictueux UDHR 11, SCP res. 7 (XXVII)
(E/CN.4/1160)
- E criminal offence* * SCP res. 7 (XXVII)
- penal offence** (E/CN.4/1160)
S delito ** UDHR 11
UDHR 11
- F acte de notoriété
- E act of notoriety
S
- F acte de procédure (CA, FR) Guillien, EGLAT; CA VOCL 3
- E procedural act/document/step See acte; NOT writ
- process* * CA, EN: if a document;
Martin, VOCL 3
S acto procesal Ossorio actos procesales
- F acte de pure faculté FR CC 2232; Capitant,
Amos 101
- E purely facultative act
S acto facultativo
- F acte de reconnaissance
= acte recognitif
- F acte de volonté Marty Civ. obl. para. 21;
syn. acte volontaire
- E act of will
S acto de voluntad Nicholas 31
- F acte d'huissier de justice (FR
CPCA 648) = exploit
- F acte du gouvernement ?forme abusive d'acte de
gouvernement
- F acte du palais, acte du Palais (FR) Déc. 788 28.8.1972, 30;
Dalloz Proc. civ. p. 459; can
be an acte d'avocat à avocat
or an acte d'avoué à avoué
- E notice served on opposing
counsel
S
- F acte entre avocats (FR CPCN 671)
= acte d'avocat à avocat
- F acte entre avoués (FR CPCN 674)
= acte d'avoué à avoué

- F acte extrajudiciaire
Capitant, Dalloz Proc. civ.
p. 451; CSAJED 17; Black
E extrajudicial act/document*
S acto extrajudicial * CSAJED 17
- F acte fautif
E fault - misconduct -
culpable/negligent act
S See E note to culpa
- F acte frappé de nullité
E act tainted with nullity/to
which nullity attaches/which
is null and void
S
- F acte gracieux
Guillien
E discretionary act
S Black
- F acte illicite
SR; CH CC 19, CDO 41
E wrongful act
S acto ilícito
SR
Ossorio actos ilícitos; SR
- F acte individuel
Dr. adm.: Brown 99, Guillien
E act of individual application
S Administrative act applicable
to an individual
- F acte introductif d'instance
1. (FR) proc. civ. CPCN 836; syn. demande
initiale, demande introductive
d'instance, exploit introductif
d'instance
2. CSAJED 15
3. CJENF 27(2)
E 1. originating process
EN RSC 0.10; NOT writ,
summons, writ of summons
because the acte may be a
requête and not an assignation;
US original process
2. writ of summons
3. document instituting
proceedings

- S 1.
2.
3.
- F acte judiciaire Capitant, Dalloz Proc. civ.
p. 451, CSAJED 2
- E judicial act/document* NOT juridical act
* CSAJED 2
- S acto judicial
- F acte juridictionnel
1. (FR: proc. gén.) syn. acte de juridiction;
Capitant, Guillien, Dalloz
proc. civ. pp. 101 et seq.,
Marty Civ. intro. para. 191
2. IACEV 3(c)
- E 1. jurisdictional act The significance of
juridictionnel is discussed
at length in Dalloz Proc. civ.
at pp. 101 et seq.; for the
meaning of jurisdictional see
Black jurisdictional; can be
translated as adjudicatory act
if the context makes it
absolutely clear that
adjudicatory is meant
(this would not be so, for
example, in the case of matière
gracieuse, non-contentious
proceedings); note 6
2. document
- S 1.
2. auto
- F acte juridique (FR) Capitant, Guillien; Marty Civ.
intro para. 149, Marty Civ.
obl. para. 21; comprend les
actes de particuliers,
p. ex. une convention,
un testament, et ceux des
pouvoirs publics, p. ex.
une loi, une décision
administrative, un jugement

E	juridical act	An act of a person which has legal effect and is intended to do so (Nicholas 35); also called <u>juristic act</u> (Black, Curzon, OCL, Kelsen 136, Paton p. 238), <u>act in (the) law</u> (Amos 21, Nicholas 35, OCL), <u>legal act, legal transaction</u> (Kelsen 136), <u>act of parties</u> (see Black <u>act of law</u>); distinguish from <u>fait juridique</u> , juridical event
S	acto jurídico	Ossorio <u>actos jurídicos</u> ; AR CC 944-978
F	acte législatif	FR: au sens formel, Cornu (a): acte adopté par le Parlement, syn. <u>loi</u> ; au sens matériel, Cornu (b) obs.: acte d'une autorité publique législative ou exécutive
E	legislative act	Term valid for either of the above meanings
S		
F	acte litigieux	SR
E	act complained of	
S	acto litigioso	
F	acte notarié (FR, QU)	QU CC 1208; EGLAT <u>acte notarié, formule exécutoire</u>
E	notarial act/instrument*	* QU CC 1208
S		
F	acte préjudiciable	SR
E	injurious act	
S		
F	acte public (FR CC 971) = acte authentique	

F acte recognitif (FR, QU)

Acte qui reconnaît un droit sans créer un titre originel, par opposition à l'acte déclaratif (selon certains auteurs, l'acte recognitif est une catégorie des actes déclaratifs); syn. acte de reconnaissance, reconnaissance; FR CC 1337, QU CC 1213; Capitant, Dalloz Civ. intro para. 408, Marty Civ. intro para. 153, Rép. 'Acte' paras. 66-69; s'applique p. ex. à la paternité

E act of recognition*
- acknowledgement**

Translate as act of recognition or simple acknowledgement if acte recognitif or either of its synonyms has to be distinguished from acte déclaratif; NOT recognizance
* QU CC 1213
**EN, US; e.g. acknowledgement of paternity

S

F acte reçu (FR)

E act received

By a notary; loosely act attested, act authenticated; les notaires sont chargés de recevoir et de dresser acte de tous actes ... et de les authentifier (v. Dalloz notaire nos. 10, 11), notaries are required to receive, record and authenticate (syn. attest) any act ...

S

F acte réglementaire

Dr. adm.: Brown 98, Capitant

E act of general application

S

F acte sous seing privé (CH, FR, QU)

CH LP 82, QU CC 1221; Guillien, EGLAT
See acte; also called act under private signature (Black); NOT document under hand, instrument under hand

E private act/instrument/
writing* - deed
under private
signatures**

* QU CC 1221

** MU

S escritura privada

Ossorio, escritura privada o pública, Gómez

F acte sous seings
privés (MU)
= acte sous seing privé

F acte translatif (FR)

E transfer - conveyance

S acto traslativo -
acto translaticio*

F acte unilatéral

E unilateral act

S acto unilateral

F acte volontaire (Marty Civ. intro
paras. 149 et seq.)
= acte de volonté

F actif

v. corruption active ou passive
droit de légation actif
servitude active

E 1. active
2. assets

S 1. activo
2. activo

E act in law = acte juridique

E act in the law = acte juridique

E action

v. relator action

F action

S acción

Acte qui transmet un droit;
Capitant, Cornu translatif,
Guillien, Marty
Civ. intro para. 153
Of a right; see transfer
1.,2., conveyance;
conveyance and transfer
are synonyms for this notion;
transfer is more often used
in practice, but conveyance
has the same generic meaning
in EN (Law of Property
Act 1925)
Ossorio actos traslativos
*CL

EN: called deed poll if
under seal

Note 3; action for (the
defect alleged), action for
(the relief sought)

v. F action 2.

v. acción 2.

F action

1. droit subjectif: (FR) voie de droit par laquelle un particulier ou le ministère public demande à un tribunal d'appliquer la loi à une espèce déterminée (Capitant) CPCN 30, CC 1965
 2. moyen d'exercer ce droit: (FR) toute demande soumise au tribunal (Capitant) en matière contentieuse
 3. (FR) part d'associé dans les sociétés dites de capitaux (Capitant)
 4. (FR) titre délivré à l'actionnaire pour constater ses droits (Capitant)
- E 1. (right of) action

e.g. in this event X has a right of action for damages, X has an action for damages, an action lies for damages; Black right of action; EN syn. cause of action (Halsbury vol. 37, para. 20)

2. action - proceeding(s)
- case

Judicial proceedings taken to enforce or obtain recognition of a right; Black action; note 3

3. share

EN Companies Act 1985, 1, 182, 744; in the plural avoid stock, which in EN (ibid., 121(2)(c)) means an aggregation of fully-paid shares which have been converted into stock, and is not synonymous with shares; in US, however shares and stock are often used interchangeably; Jowitt, Black share, stock; EGLAT société

4. share certificate

EN Companies Act 1985, 186; Jowitt share, Black share certificate

- S
1. acción
 2. acción
 3. acción
 4. título de acción

Ossorio; ES CC 1299, ES LEC 153
Ossorio;
ES CCOM 160-169, LSA 33-47
ES CCOM 164, LSA 43

F action changeaire (FR)
= acción cambiaria

- F action civile (BE, FR, NE) Proc. pén.: action ouverte à la partie lésée par une infraction en vue d'obtenir réparation (Guillien); BE CIC 3, FR CPP 2, 418-426, NE CPP 2; Capitant, Guillien, Dalloz, Dalloz Proc. pén. pp. 141 et seq., Amos 200
- E criminal indemnification/
criminal indemnity action Judicial proceedings taken to obtain compensation for loss or damage caused by the commission of a criminal offence; can be brought in the criminal court concurrently with the criminal action or separately in a civil court; use indemnification/indemnity rather than damages because the forms of redress available are not only payment of damages (in money), but also payment of costs and restitution (in kind); PH CC 111 civil action, but do not translate as such UY CPP 25, CL CPP 10, ES LECR 100, BO CPP 4
- S acción civil
- F action collective
- E collective action NOT class action
S acción colectiva
- F action conservatoire
- E protective action
S
- F action déclaratoire
- E declaratory action SCO declarator (Black)
S acción declaratoria
- F action d'état (BE, FR) Capitant
- E action of status -
(personal) status action Judicial proceedings taken to establish, alter or extinguish a person's civil status
- S

F	action en annulation = action en nullité	
F	action en contrefaçon (FR)	Loi 2.1.1968, 53
	E infringement action	Judicial proceedings taken against the infringer of a patent
	S	
F	action en garantie	FR: Capitant <u>garantie</u> , Nicholas 79, Dalloz <u>garantie</u> ; Dalloz Proc. civ. pp. 258-259, 806-810, 966-971, 1079-1082, CCOM 158, 185, Déc. 30.10.1935, 63; CJENF 6(2)
	E warranty proceedings - action on a warranty or guarantee*	FR: judicial proceedings taken, either in a separate action or (syn. <u>appel en garantie used stricto sensu</u>) as part of an existing action, in order to enforce a warranty such as the <u>garantie d'éviction</u> or the <u>garantie des vices</u> ; in the case of the <u>garantie des vices</u> , this remedy may take the form of an <u>action rédhibitoire</u> or an <u>action estimatoire</u> , to which correspond in ES the <u>acción redhibitoria</u> and the <u>acción estimatoria</u> respectively; see those two terms and note 16 * CJENF 6(2); for the use of <u>guarantee</u> to mean warranty see <u>warranty</u>
	S acción de saneamiento	
F	action en justice	Dalloz, Guillien
	E (right of) action	Note 3
	S	
F	action en nullité (BE, FR)	BE CC 180-202, 224, 1117, 1304-1314; FR CC 180-202, 215, 220.3, 1117, 1304-1314, Loi 24.7.1966, 105, 360-370; Nicholas 74-79, 106-107, Amos 57, 63-66, 241, Gall 54; syn. <u>action en annulation</u>

- E action for annulment
S acción de nulidad
- F action en recours
= action récursoire
- F action en répétition (FR)
= acción de repetición
- F action en répétition de l'indu
= acción de repetición
- F action en rescision (BE, FR)
E action for rescission
S acción de rescisión
- F action en résolution (BE, FR)
E action for avoidance
S acción resolutoria
- F action en résolution pour
inexécution (BE, FR)
E action of avoidance for
non-performance
S
- Also called action to annul
BE, ES, FR: judicial proceedings
taken to nullify a juridical act
for fundamental defect; note 15
ES CC 73-80, 1300-1314, LEC 477,
Ossorio
- BE FR CC 783, 887-892, 1117,
1304-1314, 1674-1685, 2054;
Amos 163-165, 316, Nicholas
131-137, Dalloz Civ. obl.
pp. 238-240, 321-322; syn.
action rescisoire
Also called action to rescind;
BE, ES, FR: judicial proceedings
taken to nullify a juridical
act for lesion; in ES the term
acción en rescisión (acción
rescisoría) is sometimes con-
fused with acción resolutoria;
note 15
ES CC 1073-1081, 1290-1299, 1483,
1556; sin. acción rescisoría;
Gómez acción rescisoría
- BE FR CC 1184; syn. action
résolutoire, Capitant action
résolutoire, Dalloz action
résolutoire; Nicholas 78-79,
106, 236-240, Amos 187-189
Also called action to avoid;
BE, ES, FR: judicial procee-
dings taken to nullify a
contract for non-performance;
in ES the term acción resolu-
toria is sometimes confused
with acción de rescisión
(acción rescisoría); note 15
ES CC 1124; Ossorio, Gómez
- BE FR CC 1184; Nicholas
236-240
BE, FR: of a contract; also
called action to avoid a
contract for non-performance

F	action estimatoire (FR)	
	E action for reduction of price	Of a thing sold, for defect in the thing; Nicholas 79
	S acción estimatoria	ES CC 1486; Gómez, Ossorio
E	action for recovery v. acción de repetición	
E	action for restitution v. acción de repetición	
F	action hypothécaire	Capitant
	E foreclosure action	EN
	S acción hipotecaria	CL CC 2428
F	action indirecte (FR)	Also called <u>action oblique</u>
	E indirect action	Nicholas 187, Amos 57, 238-243
	S acción indirecta	
F	action mixte	Capitant
	E mixed action	Judicial proceedings which are both <u>in rem</u> and <u>in personam</u>
	S acción mixta	
F	actionnaire	
	E shareholder	
	S accionista	
F	action oblique (FR)	Also called <u>action indirecte</u>
	E oblique action	Nicholas 187, Amos 57, 238-243
	S acción oblicua	
F	action ordinaire = acción ordinaria	
F	action ou omission	SR
	E action or omission	
	S acción u omisión	CL CP 1
F	action paulienne (FR)	Also called <u>action révocatoire</u> ; Guillien
	E Paulian action	Nicholas 187
	S acción pauliana	

- F action pénale
- E criminal action NOT penal action (EN obs, see OCL)
 - S acción penal
- F action personnelle
- E action in personam Capitant, Guillien; BE FR CC 2262
Judicial proceedings (which in both the civil law and common law systems can concern any kind of property) in which the plaintiff asserts a right in personam, see E note to derecho personal 2.; RL actio in personam; Martin in personam, Jowitt in personam, in rem, OCL action: action in personam, Nicholas Roman 99-103; sometimes called personal action, but this term is ambiguous because in the common law, where its use is now obsolete, at least in EN, it meant an action in respect of personality only, whereas in the civil law it has the meaning of action in personam given above (Black action: personal action; Jowitt, OCL: personal action)
Ossorio, Gómez
 - S acción personal
- F action pétitoire
- E petitory action Capitant
 - S Black; SC CCP 100
- F action possessoire = acción posesoria
- F action publique = acción pública
v. prescription de l'action publique
- F action reconventionnelle
= demande reconventionnelle

F action récursoire

Dr. civ.: Capitant; dr.
adm.: Ord. 1270 22.12.1958,
11, Dalloz Dr. adm.
pp. 296-298, Brown 118;
selon le Grand Larousse de
la langue française,
récursoire "se dit de la
demande reconventionnelle
qui est formée en réponse
à l'action du demandeur",
c'est-à-dire d'une demande
en sens inverse et n'impliquant
que deux parties, mais cette
acceptation ne figure pas au
Capitand ni au Dalloz Dr. adm.,
où l'action récursoire
comporte une demande en sens
régressif dans une situation
qui implique trois parties

E action of recourse
- indemnity action

e.g. FR judicial proceedings
taken by a government depart-
ment against an employee who
has committed a fault for
which the department has been
found liable by a court of law
(Brown 118; in EN such an action
would be founded on tort and
described as an action for
contribution or indemnity:
Odgers 196); the F term would
seem to include actions of this
kind which are founded on
contract as well e.g. an
action en garantie, action to
enforce a warranty, where it
concerns peaceful possession,
and an action cambiaria, action
on a negotiable instrument,
where it is taken against a
party liable on the instrument
who is not the person
dishonouring it
ES LCC 49-50

S acción de regreso

F action réhibitoire
= acción redhibitoria

- F action réelle Capitant, Guillien; BE
FR CC 2262
- E action in rem Judicial proceedings (which
in both the civil law and
common law systems can concern
any kind of property) in which
the plaintiff asserts a right
in rem, see E note to derecho
real 1.; RL actio in rem;
Martin in rem, Jowitt
in personam, in rem, OCL
action: action in rem,
Nicholas Roman 99-103; sometimes
called real action, but this
term is ambiguous because in the
common law, where its use is now
obsolete, at least in EN, it
meant an action to recover realty
only, whereas in the civil law it
has the meaning of action in rem
given above (Black action: action
in rem; Jowitt, OCL: real action)
Ossorio, Gómez
- S acción real
- F action rescisoire
= action en rescision
- F action résolutoire (FR)
= action en résolution
- F action révocatoire (CH, FR) Appelée aussi action
paulienne; Guillien action
paulienne; CH LP 285-292,
FR CC 1167
- E revocatory action
S acción revocatoria Nicholas 187; also called
defeasance action
- L actio popularis Synonymous in meaning with
actio publica; EN obsolete,
SCO popular action; SCO
popularis actio
- E
F
S acción popular
- L actio publica RL: right of any citizen
to sue for a penalty; SR:
YB 1969 I, p. 110, para. 11,
p. 241, para. 21

	E		
	F		
	S	acción pública	
F		activité non salariée	EGLAT
	E	self-employment	
	S		
F		activité professionnelle	EGLAT
	E	occupation - employment	
	S		
S		acto = acte	
		v. actos	
S		acto administrativo	
	E	administrative act	
	F	acte administratif	
S		acto constitutivo	
		= acte constitutif	
S		acto declarativo	
		= acte déclaratif	
S		acto de gobierno	
		= acte de gouvernement	
S		acto de parte (UY)	CPP 96
	E	act of a party	plural <u>acts of parties</u>
	F		
S		acto entre vivos (CL)	CC 735, 1348
	E	act <u>inter vivos</u>	
	F	acte entre vifs	
S		acto extintivo ?	
		= acte abdicatif	
E		act of law (Black) = act of the law	
E		act of the law	An effect of the operation of law; OCL, Paton p. 243
	F		
	S		

E Act of Parliament

There is no longer a comma in the title of GB Acts of Parliament, e.g. the Companies Act 1985; even those statutes passed before the comma was dropped are now written without it, e.g. the Companies Act 1948; nor is the comma used in AU

F
S

E act of State

Black, OCL; James 141, 146; sometimes equated with acte de gouvernement and with fait du prince; see these entries

F
S

S acto ilícito = acte illicite

S Acto Institucional (UY)

Medida del Poder Ejecutivo, en el ámbito de un régimen de excepción, que tiende a modificar aspectos sustanciales del ordenamiento jurídico

E Institutional Act
F Acte institutionnel

S acto jurídico = acte juridique

S acto legal de partición (CL)

CC 691, 1318

E (legal) act of partition

Legal will normally be understood

F acte légal de partage

S acto procesal = acte de procédure

E actor

v. procedural actor

1. person who performs an act
2. (SCO) principal perpetrator of a criminal offence

F
S actor

- S actor Proc. civ., pen. (raro),
adm.; CL CC 258, CPC 253
et seq.; MX CPCDF 1; Ossorio
- E plaintiff Person who brings an action at
law (SCO pursuer), normally
confined to civil proceedings;
for the alternatives used in
certain circumstances
(prosecutor, petitioner)
see note 3; Curzon, Osborn,
Odgers 340
- F demandeur Proc. civ., pén. (rare),
adm. (plus souvent requérant);
FR CPCN 756, CT R. 516-1;
Daloz action en justice
sect. 8, divorce sect. 9,
tribunal administratif
sects. 36, 81, Conseil d'Etat
sect. 27
- S actos directos (UY) CPM 60(I)(1)
- E direct action
- F actes directs
- S actos preparatorios (UY) CPO 7, CPM 42, 44, 60 (XII)
- E criminal preparations
- F actes préparatoires
- S actos propios LT
- E estoppel (actos propios) Brownlie 618-619, McNair
chap. XXIX
- F préclusion
- S acto traslativo = acte translatif
- E acts, deeds, conveyances and
assurances
- F actes, instruments solennels,
transferts et translations
- S
- S actuación judicial
- E judicial step/proceeding
- F acte de procédure

- S actuaciones no. ...
- E proceedings No. ... -
case No. ...
 - F affaire no. ...
- S actuaciones en la investigación sumaria (CO) CPP 149
- E pre-trial steps
 - F information (préalable)
- actes d'information Enquête de police plus
instruction judiciaire
- S actuación sumaria = actuaciones en la investigación sumaria
- S actuario (CL, ES, UY) Ossorio; ES LEC 1970; sin. secretario; según Gómez, el término se refiere también, en el ámbito extrajurisdiccional, a los notarios
- E clerk of the court
 - F greffier
- S a cualquier título e.g. by any means, by any title, on any tenure
- E (translate according to context)
 - F
- S acuerdo Generally, but not necessarily, one intended to have legal effect; Black, OCL agreement; note 14
- E 1. agreement - arrangement
 - 2. decision - order
 - F 1. accord
 - 2. décision - arrêt
- S acumulación
- v. no acumulación ...
- 1. (der. pen.: MX CP 18 obs.)
= concurso de delitos
 - 2. (proc. pen.: BO CPP 36,
CO CPP 90) = acumulación de autos
- S acumulación de acciones (ES, UY) Ossorio; ES LEC 153-159,
UY CPP 47
- E joinder of causes of action
 - F EN RSC 0.15, r.1

- S acumulación de autos (CL, ES, MX, VE) Ossorio; CL CPC 92,
CPP 43, ES LEC 160-187,
MX CFPP 473, VE CECR 63
- E consolidation of proceedings EN RSC 0.4, r.9; also
called joinder of
proceedings
- F
- S acumulación de delitos
= concurso de delitos
- S acumulación de juicios
= acumulación de autos
- S acumulación de penas (Ossorio)
= cumul de peines
- S acumulación de procesos (MX CPPDF 484,
UY CPP 48, CO CPP 98; Ossorio)
= acumulación de autos
- S acumulación por conexión (BO) CPP 36
- E consolidation of related
proceedings
- F
- S acumular imaginariamente (CL) CC 1185, 1769
- E to aggregate/to pool notionally
F réunir fictivement (imaginariamente)
- S acusación
- v. denuncia, acusación o querrela
1. término general
 2. en el proceso penal, partes que
tratan de probar
responsabilidades del presunto
responsable
 3. (AR, CL, UY) puntualización y
calificación de hechos, con
petición de penas, pagos, etc.,
que en determinada etapa del
proceso penal hacen las partes
indicadas en 2 AR CPR 466, CL CPP 423,
UY CPP 233
 4. (NI) término procesal Ley 185/79, 11(c)

- E 1. accusation - charge
2. accuser - prosecutor*
- complainant** -
the prosecution***
3. indictment
4. charge
- F 1. accusation
2. accusation
3. ?réquisitions -
?réquisitoire
- 4.
- S acusación escrita (UY)
- E indictment
F réquisitions
- S acusación fiscal (PE, UY)
- E indictment
F réquisitions
- S acusación por escrito (UY)
- E indictment
F réquisitions
- S acusado
1. nombre: (proc. pen.)
persona a quien se
imputa la comisión de
un delito
2. adjetivo
3. SMR 84(1)
- * If the accusing party is a public official; note 1
** If the accusing party is a private person; note 1
*** In criminal proceedings; note 1
See indictment 2.; note 1
See charge 2.; note 1
- Dans les pays indiqués, des personnes privées parties à l'action pénale peuvent prendre des réquisitions tout comme le ministère public
- Nombre que como variante se da a la apreciación de los hechos por las partes acusadoras
- See indictment 2.; note 1
- Nombre que como variante se da a la apreciación de los hechos por el Ministerio Público, calificándolos, pidiendo aplicación de penas, indemnizaciones, etc.
- See indictment 2.; note 1
- Nombre que como variante se da a la apreciación de los hechos por las partes acusadoras
- See indictment 2.; note 1
- Ossorio; MX CPPDF 291, 294-297, 363, 385, 417, 419, CFPP 293, 310, 324, 369, 371; CL CPP 447

- E 1. accused - defendant
EN called the or an accused,
the or an accused person; the
terms accuseds, the or a co-
accused and co-accuseds can
all be used; CL after,
MX before or after,
committal for trial;
note 1
*In a general or technical
sense; note 1
**See E note to denuncia 2(ii)
***In a general or technical
sense; note 1
2. accused* - charged** -
indicted***
3. untried prisoner
- F 1. inculpé - prévenu -
accusé
BE, FR, SN: l'inculpé est
celui contre lequel est ouverte
une information judiciaire;
le prévenu est celui qui est
traduit devant un tribunal de
police ou un tribunal correctionnel
pour être jugé; l'accusé est
celui qui est renvoyé devant la
Cour d'assises pour être jugé
2. inculpé
3. prévenu
- S acuser
Aceptaciones general y
técnica; sin. inculpar
*In a general or technical
sense; note 1
**See E note to denuncia 2(ii)
***In a general or technical
sense; note 1
Sens général et technique
des deux mots; v. note F
au mot acusado 1.
- E to accuse*
to charge**
to indict***
- F accuser
- inculper
- F à décharge
E for the defence
Term used of a witness,
evidence etc.
- S
- S adherir a la apelación
Acto por el cual el apelado
pide igualmente la modificación
de la resolución apelada; sin.
adherir a la apelación UY
CPP 252-253
- E to bring a cross-appeal
F intervenir dans la procédure
de recours

- S adherir al recurso
= adherir a la apelación
- S adherirse al recurso interpuesto
= adherir a la apelación
- F adhésion LT
v. contrat d'adhésion
ouvert à l'adhésion
E accession* - adherence**
* Generally
** To the Convention on
International Civil
Aviation, Chicago, 7.12.1944
- S adhesión
- S a disposición de la justicia E/CN.4/Sub.2/R.41/Add.11
E in the hands of the law
F
- S adjetivo
v. códigos adjetivos penales
normas sustantivas y adjetivas
E adjective* - procedural * e.g. adjective law
F
- F adjoint
E deputy
S
- F adjonctif
v. amendement adjonctif de ...
- E adjudication IL: judicial settlement of
v. compulsory jurisdiction international disputes, e.g.
by the International Court
of Justice; COV 10(2)(b)
F
S
- F adjudication
1. EGLAT
2. EGLAT
E 1. (award under a) public
sale/sale by public auction
2. award (of a contract) Put out to tender
S 1. adjudicación
2.

- E adjudicatory function See judicial function
- F admettre
- E to admit/acknowledge/
 recognize
- S admitir
- S administración penitenciaria
- E prison administration*/
 authorities * SMR
- F
- S administración pública federal (MX)
- E federal administration/
 authority
- F Administration fédérale
- S administración pública paraestatal
 (MX)
- E semi-public administration
- F organisme semi-public
- S administrador ES Ley 17.7.1951, 71
- E director ES: Of a sociedad anónima
- F
- F administrateur Capitant
1. Personne chargée de
 l'administration des biens
 d'autrui
2. Membre du conseil
 d'administration d'une
 société anonyme
3. Fonctionnaire national* ou * FR CP 173, 183
 privé
4. ONU
- E 1. administrator EN (in regard to companies)
 administrator, manager,
 receiver and manager,
 administrative receiver
 (Insolvency Act 1986, 13-49),
 depending on the circumstances
 of the appointment and the
 functions of the appointee

2. director	FR: of one kind of <u>société anonyme</u> ; BE: of a <u>société anonyme</u> ; CH: of a <u>société anonyme</u> or <u>société en commandite par actions</u>
3. governor* - manager* - administrator* - administrative official**	* Of a body, institution, territory ** Senior category of <u>fonctionnaires publics</u> (FR; Capitant III)
4. Professional staff member	
S	
F administrateur au règlement judiciaire (FR obs.)	Amos 373 (obs.)
E judicial receiver	EN <u>receiver appointed by the court</u> , who is usually the official called the <u>official receiver</u> and acts as <u>receiver and manager</u> of an insolvent business (see <u>règlement judiciaire</u>)
S	
F administrateur délégué	FR: obs., Dalloz Comm. p. 207; CH CDO 717; BE CCOM 63
E managing director	
S	
F administrateur-directeur (BE CCOM 63) = administrateur délégué	
F administrateur judiciaire (FR)	Guide pratique 58
E judicial administrator	EN <u>administrator</u> (Insolvency Act 1986, 8-27)
S administrador judicial	El nombrado por la justicia
F administrateur légal (FR)	Dr. civ.: CC 389-392, Amos 81
E statutory administrator - administrator-at-law	FR: of a minor's property by a parent; SCO <u>administrator in law</u>
S	
F administrateur, fonctionnaire ou officier public	
E administrative or other public official or public officer	
S	

- F administration de la preuve Proc. civ., pén.: FR CPCN
132-322, CPP 323-346, 427-457,
536; Dalloz preuve
- E production of evidence Taking (of) evidence may be a
more natural rendering in the
case of witnesses' evidence
- S
- F administration de la preuve par
témoins (FR)
- E taking evidence from
witnesses
- S
- F administration des preuves
1. = administration de la preuve
2. ICJ Statute 48
- E 2. taking of evidence
S 2. práctica de pruebas
- F administration légale (FR) CC 389-392, Amos 81,
Dalloz Civ. pers. pp. 755
et seq., Guillien
- E statutory administration
- administration at law FR: of a minor's property
by a parent
- S
- F administration légale pure et simple FR CC 389.1, Dalloz Civ.
pers. pp. 761-770
- E ordinary administration Of a minor's property by a
parent
- S
- F administration légale sous contrôle
judiciaire FR CC 389.2, Dalloz
Civ. pers. pp. 770-833
- E judicially supervised
administration Of a minor's property
by a parent
- S
- E administrative tribunal (EN)
v. E tribunal 2.
- F administrer la preuve
- E to produce/adduce* evidence * EN RSC 0.35, r.7
- S

- E Admiralty Court
EN: part of the Queen's Bench Division of the High Court of Justice which deals with shipping and prize matters
- F
S
- L ad nutum
At will, at pleasure, at a person's discretion, as/ whenever a person wishes;
Capitant, Herrero
- E (translate according to context)
F à son gré - au gré de
S a voluntad
- S adolecer (de un vicio) (CL)
E to be tainted (with a defect)
F entacher
- F adolescent (CH)
Dr. pén.: individu âgé de 15 ans ou plus mais de moins de 18 ans; CP 89-99
- E adolescent
S adolescente
Note 10
- S adoptado
E adoptee - person adopted
F adopté
- F adopter un comportement
v. comportement adopté
SR
- E to adopt (a course of) conduct/
engage in conduct/conduct oneself
S
- F adopté sous forme définitive
E adopted in final form
S

- E adoptive Act (UK) An Act of Parliament which takes effect only if adopted by a public body or local authority empowered to adopt it (OCL)
- F
S
- L ad quem
v. tribunal ad quem
- S adquisición (CL) CC 588, 606
- E acquisition
F acquisition
- L ad referendum
- E ad referendum A treaty is signed ad referendum when the signature requires confirmation, after which it becomes a full signature; VCLT 12(2)(b); distinguish confirmation of signature from ratification of the treaty
- F
S ad referendum
- F adulte
v. jeune adulte
- E
S adulto
- E adversarial = adversary
- E adversary Adjective
- F contradictoire
S
- E adversary procedure Brown 57
- F procédure contradictoire
S procedimiento contradictorio

E adverse easement (EN)

An easement seen from the point of view of the owner of the servient tenement (EN Land Registration Rules 1925, 41)

F servitude passive
S

E advocacy rights = right of audience

F affaire

E case

e.g. l'affaire Ringeisen c. Autriche, the case of Ringeisen v. Austria (ECHR)

S

F affermage (CH, FR)

1. (FR) dr. adm.
2. (CH, FR) dr. civ.: action de donner ou prendre à ferme

FR CC 1774, CRU 810;
CH CDO 281

- E
1. farming
 2. lease

e.g. of taxes; note 9
i.e. leasing (but not, for example, in the modern sense of industrial plant leasing); lease here refers to the action of leasing property, not to the contract in the abstract or to the instrument evidencing the contract; affermage is used mainly of agricultural tenancies but can apply to certain other kinds of property; distinguish from fermage; note 9

- S
- 1.
 - 2.

F affermer (CH, FR)

1. (FR) dr. adm.
2. (CH, FR) dr. civ.: donner ou prendre à ferme

FR CC 1774, CRU 810;
CH CDO 281

- E
1. to farm
 2. to lease

e.g. taxes; note 9
Affermer is used mainly of agricultural tenancies but can apply to certain other kinds of property; note 9

S

- S affidavit (?AR)
E affidavit Note 18
F
- F afflictif
v. peine afflictive
E punitive* - afflictive** - * SR
retributive ** an afflictive punishment
S
- E affray (GB) Proposed statutory offence,
1982
F
S
- F affrèteur
E freighter Under an ordinary charter-
party he is the charterer of
the vessel as opposed to its
owner; under a bill of lading
or other document evidencing
the receipt of goods he is the
shipper; distinguish from fréteur
S
- S afianzar
E to secure
F
- S afidavit = affidavit
- S afirmación
E statement - affirmation Note 18
F déposition - déclaration
- S aforado
E (person) enjoying special
jurisdiction - privileged
(person)
F
- F à forfait
E without recourse On a bill of exchange
S

F	âge légal (FR)	
	E legal*/lawful** age	* Full age
	S	** For a specific activity, e.g. driving a motor vehicle
F	agent v. fonctionnaire ou officier public ...	Capitant
	E servant - official	NOT agent
	S	
F	agent de change (FR)	Capitant; <u>EGLAT officiers ministériels</u>
	E stockbroker - ?securities dealer	
	S	
F	agent de la fonction publique	DT 1(1); ce n'est pas un terme technique en FR
	E public official	DT 1(1)
	S funcionario público	
F	agent de la force publique	
	E police officer* - police officer or member of the armed forces	See E note to <u>fuereza pública</u> * EN; also called <u>officer of the law</u> (EN), <u>law enforcement officer</u> (US), <u>peace officer</u> (CA, US)
	S	
F	agent de la police judiciaire = agent de police judiciaire	
F	agent de la Sûreté (FR, ZR)	
	E police officer	
	S	
F	agent de police (FR, CA)	
	E police officer - (police) constable	CA <u>police constable</u>
	S	

F	agent de police judiciaire (FR, NE)	FR: Dalloz <u>police judiciaire</u> , CPP 20-29; NE CPP 20-29
	E (police) detective	Do not confuse with <u>inspecteur de police judiciaire</u> , <u>officier judiciaire</u> or <u>officier de police judiciaire</u> ; always include <u>police</u> if there is risk of confusion with a private detective
	S	
F	agent diplomatique	VCDR 1(e)
	E diplomatic agent	
	S agente diplomático	
S	agente de civil (AR)	
	E plain-clothes officer/ policeman/man	Called <u>civil</u> in CL, where he may belong either to the <u>Central Nacional de Informaciones</u> or to the <u>Servicio de Investigaciones</u>
	F	
S	agente de la ley	COD
	E officer of the law	COD
	F représentant de la loi	
F	agent en civil = agente de civil	
S	agente policial (CL) = agent de police	
S	agente represivo	
	1. término político	
	2. ?miembro de un cuerpo de policía	
	E 1. agent of repression	A. White, <u>El Salvador</u> (London, 1973), p. 94
	2. law enforcement officer	
	F 1. membre des forces de répression	
	2. agent de la force publique	
F	agent judiciaire (BE Loi 7.4.1919, 1) = agent de police judiciaire	

F	Agent judiciaire du Trésor public (FR)	Guillien
	E Treasury Law Officer	His office has similarities with that of the treasury solicitor in EN (Martin, OCL: <u>Treasury Solicitor</u>); Note 6
	S	
F	agent ou préposé	
	E servant or employee	
	S	
F	agent public (FR)	Guillien
	E public servant	Distinguish from <u>fonctionnaire public</u> , public official and <u>officier public</u> , public officer; note 17
	S	
F	aggravant v. circonstance aggravante	
	E aggravating	
	S agravante	
E	aggression	Definition of Aggression, A/RES/3314 (XXIX)
	F agression	
	S agresión	
F	agissement(s)	SR
	E conduct	
	S	
S	agotamiento de la jurisdicción interna	
	E exhaustion of domestic jurisdiction	
	F	
S	agotamiento de los recursos internos	IL; COV 41(1)(c)
	E exhaustion of domestic remedies	
	F	

- S agravado
v. homicidio agravado
- E aggravated
F aggravé
- S agravante
= circonstance aggravante
v. circunstancia agravante
con agravante de
- S agraviado Nombre
- E aggrieved/injured person -
victim
- F
- F agréé (FR) Guillien, Dalloz, Amos 23
- E commercial attorney Agréé is the name given to
the lawyers who until 1972
practised in a commercial
court in FR
- S
- E agreement Black, OCL agreement,
contract; for the
distinction see note 14 and
Salmond sect. 78
- F
- S
- E Agreement between the 26.6.1947, A/RES/169(II)
United Nations and the
United States of America regarding
the Headquarters of the United Nations
- F
- S
- S agregaciones (CL)
- E hotchpot Black; the process of bringing
property into hotchpot is called
collation; v. S colación, Black
collation
- F rapports

- F agrément
- 1. diplomatique VCDR 4, YB 1958 II,
p. 91
 - 2. sens commun
- E 1. agrément
2. approval
- S. 1.
2.
- S agremiar (UY)
- E to form an association/
associations e.g. a trade association
or union
 - F syndiquer
- F à huis clos FR CPP 400; EGLAT huis clos
- E in camera - in secret Hampton 182, Archbold
sect. 4-1; NOT in chambers
 - S
- F AI (CH) = assurance invalidité
- F aide judiciaire FR Loi 3.1.1972, Déc. 809
1.9.1972
- E legal aid EN; note 6
 - S defensa por pobre* - * ES LEC 13-50
beneficio de pobreza** - ** ES LECR 118-140
privilegio de pobreza*** - *** CL CPC 129-137, COT 591-602
asistencia judicial**** - **** CL COT 591-602
- S a instancia de parte
- v. delito perseguible a instancia
de parte
- E on (the) application (of a
party) - at the instance of a
party
 - F
- S aislamiento = incomunicación
- F ajournement Capitant
- v. exploit d'ajournement
- 1. (FR pr. civ.) demande
notifiée par exploit CPCA 666 désuet;
has been replaced by
assignation; Dalloz Proc. civ.
p. 453
 - 2. (FR pr. civ.) sursis

- E 1. summons
If the ajournement is one which originates civil proceedings, translate as writ of summons (which can be abbreviated to writ)
2. stay of judgement
S 1.
2.
- S ajustado a derecho
= ajustado al derecho
- S ajustado al derecho
E lawful
F
- S ajustado al interés social
E in the company's interest(s)
F See E note to F social
- F à la demande de ...
E on the application*/at the request** of ...
* Formal term: judicial and administrative procedure, e.g. à la demande d'une partie, a petición de parte, on the application of a party, on application by a party; in translating phrases of this kind, on application being made to it or simply on application may suffice
** Informal term; on request may suffice
S a petición de ...
p. ej. a petición de parte (PE Const. 298)
- F à la demande des parties ou d'office v. de oficio
E on application or of its own motion
S Its refers to the court
- F à la diligence de ...
E at the suit of ...
S
- S al amparo de ...
E under ...
F

- S albacea (CL) CC 1270
E executor - executrix
F exécuteur
- S alcaidía (AR) E/CN.4/Sub.2/R.41/Add.11
E prison
F
- S alcaide
1. ... de una cárcel o prisión
2. (AR) ... de una cárcel o prisión E/CN.4/Sub.2/R.41/Add.11
E 1. governor
2. warder - gaoler - prison officer* * EN
F 1. directeur de prison
2.
- S alcalde ES Ley de Régimen Local 116
E mayor
F maire
- S alcaldía
E mayor's court Clagett Adm. 22
F
- F aléatoire Amos 151, 361
v. contrat aléatoire
E hazardous - risky - a gamble
S aleatorio
- S alegar una causa ante un tribunal
E to plead a case in court
F plaider
- S alegato
v. alegatos
1. razón o fundamento Ossorio
2. escrito procedural Estatuto 39/2
3. ICJ
E 1. argument For alternatives see E
2. submission(s) note to moyen 2.
3. pleading See E note to F conclusions 2.
ICJ Statute 39(2)

- F 1. moyen
- 2. conclusions
- 3. plaidoirie

ICJ Statut 39(2)

S alegato de bien probado = alegato 2.

S alegato de conclusiones = alegato 2.

E alien

Treatment of aliens:
E/CN.4/Sub.2/392

F
S

F aliénable

E alienable - transferable

NOT negotiable; see E note
to aliéner

S

S alienación
v. en estado de alienación

Sin. enajenación

- 1. enajenación de bienes
- 2. enajenación mental

E 1. alienation - transfer
2. unsound mind

See E note to aliéner

F 1. aliénation
2. aliénation mentale

S alienar = aliéner

E alienate = aliéner

F aliéner

E to alienate* - to transfer** -
to dispose of voluntarily***

Alienation means a voluntary disposition of property, especially real property, made by the act of a party, by grant if the property is to pass during the party's life, or by will if it is to pass on his death, as opposed to a passing of property which takes place purely by operation of law (OCL, Black)

* Technical term applicable especially to realty

** Technical term applicable to all kinds of property

*** Generally speaking voluntarily can be omitted

S alienar - enajenar*

* CL CC 255

- F aliéner la liberté d'une personne (NE) CP 270; v.
E/CN.4/Sub.2/AC.2/1985/WP.1
- E to dispose voluntarily* of a person's liberty i.e. to give a person into slavery
* As to voluntarily see E note to aliéner
- S
- F aliéner sa liberté pour être réduit en esclavage SCAS 6(1)
- E to give himself into slavery SCAS 6(1)
S enajenar su libertad para quedar reducida a esclavitud SCAS 6(1)
- F aliments (FR, QU) FR CC 203, QU CC 168; Capitant
- E maintenance QU CC 168; EN; EN obs. alimony
- S alimentos
- S allanamiento
v. situación de allanamiento prolongado
- E 1. search (of premises) In this context, search implies that the searcher has the right to remove property.
2. unlawful entry
3. (police) raid/swoop
- F 1. perquisition - visite domiciliaire - perquisition et saisie
2. violation de domicile - intrusion illicite
3. descente (de police) - coup de main (de la police)
- S allanamiento de domicilio sin orden legal
- E house search without a warrant
F perquisition sans mandat
- S allanar
- E 1. to search (premises)
2. to raid/swoop
3. to simplify/resolve
- F 1. perquisitionner - fouiller
2. faire une descente (de police)
3. aplanir
- Note to allanamiento 1.

S **allegado**

- 1. documento
 - 2. (AR, CL) persona que vive en casa de parientes o amigos
 - 3. (UY) pariente
- E
- 1. placed on/forming part of the file
 - 2. (person) looked after - member of the household
 - 3. relative
- F
- 1. (pièce) versée au dossier
 - 2. pris en charge
 - 3. parent - membre de la famille

L allegans contraria non audiendus est YB 1966 II, p. 239

E allegans contraria non audiendus est Black allegans contraria non est audiendus

F

S

S **allegar**

- E to attach - to place (a document) on the file
- F produire - verser (une pièce) au dossier

F **allégeance juridique**

E legal juridical nexus

S

F **allégeance politique**

E political nexus/allegiance

S

F **alléguer**

v. il est allégué au moyen que ...

E

S

F **alliance**

E affinity - relationship by marriage

S

- F allié
v. parents ou alliés
E related/relation/relative
by marriage
S
- E Allied and Associated Powers Treaty of Versailles, 1919
F
S
- F à l'occasion de
E at - on - in connection with
S
- S alquilador
1. el que da en alquiler
= arrendador
2. el que toma en alquiler
= arrendatario
- S alquilar (dar o tomar en alquiler)
= arrendar
- S alquiler
1. precio de arrendamiento
= loyer
2. contrato, acción de arrendar
= arrendamiento
E 1. = loyer
2. = arrendamiento
F 1. = loyer
2. = arrendamiento
- S alteración del orden (público) CL Const. 57
E breach of law and order/the peace
F
- F altération
E debasement Of coinage
S
- S alternativo (CL) CC 1499-1504: tipo de
obligación;
Ossorio
E alternative Black alternative obligation
F alternatif FR CC 1189-1196

- S alzada
v. recurso de alzada
tribunal de alzada
- S ambos efectos de una apelación
(suspensivo y devolutivo)
E both effects of an appeal
(suspensive and devolutive)
F double effet de l'appel
(suspensif et dévolutif)
- E amenable
To the jurisdiction of
a country
F justiciable
S
- F amende
E fine
S multa
- F amende civile
Capitant; Guillien amende;
EGLAT n'auront pas un
caractère pénal
E civil fine
S
- E Amended Hague Rules
= Hague-Visby Rules
- F amende forfaitaire (FR)
CPP 529-530.2, Dalloz
Proc. pén. pp. 611-613
E on-the-spot fine
FR: for offences against
road traffic and national
parks legislation for which
a court fine would otherwise
be payable
S
- F amendement adjonctif de ...
E amendment adding/to add
S
- F amendement suppressif de ...
E amendment deleting/to delete
S

- F amende pénale Capitant; Guillien amende;
EGLAT n'auront pas un
caractère pénal
- E (criminal) fine Translate as court fine
where it is necessary to
distinguish between amende
pénale and amende forfaitaire
- S
- E American Convention on Human Rights
- F Convention américaine relative
 aux droits de l'homme
- S Convención Americana sobre
 Derechos Humanos Suscrita en San José el
22 de noviembre de 1969,
cuyo nombre oficial es Pacto de
San José de Costa Rica
- E American Declaration of the
Rights and Duties of Man OAS
- F
- S
- F amiable compositeur FR CPCN 12, 1474; Dalloz
Proc. civ. p. 1165
- E friendly arranger
- S amigable componedor CL COT 223
- S amonestación
- E caution - warning -
 admonition
- F admonestation - avertissement - *A/36/594, para. 275
 remontrance*
- S amparado
1. corresponde a la primera
 acepción de amparo
2. derecho constitucional
- E 1. person protected/whose rights
 are guaranteed
2. the subject of the amparo
 proceedings
- F 1. bénéficiaire de la protection -
 personne dont les droits sont
 protégés
2. (l')intéressé (celui qui fait
 l'objet d'un recours en amparo)

S	amparo (AR, CL, ES, CR, GT, HN, NI, MX, PE, SV)	A/RES/34/178; AR CPR 617, CL 1925 Const. 16, 1980 Const. 21, MX Const. 103, NI Dec. 232/80, SV Const. 221, ES Const. 53(2), 161(1)(b), BO 1967 Const. 19, VE Const. 49, CR Const. 48; ADRDM 18, ACHR 25
v.	al amparo de juicio de amparo Ley de Amparo Ley de Amparo para la Libertad y Seguridad Personal Ley de Hábeas Corpus y Amparo recurso de amparo recurso de amparo preventivo régimen de amparo	
	1. término genérico, por ej., en el sentido de protección social	
	2. derecho constitucional	
E	1. protection - guarantee(s) 2. <u>amparo</u>	Note 7; A/RES/34/178
F	1. protection (sociale) 2. <u>amparo</u>	
S	ampliación del sumario (UY)	Tercera parte del proceso penal; CPP 163-171; v. <u>instrucción 5</u>
E	evidence proceedings	Note 1
F		
S	ampliar	
E	to extend	A claim, action etc.
F		
F	ancien souverain	SS
E	old sovereign	
S		
S	ánimo (CL)	CC 700
E	intention - <u>animus</u>	
F	intention	
F	année civile	
E	calendar year	
S		
F	annonce légale (FR)	CPCN 696, Loi 4.1.1955
E	statutory notice	Published in a newspaper
S		

E	Annex to the Vienna Convention on the Law of Treaties	<u>Annex</u> NOT <u>annex</u>
E	annul = annuler	
F	annulable	
	E annulable - voidable* defeasible**	Note 15 * Contract, instrument ** Title
	S anulable	
F	annulation (BE, FR) v. action en annulation contentieux d'annulation recours en annulation ... voie d'annulation	Barraine; d'un acte juridique ou d'une décision judiciaire
	E annulment	EN: nullification of a juridical act or judicial decision; note 15 ES
	S anulación	
F	annuler (BE, FR)	
	E to annul* - to nullify	*EN: to nullify a juridical act or judicial decision; note 15 ES
	S anular	
E	annulable = annulable	
E	annulment = annulation	
S	anotación prontuaria (CL)	DL 26 7.10.1924, 4(4)
	E entry in judicial record	
	F	
S	ante v. apelar un ... ante ...	
	E in - to	A court
	F	
S	Anótese y comuníquese	Fórmula que se utiliza al final de algunos decretos y resoluciones del Poder Ejecutivo
	E For registration and transmittal	
	F A enregistrer et transmettre	

- S antecedentes
v. certificado de antecedentes
- E 1. (background) information
2. personal history
3. (police/judicial) record
4. antecedents
- Facts concerning the accused taken into account by the judge before sentencing him
- F 1. éléments d'information - dossier
2. curriculum vitae - passé (de quelques mois)
3. casier judiciaire - ?antécédents judiciaires
4. antécédents (?judiciaires)
- S antejuicio
- Ossorio
- E preliminary proceedings for judicial misconduct
- F
- F antichrèse (BE, FR)
- FR dr. civ.: sûreté réelle conventionnelle: le nantissement est un contrat par lequel un débiteur remet un immeuble à son créancier pour sûreté de la dette (CC 2071-2072); BE CC 2072, 2085-2091, FR CC 2072, 2085-2091; Guillien, Capitant, Dalloz, Dalloz Civ. sûretés, Amos 106 n. 2
- E pledge of an immovable/ immovables - antichresis*
- Translate as pledge unless antichrèse (S anticresis) has to be distinguished from gage (S prenda), pledge of movables; note 11
* PH CC 2132, Black
CL CC 2435-2445,
ES CC 1881-1886
- S anticresis
- F antichrèses, nantissements, délégations, cautionnements, avals et autres garanties
- E pledges, charges, delegations, suretyships/guarantees, avals and other guarantees/forms of security
- S

S anticipar el pago (CL)

E to prepay
F avancer

S anticresis = antichrèse

S anulable = annulable

S anulación = annulation

S anular = annuler

F apatride

E stateless person
S apátrida

F apatrie

E statelessness
S

S apelación (CL, ES, MX)

v. recurso de apelación
recurso de queja por denegación
de apelación

E appeal
F

Note 3

S apelación en relación (AR, UY)

E appeal with grounds stated
F appel motivé (appel avec
exposé des motifs)

S apelación en revisión (UY)

E appeal for review
F recours en révision

S apelación extraordinaria (MX)

CPCDF 717

v. recurso de apelación extraordinario

E special appeal (proceedings)
F

- S apelación libre (AR, UY)
- E appeal without grounds stated The grounds for the appeal are nevertheless stated at a later stage
 - F appel simple
- S apelado (noun: ES LEC 842, CL CPC 201, MX CPCDF 710) = intimé
- S apelante (ES LEC 840, CL CPC 201, MX CPCDF 694, 710) = appellant
- S apelar
- E to appeal La decisión apelada, the decision appealed against; apelar una resolución ante un tribunal, to appeal a decision to a (superior) court; note 3
 - F appeler
- S apercibimiento
- v. bajo apercibimiento de
 - 1. (MX, UY) observación que se formula por una falta
 - 2. citación para que se comparezca
- E 1. caution
 - 2. summons
 - F 1. admonestation - avertissement
 - 2. citation à comparaître - sommation de comparaître
- F aperçu historique Of an ILC topic
- E historical review
 - S
- S apertura de la sucesión (CL) CC 1222
- E opening of the succession Opening is used intransitively: the succession opens
 - F ouverture de la succession FR CC 718
- S a petición de ...
- v. à la demande de ...
- S a petición de parte
- v. à la demande de ...

- S aplicación
- E application - implementation - enforcement
 - F
- S aplicarse a
- E to govern - to apply to
 - F
- S apoderado (CL)
- E attorney - proxy - representative
 - F fondé de pouvoir - mandataire
- CC 2116; Ossorio; sin. de mandatario y especialmente del mandatario nombrado por medio de poder o procuración
- For the distinction between these terms see E note to mandataire
- S apoderamiento
- E 1. seizure
 - 2. authorization
 - F 1. saisie
 - 2. fait de donner pouvoir ou mandat - autorisation
- S apología
- E advocacy
 - F appel
- COV 20
- S apología del delito
- E advocacy of the offence
 - F apologie du crime
- AR CP 213, Ley 20840, 2(b),
CO CP 210, ES CP 268,
MX CP 209
- SO PC 231 extolling crimes
- S oposición de sellos (CL)
- E sealing
 - F apposition des scellés - mise sous scellés
- CC 1222-1223
- Black
- E appeal
- v. Federal Court of Appeal
- Noun; EN application for judicial examination by a higher court of a decision of a lower court (Martin); the term is used of both second and third instance proceedings; note 3

F	appel - recours	
S	apelación - recurso	
E	appeal (verb) v. appeal (noun)	
E	Appeal Division (CA)	Of the Federal Court of Canada, also called Federal Court of Appeal; FCA 4
F	Division d'appel	CA: de la Cour fédérale du Canada, division appelée aussi <u>Cour d'appel fédérale</u> ; LCF 4
S		
F	appel (FR) v. Cour d'appel fédérale Division d'appel frappé d'appel jugement susceptible d'appel susceptible d'appel	CPCN 527, 542-570, 900, 1482; CPP 496-520, 546-549; CTA R.191-192; Dalloz Proc. civ. pp. 195, 334-337, 764, 785-882; Dalloz Proc. pén. pp. 677, 686-705; Dalloz Dr. adm. p. 233; Capitant, EGLAT <u>revision</u> , Brown 73
E	appeal	In civil, criminal and administrative proceedings; note 3
S		
F	appelant (CA, FR)	FR: proc. civ. et proc. pén.; CPCN 901
E	appellant	Person who appeals; Odgers 340; EN, CA; note 3
S	apelante	
F	appel de fonds	
E	call	On shares
S		
F	appel en cause (CH, FR) = mise en cause	
F	appel en garantie (FR)	CPCN 334-338, Capitant <u>garantie</u> , Guillien <u>garantie</u> , Dalloz <u>garantie</u> , Dalloz Proc. civ. 258-259, 806-810, 966-971, 1079-1082

- E warranty proceedings
- Stricto sensu, the interlocutory form of action en garantie, i.e. warranty proceedings which are part of an existing action and not brought separately; if this is clear, translate as interlocutory warranty proceedings; EN third party procedure. US impleader, third-party practice (note 19, Herzog 292); lato sensu, synonymous with action en garantie; see action en garantie
- S
- F appeler une cause
- E ?to call (on) a case
- S
- F appel incident (FR)
- CPCN 549-551, Dalloz Proc. civ. pp. 796 et seq.; EGLAT incident
- E cross-appeal
- S incidente de apelación
- E appellant = appelant
- F appellation légale
- E legal description
- S e.g. of an offence
- F appel principal (FR)
- Dalloz Proc. civ. pp. 796 et seq.; EGLAT incident
- E (principal) appeal
- S
- F appel provoqué (FR)
- CPCN 549-551, Dalloz Proc. civ. pp. 796 et seq.
- E third-party appeal
- S
- F appel réformation (FR)
- CPCN 1479, 1483 et seq.; Dalloz Proc. civ. pp. 1176 et seq.
- E corrective appeal
- S modificación por (1a) vía de (1a) apelación
- An appeal to vary an arbitration award

- F applicable
v. loi applicable à ...
- E application for judicial review (EN) A means of challenging the validity of public law decisions; RSC 0.53, Supreme Court Act 1981, 29-31; see note to judicial review
- F
S
- F application
v. champ d'application
décret d'application
décret d'application de la loi de ...
mise en application
suspension de l'application
- E application* - operation** - scope*** - enforcement - implementation * VCLT 28, 30, 1982 DA ibid.
** VCLT 30(5), 57-60, 1982 DA ibid
*** VCLT 29, 1982 DA ibid.
- S
- F application des droits
- E implementation of rights
S
- F application des lois
- E application of the laws - law enforcement
S aplicación de las leyes
- F application territoriale
- E territorial scope VCLT 29, 1982 DA ibid.
S
- F application universelle des droits
- E universal observance of rights UDHR, proclamatory part
S
- E appointed To a country or organization
- F
S
- E apprehend = appréhender 1,3.

- F appréhender FR CPP 30, 73
- E to arrest Note 1
- S
- F appréhender
1. une personne FR CPP 30,73
2. un bien FR CC 2092.1
3. BOD
- E. 1. to arrest GB, US; SCO the formal term is apprehend; note 1
2. to seize For alternative renderings see saisir 1. and note 8
3. to apprehend
- S 1. aprehender - arrestar - capturar - detener v. S embargo 1., secuestrar 2., 3.
2. embargar - secuestrar
3. aprehender
- F appréhension (FR CC 2092.1) = saisie 1.
- F approuver
- E to approve - to endorse e.g. to assent to ... in writing
- to assent to*
- S
- S apreciado en garantía (VE) v. bienes apreciados en garantía
- S aprehender
1. (AR, BO, CL, CO, MX, PE, UY, VE) hecho material de capturar a una persona a fin de presentarla al juez AR CPCR 374, BO CPP 114, CL CPP 259, 291, CO CPP 5, 435, 439, MX CPPDF 267, 268, CFPP 194, 196, PE CPP..., UY CPP 124, Const. 17, 31, CPM 182, VE CEGR 183 (?188)
2. BOD
- E 1. to arrest Note 1
2. to apprehend
- F 1. arrêter
2. appréhender
- S aprehendido v. aprehender

- S aprehensión (AR,BO,CO,CL,MX,PE,UY,VE) For references see
v. mandamiento de aprehensión aprehender 1.
- E arrest Note 1
 F arrestation
- S aprehensora
v. autoridad aprehensora
- S apremio - E, F, S:
1. (proc. civ.: CL,EC,ES,MX) CL CPC 543, EC CPC 995, ES
 LEC 1481-1531, 1544-1560,
 MX CPCDF 500-608
2. generalmente en plural,
 especie de coacción
3. mandamiento de autoridad
 judicial Ossorio
- E 1. enforcement Means of securing the
 satisfaction of a judgement
 (also called execution,
 particularly where the judgement
 is in favour of a creditor) or
 other court order or the
 performance of an executory
 obligation, e.g. under a contract,
 mortgage or bill of exchange;
 SCO diligence
2. ill-treatment - coercion -
 oppression
3. court order
- F 1. exécution - voies d'exécution
 - contrainte
2. contraintes - violences -
 séances - mesures coercitives
3. décision judiciaire
- S apremio personal (CL,EC) CL CC 1619, 1624, EC CPC 996
- E execution on the person* - See E note to contrainte
 body execution** par corps
 * As distinguished from apremio
 real, execution on property;
 Lawson 9
 ** Black
- F exécution sur la personne -
 contrainte par corps

S	apremio provisional	En la aceptación de <u>apremio</u> 3.; TD/B/RBP/15/Rev.1, art. 9(II)(ii)
	E interim order	TD/B/RBP/15/Rev.1, art. 9(II)(ii)
	F décision avant dire droit	TD/B/RBP/15/Rev.1, art. 9(II)(ii)
S	apremio real (EC)	CPC 999
	E execution (on property)	<u>Execution</u> is generally understood to mean execution on property and is therefore sufficient unless <u>apremio real</u> has to be distinguished from <u>apremio personal</u>
	F	
S	apremios = apremio 2.	
S	apremios físicos	
	E physical oppression/ill-treatment	
	F contrainte physique - violences - sévices	
S	apremios ilegales	
	E unlawful oppression - ill-treatment	
	F contrainte illégale - violences	
S	aprisionar	
	1. término general	
	2. (CL) término procesal	CPP 42
	E 1. to arrest/detain/imprison/ gaol	Note 1
	2. to detain	
	F 1. arrêter	
	2.	
S	aprovechar (CL)	CC 296
	E to benefit - to profit	
	F profiter	

F	aptitude légale (FR)	Guillien <u>compétence</u> ; syn. <u>capacité légale, capacité juridique</u>
	E legal capacity - capacity at law	Where <u>aptitude légale, capacité légale</u> are distinguished from <u>aptitude conventionnelle, capacité conventionnelle</u> , they mean <u>statutory capacity (syn. statutory power)</u> as opposed to the contractual kind
	S capacidad jurídica	Ossorio
L	<u>apud acta</u> (AR,ES,NI)	Ossorio; AR CPR 390, ES LECR 530, NI Dec. 232/80, 11(2)
	E at the time (of the proceedings)	i.e., orally; can sometimes be translated as <u>in court, there and then, on the spot</u>
	F <u>apud acta</u>	
F	à qui de droit	
	E in/to the proper person/quarter	
	S	
L	<u>a quo</u> v. tribunal <u>a quo</u>	
E	Arab Commission for International Law	
	F	
	S	
F	arbitrabilité	MRAP 1
	E arbitrability	MRAP 1
	S arbitrabilidad	MRAP 1
F	arbitrage	EGLAT
	v. clause d'arbitrage convention d'arbitrage Cour permanente d'arbitrage engagement d'arbitrage règlement d'arbitrage	
	1. opération financière	UEC
	2. procédure de règlement des litiges	CREFAA II; Guillien; FR CPCN 1442-1480
	E 1. arbitrage - switching 2. arbitration	UEC CREFAA II; EN Arbitration Acts 1950, 1975, 1979

- S 1. arbitraje (de cambio) - UEC
transferencia de cartera
2. arbitraje
ES Ley de 22.12.1953 sobre
Arbitrajes de Derecho
Privado
- F arbitrage d'un tiers
E third-party arbitration
S arbitraje de un tercero
- E arbitral = F arbitral
- F arbitral
v. convention arbitrale
sentence arbitrale
tribunal arbitral
E arbitral
Note arbitral tribunal,
arbitral award in IL, but
arbitration agreement,
arbitration clause,
arbitration award in EN
- S arbitral
- S arbitral = F arbitral
- E Arbitral Award of the King of Spain 1966 DA42c2
case
F
S
- S arbitrariedad
E arbitrary act - wilfulness -
whim - caprice
F
- S arbitrario
v. detención arbitraria
prisión arbitraria
E arbitrary - unlawful
F e.g., arrest
- E arbitration
EN: the parties to an
arbitration are claimant and
respondent, not plaintiff and
defendant
F arbitrage
S arbitraje

F	arbitre (FR)	CPCN 1451-1456
	E arbitrator	
	S árbitro	ES Ley de 22.12.1953 sobre Arbitrajes de Derecho Privado 17, 20-25
F	arbitre-rapporteur (FR)	Guillien; n'existe plus
	E commercial expert	
	S	
S	arbitrio	
	v. a su arbitrio	
	E	
	F	
S	árbitro = arbitre	
S	archivero (CL)	COT 453-457
	E record-keeper	
	F	
S	argucias procesales	
	E procedural tactics	
	F manoeuvres procédurières	
E	<u>Armstrong Cork Company case</u>	RIAA XIV
	F	
	S	
S	arraigo	
	v. excepción de arraigo	
	mandamiento de arraigo	
	orden de arraigo	
	persona de arraigo	
	1.	
	2. (der. pen., también civ.)	BO CPP 193; CL: v. CCPR/C/32/Add.1, S p. 54; MX CPCDF 638
	E 1. bail	In the narrow sense, i.e. the security given by or on behalf of a criminal defendant for his appearance

2. restricted residence	Ordered on a defendant as security for his appearance in judicial proceedings; <u>quebrar el arraigo</u> (MX CPCDF 638), to disobey the residence order; similar to <u>emplazamiento</u> 2.
F 1. 2.	
S arras (CL)	CC 1789, 1803
E earnest money - deposit	
F arrhes	
S arrendador (CL,ES)	CL CC 1919, ES CC 1554: el que da en arriendo; sin. <u>locador</u> AR CC 1493
E lessor* - landlord**	Note 9 * Applies to any kind of property ** Applies to land and buildings (whole buildings or parts) only; in the case of rights over land (e.g. fishing, shooting), <u>owner</u> is normally used
F bailleur* - loueur**	* BE,CH,FR,QU; in QU, sometimes confined to the grantor of an emphyteutic lease ** BE,CH,FR
S arrendamiento (CL,ES)	CL CC 1915-2021, ES CC 1542-1603: contrato y acción de arrendar; sin. <u>locación</u> AR CC 1493
E hire	SC CC 1708, Nicholas 39, RL; MT CC 1714-1715 <u>letting and hiring</u> , QU CC <u>lease and hire</u> ; for alternatives (<u>lease</u> etc.) see note 9; <u>arrendamiento</u> (AR CC 1493) also means <u>hire</u> in the sense (see note 9, footnote 17) of the payment made for using property or services; <u>arrendamiento</u> applies to all kinds of property and services

F louage - location
- loyer*

Louage: FR CC 1708-1831, CRU 811, BE CC 1708-1831, CC Bk.III, tit.VIII, ch.II, sect.II bis, art.4, QU CC, CH non-code: contrat et action de louer; Dalloz louage; louage applies to all kinds of property and services, but is used mainly as a generic term and in regard to work and services; location is used mainly of buildings (whole buildings and parts), cars etc. *AR CC 1493

S arrendamiento de cosas

CL CC 1916-1986, ES CC 1542-1543, 1545-1582, MX CC 2398-2496: contrato y acción de arrendar las cosas

E hire/hiring of things

A generic term (RL locatio conductio rei, Nicholas Roman 182), includes lease, leasing etc.; note 9

F louage des choses

BE CC 1708-1709, 1711-1778, FR CC ibid., CH CDO 253-304: contrat et action de louer les choses; Dalloz louage

S arrendamiento de obra/obras

CL CC 1915, 1996-2006, ES CC 1542, 1544, 1583-1603, MX CC 2616-2669: contrato y acción de arrendar las obras; llamado también contrato de obra/obras, contrato de empresa, contrato de producción

E hire/hiring of industry

A generic term, meaning the hiring-out by one person of a piece of work to be done by another (RL locatio conductio operis, Nicholas Roman 182); the S and F terms include the contract of carriage; note 9

F louage d'industrie

BE CC 1708, 1710-1711, 1779, 1782-1799, FR CC ibid., CT L.123.1, see CH CDO 363-393: contrat et action de louer son industrie, appelé aussi contrat d'entreprise; Dalloz louage sect.1, contrat de travail sect.1, contrat d'entreprise

- S arrendamiento de obras y servicios CL CC 1915, 1996-2012, ES CC 1542, 1544, 1583-1603, MX CC 2605-2669: contrato y acción de arrendar las obras y los servicios, a veces denominado arrendamiento de obras o servicios
- E hire/hiring of industry and services A generic term; note 9
- F louage d'ouvrage et d'industrie BE CC 1708, 1710-1711, 1779-1799, FR CC ibid., see CH CDO 319-393: contrat et action de louer l'industrie et les services; BE, FR appelé aussi louage d'ouvrage; Dalloz louage sect. 1, contrat de travail, contrat d'entreprise
- S arrendamiento de servicios CL CC 1915, 1987-1995, 2007-2012, v. Código del Trabajo, ES CC 1542, 1544, 1583-1587, v. Ley del Contrato de Trabajo, MX CC 2605-2615: contrato y acción de arrendar los servicios; sin. locación de servicios AR CC 1493
- E hire/hiring of services A generic term, meaning the hiring-out by one person of his services to another (RL locatio conductio operarum, Nicholas Roman 182) note 9
- F louage de services BE CC 1708, 1710-1711, 1779-1780, FR CC ibid., see CH CDO 319-362: contrat et action de louer ses services, appelé aussi contrat de travail; Dalloz louage sect.1, contrat de travail
- S arrendar Dar o tomar en arriendo
- E to hire To give or take on hire; for alternatives (lease etc.) see note 9
- F louer Donner ou prendre en location; BE FR CC 1713
- S arrendatario (ES, CL) CL CC 1919, ES CC 1555: el que toma en arriendo; sin. AR CC 1493 locatario, (solamente de bienes inmuebles inquilino)

E lessee

For alternatives (hírer,
tenant) see note 9

F preneur* - locataire**
- fermier***

* En vertu d'un contrat de
bail: BE CC 1717, 1719 et seq.,
1728, 1808, CC Bk. VIII,
tit. III, sect. II, art. 3,
sect. III, art. 14, FR CC 1717,
1719 et seq., 1728, 1764, 1808,
CRU 790, 799 et seq., 819, 837,
Déc. 960 30.9.1953, 3.1,
CH CDO 253; EGLAT bail

** En vertu d'un contrat de bail
à loyer: BE CC 1726, 1749, 1752
et seq., FR CC ibid., Loi 1360
1.9.1948, 1, Loi 526 22.6.1982
passim, CH CDO 274, EGLAT bail
*** En vertu d'un contrat de
bail à ferme

E arrest

1. noun: of persons
2. noun: of property
3. verb: persons
4. verb: property

- F 1. = arrestation
2. = saisie 1.
3. = arrêter 3., détenir 1.
4. = saisir 1.

- S 1. = arresto 1., 2., detención 1.
2. = S embargo 1., secuestro 2., 3.
3. = arrestar, detener 1., 2.
4. = secuestrar 2., 3.

S arrestado

- E 1. (noun) person under
arrest/arrested* -
detainee - prisoner
2. (adjective) arrested* -
imprisoned - gaoled

Note 1; * SMR, UY CPP 118

Note 1; * CL 1925 Const. 33,
1980 Const. 19(7)(c), (d), 58,
MX CPPDF 267, NI Const. 39,
UY Const. 16, 113

F personne arrêtée -
personne en état d'arrestation

S arrestado a disposición del
Poder Ejecutivo Nacional (AR)

E (arrested and) detained
by the (National) Executive
- under executive detention

F

S	arrestado o detenido, sujeto a prisión preventiva o preso (CL)	Const. 19(7)(d)
	E arrested, detained, remanded in custody or imprisoned	
	F	
S	arrestar	
	E to arrest*/detain**/imprison/gaol/apprehend***	<u>Arrestar</u> and <u>arrêter</u> are used of persons, not property; note 1 *CL Const. 41(2); GB, US **CL Const. 41(2) ***SCO formal term for <u>arrest</u>
	F arrêter	
F	arrestation	FR CPP 30, 73, LU CP 147, COV 9, SMR 84, ECHR 5(1)(b)
	E arrest	Of persons; note 1; COV 9, SMR 84, ECHR 5(1)(b)
	S	
F	arrestation préventive (FR)	CPP 30
	E preventive arrest	A form of executive detention; note 1
	S	
E	arrestment (SCO) = attachment 1, 2,	
S	arresto	
	v. régimen de cumplimiento de arresto simple arresto	
	1. término general	
	2. nombre que, en ciertos casos como variante, se da al hecho de la privación de libertad del presunto responsable para presentarlo al juez	UY Ley 12688, 1, Const. 168(17), CPP 71, 123, 226
	3. castigo, generalmente en uso en las fuerzas armadas	UY CPM 27
	4. medida disciplinaria establecida p. ej. en los códigos de procedimiento, o (CO, ES, GT, UY, VE) pena de privación de libertad generalmente de corta duración	medida disciplinaria: AR CPR 291, 620, DL 1285/58, 18, BO CPP 239, CO CPP 243, CL CPP 190, MX CFPP 42,44, CPPDF 33, 318, UY CIC 228, VE CECR 167; pena: CO Const. 23, CPP 3, 4 CL Const. 41(4)
	5. (CL) en caso de estado de excepción, (AR) por el Poder Ejecutivo Nacional	
	E 1. arrest* - custody - detention	Of persons; note 1 *BOD, COD 1, comm. (a)
	2. arrest	

- 3. detention
- 4. detention** - light imprisonment***

**As disciplinary measure in AR (for contempt of court may take place on court premises or at home), UY; as proposed new custodial penalty in ES: see arresto de fin de semana
***CO, ES (existing penal code), GT, UY, VE

- 5. detention
- F 1. arrestation - garde à vue
- 2. arrestation
- 3. arrêts
- 4. emprisonnement de police
- 5.

S arresto de fin de semana (ES)

E weekend detention

New custodial penalty proposed in CPN 34; the name means exactly what it says, with detention taking place on Saturdays and Sundays only; the number of weekends of detention imposed can vary from 1 to 36 (CPN 36, 65)

F emprisonnement de fin de semaine

S arresto domiciliario

ES CP 8

E house arrest

F arrêts à domicile - résidence forcée (à domicile)

S arresto ilegal

E unlawful arrest/detention - false imprisonment*

Note 1

F arrestation illégale (arbitraire) - (parfois) détention arbitraire

* EN: common law offence and tort

S arresto ilícito = arresto ilegal

S arresto irregular = arresto ilegal

S arresto mayor (ES)

Pena

E brief imprisonment

F emprisonnement de police (majeur)

De 1 à 6 mois

S	arresto menor (ES)	Pena
	E minimum-term imprisonment	
	F emprisonnement de police (mineur)	De 1 à 30 jours
S	arresto preventivo (CL)	Medida administrativa
	E preventive arrest	A form of executive detention; may take the form of house arrest; <u>detention</u> may suffice
	F	
E	arrest warrant = warrant of arrest	
E	arrest without warrant v. garde à vue	
	F	
	S	
F	arrêt (BE, CH, CI, FR, RW, CIJ, CJEC, ECHR) v. arrêts ... maison d'arrêt	BE, FR: proc. civ., pén., adm.: décision rendue par toute juridiction portant le nom de "cour" ou par le Conseil d'Etat et le Tribunal des conflits, par opposition au <u>jugement</u> d'une juridiction - <u>tribunal</u> , <u>juge</u> - qui ne porte pas ce nom (Dalloz Proc. civ. pp. 681-682, Dr. adm. p. 228); Capitant, Guillien, EGLAT; BE Const. 30, CJ 22, CI CPP 365, FR CP 366, CPCN 914, 923, 1020-1022; RW COJ 57, Const. 89; CJEC Statut; CIJ Statut 56; ECHR 51, ECHRR 50; en FR, en ce qui concerne le Conseil d'Etat, bien que dans la législation on parle de <u>décision</u> , cette décision s'appelle toujours <u>arrêt</u> (Déc. 30.7.1963, 56; Auby t.1, p. 891, 1001, Benoît p. 385); en FR, nom donné également aux décisions de la Haute Cour de Justice (parlementaire; Ord. 1 2.1.59, 35, Burdeau 650); en CH, nom donné aux décisions du Tribunal fédéral (LFOJ 38)

E judgement* - sentence - decree
- order

EN civ. proc., crim. proc.:
The following paras. 1-5
describe the terminology used
in EN.

1. Judgement - both a generic and a specific term - is a final or interlocutory judicial decision which in civil proceedings (the latter term includes judicial proceedings dealing with administrative law) and criminal proceedings, both on trial and on appeal, determines the main question or questions at issue between the parties. It is therefore the correct term not only for the arrêts, jugements, fallos and sentencias of the ordinary courts in French-speaking and Spanish-speaking countries but also for the administrative law arrêts of the Conseil d'Etat in BE and the Conseil d'Etat and the cours administratives d'appel in FR, and for the arrêts of the Tribunal fédéral in CH. Since the term judgement is used for the judicial decisions of the House of Lords, it is also the correct term to use for the arrêts of the Haute Cour de Justice.

2. A judgement is called a sentence when it is a final judicial decision given in criminal proceedings on conviction, except in a juvenile court, where it is called an order (and the conviction is called a finding of guilt).

3. A judgement is called a decree when it is a final judicial decision given in a matrimonial cause.

4. Order (here opposed to judgement, see order 2.) is inter alia an interlocutory judicial decision which does not determine the main question or questions at issue between the parties, and must therefore be used for arrêts such as an arrêt de mise en accusation, arrêt de renvoi.

5. Judgement is always spelt judgment in EN.

Where the context does not make it clear which term should be used, translate arrêt, jugement, sentencia and fallo as judgement, but use order if there is the slightest indication that the decision is an interlocutory one. Decision is an alternative possibility in cases of doubt but is a much broader term than judgement.

Black, Osborn, OCL, Martin decree, judgment, sentence; Brown 198, Hampton 402; note 3.

Note l'arrêt König c. La République fédérale d'Allemagne, the judgement in König v. The Federal Republic of Germany.

* ICJ Statute 56 (judgment), CJEC Statute (judgment), ECHR 51 (judgment), ECHRRC 50 (judgment).

S fallo* - sentencia**

* CIJ Estatuto 56
** BO CPP 85; CL CPC 158,
CPP 43; CO CPC 302, CPP 169;
ES LEC 369, LEGR 141;
MX CPCDF 79, CPPDF 71, CFPP 94,
UY CPP 88

F arrêt d'appel (FR)

Proc. civ.: CPCN 570; proc.
pén.: Dalloz Proc. pén. p. 703

E appeal judgement
S

- F arrêt de condamnation (FR) Proc. pén.: CPP 366, 634;
rendu par une cour d'assises
- E sentence Final judicial decision in
criminal proceedings which is
given on conviction
* CU LPP 3
** UY CPP 249, CL CPP 504,
BO CPP 243, MC CPPDF 33
*** UY CPP 248
- S fallo condenatorio* -
sentencia condenatoria** -
sentencia de condena***
- F arrêt définitif CIJ Statut 41
- E final decision ICJ Statute 41
S fallo CIJ Estatuto 41
- F arrêt de mise en accusation (FR) Proc. pén.: CPP 214-215,
231, 268, 327; Dalloz Proc.
pén. pp. 592, 603
FR: by the indictment division
of an appeal court committing a
person accused of a serious
offence (crime) to an assize
court for trial; in the assize
court it functions as an
indictment in the sense in which
that term is used in EN; note 1
- S
- F arrêt de règlement (BE, FR) BE Loi 3.7.1971, 12(5);
FR CC 5
- E conflict judgement* * BE: a judgement of the
- normative judgement** Council of State settling a
conflict of jurisdiction
**FR: see Guillien, Amos 9 n.4
- S
- F arrêt de renvoi (FR) Proc. pén.: CPP 213-215,
231, 268, 327; Dalloz
instruction préparatoire
sects. 142-145; Capitant
- E 1. committal order FR: by the indictment division of
an appeal court committing a
person accused of a serious
offence (F crime), ordinary
offence (délit) or minor
offence (contravention) to an
assize, correctional or police
court respectively, for trial;
in the case of a serious offence,
synonymous with arrêt de mise
en accusation; note 1

2. remittal order

By the Court of Cassation or the Council of State remitting an appealed case to an inferior court or other body for rehearing

S 1.
2.

F arrêt de renvoi en cour d'assises (FR)
= arrêt de mise en accusation

F arrêt du Tribunal fédéral (CH)

E Fédéral Tribunal judgement
S

F arrêté (BE, CA, CH, FR, GE, RW)
v. projet d'arrêté

FR: acte législatif (au sens: matériel, Cornu acte législatif (b) obs.); décision administrative prise par un ministre, un préfet ou un maire et faisant partie de la catégorie des règlements, Dalloz Dr. adm. p. 71;
CH: peut être soit fédéral (Const. 85, 89), soit du Conseil fédéral, soit cantonal (p. ex. GE Const. 116);
BE Const. 107; RW Const. 47, 48, 90

E order

In BE, CH, GE an important class of legislation and therefore often called decree by scholars writing in English, but since both décret and arrêté are found in BE (in theory) and in FR (in practice), and ordonnance as well as arrêté in FR and CH, it seems best, in the legislative sphere, to reserve decree, order and ordinance for décret, arrêté and ordonnance respectively; note that in EN important subordinate legislation is made by Order in Council

S

F arrêté d'expulsion (FR)

Guillien expulsion

E deportation order* -
exclusion order**

* EN: immigrants
** EN: terrorists

S

- F arrêté d'interdiction
E banning/restriction order
S
- F arrêté du Conseil fédéral (CH) Acte législatif pris par le Conseil fédéral
E Federal Council order
S
- F arrêté fédéral (CH) Acte législatif pris par l'Assemblée fédérale, Const. 85, 89
E federal order See E note to arrêté
S
- F arrêté législatif (GE) Acte législatif
E legislative order See E note to arrêté
S
- F arrêté-loi (BE) = décret-loi
- F arrêté ministériel (BE) Acte législatif
E ministerial order See E note to arrêté
S
- F arrêter
1. un compte
2. prendre un arrêté, une loi etc.
3. une personne
E 1. to state/balance
2. to order/enact
3. to arrest
S 1.
2.
3. arresta - detener
Alternatively, to make an order, to enact a statute
Note 1
- F arrêté royal (BE) Acte législatif: Const. 67
E royal order See E note to arrêté
S

- F Arrêté royal du 21 mai 1965 portant règlement général des établissements pénitentiaires (BE)
- E Penal Establishments (General Regulations) Royal Order of 21 May 1965
- S
- F arrêt par défaut (CJEC) CJECSC St.35, CJEEC St.38
- E judgement by default CJECSC St.35, CJEEC St.38
- S
- F arrêts (CH) Peine: CP 39
- E light imprisonment
- S
- F arrêts et jugements (BE, FR, RW) RW COJ 57
- E judgements
- S
- F arrêt sur le fond (FR) CPCN 914
- E judgement on the merits Of an appeal court
- S decisión sobre el fondo
- S arriendo
1. precio de arrendamiento = loyer
2. contrato, acción de arrendar = arrendamiento
- F arrondissement judiciaire (BE) CJ 73, C. Eur 15
- E judicial circuit Black; EN, IE; distinguish from canton judiciaire, judicial district (for purposes of comparison, note that Belgium has some 26 arrondissements judiciaires and some 226 cantons judiciaires, while England has 6 judicial circuits and some 400 county court districts)
- S

S articulado

- E 1. (noun) articles - provisions Of a text
- body of the text
- 2. (adjective) arranged by
articles/in articles -
consisting of separate
articles

F

S artículo de previo pronunciamiento
(ES LECR 666)

= excepción de previo y especial
pronunciamiento

S artículo de previo y especial
pronunciamiento (CL CPP 435)

= excepción de previo y especial
pronunciamiento

S asesor letrado (CL, UY)

E assessor

For the significance of
letrado, see the note to
that term and translate
asesor letrado as
professional assessor if
the context so requires

F assesseur-conseil

E Asian-African Legal Consultative
Committee

F

S

S asignación (CL)

CC 953

E disposition - legacy *

* If made by will

F

S asignación forzosa (CL)

CC 1167

E compulsory legacy

F legs forcé

S asignación por causa de muerte (CL)

CC 953

E disposition on death -
disposition mortis causa

F

- S asignación testamentaria (CL) CC 953, 1056
E testamentary disposition
F legs
- S asistencia a la asociación (UY) CPM 60 (VI), (IX)
E aiding and abetting (a)
conspiracy
F (aide et) assistance à
l'association (subversive)
- S asistencia a los asociados (UY) CPM 60 (VII), (X)
E aiding and abetting
conspirators
F (aide et) assistance aux
membres d'une association
(subversive)
- S asistencia judicial = aide judiciaire
- S asistencia letrada al detenido (ES)
E legal aid for detainees
F
- E asleep (SCO) Dormant in normal legal
language; most civil actions
in SCO fall asleep after one
year if no procedural step
has been taken to enliven them
before that time, whereupon they
must be wakened by a minute of
wakening, this being a document
and not the length of time it
takes to arouse them; syn.
abandoned, see E note to
surrender 1.
- F ?en péremption - ?abandonné Cornu péremption
S abandonado CL CPC 152-157
- S asociación ilícita (AR, CL, ES) AR CP 210, ES CP 173, CL
CP 292 NOT conspiracy
- E unlawful association
F association illicite
- S asociación ilícita calificada (AR) CP 210 big
E aggravated unlawful
association NOT aggravated conspiracy
F association illicite qualifiée

S	asociación para delinquir (UY)	CPO 150
	E criminal association	NOT <u>conspiracy</u>
	F	
S	asociación subversiva (UY)	CPM 60 (V)
	E conspiracy to subvert	
	F association subversive	
S	asociación usurpadora de autoridades públicas (UY)	CPM 60 (VIII)
	E conspiracy to usurp public authority	
	F association usurpatrice de l'autorité des pouvoirs publics	
F	assemblée plénière	FR: Cour de cassation, COJ L. 121.4
	E full court - court sitting <u>in banc</u>	de Vries 84, Black <u>en banc</u>
	S pleno - reunión plenaria	
F	assermenté	
	E sworn	
	S juramentado	
F	assesseur (FR)	CPP 243 <u>et seq.</u>
	E judge* - co-magistrate**	* Of an assize court, other than the president ** Collective name of the members of the <u>Conseil d'Etat</u> other than the president when it is sitting to hear a case NOT <u>assessor</u>
	S	
E	assign	Verb; note 3
	1. (noun)	
	2. (verb) = <u>transfer</u> 3.	
	F 1. ayant droit	
	2. = <u>transfer</u> 3.	
	S 1.	
	2. = <u>transfer</u> 3.	

F assignation

v. exploit d'assignation

1. (FR proc. civ.) matière contentieuse: demande notifiée par exploit qui déclenche l'instance devant un tribunal d'instance, de grande instance ou commercial; acte de procédure devant une cour d'appel

Guillien, Dalloz Proc. civ. pp. 453, 830, Dalloz exploits sect. 2, nationalité sect. 41; FR CC 2247, CPCN 54-56, 68, 750, 829, 836-839, 854-858, 908, 1111, 1136, 1139, CN 128; BE CC 2247; syn. citation en justice

2. (CH) catégorie de contrats

CDO 466

- E 1. summons

In FR an assignation is a judicial document which either (i) constitutes a demande initiale and is the principal means of commencing contentious civil proceedings, or (ii) is the means of bringing such proceedings to an appeal court.

If the summons commences contentious civil proceedings, translate as writ of summons, which can be abbreviated to writ. See summons, E note to demande initiale.

2. delegation

A form of novation; Black

- S 1.
- 2.

F assignation à domicile

- E house arrest
- S arresto domiciliario

F assignation à résidence (FR)

Dalloz Pén. sects. 424, 438, Dalloz liberté individuelle sect. 12; Guillien, Ord. 2658 2.11.1945, 28 (étrangers); CPP R. 58(2) (condamné en sursis avec mise à l'épreuve); CPP D. 533(1) (condamné en liberté conditionnelle); Loi 3.4.1955, 6, Dalloz état d'urgence sect. 9 (état d'urgence)

- E restricted residence

FR: the restriction may specify a particular area or place

- S

- F assignation à résidence en plein air (? FR) E/CN.4/Sub.2/1985/WG.1/CRP.1
- E ? ? To a camp (prohibited under FR Loi 3.4.1955, 6)
- S
- F assignation à toutes fins v. procédure sur assignation à toutes fins
- E
- S
- assignation de résidence = assignation à résidence
- F assignation d'une résidence = assignation à résidence
- F assigner (FR) CPCN passim; IACEV 2(e)
- E to issue a summons* - to sue** - to subpoena*** - to notify****
- If assigner is used in the sense of commencing civil proceedings, translate as to issue a writ (or non-technically to sue), e.g. assigner X, to issue a writ against X, to sue X
- * Technical term, also called to summon (rather than to summons; Hampton 44, 46, 73, 270)
- ** Non-technical term
- *** A plaintiff: IACEV 2(e), but do not use this rendering otherwise, because subpoena normally has a completely different meaning
- **** A State of a submission to arbitration by means of an application (see MRAP 8; the term assigner seems to have been used in this sense by Reuter in 1985 (A/CN.4/SR.1937))
- * IACEV 2(e)
- S citar - emplazar*
- F assigner quelqu'un aux fins de s'entendre condamné à ...
- E to issue a writ against someone seeking judgement against him for .../seeking an order requiring him to ...
- S
- Technical expressions; for the two meanings of condamner see that term

- E assignment = transfer 1., 2.
- F assimilable à
- E comparable with - ranking with/as - treatable as
 - S
- F Assises fédérales
= Cour d'assises fédérales
- F assistance
- BE CC 213, 482, 513,
CH CC 159, FR CC 212,
217 obs., 513; Guillien,
Capitant
- E support* - assistance**
- * Duty owed by one spouse to another, in BE, FR going beyond purely financial support (secours); this distinction between support and financial support is not drawn in CH CC
 - ** Given e.g. by the curator or judicial adviser of an incapax
- S
- F assistance éducative
- FR CC 375, Guillien
- E educational welfare
- S
- F assistance en justice
- FR CC 412, CT R.516.4
- E professional assistance
- Distinguish from aide judiciaire (formerly assistance judiciaire), legal aid, which is for indigents
- S
- F assistance judiciaire
- FR obs., replaced by aide judiciaire; IACEV 5
- E legal aid*/co-operation**
- * Distinguish from assistance en justice; IACEV 5; note 6
 - ** Between States; note 6
- S beneficio de pobreza
- F assister
- FR CC 416, CT R.516.4
- E to assist
- i.e. to assist a party professionally
- S

- F association (FR)
v. opération en association
soumission en association
- E association Includes societies
and clubs; EGLAT société,
utilité publique
- S
- F association en participation (FR) Catégorie d'association
régie par CCOM 42-45 (abrogés)
et maintenant dénommée
société en participation;
v. CC 1871-1873
- E 1. undisclosed partnership EGLAT
- private syndicate
2. joint venture
- S
- F association reconnue d'utilité
publique (FR) EGLAT utilité publique
- E association of public interest/
of service to the public - One kind of établissement
public-interest association d'utilité publique; NOT
public utility
- S asociación de utilidad pública
- F associations et sociétés (RW)
- E associations and firms NOT associations and societies
- ordinary and business
associations
- S
- E assurance (EN RSC 0.63, r. 10)
= conveyance
v. acts, deeds, conveyances and
assurances
- F assurance invalidité
- E disability insurance
S seguro de invalidez
- F assurance-vieillesse et survivants (AVS)
(CH)
- E old age and survivors' insurance
(AVS)
- S

F	assurer la comparution	
	E to compel the appearance	Of a suspect, accused, witness in court
	S asegurar la comparecencia	
F	astreinte (FR, ECSC)	FR proc. civ., adm.: CC 10, Loi 21.7.1949; EGLAT; Amos 18 n.1, 181-182; Dalloz Voies pp. 19-25, Dalloz Civ. intro p. 444; Merryman 672, Brown 71-72, Nicholas 215-219, Kahn-Freund 520-523; ECSC Treaty 47(3), 65(5), 68(6)
	E default fine - periodic penalty payment*	FR: a daily or monthly fine imposed by a magistrate for the purpose of enforcing compliance with a court order or judgement (e.g. for specific performance of a contract) or the performance of a civil obligation, and continuing until such compliance or performance takes place; EN Companies Act 1985, 6(3), 730(5) and Sch. 24, MCA 63(3) * ECSC Treaty 47(3), 65(5), 68(6)
	S	
F	astreinte à domicile	EGLAT
	E obligatory residence	
	S	
F	astreinte journalière (FR, ECSC)	EGLAT; ECSC Treaty 66(5)
	E daily fine - daily penalty payment*	*ECSC Treaty 66(5)
	S	
S	a su arbitrio (CL)	CC 760, 1136
	E at his option/discretion	
	F à son choix - à sa volonté - à son gré	
S	atentado (Ossorio) = atteinte	

- S atentado a la integridad física y psíquica E/CN.4/Sub.2/R.41/Add.1
E physical and mental assault As to the use of mental in regard to assault, see Amnesty Aug./Sep. 1983, 14 assault on the mind
F
- S atentado a la persona física
E physical attack - bodily assault
F coups et blessures - violences - voies de fait
- S atentado contra el Estado
E crime against the State
F
- S atentado contra la autoridad (AR)
E criminal interference with authority
F
- S atentado contra la Constitución (UY)
E action to undermine the Constitution
F attentat à la Constitution
- S atentado contra la Constitución en grado de conspiración (UY)
E conspiracy/conspiring to undermine the Constitution
F
- S atentado contra la incolumidad personal (AR) Non-code
E assault
F atteinte à l'intégrité de la personne
- S atentado discrecional (UY)
E ? wilful crime of violence
F atteinte intentionnelle (délibérée)
- S atenuante (Ossorio)
= circonstance atténuante
v. circunstancia atenuante

F ATF (CH)
= arrêt du Tribunal fédéral

F à titre de ...

E as ...
S

F à titre de diamant

Se dit d'un legs donné par reconnaissance à un exécuteur testamentaire

E as a token of gratitude
S

F à titre gratuit (FR)
v. acte à titre gratuit
contrat à titre gratuit
disposition à titre gratuit

E gratuitously
S a título gratuito

F à titre onéreux (FR)

E for value/valuable
consideration

Amos 246 n. 2 (also Amos 255
n. 4 by purchase, but
incorrectly, since à titre
onéreux excludes acquisition
by gift or under a will, which
by purchase does not)

S a título oneroso

S a título gratuito = à titre gratuit

S a título oneroso = à titre onéreux

S atropello

1. de un derecho
2. de una persona

E 1. infringement - violation
2. abuse - outrage -
ill-treatment

F 1.
2.

F attaché d'administration (FR)

E junior civil servant
S

- F attaché de justice (FR) Fonctionnaire de l'ordre judiciaire qui peut devenir magistrat; Déc. 7.1.1959, Buffelan 1, 76
- E judicial assistant
- S
- E attachment
- v. seizure and attachment warrant of attachment
1. (lato sensu) of a person or any kind of property: seizing and placing under judicial custody or control in order to enforce a judgement or other court order (attachment in aid of execution, SCO arrestment in execution), or, in the case of property only, in order to secure compliance with a future judgement (provisional attachment, SCO arrestment in security) Jowitt, OCL attach, Black; note 8; e.g. to attach a contemnor, to imprison a person for contempt of court (EN; procedure now replaced by committal); to attach the contents of a house, to have them placed in the hands of a bailiff; SCO arrestment, of moveables only (OCL, Costello, Walker SCO 477, Marshall 41-42, 52-53)
2. (stricto sensu : EN) of a debt: procedure whereby a creditor secures payment of a sum owed him by a debtor by obtaining a court order which attaches, i.e. seizes, a debt owed to the debtor by a third party OCL attach; syn. garnishment; e.g. attachment of earnings, attachment of a bank balance; SCO arrestment; note 8
3. (JI) of property A/CN.4/388, para. 34
- F 1. saisie Ou saisie conservatoire, selon le cas
2. saisie-arrêt - opposition
3. saisie A/CN.4/388, para. 34
- S 1. embargo Puede ser preventivo o ejecutivo
- 2.
3. secuestro A/CN.4/388, para. 34
- F atteinte (FR) Loi 14.7.1909, 10; Loi 2.1.1969, 51
- v. atteintes ... en cas d'atteinte aux droits porter atteinte à ...
- E affront - crime - offence - outrage - infringement* Other meanings are given in the specific terms below, as well as a full list of possible verbal renderings under porter atteinte à ...
*e.g. of an industrial property right
- S

- F atteinte à la défense nationale (FR) CP 74
E breach of national security
S
- F atteinte à la liberté du travail (FR) Guillien
E violation of the freedom of
labour
S
- F atteinte à la liberté individuelle (FR) CPP 136
E violation of the freedom of the
person/individual liberty
S
- F atteinte à la mémoire d'une
personne (FR) Loi 29.7.1881, sect. 34
E vilification of a dead person Archbold sect. 25-51
S
- F atteinte à la sûreté de l'Etat (FR) Guillien
E breach of State security
S
- F atteinte à la vie privée (FR) CP 368
E invasion of privacy
S
- F atteinte à l'honneur d'une personne
E damage to a person's honour
S
- F atteinte à l'intégrité physique
d'une personne
E violation of the person
S
- F atteinte au crédit de la nation (FR) Loi 18.8.1936, 1
E damage to the nation's credit
S
- F atteinte au droit
E illegal act/procedure -
illegality
S

F	atteinte aux biens (FR)	CP 305
	E injury/damage to property	
	S	
F	atteinte aux droits de ...	
	E infringement of the rights of ...	
	S	
F	atteinte aux personnes (FR)	CP 305,306
	E injury to persons	
	S	
F	attendus (FR : d'un jugement ou d'un arrêt) = motifs	
F	attentat	
	1. = atteinte	See, in this meaning, some specific examples below
	2.	
	E 1. = <u>atteinte</u>	
	2. attack - act of aggression*	* FR CP 86
	- assault - attempt**	** e.g. on a person's life
	S 1. atentado	
	2. ataque - agresión - asalto	
F	attentat à la liberté (FR)	CP 114
	E infringement of liberty - interference with freedom	
	S	
F	attentat à la pudeur (FR)	CP 331
	E indecent act - indecent assault	
	S	
F	attentat à la vie privée (FR)	CP 368
	E invasion of privacy	
	S	
F	attentat aux droits (FR)	CP 114
	E violation of rights	
	S	
F	attentat aux moeurs (FR)	CP 330
	E immoral act	
	S	

F	attentat contre les biens (FR)	CP 308
	E injury/damage to property	
	S	
F	attentat contre les personnes (FR)	CP 295,308
	E injury to persons	
	S	
F	attenter aux droits de ... (FR)	CC 614
	E to infringe the rights of ...	
	S	
F	atténuant	
	v. circonstance atténuante	
	excuse atténuante	
	E extenuating - mitigating - alleviating	
	S atenuante	
F	atténuation	
	v. cause d'atténuation ...	
F	atténuation de la peine (FR)	Dalloz <u>responsabilité pénale</u>
	v. cause d'atténuation de la peine	sects. 5-12
	E mitigation of sentence	Halsbury vol. 11, para. 19, n.1
	S atenuación de la pena	
F	attestation	
	E attestation - certificate	
	S certificado	
F	attester	
	E to attest/certify/authenticate	
	S	
E	attorney	OCL
	1. person appointed to represent another under a power of attorney	Black <u>attorney: attorney in fact</u>
	2. person admitted to practice law	Black <u>attorney: attorney at law</u>
F	1. mandataire	
	2. avocat	
S	1. mandatario	
	2. abogado	

E attorney at law = attorney 2.

E attorney in fact = attorney 1.

F attributif

E attributive - conferring
S

F attribution

v. compétence d'attribution
jurisdiction d'attribution

F audience (CA, FR, ECHR, CIJ)

v. instruction à l'audience

FR proc. civ., proc. pén.:
étape procédurale: partie de
la procédure qui (i) en
proc. civ. précède le délibéré,
(ii) en proc. pén. précède le
délibéré et s'appelle aussi
l'instruction à l'audience
CPCN 431-432, 438-439, 937;
CPP 308 et seq., 342, 400
et seq.; Dalloz Proc. civ.
pp. 526-536, 627-629, Dalloz
Proc. pén. pp. 616-640; EGLAT
audience, entendu; CA VOCL 3;
CIJ Statut 46; ECHRRP 30,
ECHRRC 18

E hearing* - trial

S vistas

* ICJ Statute 46; ECHRRP 30,
ECHRRC 18; CA : VOCL 3
CIJ Estatuto 46

F audience des plaidoiries (FR Dalloz
Proc. civ. pp. 526-536, 627-629)
= audience

F audience privée (FR)

E private hearing

S

Dr. adm.: Brown 65

In the Council of State or an
administrative court; also
called délibéré

F audience publique (FR)

E public hearing

S

Dr. adm.: Brown 65

In the Council of State or an
administrative court

- S audiencia
v. recurso de audiencia ...
1. (ES: audiencia, Audiencia) tribunal LOPJ 26, 62-64, 80-83; hay una Audiencia Nacional y varias Audiencias Provinciales
2. acto de oír
- E 1. high court - High Court Note 4
2. hearing - trial
- F 1.
2. audience
- S Audiencia Nacional (ES) LOPJ 26, 62-69
- E National High Court For criminal, administrative and social litigation
- F
- S audiencia provincial, Audiencia Provincial (ES) LOPJ 26, 80-83; v. audiencia
- E provincial high court - Provincial High Court
- F
- S audiencia territorial, Audiencia Territorial (ES) obs.; ahora tribunal superior de justicia, LOPJ 70-79
- E territorial high court - Territorial High Court
- F auditeur (FR) Loi 1484 25.9.1948,2; Ord.1708 31.7.1945,2; Guillien
- E junior magistrate Of the Court of Audit or the Council of State (in both cases the most junior of the three grades of membership)
- S
- F auditeur de justice (CG, FR) FR : Ord. 1270 22.12.1958, 1,15 et seq.; David I, 49; Guillien, Dalloz Proc. pén. p. 641
- E junior magistrate CG, FR : a probationary member of the magistrature, i.e. a future magistrat
- S

F	auditorat	Ord. 1270 22.12.1958, 16
	E probationary status	See note to <u>auditeur de justice</u>
	S	
F	audition des témoins (FR)	Proc. civ., proc. pén.
	E examination of witnesses	NOT <u>cross-examination</u>
	S examen de testigos	
F	audition	EGLAT <u>entendu</u>
	E hearing	
	S	
S	auditor (CO, CL)	En la justicia militar, donde desempeña funciones de asesor
	E assessor	
	F assesneur	
S	aumentos o mejoras (CL)	De una cosa
	E additions and improvements	Use <u>and</u> if the meaning is conjunctive, <u>or</u> if it is disjunctive
	F augmentations ou améliorations	
S	ausencia	ES CC 181-192
	v. declaración de ausencia en ausencia	
	E absence	PH CC 381
	F	
S	ausente	CL CC 473-491; MX CC 648
	E absentee	QU CC 347, SC CC 112
	F absent	QU CC 347; BE CC 112; FR CC 112, CPCN 1062-1069
F	auteur	
	v. Etat auteur de la violation	
	Etat auteur d'une réserve	
	Etat auteur d'un fait	
	1. d'un texte	
	2. d'un fait	
	3. d'un lien juridique ...	Capitant I

- E 1. author* - draftsman*
- sponsor** - maker ***
2. author* - doer**,** ...
- perpetrator**,***
3. principal* -
predecessor in
title**
- S 1. autor
2. autor
3. causante
- F auteur d'un comportement
- E author of conduct
S
- F auteur d'un crime
- E perpetrator of a crime -
wrongdoer - criminal -
offender
- S autor de un crimen
- F auteur d'un ouvrage scientifique
- E legal writer
S
- * Of a constitution,
** Of a proposal, resolution
*** Civil law : of a will,
instrument
L'auteur de ... can sometimes
be translated as the person
who ...
* Of a wrong, i.e. tortfeasor
** Of an act
*** Of an offence; also called
principal EN Halsbury vol. 11,
'Criminal Law, Evidence and
Procedure', para. 43,
principal offender
(SC PC 22), actor (SCO)
SR : être l'auteur d'une
violation, to commit a breach
* In the relationship of
principal and agent, sometimes
called constituent
** Any person from whom a right
to property is derived,
sometimes called de cuius; the
latter term can apply to any
such person, but usually means
a deceased (US a decedent) from
whom a right of succession is
derived
CL CP 14-15, BO CP 20,
ES CP 12,14
SR : 1980 DA 32
CDI

F auteur principal (FR)

CP 302; se distingue du co-auteur et du complice

E principal

The actual perpetrator of the offence, also called perpetrator, principal offender; the distinction in FR between auteur principal, co-auteur and complice corresponds roughly to the now obsolete distinction in EN between principal in the first degree, principal in the second degree and accessory; in EN the latter two categories, except for accessories after the fact, are now treated as though they were principal offenders and described as secondary parties; the present distinction in EN is therefore between principal parties and secondary parties (Halsbury vol. 11, 'Criminal Law, Evidence and Procedure', paras. 43-44), which corresponds roughly to that in US between principal and accessories; Archbold chap. 29

S autor

S auto (BO, CL, CO, ES, MX)
v. autos
poner los autos de manifiesto ...
separación de autos

Clase de resoluciones judiciales: BO CPP 85; CL CPC 158, CPP 43; CO CPC 302, CPP 169; ES LEC 369, LECR 141; MX CPCDF 79, CPPDF 71, CFPP 94; IACEV 3(c)

E order* - document**

* Also called court order, order of the court; see E order 2.
** IACEV 3(c)

F ordonnance - arrêt* -
acte juridictionnel**

* Parfois
** IACEV 3(c)

S auto cabeza de proceso (CO, CL)

CO CPP 319

E initiating order

Order initiating criminal proceedings; note 1

F ordonnance d'ouverture
d'une information

S	auto de cesación del procedimiento (CO)	CO CPP 163
	E dismissal order	Order dismissing criminal proceedings; note 1
	F ordonnance de clôture (de l'information) - ordonnance de non-lieu	Selon le contexte
S	auto declaratorio de reo (CL)	Resolución de sometimiento formal a juicio; Dec. Sup. 1618
	E committal order	Note 1
	F ordonnance de renvoi (devant la juridiction de jugement)	
S	auto de clausura del sumario (AR)	
	E terminating order	Order terminating pre-trial proceedings; note 1
	F ordonnance de clôture (de l'information)	
S	auto de conclusión (ES) = auto de conclusión del sumario	
S	auto de conclusión del sumario (ES)	LECR 623
	E terminating order	Order terminating pre-trial proceedings; note 1
	F	
S	auto de detención	
	1. (AR, CL, NI, VE) resolución de privación de libertad	AR CPR 374, CL CPP 283, NI Const. 58(9) (repealed), Dec. 52/79, 11(h), Dec. 232/80, 11(2), VE Const. 60, CECR 73, 182, 190
	2. (BO, CO, VE) resolución de encarcelamiento	BO CPP 195, CO CPP 165, 305, 436, VE
	E 1. arrest warrant 2. detention order	Note 1; in the case of VE, there is no clear-cut distinction between meanings 1. and 2.
	F 1. mandat d'arrêt 2. ordonnance de mise en détention préventive	

- S auto de detención definitiva (PE) Pese a la forma categórica, es la resolución de encarcelamiento
- E detention order Note 1
F ordonnance de mise en détention préventive
- S auto de detención preventiva (CO) Resolución de encarcelamiento, CPP 455
- E detention order Note 1
F ordonnance de mise en détention préventive
- S auto de enjuiciamiento (CO) Nombre que como variante se da a la resolución de sometimiento formal a juicio
- E committal order Note 1
F ordonnance de renvoi (devant la juridiction de jugement)
- S auto de exhibición (NI) Es la decisión de la Corte de Apelaciones ordenando que el favorecido por el derecho de amparo sea exhibido al juez ejecutor, Dec. 232/80, 7
- E writ of habeas corpus
F ordonnance de représentation (de personne) - ordre de présenter la personne du détenu
- S auto definitivo (MX) CPCDF 79
- E final order
F
- S auto de formal prisión (MX, NI) Resolución de encarcelamiento; MX Const. 19, CPPDF 297, CF PP 161; NI Dec. 52/79, 11(a)
- E detention order Note 1
F ordonnance de mise en détention préventive
- S auto de inhibición (ES) LECR 25
- E order relinquishing jurisdiction In matters of conflict of jurisdiction between two judges
F

S	auto de iniciación del proceso (NI)	Dec. 185/79, 11(d)
	E initiating order	Order initiating criminal proceedings; note 1
	F ordonnance d'ouverture d'une information	
S	auto de instrucción (NI)	Ley de Funciones Jurisdiccionales de la Policía Sandinista, 7
	E initiating order	Order initiating proceedings; note 1
	F	
S	auto de libertad provisional (UY)	CPPM 208(2)
	E (pre-trial) release order - bail order.	See E note to <u>libertad provisional</u> and note 1
	F ordonnance de mise en liberté provisoire	
S	auto de llamamiento a juicio (CO)	Nombre que como variante se da a la resolución de sometimiento formal a juicio; no previsto en CPP
	E committal order	Note 1
	F ordonnance de renvoi (devant la juridiction de jugement)	
S	auto denegatorio de procesamiento (ES)	LECR 384
	E dismissal order	Order dismissing criminal proceedings; note 1
	F ordonnance de non-lieu	
S	auto de prisión	
	1. (UY) resolución de privación de libertad	
	2. (AR, CL, ES, NI, UY) resolución de encarcelamiento	AR CPCR 374, CL CPP 283, ES LECR 505, 516, UY CPPM 214, NI Dec. 232/80, 24, 11(2), 1(1), Dec. 52/79, 11(h), Const. 46, 58(9) (repealed)
	E 1. arrest warrant	Note 1
	2. detention order	
	F 1. mandat d'arrêt	
	2. ordonnance de mise en détention préventive	

S	auto de proceder (CO)	Nombre principal de la resolución de sometimiento formal a juicio, CPP 483, 484
	E committal order	Note 1
	F ordonnance de renvoi (devant la juridiction de jugement)	
S	auto de proceder a la averiguación sumaria (VE)	
	E initiating order	Order initiating criminal proceedings; note 1
	F ordonnance d'ouverture d'une information	
S	auto de procesamiento	
	1. (UY) resolución que da comienzo al proceso penal	CPPM 178, CPP 69, 125
	2. (BO, ES) resolución de sometimiento formal a juicio	ES LECR 384
	E 1. initiating order	Order initiating criminal proceedings; note 1
	2. committal order	
	F 1. ordonnance d'ouverture d'une information	
	2. ordonnance de renvoi (devant la juridiction de jugement)	
S	auto de segura y formal prisión (? NI) = ? auto de formal prisión	
S	auto de sobreseimiento (UY)	CPP 89
	E dismissal order	Order dismissing criminal proceedings; note 1
	F	
S	auto de sometimiento a juicio (VE)	Resolución de sometimiento formal a juicio; CECR 182
	E committal order	Note 1
	F ordonnance de renvoi (devant la juridiction de jugement)	
S	auto de sujeción a proceso (MX)	Resolución de sometimiento formal a juicio, CFPP 164, 165
	E committal decision	Note 1
	F ordonnance de renvoi (devant la juridiction de jugement)	

- S auto de sustanciación (CO) CPP 169
E procedural order
F ordonnance préparatoire -
décision préparatoire
- S auto de trámite (CO CPC 302)
= auto de sustanciación
- S auto encargatorio de reo (CL) Resolución de sometimiento
formal a juicio; CPP 53,
276-277
E committal order Note 1
F ordonnance de renvoi (devant
la juridiction de jugement)
- S auto evasión (UY) También puede usarse
autoevasión
E escape from custody
F évacion
- S auto inhibitorio (CO) CPP 320
E refusal order Order refusing an application
for criminal proceedings to
begin; note 1
F ordonnance de non-information
- S auto inicial de la instrucción (BO) Order initiating criminal
proceedings; note 1
E initiating order
F ordonnance d'ouverture d'une
information
- S auto interlocutorio CO CPP 169, CPC 302
E interlocutory order
F ordonnance interlocutoire* - * Si elle préjuge le fond
ordonnance préparatoire
- F autonome
v. droit autonome
pouvoir réglementaire autonome
règlement autonome
E autonomous
S autónomo

- F autonomie
v. principe de l'autonomie de la
volonté
- E autonomy
S autonomía
- S auto para declarar cerrado el
sumario (CL)
- E terminating order Order terminating pre-trial
proceedings; note 1
- F ordonnance de clôture
(de l'instruction)
- S auto preparatorio (MX) CPCDF 79
- E preparatory order
F
- S auto provisional (MX) CPCDF 79
- E provisional order
F
- S auto que mande proceder a la
averiguación del delito (AR) Sólo procede en el caso de
que el sumario se inicie de
oficio
- E initiating order Order initiating criminal
proceedings; note 1
- F ordonnance d'ouverture d'une
information
- S autor = auteur
v. presunto autor
- F autorité de chose jugée
= fuerza de cosa juzgada
- F autorité judiciaire = judiciary 1.
v. autorités judiciaires
- F autorité paternelle (FR)
= patria potestad
- F autorités judiciaires (GE) LOJ 1
- E judicial authorities
S autoridades judiciales

- S autor responsable del delito de ... previsto en ... E/CN.4/GR.8/7/Add.1
- E (person) guilty of ... under ...
- F
- S autoría En Uruguay no comprende la situación de cómplice
- E principals
- F auteurs - co-auteurs (d'un délit) - participants (à un délit, en tant qu'auteurs ou complices)
- S autoridad aprehensora
- E arresting authority
- F (l') autorité ayant ordonné l'arrestation
- S autorización
1. término general
2. (CL, ES) de juez competente CL CC 1401, ES CC 166
- E 1. authorization - permission - permit
2. order
- F 1. autorisation
2. autorisation de justice
- S autos
- E file - record*
- proceedings**
- F actes de procédure
- pièces de la procédure écrite
- dossier (d'une affaire)
- * Of a court case
** In writing, not oral
- S autos incidentales Cuaderno separado del principal para tramitar incidentes que no suspenden el curso de la causa
- E interlocutory proceedings
- F procédure interlocutoire

F autrui
v. fait d'autrui
responsabilité pour fait d'autrui
stipulation pour autrui

E another - others
S

F auxiliaire de justice (FR)
= auxiliaire de la justice

S auxiliar de justicia
= auxiliaire de la justice

S auxiliar de la justicia
= auxiliaire de la justice

F auxiliaire de la justice (FR)

Note 24

Dalloz auxiliaire de justice,
Dalloz Civ. intro. pp. 228-229,
C. Eur. France, David II 269

E officer of the court
- court officer

EN, US officer of the court,
but in EN this excludes
barristers, whereas the French
term includes avocats;
O'Rooney auxiliary officer of
justice; de Vries 63; NOT
judicial officer, law officer;
note 4

S auxiliar de (la) justicia

S auxilio judicial (ES)

LEC 284-300

E judicial co-operation

Between one jurisdiction and
another, either in the same
country or in different
countries (in the latter case
normally known as legal
co-operation); distinguish from
asistencia judicial, legal aid;
note 6

F

E avail (to)

To be available to;
Hampton 253

F

S

F	aval	FR CCOM 130, GCBE 30-31, CA, HT
	E aval	Guarantee of payment of a bill of exchange, cheque or promissory note; SCO aval; in contexts in which it is clear that an instrument of this kind is being guaranteed, <u>aval</u> can be translated by the more familiar term <u>guarantee</u> ; in the E version of GCBE the term is placed between inverted commas, but this is unnecessary, since it is used as an English word in CA and SCO; NOT endorsement, NOT EN reference in case of need, acceptance for honour, accommodation
	S	
S	aval (AR, BO, CL, CR, CU, DO, EC, GT, HN, MX, NI, PA, PE, PY, SV, VE) = F aval	
F	avaliser v. cautionner et avaliser	
	E to avalize S avalar	i.e. to give an aval or avals
F	avaliseur	GCBE 46
	E person guaranteeing payment by <u>aval</u> (<u>avaliseur</u>) S avalista	GCBE 46 GCBE 46
F	avant dire droit v. décision avant dire droit injonction avant dire droit jugement avant dire droit jugement d'avant dire droit	
F	avant faire droit v. jugement avant faire droit	
F	avec discernement	
	E with due discernment S con discernimiento	See note to <u>discernimiento</u>

F avenant

E codicil* -

* To a treaty

? endorsement** - ? rider **

** To a marine insurance policy

S

S averiguación(es)

E investigation - inquiries

F vérifications

S averiguación previa

MX CFPP 1(I), 113

E preliminary investigation

F enquête préliminaire

F avertissement

1. (FR: proc. civ.)
sanction disciplinaire

Guillien

2. (FR: proc. pén.)

CPP 389, 532; Dalloz Proc.
pén. p. 111

E 1. warning - admonition
2. appearance notice

Notice to appear in court to
answer a charge; less formal
than a summons

S 1.

2.

F avis

EGLAT; CJEC: RT 228,
Isaac 230

E notice - (formal) opinion
- warning - advice

CJEC opinion: RT 228, Brown
& Jacobs 179-184

S

F avis consultatif (CIJ)

Statut 65

E advisory opinion

Statute 65

S opinión consultativa

Estatuto 65

S avocación (Ossorio) = avocamiento

S avocamiento (PA)
v. recurso de avocamiento

E removal (of proceedings)

Avocamiento, avocación, évocation and obs. E évocation describe the process whereby a superior court assumes cognizance of a matter pending before an inferior court, either of its own motion or on application by a party; in EN it is effected, on the application of a person aggrieved, by an order of certiorari, one of the orders available under the remedy of judicial review; OCL removal, Jowitt évocation, Langan 282; the term transfer also exists but is wider in scope, e.g. EN transfer of actions from the High Court to a county court and vice versa, transfer of actions from one Division of the High Court to another (Langan 4, 8) FR CPCN 89, 568; Dalloz appel civil sect. 31, appel pénal sect. 17; Guillien, Capitant

F évocation

F avocat
v. acte d'avocat à avocat
1. terme général
2. (FR) profession

Loi 31.12.1971, Guillien, Dalloz, EGLAT, C. Eur. 40, Merryman 487 et. seq.; Amos 22 obs.

3. (SCP rés. 7 (XXVII)
(E/CN.4/1160))

E 1. advocate* - lawyer
- barrister** - counsel***

* SCO

** EN

*** US, EN

2. advocate

Name given to the lawyer entitled to practise in any court in FR except the courts reserved for the avocat au conseil and the avoué à la Cour d'appel; the functions of the avocat are to advise his client (conseiller), represent him in the conduct of litigation (postuler) and plead for him in court (plaider, syn. conclure); he therefore combines functions exercised in EN by the solicitor (advice, conduct of litigation) and the barrister (pleading); NOT barrister

3. legal counsel
S 1. abogado
2. abogado
3.
- F avocat au conseil (FR) Ord. 10.9.1817; C. Eur. 40,
Amos 23
- E advocate in council Name given to the lawyers who
practise in the Council of State,
the Court of Cassation, the
Court of Conflicts, the Court of
Audit and the Prize Council;
advocate may suffice
- S
- F avocat aux Conseils (FR)
= avocat au conseil
- F avocat commis d'office (FR)
= defensor de officio
- F avocat d'office (FR)
= defensor de officio
- F avocat général (BE, FR, CJEC)
v. premier avocat général BE CJ 142, 146, FR COJ
L.121.1; CJEC RT 167;
EGLAT, OCL
- E advocate-general FR: of the Court of Cassation,
Court of Appeal or Court of
Audit; CJEC RT 167 advocate-
general (preferred spelling
at CJEC is without the hyphen:
Brown & Jacobs 54)
- S
- F avocat stagiaire EGLAT stage, Merryman 487
et seq.
- E pupil advocate EN: pupil (barrister)
S
- E avoid
- v. avoidance
- E avoidance (EN) Nullification of a juridical
act; note 15; the verb to
avoid can be used transitively,
e.g. a person can avoid a
contract, an act can avoid
another act
- F
- S

- F avoir force exécutoire
E to be enforceable (at law)
S
- F avoué (BE, FR)
v. acte d'avoué à avoué
FR Ord. 2591 2.11.1945,
11 et seq.; Guillien,
Daloz, Merryman 487 et seq.;
EGLAT avocat, officiers
ministériels; C. Eur. 15, 41;
Amos 23 obs.; profession qui
n'existe plus en France qu'à la
Cour d'appel, et plus du tout
en Belgique
- E judicial attorney
FR: name given to the lawyers
who practise exclusively in
the appeal courts; the functions
of the avoué are those of the
avocat; he therefore combines
functions exercised in EN by the
solicitor and the barrister;
described by de Vries as an agent
for litigation (p. 54); NOT
solicitor
Escriche
- S ? procurador (judicial)
- F avoué à la Cour d'appel
v. avoué
E appeal court attorney
S ? procurador del número
See note to avoué
CL COT 394-398
- F AVS (CH)
= assurance-vieillesse et
survivants
- E award
Noun
An arbitration (IL: arbitral)
award is made, syn. delivered,
rendered
e.g. EN award of damages by a
court or jury, of costs by
a court, of remedies by a court,
of an injunction by a court
1. finding by an arbitrator;
the document in which the
finding is recorded
2. adjudication by a court or
jury
- F 1.
2.
- S 1. laudo
2.

- | | | |
|---|---|---|
| F | ayant cause | EGLAT, Capitant, Dalloz,
Guillien |
| | E successor (in title) - assign
- rightful claimant -
beneficiary | Also called person claiming,
person entitled; <u>ayants cause</u> ,
<u>ayants droit</u> , successors and
assigns |
| | S causahabiente | ES LEC 903 |
| F | ayant droit (EGLAT, Capitant, Dalloz,
Guillien) = ayant cause | |
| F | ayant force de loi | FR Const. 92 |
| | E having the force of law | |
| | S | |

B

E bail

Noun

- v. remand in bail
- remand on bail
- warrant backed for bail
- warrant endorsed for bail

- 1. (EN, US: crim. proc.)
 - temporary release or
 - immunity from custody

Release or immunity from police custody (EN police bail) or from judicial custody (EN remand on bail) granted to an accused person subject to a duty to surrender to custody at a stated time and place. In EN bail may be granted to the accused either unconditionally or with certain requirements attached, e.g. to surrender his passport, to give security, to provide one or more sureties, who enter into a recognizance for his appearance (see recognizance), or to comply with residence or reporting conditions (Emmins 409-410). Conditions of the latter kind are imposed by a prohibitive order, residence order etc. and in such cases the bail is said to conditioned (Hampton 93). Bail can also be granted to a convicted offender pending appeal. Hampton 91-109, Emmins chap. 22, Arguile chap. 9, Archbold 3-1 to 3-39, Bail Act 1976. Note 1.

Note that bail means primarily release, but always carries the implication of being conditional. US pre-trial release is an equivalent which implies nothing about the absence or presence of conditions which attaches to the notion of bail.

2. (EN: civ. proc.) security that a person will obey the requirements of the court, given to obtain his release or immunity from arrest pending his compliance with those requirements
3. (EN: civ. proc.) security given to obtain the release of an arrested ship, aircraft or cargo
4. A person who gives security for another in civil or criminal proceedings
- F 1. liberté provisoire
2. cautionnement
3. cautionement
4. caution
- S 1. excarcelación*
- libertad provisional**
2. caución - fianza
3. caución - fianza
4. caucionante - fiador
- F bail (BE, FR, CH)
v. contrat de bail
- E lease
- S
- F bail à cheptel (BE, FR, CH)
- E livestock lease
S
- F bail à construction (FR)
- E building lease
S
- Jowitt bail (in civil proceedings other than Admiralty), Ingman 99, OCL bail; the security is called a bail-bond
- Jowitt bail (Admiralty), RSC 0.75, r. 16; OCL bail; the security is called a bail-bond
- Rare; the usage survives in the colloquial expression to go/to stand bail for someone
- v. libertad provisional
- v. libertad provisional
* CO, CR, GT, PA, UY
**BO, CL, CO, ES, MX, PE, UY
- BE CC 1713 et seq., FR CC 1713 et seq., CRU 790 et seq., CH CDO 253-304: contrat de louage et document qui en fait état; Dalloz louage, louage à cheptel, etc., Guillien, Capitant, EGLAT, Amos 109
- For alternatives (hire, etc.) see note 9
- Capitant; BE CC 1711, 1800-1831, FR CC 1711, 1800-1831 CH CDO 302-304
- See F note to F bail and note 9
- CCH L.251
- For lease see note 9

F bail à ferme (BE, CH, FR)

BE CC 1711 et seq.,
CH CDO 275-304, FR CC 1711,
1764-1778, CRU 790-870;
Daloz louage sects. 173-207,
Amos 111-112

E lease

Bail à ferme is used exclusively of agricultural and similar tenancies in FR, BE; in CH it is used mainly of agricultural tenancies but can apply to certain other kinds of property; for lease see note 9; where appropriate translate as agricultural lease/tenancy/holding

S

F bail à loyer (BE, CH, FR)

BE CC 1711, 1713-1762 bis,
CH CDO 253-274, FR CC 1711,
1713-1762, Loi 1360 1.9.1948;
Daloz louage sects. 63-172,
Amos 111

E lease - hire

Bail à loyer is used mainly of land (other than agricultural) and buildings (whole buildings and parts), but can apply to certain other kinds of property; for distinction between lease and hire see note 9

S

F bail commercial (BE, FR)

BE CC Book III, Tit. VIII,
ch. II, sect. II bis, FR
Déc. 53960 30.9.1953;
Daloz louage sects. 208-245,
Amos 110-111

E commercial lease/tenancy

Bail commercial is used of commercial premises; also called a commercial letting; for lease and tenancy see note 9

S

F bail d'habitation (FR)

Loi 1360 1.9.1948

E residential lease

For lease see note 9

S

F bail emphytéotique

FR CRU 937, QU CC 567

E emphyteutic lease

QU CC 567; Black emphyteusis; see note to censo enfitéutico; broadly speaking, a long-term lease

S

- E bail hostel (EN) A hostel for homeless persons who are granted bail
- F
S
- F bailleur (BE CC 1713 et seq., CH CDO 253-304, FR CC 1713 et seq., Loi 526 22.6.1982 passim, QU, EGLAT bail)
= arrendador
- F bailleur de fonds (FR)
- E lender - limited partner* * In a société en commandite; sometimes called sleeping/silent/dormant partner
- S
- F bail rural (FR) Déc. 1293 22.12.1958, CRU 790-957, Amos 111-112; includes bail à ferme and bail à cheptel
- E agricultural lease/tenancy For of lease and tenancy
see note 9
- S
- S bajo apercibimiento de
- E on pain of
F sous peine de
- S bajo el cargo de infracción a ... (AR)
- E charged with an offence against ...
F sous l'inculpation d'infraction à ...
- S bando
- E proclamation
F Arrêté ou proclamation de l'autorité militaire
- E bankruptcy EN: the status of an insolvent individual, including the members of a partnership, when adjudged bankrupt by a court; does not apply to insolvent companies, whose insolvency is dealt with by winding-up i.e. liquidation; Insolvency Act 1986, 1-251 (companies), 252-444 (individuals)

- F
S quiebra
- E Bankruptcy Court EN name formerly given to the part of the Chancery Division of the High Court of Justice which deals with bankruptcy matters
- F
S
- E banning order (ZA) Internal Security Act: an order banishing a person to or from a defined place or area; an order imposing various restrictive conditions on an individual's liberty
- F
S
- F bannissement (FR) Peine: CP 8
From France
- E exile
S
- F banqueroute (FR) CP 402-404, Loi 13.7.1967, EGLAT, Amos 370-371, 378 obs.
- E criminal bankruptcy Applies only to individuals who are traders and to executives, etc. of juridical persons; is not necessarily fraudulent; see F and E notes to faillite
- S
- E Barcelona Traction case short name for Case concerning the Barcelona Traction, Light and Power Company, Limited
- F
S
- E bareboat charter TD/B/AC.34/CRP.3
- F contrat d'affrètement à coque nue TD/B/AC.34/CRP.3
- S fletamento de casco desnudo - fletamento con cesión (de la gestión náutica) TERM/34, 96

- F barreau (FR) Merryman 491
E bar (association)
S
- E barrister (EN) Person employed to plead and also to give legal advice and draft legal documents (but not to represent his client in the conduct of litigation); he has right of audience (the right to plead) in all courts and tribunals and this right is exclusive (except in interlocutory and bankruptcy proceedings) in the superior courts; he is not an officer of the court but is an officer of justice (Walker EN 252-259)

F
S
- S base primera
v. fracción
- F bassin conventionnel du Congo
E conventional basin of the Congo
S
- F bâtonnier de l'ordre des avocats (FR, HT) Merryman 491
E bar (association) president Each bar has its own president
S
- E Belgium-Luxembourg Union

F
S
- F bénéfice
v. droit établi au bénéfice de ...
- F bénéfice d'âge
E benefit of age Entitling a minor to emancipation: FR CC 477-478
S
- F bénéfice d'inventaire FR CC 793-810, Amos 306-307
v. sous bénéfice d'inventaire
E benefit of inventory SC CC 793-810
S beneficio de inventario CL CC 1247

- F **bénéfice légal**
E statutory privilege
- privilege at law
S
Sometimes called
benefit of law
- F **bénéficiaire**
E beneficiary - promisee*
S
* Beneficiary of an option
to purchase, FR CC 1589
- E **beneficial owner**
F propriétaire effectif
S propietario efectivo
TD/B/AC.34/CRP.2 re shares
in a company
TD/B/AC.34/CRP.2
TD/B/AC.34/CRP.2
- S **beneficio de inventario**
= bénéfice d'inventaire
v. a beneficio de inventario
con beneficio de inventario
- S **beneficio de pobreza**
E legal aid* -
declaration in forma
pauperis**
F assistance judiciaire
ES LECR 119-140, IACEV 5
* EN
** IACEV 5
IACEV 5, FR obs.
- E **bequest**
F
S
See E note to legacy
- F **bien**
v. biens
E thing* - item of property -
asset
S bien
Daloz biens, Amos 87
* OCL
- S **bien = F bien**
v. bienes
- S **bienes**
E property - assets - goods
F biens
In ES normally taken to mean
corporeal property, as opposed
to propiedad, property in the
widest sense

- S bienes apreciados en garantía (VE)
E property availed of as security
F
- S bienes fiscales (CL) CC 589
E State property
F biens fiscaux - biens de l'Etat
- S bienes inmuebles ES CC 333-334
E immovable property PH CC 414 immovable or real
- immovables property; SCO heritable
property; NOT real property;
see immovable
F
- S bienes inmobiliarios = bienes inmuebles
- S bienes mobiliarios = bienes muebles
- S bienes muebles ES CC 333, 335-337
E movable property - movables PH CC 414 movable or personal
property; SCO moveable
property; NOT personal
property; see immovable
F
- S bienes nacionales (CL) CC 589; pueden ser fiscales
o públicos
E national property - property
of the nation
F biens nationaux
- S bienes públicos (CL) CC 589
E public property
F biens publics
- S bienes raíces
E landed/immovable property
- real estate
F
- S bienes sin tutela
E unadministered property
- ? abandoned/ownerless property
F ? biens sans maître FR CC 713
- F bienfaisance
v. contrat de bienfaisance

- S bien raíz (CL) CC 589
E item of landed property/
immovable property
F immeuble
- F biens Dalloz, Amos 87
v. séparation de biens
séparation de corps et de biens
E property - assets* - goods**
- possessions***
* Of a person, especially a
juridical person, e.g. a
company
** As opposed to services
*** Non-technical term: of a
private individual
- S bienes
- F biens communaux
E municipal/communal property
S bienes municipales/comunales
- F biens communs
E common property
S bienes comunes
- F biens corporels
E corporeal/tangible property
S bienes corporales
- F biens de famille (FR) Loi 12.7.1909
E family property
S bienes familiares
- F biens immeubles FR CC 516-526, Buffelan 1,40
E immovable property* -
immovables SCO heritable property;
loosely, real estate;
NOT real property
* SC CC 516
S bienes inmuebles -
bienes raíces
- F biens immobiliers
= biens immeubles
- F biens incorporels
E incorporeal/intangible property
S bienes incorporales

- F biens meubles FR CC 516, 527-536, Buffelan
1,40
E movable property* - movables SCO moveable property;
NOT personal property;
see immovable, movable
* SC CC 516
S bienes muebles
- F biens mobiliers = biens meubles
- F biens personnels (CA) VOCL 1
E personal property -
personalty - chattels CA: VOCL 1
S bienes personales
- F biens propres
E own/separate property
S bienes propios
- F biens réels (CA) VOCL 1
E real property - realty CA: VOCL 1
- real estate
S bienes reales
- F biens saisis, hypothéqués ou nantis FR CC 2092-2093
E property seized, mortgaged or
otherwise charged
S
- F biens vacants QU CC 347
E vacant property - bona vacantia QU CC 347; NOT vacant
possession, abandoned
property
S bienes vacantes
- E bill
v. International Bill of Human Rights
- E bill of indictment (EN) A draft indictment, which
becomes an indictment when
it has been signed; see E note
to indictment 2. and note 1
F
S

F	billet à ordre	FR CCOM 183-189, CH CDO 1096-1099, GCBE 75-78, Amos 367
	E promissory note	EN Bills of Exchange Act 1882, GCBE 75-78
	S pagaré a la orden	GCBE 75-78
F	billet au porteur (FR)	Amos 367
	E bearer (promissory) note	EN Bills of Exchange Act 1882
	S pagaré al portador	
F	blâme	Guillien
	E reprimand	
	S	
S	BO = Boletín Oficial	
S	BOE = Boletín Oficial del Estado	
S	boleta de detención (CO)	Nombre principal que recibe esta instrucción librada al jefe del establecimiento carcelario y a la policía, CPP 165
	E warrant of commitment	
	F mandat de dépôt	
S	boleta de encarcelación (VE)	Nombre único que recibe esta instrucción librada al jefe del establecimiento carcelario y a la policía, CECR 182
	E warrant of commitment	
	F mandat de dépôt	
S	Boletín Oficial (BO) (AR)	Nombre del periódico que publica los textos auténticos de las leyes, decretos, reglamentos y otros asuntos oficiales
	E (leave in Spanish and underline)	
	F <u>Boletín Oficial</u> (Journal officiel)	
S	Boletín Oficial del Estado (BOE) (ES)	Id. nota anterior
	E (leave in Spanish and underline)	
	F <u>Boletín Oficial del Estado</u> (Journal officiel)	

F	bonne foi (FR)	CC 1134
	E good faith	
	S buena fe	
F	bonnes moeurs (FR)	CC 6, 1133
	v. contraire aux bonnes moeurs	
	E public morals* - morality**	* OCL ** CERD/C/16/Add.1, 8
	S buenas costumbres	CL
F	bon père de famille (FR)	CC 1137, Nicholas 49-50
	E reasonable man	EN; also called "the man on the Clapham omnibus"; Martin
	S buen padre de familia	
F	borner, se	
	E (translate according to context)	e.g. <u>se borne à invoquer</u> , relies exclusively on
	S	
E	borstal training	EN: obsolete custodial sentence which could be passed on an offender of not less than 15 but under 21 years of age, replaced by youth custody (Administration of Justice Act, 1982)
	F	
	S	
E	breach	SR: a breach of an international obligation <u>occurs, is committed</u>
	F	
	S	
F	bref	CA
	E writ	CA, EN; e.g. CA <u>un bref de prérogative est accordé</u> , a prerogative writ issues
	S	
S	breve	
	v. procedimiento breve y sumario	

- E Briand-Kellogg Treaty
Alternative name of the
General Treaty for the
Renunciation of War
- F
S Tratado Briand-Kellogg
- S buena fe (CL)
E good faith
F bonne foi
- S buenas costumbres = bonnes moeurs
v. certificado de buenas costumbres
- F bulletin de condamnation
E ? record of sentence
S
- F bureau
EGLAT
E bureau - officers
S
- S buscado
E wanted
F recherché
- E Bustamante Code
= Convention on
Private International Law
- E by purchase
1. non-technical meaning
2. term of art
EN, US: acquisition of real
property by purchase means by
lawful act and includes not
only purchase in the ordinary
sense but also acquisition by
gift or under a will; it
therefore differs both from
acquisition à titre onéreux
and from acquisition à titre
gratuit
- F 1. par achat
2.
S 1.
2.

C

- F c. = contre
v. affaire
arrêt
- S cabal juicio
E sound mind
F
- S cabezas o estirpes (CL) CC 1184
E capita or stirpes Por cabezas y estirpes,
F têtes ou souches per capita or per stirpes
- F cadre
v. loi-cadre
- F cadre législatif et réglementaire
E framework of statutes/laws and regulations - legislative framework See note to législatif
S
- S caducar (CL)
E to lapse
F devenir caduque
- F caducité Dr. int.: 1966 DA 59c2, 39c5
E lapse, obsolence
S caducidad
- F cahier des charges
E (general) conditions - specification
S pliego de condiciones
- F cahier des clauses générales
E (set of) general conditions
S
- F cahier des clauses particulières
E (set of) special conditions
S

- F cahier général des charges EGLAT
E (set of) general conditions
S
- F cahier type EGLAT
E (set of) standard conditions
S
- F caisse
E fund - cashier's office/
department - cashier - treasury
S
- F Caisse des dépôts et consignations Guillien
(FR)
E Public Deposit Office
S
- F Caisse publique
E ? Public Revenue Office
- ? public fund
S
- S calificación
v. escrito de calificación
- S calificado Respecto de un delito,
v. confesión calificada el agravado
deserción calificada
homicidio calificada
primera deserción calificada
robo calificada
E aggravated For other meanings of calificado
see calificar
F qualifié
- S calificar
v. calificado Der. int.: SR 1980 DA 4
1. descripción que hace
el legislador nacional o el
derecho internacional de una
conducta constitutiva de delito
2. determinación que hace el juez
de la correspondencia existente
entre la conducta del reo y la
figura delictiva descrita por
la ley
3. ...

- E 1. to characterize*/classify/
define * Technical term, e.g. to characterize an act as murder, as piracy, to characterize the offence of ...; IL SR 1980 DA 4
2. to characterize/determine e.g. to characterize an act as murder, to determine that an act constitutes murder
3. to qualify e.g. AR VE: to qualify a confession
- F 1. définir - établir * Dr. int.: SR 1980 DA 4
- qualifier*
2. qualifier Un fait pénalement
3. assortir de restrictions p. ex. des aveux
- F calomnie (CH)
- E intentional defamation
- S calumnia
- S calumnia (BO, CL, ES, GT, HN, MX) BO CP 283, CL CP 412, ES CP 453, GT CP 159, HN CP 448, MX CP 356
- E calumny Falsely accusing someone of having committed a criminal offence
- F
- S cámara de apelaciones en lo federal (AR) p. ej. Cámara de Apelaciones en lo Federal de Tucumán
- E appeal court for federal cases e.g. Tucumán Appeal Court for Federal Cases; NOT federal appeal court
- F
- S cámara federal de apelaciones (AR) p. ej. Cámara Federal de Apelaciones de Rosario
- E federal appeal court e.g. Rosario Federal Appeal Court
- F
- S Cámara Nacional de Apelaciones (AR)
- E National Appeal Court
- F Cour d'appel nationale
- E cancel
- v. cancellation

- S cancelación (CL) De una inscripción,
Reglamento del Registro
Conservatorio de Bienes Raíces
- E deletion
F mainlevée
- S cancelación de la hipoteca (CL) CC 1526(1)
- E cancellation of the mortgage syn. discharge of the mortgage;
where it is a question of expunging
the mortgage entry from the
register, translate as deletion of
the mortgage
- F radiation de l'hypothèque
- S cancelación de la personalidad jurídica
- E withdrawal of legal personality
F retrait de la personnalité
juridique
- S cancelar (CL) Una inscripción
- E to delete An entry
F radier
- S cancelar la hipoteca (CL)
v. cancelación de la hipoteca
- E cancellation
1. nullification of a juridical act EN, US; Black; note 15
2. striking words out of an instrument or defacing it Black
- F 1. ?annulation
2.
- S canon = redevance
- F canton judiciaire (BE, RW) BE, CJ 59, RW COJ 1
- E judicial district BE: see E note to
arrondissement judiciaire;
RW: there are a number of
such districts in each
prefecture
- S

F	capable <u>sui juris</u>	
	E fully capable	i.e. under no disability
	S	
S	capacidad jurídica = aptitude légale	
F	capacité	
	E capacity	
	S capacidad	
F	capacité juridique = aptitude légale	
F	capacité juridique la plus large	EGLAT
	E full legal capacity	
	S capacidad jurídica plena	
F	capacité légale = aptitude légale	
S	capital con derecho a voto	
	E voting capital	
	F	
F	capital social	
	E capital (of the company/ corporation/firm/partnership)	NOT <u>registered capital</u> unless the context makes it absolutely clear that this is the case
	S capital social	
F	capital social payé	
	E paid-up capital	
	S capital social pagado	
F	capital souscrit	EGLAT
	E subscribed capital	
	S capital suscrito	
S	capitán presumariante (UY)	Jurisdicción militar
	E captain in charge of the inquiry proceedings	
	F capitaine chargé de l'enquête préliminaire	
S	captura (CO, VE)	CO CPP 426, VE CECR 188
	E arrest	Note 1
	F arrestation	

S capturar (BO, GT)

BO CPP 191

E to arrest

Note 1

F arrêter

S carabínero

E (leave in Spanish and underline)

F carabinier

S Carabineros

v. Comisaría de Carabineros
Cuerpo de Carabineros

1. (CL) cuerpo

Su nombre oficial es Cuerpo de Carabineros de Chile, conocido también como Cuerpo de Carabineros, Carabineros de Chile y más comúnmente Carabineros. Es la policía uniformada, de carácter paramilitar, integrada a lo que se denomina Fuerzas de Orden y Seguridad Pública a fin de colaborar con las Fuerzas Armadas en la misión de garantizar el orden institucional de la República (Const. 90)

2. término general

E. 1. (leave in Spanish)

2. (leave in Spanish with lower case initial and underline)

F Carabiniers

cf. en France, la Gendarmerie

S cárcel del pueblo

E people's prison

F prison du peuple

S cárcel penitenciaria

E prison - penitentiary

F maison centrale - prison
- pénitencier

S cárcel pública

E public gaol

F (maison de) dépôt - maison
d'arrêt

E care

v. duty of care

F	carence	
	v. recours en carence	
S	careo (CL, ES, MX)	CL CPP 351-355, ES LECR 713, MX CPPDF 225-229, CFPP 265-268
	E confrontation	Of a witness or accused with another witness or accused
	F confrontation	
S	careos = careo	
S	cargo	
	v. absuelto de culpa y cargo bajo el cargo de infracción a ... escrito de cargos formulación de cargos fiscales	
	E (criminal) charge	
	F charge - chef d'inculpation	
E	carriage of goods by sea	A/CONF.89/...
	F	
	S transporte marítimo de mercancías	TERM/34, 537
S	carta de seguridad (MX)	Carta o tarjeta de identidad que ya no se utiliza
	E identity card	
	F carte d'identité	
S	Carta Fundamental = Constitución Política	
S	Carta Internacional de Derechos Humanos	HRC
	E International Bill of Human Rights	
	F Charte internationale des droits de l'homme	
S	Carta Política (UY) = Constitución Política	

S casación (CL, ES)

v. conocer en casación

E annulment* - cassation**

* For usage and alternatives
see note 15

** Judicial review, by an
authority superior to the
court of last resort, of the
law on which a judicial
decision or administrative
act is based

F cassation

BE, FR, GE, LU, VD, RW; FR
Dalloz Proc. civ. pp. 906-931,
Brown 151-153

S casa correccional de mujeres (CL)

E women's correctional institution

F prison de femmes

S casar

E 1. to annul
2. to marry

For usage and alternatives
see note 15

F 1. casser
2.

F cas d'ouverture (FR)

D'un pourvoi en cassation
(Dalloz Proc. civ. pp. 920-
927) ou d'un recours
administratif (Brown 143-151)

E ground for (judicial) review

See E note to moyen de cassation

S

E case

OCL

1. legal dispute which is
or is likely to be the
subject of litigation
2. proceedings, civil or
criminal, by which such
a dispute is determined
3. body of pleadings, arguments
and evidence submitted on
behalf of a party to proceedings
4. report on proceedings in
legal literature

Note 3

F 1.
2.
3.
4.

S 1. caso
2.
3.
4.

- E Case concerning rights of nationals of the United States of America in Morocco ICJ
F
S
- E Case concerning the Barcelona Traction, Light and Power Company, Limited ICJ
F
S
- E Case concerning the Payment of Various Serbian Loans issued in France PCIJ
F
S
- F cas fortuit
E fortuitous event ST/LEG/13
S caso fortuito
- F casier judiciaire FR CPP 768, Dalloz Pén. sects. 482-483; EGLAT; now computerized on a national basis
E judicial/court record FR: mainly but not exclusively a criminal record, so do not, at least as regards FR, translate as criminal record or police record;
S prontuario CL DL 26 7.10.1924
- S caso CIJ Estatuto 53
E case ICJ Statute 53
F moyens CIJ Statut 53
- S caso de derecho común
E case under the ordinary/general law
F affaire de droit commun
- S caso fortuito = cas fortuit
- S caso notorio
E well-known case - matter of general/public knowledge
F

- F cassation = casación
v. Cour de cassation
décision susceptible de cassation
pourvoi en cassation
recours en cassation
- F casser = casar 1.
- S castigado por ... con ...
1. Ley n° XX
2. el tribunal
- E 1. punished/punishable
under ... by ...
2. punished by ... with ...
e.g. an offence punishable under the Official Secrets Acts by imprisonment for 10 years, offenders punished under the Official Secrets Acts, an offender punished by the court with imprisonment for 10 years
- F 1. sanctionné par ... - puni par ... de ...
2. condamné par ... à ...
- S casual (CL) Tipo de condición, CC 1477
E contingent
F casuelle
- S catar (CL) Minería, CC 591
E to prospect
F faire des recherches
- S cateo
1. minería
2. en procedimiento penal MX CPPDF 152, CFPP 61
E 1. prospection - prospecting
2. search Of a place, e.g. premises, not of a person
F 1.
2. perquisition
- S caución = F caution 1.
- S caucionante = garant
- S caución de buena conducta (CO) CP 55
E security for good behaviour
F engagement de bonne conduite

- S caución de no ofender (UY CPP 346)
= caución de buena conducta
- S caución de seguros (CO) CPP 459
E insurance security/bond
F ?cautionnement par assurance
- S caución hipotecaria (CO) CPP 459
E mortgage security/bond
F ?cautionnement hypothécaire
- S caución juratoria (AR, CO, CR, GT, UY) CO CPP 459, UY CPFM 197,
CPP 144, GT CPP 557
E sworn undertaking
F engagement par serment
- S caución juratoria, hipotecaria,
prendaria o personal (CO) CPP 459
E security by way of sworn
undertaking, mortgage, pledge
or suretyship
F ?engagement par serment -
cautionnement hypothécaire -
cautionnement par mise en gage -
- cautionnement personnel
- S caución personal (AR, CO, UY)
= caution personnelle 1.
- S caución prendaria (CO) CPP 459
E pledge Note 11
F ?cautionnement par mise en gage
- S caución real (AR, UY)
= caution réelle 1.
- S causa = F cause
- S causa de presunta desgracia (CL) See note to presunta
desgracia
E presumed-misadventure
proceedings
F affaire de "présomption
d'accident" - procédure de
"présomption d'accident"
- S causado estado
v. causar estado

S	causal (CL)	CPC 768, COT 198; sin. de <u>causa</u> 2.
	E ground	e.g. <u>las causales de procedencia</u> , the appropriate grounds
	F	
S	causalité naturelle	
	E factual causality	
	F	
S	causa n° ...	
	E case No. ...	EN <u>cause No.</u>
	F affaire n° ...	
S	causante (noun)	Person from whom a right is derived
	1. derecho sucesorio	
	2. derecho civil	CL CPC 434
	3. (AR) respecto de una comunicación hecha a la Comisión de Derechos Humanos de las NN.UU.	
	E 1. deceased* - decedent** - <u>de cujus</u> ***	* EN; a deceased, the deceased ** US *** Often used in connection with the law of succession of a country with a civil law system
	2. principal* - predecessor (in title) - <u>de cujus</u> **	* In the relationship of principal and agent, sometimes called <u>constituent</u> ** Usually confined to the meaning given in 1.
	3. subject	
	F 1. ?défunt - <u>de cujus</u>	FR CC 731
	2. ?auteur	
	3.	
S	causa por presunta desgracia = causa de presunta desgracia	
S	causa que se tramite por/ante ...	
	E case being heard by.../ pending in ...	
	F	

S	causar estado	Ossorio; Real Acad. <u>estado</u>
	E to be final* - to have a decisive effect	* Of a judicial decision; technically speaking, <u>to be final and unappealable</u>
	F	
E	cause (EN)	A court proceeding other than one which is a matter; note 3
	F	
	S	
F	cause	Capitant
	v. ayant cause	
	ayants cause	
	mettre en cause	
	mettre quelqu'un en cause	
	mettre quelqu'un hors de cause	
	mettre un tiers en cause	
	 mise en cause	
	mise hors de cause	
	obtenir gain de cause	
	pour cause de mort	
	remise d'une cause	
	retenir une cause	
	 1. droit des obligations	FR CC 1108, 1131-1133; CH CDO 17; QU CC 982, 984; EGLAT <u>ordre public</u> , Nicholas 112-131, Amos 166-172, Dalloz Civ. obl. pp. 280 <u>et seq.</u> , Guillien, Barraine
	2. motif	?p. ex. <u>cause de la demande</u>
	3. procès	GE; Petit Robert
E	1. cause	<u>Of</u> , syn. <u>for</u> , a contract, obligation, promise; PH CC 1318; QU CC 982, 984; Merryman 888; NOT <u>consideration</u> but is often loosely translated as such v. <u>cause of action</u>
	2. ground	
	3. action - proceeding(s) - case	Note 3
S	1. causa	ES CC 1261-1262, 1274-1277
	2. causa	CL CPC 768; ?p. ej. <u>causa de la demanda</u>
	3. ?pleito - ?juicio	

- F cause d'aggravation
E ground for augmenting*
- aggravating circumstance
S (circunstancia) agravante
* A liability, penalty
- F cause d'atténuation
E ground for mitigating*/
alleviating* - mitigating
extenuating circumstance
S (circunstancia) atenuante
FR: v. cause d'atténuation
de la peine
* A liability or a penalty;
note 2
- F cause d'atténuation de la peine (FR)
E ground for mitigation of
sentence
S
Dalloz responsabilité pénale
sects. 5-12
Halsbury vol. 11, 'Criminal
Law, Evidence and Procedure',
para. 19, n. 1; note 2
- F cause de non-culpabilité (FR)
E ground for inculpability
S
Dalloz responsabilité pénale
sect. 4; l'une des
deux catégories de
causes d'irresponsabilité;
v. cause d'irresponsabilité
- F cause de nullité
E ground for invalidating
S causal de nulidad
A treaty; term not in VCLT
- F cause de responsabilité
E ?circumstance entailing
responsibility
S
SR
- F cause d'exclusion d'illicéité
E circumstance precluding
wrongfulness
S
SR
- F cause d'exemption
E ground for exemption
S
From a liability or a penalty

- F cause d'exonération
E ground for exoneration
S
- F cause d'extinction
E ground for terminating
S
- F cause d'irresponsabilité (FR)
E ground for exemption from criminal liability
S circunstancia eximente
- F cause inscrite au rôle
E case entered in the list
S causa inscrita en el rol
- E cause of action
F ?cause de la demande
S causa de la demanda
- S cautelar
v. medidas cautelares
- L cautio iudicatum solvi
= caution iudicatum solvi
- From a liability, duty
- A treaty; term not in VCLT
- Dalloz responsabilité pénale sect. 4
- FR: these causes can be of two kinds: causes de non-culpabilité, grounds for inculpability, e.g. tender age, insanity, mistake, coercion, and faits justificatifs, justifications, e.g. self-defence, necessity, obedience to lawful authority. These two categories are equivalent to EN exemptions and defences, but the dividing-line between the categories is not the same in each country. However, in the plural causes d'irresponsabilité, which is the generic term, can be translated as exemptions and defences.
Note 2.
ES
- A cause of action means the grounds, i.e. facts, entitling a person to sue, i.e. giving him a right of action; it does not mean that right in itself; Martin; Halsbury vol. 37, 'Practice and Procedure', para. 20

F caution (BE, CH, FR, QU)

1. (dr. civ., proc. pén.)
garantie fournie
pour l'exécution d'un
engagement, appelée aussi
garantie, sûreté
2. (dr. civ.) personne qui
s'engage par un cautionnement,
appelée aussi fidéjusseur

E 1. security - guarantee
- suretyship* -
bond - bail

2. surety - guarantor

S 1. caución* - fianza**

2. fiador

F caution conjointe

E joint surety/guarantor
S caución conjunta

Petit Robert 1.; CH CDO 323 ter;
p. ex. dépôt de caution,
mettre en liberté sous
caution, verser une caution

Petit Robert 3.; Guillien:
personne qui s'engage à garantir
l'exécution d'un contrat par l'une
des parties au profit de l'autre;
BE CC 2011-2043, FR CC 2011-2043,
CPCA 517-522 (abrogés), CH CDO
492 et s., LPFR 32, 35; QU CC 1962
For the distinction between these
terms see note 11; SCO caution
the security furnished, cautionary
the name of the contract by which
it is furnished; in both words
caution is pronounced to rhyme
with nation

* QU CC 1929

See note 11; QU CC 1962;
SCO cautioner

Der..civ., proc. pén.

* Ossorio; AR..., CL CC 46, CO
CPP 459, CR..., ES CC 495,
Ley Hipotecaria 8.2.1946, 41,
LECR 785(8), GT CPP...,
MX CPPDF 560, CFPP 402,
UY CPPM 197. Según CL CC 46
"caución significa generalmente
cualquier obligación que se
contrae para la seguridad de
otra obligación propia o ajena.
Son especies de caución la
fianza, la hipoteca y la prenda."
** Ossorio; en el sentido amplio
de cosa depositada como garantía
(Moliner, Colex com. del
art. 1822): BO CPP 200 y sigs.,
208-218, CL CC 46, 2335, CPP 359,
366 y sigs., ES LECR 529 y sigs.,
589 y sigs., 785

En el sentido estricto de
obligado accesorio (v. nota S
a la palabra cautionnement)

CH CDO 497

NOT co-surety; notes 11, 12

- F caution judicatum solvi
v. exception de caution
judicatum solvi
- E security for compliance with
judgement
- S
- F caution judiciaire (BE, FR)
- E judgement security
- S caución judicial
- F caution légale (BE, FR)
- E statutory security
- S caución legal
- F cautionnement (BE, CH, FR)
- E suretyship - guarantee
- FR obs. (Dalloz Proc. pén.
p. 149), Dalloz exceptions et
fins de non-recevoir, sect. 5,
Capitant
- i.e. for payment of costs
(security for costs EN RSC
O. 23, Walker EN 340, Odgers
207, 259, Langan 165-169) and
damages (undertaking in damages
EN Odgers 65); sometimes
called security for costs and
penalties, security for
expenses and damages, cautio
judicatum solvi
- BE FR CC 2040
- One which a party is required
to furnish under a judgement;
sometimes called judicial
security, but unlike caution
judiciaire this term could be
taken to include bail
- BE FR CC 2040
- One which a person is required
to furnish under an enactment
- FR dr. civ.: sûreté réelle ou
personnelle, et conventionnelle:
le contrat par lequel une
personne, appelée caution ou
fidéjusseur, promet au créancier
d'exécuter les obligations du
débiteur, dit débiteur
principal, si celui-ci
ne tient pas ses engagements
(M. Jaquot à l'ONU, New York);
Capitant, Guillien, Dalloz;
Dalloz Proc. pén. p. 510;
BE CC 2011-2043, FR CC 2011-
2043, CPP 138(11), 142,
R.19-R.25, CH CDO 492 et s.,
LPFR 33, QU CC 1929; syn.
fidéjussion
See note 11

S fianza	Ossorio; en el sentido estricto de contrato accesorio (Aguilar, Colex com. del art. 1822): CL CC 2335, ES CC 1822-1856, MX CC 2794-2855
F cautionnement personnel	
E personal suretyship/guarantee	Note 11
S caución personal	
F cautionner	
E to guarantee - to stand surety/ bail for	Note 11
S caucionar	
F cautionner et avaliser	
E to give guarantees and avals	i.e. to give guarantees, including guarantees of payment of bills of exchange, cheques and promissory notes
S caucionar y avalar - garantizar	
F caution personnelle (FR)	
1. sûreté personnelle: la garantie qui résulte de l'engagement d'une autre personne au côté du débiteur	Guillien <u>sûreté</u> ; <u>caution</u> dans le sens de <u>garantie</u> (v. F <u>caution</u> 1.)
2. caution qui accepte d'exécuter elle-même	Guillien <u>caution</u> ; <u>caution</u> dans le sens d'une personne (v. F <u>caution</u> 2.)
F caution réelle (FR)	
1. sûreté réelle: la garantie qui résulte de l'affectation de certains biens du débiteur au paiement de sa dette	Guillien <u>sûreté</u> ; <u>caution</u> dans le sens de <u>garantie</u> (v. F <u>caution</u> 1.)
2. caution qui offre en garantie une hypothèque sur un immeuble lui appartenant	Guillien <u>caution</u> ; <u>caution</u> dans le sens d'une personne (v. F <u>caution</u> 2.)
E. 1. security <u>in rem</u>	See note 11
2. surety/guarantor (bound) <u>in rem</u>	See note 11
S. 1. caución*/fianza** real	* AR..., UY CPPM 197, CPP 145 ** En el sentido amplio, v. F <u>caution</u> 1.; BO CPP 208
2. fiador real	En el sentido estricto, v. F <u>caution</u> 2.

E	1. personal security/guarantee	See note 11
	2. surety/guarantor bound personally - surety/guarantor <u>in personam</u>	See note 11
S	1. caución*/fianza** personal	* AR..., CO CPP 459, UY CPPM 197, CPP 146 ** En el sentido amplio, v. F <u>caution</u> 1.; BO CPP 208 En el sentido estricto, v. F <u>caution</u> 2.
	2. fiador personal	
F	caution simple	CH CDO 495, LPFR 34
	E surety/guarantor bound severally	Note 11
	S caución simple	
F	caution solidaire	CH CDO 496, LPFR 34
	E surety/guarantor bound jointly and severally - joint and several surety/guarantor	Notes 11, 12
	S caución solidaria	
S	C de C = Código de Comercio	
S	C del T = Código del Trabajo	
S	C de M = Código de Minería	
S	C de PC = Código de Procedimiento Civil	
S	C de PP = Código de Procedimiento(s) Penal(es)	
F	céans v. tribunal de céans	
S	CECr (VE) = Código de Enjuiciamiento Criminal	
F	cédant	
	E transferor - assignor	For the distinction between these terms see <u>transfer</u> 1.; if in doubt, translate <u>cédant</u> and <u>cedente</u> as <u>transferor</u>
	S cedente	CL CC 1903
S	cedente = cédant	

- F céder
- E to transfer/convey/assign
- For the distinction between these terms see transfer 1.; if in doubt translate céder and ceder as to transfer; faire céder, to procure the transfer of
- S ceder
- S ceder = céder
- S cédula de identidad (AR)
- Replaced by the documento nacional de identidad
- E identity card
- F carte d'identité
- S cédula hipotecaria = cédule hypothécaire
- F cédulaire
- v. impôt cédulaire
- F cédule hypothécaire (CH)
- CC 793, 842-846, 854-874; Dalloz Civ. sûretés p. 241, abolished in FR in 1798
- E mortgage bond
- Black; NOT mortgage certificate, which has a different meaning under CH CC 825(3)
- S cédula hipotecaria
- PR; Ossorio
- S celda solitaria
- E solitary confinement
- F 1. emprisonnement cellulaire - régime cellulaire
2. (DJ) celle
- S CELS (AR) = Centro de Estudios Legales y Sociales
- F cens
- E quit-rent
- S
- EN, ZA obsolescent

- S censatario (ES, PR) ES CC 1606-1607
- E tenant See E note to censo 3.
- F
- S censo Ossorio, Black
1. administrativo
2. privado
3. (der. civ.) derecho real CL CC 579, 2022-2052, 2280, 2480; PR CC 1496; ES CC 1604-1664; AR...
4. (der. civ.) suma o frutos pagados en satisfacción de este derecho
- E 1. census
2. poll
3. rent-charge
- Right of A (the rent-charger, rent-charge owner, grantee) to receive periodically from B (the terre-tenant, tenant, landowner, grantor) a sum charged on B's land; NOT ground-rent, quit-rent; SCO bond of annuity (Walker Prins. II, 439)
- Loosely annuity, which in EN (but not in SCO) is normally reserved for a periodical payment not charged in rem as described in 3.
4. rent
- F 1.
- 2.
- 3.
- 4.
- S censo consignativo (ES, PR) ES CC 1606, PR CC 1498; Ossorio, Black
- E rent-charge by appropriation See E note to censo 3.; "by appropriation" means that B appropriates the income of the charged land to payment of the rent to A, the right to receive which is A's rent-charge
- F
- S censo enfiteútico (ES, PR) ES CC 1605, PR CC 1497; Ossorio, Black

- E emphyteutic rent-charge See E note to censo 3.;
"emphyteutic" means that B
becomes the emphyteuta,
i.e. the effective long-term
owner of land (the charged
land) by a transfer from A
which is conditional on B's
payment of rent to A, whose
right to receive it is his
rent-charge and who retains a
vestigial right of ownership
- F
- S censo reservativo (ES, PR) ES CC 1607, PR CC 1499;
Ossorio, Black
- E rent-charge by reservation See E note to censo 3.; "by
reservation" means that B
becomes the absolute owner of
land (the charged land) by a
transfer from A in which he
reserves the right to receive
rent from B
- F
- S censo vitalicio (CL) CC 2279
- E life rent-charge See E note to censo 3.; right
to receive periodically for
life a sum charged on land;
distinguish from renta
vitalicia, life annuity, which
is not so charged
- F
- S censalista (CL, ES, PR) ES CC 1608, CL CC 2022;
the word censalista is used
in the Maltese version of MT CC
1598 with the opposite
meaning, namely of censatario
- E rent-charge owner See E note to censo 3.
- F
- S censuario (CL CC 2022) = censatario
- F centimes additionnels (FR) Guillien, Dalloz impôts
directs 207; abolished 1974
- E ?additional percentage tax
- S

- F Centre d'Education Surveillée (DJ)
- E Surveillance and Education Centre
 - S
- S Centro de Estudios Legales y Sociales (CELS)(AR)
- E Centre for Legal and Social Studies (CELS)
 - F Centre d'études juridiques et sociales (CELS)
- S Centro de Internación de Destino Obligado (VE)
- E Custodial Centre
 - F
- E Certain German Interests in Upper Silesia case
- F
 - S
- S certificado de acción (ES)
- E share certificate
 - F
- S certificado de antecedentes (CL)
- E judicial record certificate
 - F extrait de/du casier judiciaire
- S certificado de buenas costumbres
- E written testimonial
 - F certificat de bonnes vie et moeurs
- F certification
- E certification
 - S
- F certifié conforme
- E certified correct - certified a true copy
 - S
- For prisoners under 16
- E/CN.4/Sub.2/470, para. 88
- A form of prison
- 1966 DA15c1
- e.g. by the most senior official of an organization, of the will of the organization to perform an act

- S cesante
v. estar cesante
1. desocupado De uso general en América Latina
2. (UY) haber sido destituido
- E 1. unemployed person
2. person dismissed from office
- F 1. chômeur
2. travailleur licencié (de son emploi)
- S cesión = cession
- S cesión de bienes (CL) CC 1614
- E transfer/assignment of property For the distinction between transfer and assignment see transfer 1.; if in doubt translate as transfer of property
- F cession de biens
- S cesión de derechos (CL) CC 1901-1914
- E transfer/assignment of rights For the distinction between transfer and assignment see transfer 1.; if in doubt translate as transfer of rights
- F
- S cesionario = cessionnaire
- F cession
- E transfer - conveyance - assignment For the distinction between these terms see transfer 1.; if in doubt translate cession and cesión as transfer
- S cesión
- F cessionnaire
- E transferee - assignee For the distinction between these terms see transfer 1.; if in doubt translate cessionnaire and cesionario as transferee
- S cesionario

- F cession-bail (FR)
E leaseback
S
- F cession ou transmission
E transfer or transmission/or
passing
S
- F chambre (BE, CH, FR, GE, LU, SN, CJEC) FR: COJ L.121.3, L.311.5;
v. en chambre EGLAT chambre, séance
en chambre du conseil plénière
président de chambre
E division - chamber*
Of a court of justice;
NOT chambers (see chambre du
conseil, en chambre du
conseil)
* In chambre criminelle, the
proposed criminal chamber of
International Court of
Justice
S sala
- F chambre d'accusation (FR, GE, LU, SN) FR CPP 191-193, COJ L.612.1;
GE LOJ 1, 50; Guillien
E indictment division
FR: division of the Court of
Appeal which commits for trial
on serious offences and, as a
court of second instance, hears
appeals against orders of
examining magistrates; GE:
strictly speaking, a separate
chamber linked to but not part
of the Tribunal de première
instance
S
- F chambre d'appels correctionnels (FR)
= chambre des appels correctionnels
- F chambre de commerce et d'industrie (FR)
E chamber of commerce and industry
S cámara de comercio e industria
- F chambre des appels correctionnels (FR) Dr. pén: COJ L.224.1,
R.212.1 et seq.;
division of the Court
of Appeal which hears
appeals from correctional
courts and police courts

E criminal appeal division	EN: equivalent to the criminal division of the Court of Appeal
S	
F chambre des métiers (FR)	
E chamber of trades	
S	
F Chambre des mises (FR) = Chambre des mises en accusation	
F Chambre des mises en accusation (BE actuelle, FR ancienne) = Chambre d'accusation	
F Chambre des tutelles (GE)	LOJ 1,5
E Guardianship Division	Of the Magistrates' Court
S	
F chambre du conseil (BE, BI, FR) v. en chambre du conseil se retirer en chambre du conseil	BI CPP 30; EGLAT
1.	
2.	
E 1. judges' council chamber 2. judge(s) in chambers	The room to which judges retire FR: in a court of major jurisdiction a judge or panel of judges, sitting in chambers and formerly regarded as a separate section of the court, and empowered to hear certain kinds of judicial proceedings
S	
F chambre mixte (FR)	EGLAT <u>séance plénière</u>
E mixed division	Of a court
S	
F chambre professionnelle (FR)	
E business chamber	Generic term for <u>chambres de commerce et d'industrie</u> and <u>chambres des métiers</u>
S	
F chambres réunies	FR Cour de cassation: obs. (Amos 8), Cour d'appel; COJ R.212.3

- E multidivisionally
S
- F champ d'application
E scope - scope of application*
S
- F change
v. lettre de change
- F change du jour = cours du jour
- E charge
1. general term: an accusation that a wrong has been done
2. (crim. proc.: EN, US) an accusation charging a person with a criminal offence, especially one which is made by the police or a prosecutor either orally to a suspect, or in writing in a document such as an information or an indictment (EN in the latter the technical term for a charge is a count)
3. (civil law) form of security
- F 1.
2.
3.
- S 1.
2.
3.
- F charge
v. à charge
mettre une obligation à la charge d'un Etat
obligation à la charge d'un Etat
- F charge foncière (CH)
E land charge
S
- de Vries 84; NOT sitting as a divisional court
- * 1982 DA29c2
- A charge is brought/preferred against X
- CC 782-792
- EN OCL; ?whether in EN or CH the respective E and F terms include the servitudes described as public charges in F servitude 2.; also called charge on land

F	Charte internationale des droits de l'homme	HRC
	E International Bill of Human Rights	
	S Carta Internacional de Derechos Humanos	
E	charter	
	v. bareboat charter	
	demise charter	
	time charter	
	trip time charter	
	voyage charter	
E	chartered in	i.e. taken on charter; TD/RS/CONF/PC/2, p. 11
	F affrété	TD/RS/CONF/PC/2, p. 11; FR Loi 66420 18.6.1966, 1
	S fletado	TD/RS/CONF/PC/2, p.13, meaning <u>tomado en fletamento</u>
E	chartered-out	i.e. let out on charter; TD/RS/CONF/PC/2, p. 11
	F frété	TD/RS/CONF/PC/2, p. 11; FR Loi 66420 18.6.1966, 1
	S fletado	TD/RS/CONF/PC/2, p.13, meaning <u>dado en fletamento</u>
F	chef d'accusation	CA
	E count	CA
	S	
F	cheptel (FR)	
	1. bétail	Capitant
	2. = bail à cheptel	Capitant
	E 1. cattle* livestock**	* EN: the term includes horses and sheep but not pigs (Jowitt) ** EN: cattle, sheep and pigs (Jowitt)
	2. = <u>bail à cheptel</u>	
	S 1.	
	2. = <u>bail à cheptel</u>	
F	chèque	FR Déc. 30.10.1935, CH CDO 1100-1144, GCC, Amos 368
	E cheque	EN Bills of Exchange Act 1882, GCC
	S cheque	GCC

- F chirographaire
v. créance chirographaire
créancier chirographaire
- F chose d'autrui = cosa ajena
- E chose in action
Martin, Jowitt: chose
- F créance
S crédito
Créance l.; Amos 20-21;
NON PAS droit incorporel
v. créance l.; NO derecho
de acción
- F chose due = cosa debida
- F chose jugée = cosa juzgada
v. autorité de chose jugée
exception de relativité de chose
jugée
force de chose jugée
passer en force de chose jugée
- F chose jugée absolue
E absolute res judicata
S
- F chose jugée relative
E relative res judicata
S
- F chose publique = cosa pública
v. crimes et délits contre la chose
publique
délit contre la chose publique
- S CI = cédula de identidad
- F CIDH = Commission interaméricaine des
droits de l'homme
- S CIDH = Comisión Interamericana de
Derechos Humanos
- F circonstance aggravante
FR Dalloz responsabilité
pénale sects. 13-15

- E aggravating circumstance
S circunstancia agravante
- Black aggravation; note 2
CL CP 12, ES CP 10-11; sin. agravante; Gómez circunstancias agravantes,
Ossorio agravante
- F circonstance atténuante
- FR Dalloz responsabilité pénale sects. 11-12; l'une des deux catégories de causes d'atténuation de la peine
- E extenuating circumstance
S circunstancia atenuante
- Black mitigating circumstances, OCL extenuating circumstances; note 2
CL CP 11, ES CP 9, 11; sin. atenuante; Gómez circunstancias atenuantes,
Ossorio atenuante
- S circumscripción judicial
- E judicial district - judicial circuit*
- A judicial district is normally understood to mean an area having only one principal court, and a judicial circuit to mean an area having a number of principal courts at various places; if in doubt translate as judicial district
- F circonscription judiciaire
- S circunstancia agravante (CL, ES) =
circonstance aggravante
- S circunstancia atenuante (CL, ES) =
circonstance atténuante
- S circunstancia eximente (ES)
- CP 8; sin. eximente; Gómez circunstancias eximentes,
Ossorio eximente
- E ground for exemption from criminal liability
F cause d'irresponsabilité
- See E note to cause d'irresponsabilité and note 2
FR
- S citación = citación de comparecencia
- S citación a comparecer = citación de comparecencia

S citación de comparecencia
(BO, CL, ES, MX)

Proc. civ., pen.: BO CPP 95;
CL CPP 247-250; ES LEC
passim, LECR 166-182, 207, 486
et seq., 661, 784; MX CPCDF
1100, CPPDF 82; sin. citación
BO CPP 281 et seq., ES LEC 6,
ES LECR 166-182, MX CPCDF
110-128, MX CPPDF 80-93,
citación a comparecer; Ossorio
citación

E summons

If the summons commences
contentious civil proceedings,
translate as writ
of summons, which can be
abbreviated to writ; if it is
addressed to a witness,
translate as subpoena.
See summons, subpoena.

F citation* - citation à/
sommation à comparaître -
assignation** - mandat de
comparution***
- citation en justice****

* Proc. civ., pén.: FR CPCN
207, 406, 471, 598, CPP 101,
388-392, 394, 550-551,
CT R.516.11; Dalloz Proc.
civ. p. 453, Proc. pén. p. 112,
Capitant; BE CJ 700, CIC 80

** Proc. civ.: FR v.
assignation l.

*** Proc. pén.: BE, BI, CG, CI,
FR, GE, NE, RW v. mandat de
comparution

**** Proc. civ.: BE FR CC 2244,
2246

S citar

1. mencionar
2. ordenar la comparecencia

Proc. civ., pén.

- E
1. to cite
 2. to issue a summons

A case, judgement
Also called to summon (rather
than to summons; Hampton
44, 46, 73, 270). If citar
is used in the sense of
commencing contentious
civil proceedings, translate
as to issue a writ (or
non-technically to sue);
if it is used of a witness,
translate as to subpoena (NOT
to call a witness)

- F
1. citer
 2. ?citer - ?assigner

E citation

1. summons: court order directing a person to appear in court as party, witness, etc.
2. the mentioning of an enactment, legal authority etc.
3. short or official name of an enactment, (ICJ) decision, etc.

F 1.

2.

3.

S 1.

2.

3.

F citation (BE, FR: proc. civ., pén.: exploit) = citación de comparecencia v. exploit de citation

F citation directe

Syn. (FR CPP) de citation

1. (proc. pén.: BE, FR)

FR CPP 388-393, 425, 531;
BE CIC 145, 182; Dalloz Proc.
pén. p. 112

2. MRAP 8

E 1. (direct) summons

2. application

S 1.

2. demanda

F citation en justice (FR CC 2244, CPCN 573, Dalloz Proc. civ. p. 779) = citación de comparecencia

F citer = citar

F citoyen chargé d'un ministère de service public

E citizen entrusted with a public function

S

S ciudadano legal (CL, UY)

E naturalized citizen

F citoyen naturalisé

S ciudadano natural (CL, UY)

E citizen by birth

F citoyen de naissance

F civil
v. civilement
mort civile
partie civile
société civile

S civil (CL) = agente de civil
v. individuo de civil
policía civil ...
vestido de civil

S civil anónimo (CL)

E unidentified plain-clothes
policeman
F

F civilement

E (translate according to
context)

e.g. le mariage rend majeur
civilement, mais pas
civiquement (Boillod 335),
marriage confers majority as
regards civil but not civic
rights (see Dessemontet 51)

S civilmente

E civilian

1. General sense: noun and
adjective: private
citizen, non-military
2. Technical sense: noun:
one versed in the civil law
3. Technical sense: adjective:
pertaining to the civil law

e.g. civilian country, a country
having a civil law system as
opposed to one having a common
law system

F 1.
2. civiliste
3.

S 1. civil
2. civilista
3.

F civiliste

E civil lawyer - civilian - expert
on civil law

S civilista

- E civil law For different meanings
see OCL
- F droit civil Cornu civil (droit),
droits civils
- S derecho civil Ossorio derecho civil
- E civil prisoners SMR 94 (heading)
- F condamnés pour dettes et à la
prison civile
- S sentenciados por deudas y a
prisión civil
- E civil servant EN; note 17
- F
- S funcionario público
- F civiquement
v. civilement
- S CJ (VE) = Consejo de la Judicatura,
Consultoría Jurídica
- E clause Of an enactment or private
v. negative pledge clause instrument
- F clause
- S cláusula
- F clause D'un acte
v. opposer une clause...
- E clause - provision -
condition - term* * Of a contract (David Con.,
OCL term of contract,
Martin term 2); if
in doubt in connection
with a contract, use
condition if technical
accuracy is not essential,
but provision or clause if
it is, the reason for this
being that in the common
law the words term and
condition each have a special
meaning in relation to a
contract and that meaning may
not coincide exactly with the
one in which F clause/
S cláusula is used
- S cláusula

F	clause attributive de juridiction	
	E jurisdiction(al) clause	
	S	
F	clause coloniale	
	E colonial clause	
	S	
F	clause compromissoire	FR CC 2061, CPCN 1442-1446; ECICA I(2)(a); EGLAT
	E arbitral*/arbitration clause	An undertaking to refer future disputes to arbitration (PAC I); distinguish from <u>compromis</u>
	S cláusula compromisoria	* ECICA I, CREFAA II ECICA I, CREFAA II
F	clause d'arbitrage	RCAICC 12, PAC I
	E arbitration clause	RCAICC 12, PAC I
	S cláusula de arbitraje	
F	clause d'effacement	
	E ?discontinuance clause	e.g. in a gas supply agreement, clause allowing supplier to interrupt supply
	S	
F	clause de participation générale	LT
	E general participation/all- participation clause	
	S	
F	clause de rémanence	
	E continuing-effect clause	In international investment treaties
	S	
F	clause dérogatoire	
	E repeal(ing) clause* - invalidating/disabling clause**	* e.g. the provision in ES CC 1976 ** ES CC 737, CL CC 1001
	S cláusula derogatoria	ES CC 737, CL CC 1001

- F clause de sauvegarde
E saving/escape clause - exception - exemption - proviso Black exception
S
- F clause de style Capitant
E ?stereotyped/standard clause/
wording
S
- F clause d'exception = clause de sauvegarde
- F clause d'exonération = clause de sauvegarde
- F clause exonératoire = clause de sauvegarde
- F clause léonine
E oppressive clause In a contract; sometimes called leonine clause (IECL XIII/1)
S cláusula leonina
- F clause pénale See FR CC 1152, Nicholas 226 et seq.
E penalty clause SC CC 1229
S cláusula penal CL CC 1535
- F clause potestative (Black, Nicholas 154 et seq.) = condition potestative
- F "clause réservée"
E "clause réservée" YB 1975 II, 146 DA 14cl
S
- F clause résolutoire FR CC 1183-1184; Capitant; syn. pacte commissoire
E cancellation clause In a contract; note 15
S cláusula resolutoria Ossorio; sin. pacto comisorio
- F clause type? = clause de style
- S cláusula = F clause
- S cláusula compromisoria = clause commissoire

- S cláusula de exclusión
v. sociedad mexicana con cláusula de
exclusión de extranjeros
- S cláusula derogatoria = clause
dérogatoire
- S cláusula penal (CL CC 1535) = clause
pénale
- S cláusula resolutoria = clause
résolutoire
- L cláusula si omnes = clause de
participation générale
- E "clean slate" principle, clean slate
principle = tabula rasa principle
- E Cleveland award 1966 DA43c6
F
S
- E Clipperton Island arbitration 1966 DA30c3
F
S
- F clôtüre des débats FR CPCN 445-446, CPP 342,
347; CIJ Statut 54;
Daloz Proc. civ. pp. 534-
536, Daloz Proc. pén.
pp. 631-632
E closure of the hearing
S
- F co...
v. note 12
- S co...
v. nota 12
- S coacción VCLT 51-52
v. por coacción
E duress/constraint* *VCLT 51-52
F contrainte VCLT 51-52
- S coadyuvante (CL) Anabalón pp. 72-73
E additional party To civil proceedings; note 19
F

S	coasignatario (CL)	CC 1317
	E co-beneficiary	Note 14
	F colégataire	
F	coauteur	
	1. (dr.civ.) celui qui participe à un délit ou à un quasi-délit	Capitant I
	2. (dr.pén.) celui qui participe à une infraction de façon directe et principale	Capitant II; les coauteurs d'une infraction sont l' <u>auteur principal</u> et les autres <u>coauteurs</u> ; ils se distinguent des <u>complices</u> au sens étroit
	E 1. joint wrongdoer	EN <u>joint tortfeasor</u>
	2. co-perpetrator	See E note to <u>auteur principal</u>
	S 1. ?coautor	
	2. coautor	
S	coautor = coauteur	
S	cobro (CL)	CC 1576, 1581
	E recovery	
	F recouvrement	
F	cocontractant	
	E contractee* - partner** - contracting party***	* joint ventures ** LT *** ML
	S	
E	Code of Conduct for Law Enforcement Officials	HRC
	F Code de conduite pour les responsables de l'application des lois	
	S Código de conducta para funcionarios encargados de hacer cumplir la ley	
F	Code Bustamante = Convention de droit international privé	
F	Code civil (BE, BI, CH, FR, QU)	
	E Civil Code	
	S Código Civil	

- F Code criminel (CA)
E Criminal Code CA
S Código Penal
- F Code de commerce (BE, FR)
E Commercial Code
S Código Comercial
- F Code de conduite pour les responsables HRC
de l'application des lois
E Code of Conduct for Law
Enforcement Officials
S Código de conducta para
funcionarios encargados
de hacer cumplir la ley
- F code de déontologie
E code of ethics
S código de deontología
- F Code de justice militaire (FR)
E Code of Military Justice
S Código de Justicia Militar
- F Code de la nationalité française (FR)
E Code of French Nationality
S Código de la Nacionalidad Francesa
- F Code de l'organisation et de la
compétence judiciaire (RW)
E Code of Organization and
Powers of the Judiciary
S Código Orgánico de Tribunales
- F Code de l'organisation judiciaire (FR)
E Code of Judicial Organization
S Código Orgánico de Tribunales
- F Code de procédure civile (BI)
v. Nouveau code de procédure civile
E Code of Civil Procedure
S Código de Procedimiento Civil

FOR THE USE OF CRIMINAL AND PENAL SEE E NOTE TO PENAL AND NOTE 2

- F Code de procédure civile (ancien) (FR)
v. Nouveau code de procédure civile
- E (old) Code of Civil Procedure Parts are still in force
S
- F Code de procédure pénale (BI, CG,
CI, FR, NE, RW, SN)
- E Code of Penal Procedure
S Código de Procedimiento Penal
- F Code des obligations (CH) = Code
fédéral des obligations
- F Code d'instruction criminelle FR: remplacé en 1957 par
(BE, DJ, LU) le Code de procédure pénale
- E Code of Criminal Investigation
S
- F Code du travail (FR)
- E Labour Code
S Código del Trabajo
- F Code fédéral des obligations (CH)
- E Federal Code of Obligations
S Código Federal de las Obligaciones
- F Code judiciaire (BE)
- E Judicial Code Contains the law on civil
S procedure
- F Code pénal (BE, BI, CH, DJ, FR, LU,
NE, RW, SN)
- E Penal Code
S Código Penal
- F Code rural (FR)
- E Rural Code
S
- E codification
v. Conference for the Codification
of International Law

FOR THE USE OF CRIMINAL AND PENAL SEE E NOTE TO PENAL AND NOTE 2

- E codification of international law Charter 13(1)(a),
ILC Statute 18-24
- S Código Bustamante = Convención de
Derecho Internacional Privado
- S Código Civil (CL, ES, GQ, PR)
E Civil Code
F Code civil
- S Código Civil para el Distrito Federal
(MX)
E Federal District Civil Code
F
- S Código de Comercio (MX, VE)
E Commercial Code
F
- S Código de conducta para A/RES/34/149; HRC
funcionarios encargados de hacer
cumplir la ley
E Code of Conduct for Law
Enforcement Officials
F Code de conduite pour
les responsables de
l'application des lois
- S Código de Defensa Social (CU)
E Code of Social Protection The former penal code, ?
replaced in entirety by the
Código Penal
F
- S Código de Enjuiciamiento Criminal
(CECr) (VE)
E Code of Criminal Procedure
F Code d'instruction criminelle
- S Código de Instrucción Criminal (CIC)
(UY) Replaced by the Código del
Proceso Penal; SV ? former
name of code of penal
procedure, now replaced by
the Código Procesal Penal
E Code of Criminal Investigation
F

FOR THE USE OF CRIMINAL AND PENAL SEE E NOTE TO PENAL AND NOTE 2

- S Código de Instrucción Militar (UY)
E Code of Military Investigation
F Code d'instruction militaire
- S Código de Justicia Militar (CJM) (AR, CL, ES)
E Code of Military Justice
F Code de justice militaire
- S Código del Trabajo (CL)
E Labour Code
F
- S Código del Proceso Penal (UY)
E Code of Penal Procedure
F
- S Código de Organización de los Tribunales Militares (COTM) (UY)
E Code of Organization of the Military Courts
F Code d'organisation des tribunaux militaires
- S Código de Procedimiento Civil (C de PC) (BO, CL, CO, DO, EC, UY, VE)
E Code of Civil Procedure
F Code de procédure civile
- S Código de Procedimiento Penal (C de PP, CPP) (BO, CL, CO)
E Code of Penal Procedure
F Code de procédure pénale
- S Código de Procedimiento Penal Militar (CPPM) (UY)
E Code of Military Penal Procedure
F Code de procédure pénale militaire
- S Código de Procedimientos Civiles (CR, PE)
E Code of Civil Procedure
F

FOR THE USE OF CRIMINAL AND PENAL SEE E NOTE TO PENAL AND NOTE 2

- S Código de Procedimientos Civiles para el Distrito Federal (MX)
E Federal District Code of Civil Procedure
F
- S Código de Procedimientos en lo Criminal (CPCr) (AR)
E Code of Criminal Procedure
F Code de procédure criminelle
- S Código de Procedimientos Penales (CPP) (CR, PE)
E Code of Penal Procedure
F Code de procédure pénale
- S Código de Procedimientos Penales para el Distrito Federal (CPPDF) (MX)
E Code of Penal Procedure for the Federal District
F Code de procédure pénale pour le District fédéral
- S Código Federal de Procedimientos Penales (CFPP) (MX)
E Federal Code of Penal Procedure
F Code fédéral de procédure pénale
- S Código Judicial (PA) Book III contains the law on criminal procedure
E Judicial Code
F
- S Código Orgánico de Tribunales (COT) (CL)
E Courts Organization Code
F
- S Código Penal (AR, BO, CL, CO, CU, ES, PE, SV, UY, VE)
v. Ley de Código Penal
E Penal Code
F Code pénal

FOR THE USE OF CRIMINAL AND PENAL SEE E NOTE TO PENAL AND NOTE 2

- S Código Penal para el Distrito Federal (MX) Abbreviated name of the Mexican penal code
- E Federal District Penal Code
- F
- S Código Penal para el Distrito y Territorios Federales (MX) Full name of the Mexican penal code
- E Penal Code for the Federal District and Federal Territories
- F
- S Código Penal (Ordinario) (CPO) (UY) The name of the code is Código Penal, but the designation Ordinario is sometimes added to distinguish this code from the Código Penal Militar
- E (Ordinary) Penal Code
- F Code pénal (ordinaire)
- S Código Penal Militar (CPM) (UY) The name of the code is Código Penal Militar
- E Military Penal Code
- F Code pénal militaire
- S Código Procesal Civil y Comercial de la Nación (AR) The name of the code is Código Procesal Civil y Comercial de la Nación
- E National Code of Civil and Commercial Procedure
- F
- S Código Procesal Civil y Mercantil (GT) The name of the code is Código Procesal Civil y Mercantil
- E Code of Civil and Mercantile Procedure
- F
- S Código Procesal Penal (CPP) (GT, SV) The name of the code is Código Procesal Penal
- E Code of Penal Procedure
- F Code de procédure pénale
- S Códigos adjetivos penales (MX) E/CN.4/Sub.2/470, para. 43
- E Codes of adjectival criminal law Way of referring to the Codes of Penal Procedure
- F

FOR THE USE OF CRIMINAL AND PENAL SEE E NOTE TO PENAL AND NOTE 2

S	Código substantivo penal (MX)	E/CN.4/Sub.2/470, para. 43
	E Code of substantive criminal law	Way of referring to the Penal Code
	F	
F	coercitif	
	E coercive - forcible - enforcement*	*Used adjectivally
	S coercitivo	
S	cofiador (CL)	CC 2378
	E co-surety - co-guarantor	Note 11
	F cofidéjuseur	
E	cognizable	Capable of being tried, triable; IN <u>cognizable offence</u> , an offence cognizable under the Penal Code
	F	
	S	
S	colación de bienes	ES CC 1035-1050, PR, CC 989; RL <u>Collatio honorum</u>
	E collation of property	PH CC 1051; EN, SCO <u>bringing property into hotchpot</u> ; Black <u>collation</u>
	F rapport de biens	Amos 314-315, FR CC 815
S	colacionado v. telegrama colacionado	
F	collectif v. décision collective	
F	collectivité	SS
	E authority	
	S	
F	collectivité locale	
	E local authority	
	S	
F	collectivité publique territoriale (EGLAT) = collectivité locale	
F	collectivité territoriale = collectivité locale	

- E collège
E board
S
- F collège des commissaires (BE)
E board of auditors Of a société anonyme
S
- F collocation Capitant
E ranking Of creditors
S
- S colocación de acciones
E allotment of shares
F
- E combat
v. trial by combat
- S comisaría
E (police) station
F commissariat de police
- S comisaría de Carabineros
E Carabineros Station
F Commissariat de carabineros La gendarmerie
- S comisario
E (police) superintendent
F commissaire (de police)
- S comisión delegada
1. (VE) Comisión Delegada: comité de parlamentarios que, durante el receso del Parlamento, se encarga de algunas de las funciones de éste
2. Del gobierno
E 1. Parliamentary Recess Committee
2. ?cabinet committee
F 1. Commission déléguée
2.
- S Comisión Europea de Derechos Humanos =
Commission européenne des droits de l'homme

- S Comisión Interamericana de Derechos Humanos
- Creada por la resolución VIII de la V Reunión de Consulta de Ministros de Relaciones Exteriores, en Santiago de Chile, 1959, ratificada por el artículo 112 de la Carta de Bogotá modificada en 1967, y ratificada por el apartado a) del artículo 33 del Pacto de San José de Costa Rica (1969)
- E Inter-American Commission on Human Rights
- F Commission interaméricaine des droits de l'homme
- S Comisión Interventora (UY)
- No se trata de una supervisión sino de funciones generales de dirección encomendadas por el gobierno
- E Board of (Government) Nominees
- F Commission gouvernementale (de contrôle)
- S comisión paritaria
- E joint commission/board
- F commission paritaire
- S comisión rogatoria = commission rogatoire
- S comisorio
v. pacto comisorio
- L comitas gentium
- E comitas gentium - comity of nations
- F
- S cortesía entre los pueblos - comitas gentium
- F commandement (FR)
- CC 2217 (abrogé), 2244, CPCA 583, 626, 673, 819, CPP 754; Capitant, Dalloz Proc. civ. p. 454, EGLAT

E demand

FR: a commandement, one form of mise en demeure, is akin to a sommation and is a notice served on a debtor by a huissier at the instance of the creditor, demanding that the debtor discharge his obligation on pain of attachment of his property or (CPP 754) his person; if it is clear that the obligation is a money one, translate as demand for payment; if it is necessary to distinguish commandement from sommation translate the former as execution demand

S

F commandement de payer (FR) =
commandement

F commanditaire

EGLAT société, société en commandite

E sleeping partner

S

F commandite

E limited partnership (share)

S

F commandité

EGLAT société, société en commandite

E active partner

S

F commencement de preuve
par écrit (FR)

FR CC 323, 324, 1347, QU
CC 262; Dalloz preuve 28,
Dalloz Proc. civ. p. 1025,
Amos 344

E incipient written evidence
- incipient evidence in writing
- commencement of proof in
writing*

NOT prima facie evidence
*QU CC 262

S principio de prueba por
escrito

E	commentary	ILC: <u>to an article</u>
	F	
	S	
F	commerçant	EGLAT <u>faillite</u>
	E trader - merchant	
	S	
E	Commercial Court	EN: that part of the Queen's Bench Division of the High Court of Justice which deals with commercial matters (Martin)
	F	
	S	
F	comminatoire	
	E comminatory	
	S	
F	commissaire	BE CCOM 64, 134
	E auditor	BE: of a <u>société anonyme, société en commandite par actions or société à responsabilité limitée</u>
	S	
F	commissaire aux comptes	FR Loi 24.7.1966, 218; EGLAT
	E auditor	FR: of either kind of <u>société anonyme</u>
	S	
F	commissaire de police (FR)	
	E commissioner of police	
	S	
F	commissaire du gouvernement/ Gouvernement (FR)	CTA L.2.3., R.9, R.158; Guillien, Brown 31, 45, 64, Dalloz Proc. pén. p. 98
	E government commissioner	Of the Council of State, the Court of Conflicts, an administrative court, a permanent court of the armed forces, or a <u>société d'économie mixte</u>
	S	

F	commissaire ordinaire	BE CCOM 64
	E ordinary auditor	BE: of a <u>société anonyme</u>
	S	
F	commissaire-priseur (FR)	Ord. 2593 2.11.1945; EGLAT <u>officiers ministériels</u>
	E official valuer and auctioneer	
	S	
F	commissaire-réviseur	BE CCOM 64 <u>bis</u>
	E professional auditor	i.e. a public accountant; of a <u>société anonyme</u>
	S	
F	commissif v. comportement commissif	
F	commission consultative	
	E advisory panel	International Sugar Agreement 71
	S	
E	Commissioner for Oaths	EN, CA, ZA
	F Commissaire aux serments	NB
	S	
F	Commission européenne des droits de l'homme	ECHR 29 (1)
	E European Commission of Human Rights	Of the Council of Europe; selected cases in E/CN.4/1982/1, ...
	S Comisión Europea de Derechos Humanos	
F	Commission interaméricaine des droits de l'homme = Comisión Interamericana de Derechos Humanos	
F	commission juridictionnelle	
	E jurisdictional board	FR: examines conscientious objectors; note 6
	S	

F	commissionnaire	EGLAT
	E commission/mercantile agent - factor	
	S	
F	commission rogatoire (DJ, FR)	FR CPCN 730-748, CPP 151-155, 682, DJ CIC 54 (1), CSTP 13; EGLAT
	E rogatory commission* - letter of request**	*Addressed by a judge to a judicial authority in his own country, e.g. for the purpose of evidence being taken in a place in the same country but outside the requesting judge's jurisdiction **Addressed by the judicial authorities of one country to those of another, e.g. for the purpose of evidence being taken in the latter CSTP 13 CSTP 13
	S comisión rogatoria	
F	commissaire v. pacte commissaire	
E	committal	Placing a person in judicial custody, also called <u>commitment</u> and in certain circumstances <u>remand</u> ; note 1; EN, NZ, SC CPC 286 SO, US
	F ? incarceration	
	S	
E	committal for trial v. détention préventive	
E	committal order (EN) = order of committal	

E committal proceedings

EN: judicial proceedings in which one or more examining magistrates (examining justices) hold a preliminary inquiry into a charge which concerns an indictable offence and decide whether the accused shall be sent (committed) for trial; MCA 4-8, Hampton chap. 6, Emmins chap. 3, Arguile chap. 8; note 1

F
S

E commitment

v. presidential commitment order
warrant of commitment

1. undertaking
2. = committal

F 1.
2. = committal

S 1.
2. = committal

E commitment warrant (EN) =
warrant of commitment

E common

Note 12

F
S

F commun

v. criminel de droit commun
délit de droit commun
droit commun
infraction de droit commun
juge de droit commun
jurisdiction civile de droit commun
jurisdiction de droit commun
par commun accord
projet commun
tribunaux de droit commun
voie de recours de droit commun

E common - general - joint -
ordinary - shared - co ...
S común

Note 12

F	communauté v. régime en communauté régime sans communauté	EGLAT <u>régimes matrimoniaux</u>
	E community (of property) - co-ownership*	Loosely, <u>common property/</u> <u>ownership</u> ; NOT <u>joint</u> <u>ownership, tenancy in common</u> *PH CC 484, SC CC 815
	S comunidad	ES CC 392-406
F	communauté à titre universel (QU CC 1412) = communauté universelle	
F	communauté conventionnelle	FR CC 1497; QU CC 1268, 1384-1421
	E contractual community (of property)	QU CC 1268, 1384-1421
	S comunidad convencional/ contractual	<u>conventional community</u>
F	communauté de biens	QU CC 1268
	E community of/common property - co-ownership*	QU CC 1268 <u>community of</u> <u>property</u> *PH CC 484
	S comunidad de bienes	ES CC 392-406
F	communauté de meubles et acquêts	FR CC 1498-1502; EGLAT <u>régimes matrimoniaux</u> , Amos chap. XII and appendix
	E community of movables and acquisitions	
	S	
F	communauté légale	FR CC 1400, QU CC 1268, 1270-1383; Amos chap. XII and appendix
	E statutory community (of property)	QU CC 1268, 1270-1383 <u>legal</u> <u>community</u>
	S comunidad legal	
F	communauté réduite aux acquêts	FR CC 1401-1491, QU CC 1389a; EGLAT <u>régimes matrimoniaux</u> , Amos, chap. XII and appendix
	E community of acquisitions	QU CC 1389a <u>community</u> <u>restricted to acquests</u>
	S	

- F communauté universelle FR CC 1526; QU CC 1384, 1412
- E universal community
 (of property) QU CC 1384 universal community;
 QU CC 1412 general community,
 community by universal title
- S comunidad universal
- F communication EGLAT communication,
v. prendre communication signification
- E communication - production
 - transmission
- S
- F communication de pièces Guillien
- E production of documents
- S
- F commutation
- E commutation Replacement of one right
 or liability by another,
 e.g. commutation of a
 death sentence to one of
 life imprisonment; Black,
 OCL
- S
- F commutatif
- v. contrat commutatif
 justice commutative
- S comodato ES CC 1740-1752, CL
 CC 2174-2195; RL
 commodatum; sin. préstamo de uso
- E commodatum - loan for use Black commodatum, loan for
 use, OCL commodatum
- F commodat - prêt à usage FR CC 1875-1891, CH CDO 305-311
- F compagnie à fonds social (QU) CC 371
- E joint stock company QU CC 371
- S
- E Companies Court EN: that part of the Chancery
 Division of the High Court
 of Justice which deals with
 company matters (Martin),
 but the name is unofficial
- F
- S

- E company
v. Companies Court
- F société
S
- E comparatist One versed in comparative
law
- F
S comparatista
- S comparecencia (CL)
- E appearance
F comparution
- S comparendo Audiencia de ambas partes
con el juez. Algunas veces
se le utiliza para
significar citación (de
comparecencia) o
mandamiento de comparendo
- E hearing
F audition (des parties)
par le juge
- F comparution = comparecencia
v. assurer la comparution
- S compensación ES CC 1195-1202,
CL CC 1655-1664
- E set-off Strictly speaking, a means
of extinguishing an
obligation, but often used
to denote the pleading of that
means as a defence to an action
(EN: RSC 0.18, r. 17,
Walker EN 323-325, Langan 85-86);
Black, OCL; EGLAT demande
reconventionnelle; SC CCP 79
FR CC 1289-1299, CH CDO 120-126
- F compensation
- F compensation = compensación
- F compétence Draft inter-American
v. conférer compétence convention on jurisdiction
in the international sphere
for the extraterritorial
validity of foreign judgments
(OAS)

E	jurisdiction* - competence**	*Of a State, of a court, exercised by a court **Of a country's municipal law, possessed by a court
S	competencia	
F	compétence d'attribution (FR)	Brown 10
E	assigned jurisdiction	
S		
F	compétence de pleine juridiction (CSEC)	RT 172
E	unlimited jurisdiction	RT 172
S		
F	compétence en appel	
E	appellate jurisdiction	
S		
F	compétence en première instance	
E	original jurisdiction	
S		
F	compétence extra-territoriale	
E	extraterritorial jurisdiction of a State	
S		
F	compétence légale (FR)	Petit Robert
E	statutory power	
S		
F	compétence d'un Etat	
E	competence of a State	
S		
F	compétence secondaire	
E	ancillary jurisdiction	
S		
S	competencia = compétence	
S	competencia correctiva, jurisdiccional y económica (CL)	De la Corte Suprema, v. 1980 Const. 79; CCPR/C/32/Add.1, p.39

E powers of control, adjudication and supervision Correctivo refers to the power of the Supreme Court to control the operations of the lower courts (comparable to EN supervisory jurisdiction of the High Court - Langan 281, Hampton 60), jurisdiccional refers to its functions as an ordinary court of justice and económico refers to its overall husbandry of the machinery of justice; note 6

F

F compétent à connaître de ...

E competent to try .../exercise jurisdiction over ... - having cognizance of ...

S competente para conocer de ...

E complaint

A complaint is made to the court, magistrate or other officer receiving it

1. (civ. proc.: EN, US)
procedural step: formal statement whereby proceedings are begun, consisting of an allegation made by an aggrieved person claiming that a wrong has been done and seeking relief for it

EN: may be oral or written and is used in magistrates' courts only; see E note to demande initiale; PH, US: used in all courts; US: is the plaintiff's first pleading and thus the first pleading in a civil action; EN OCL, Osborn, Arguile 58, MCA 51; PH RC 2,6; US Black, FRCP 1

2. (crim. proc.: PH, SCO, US)
procedural step: formal statement whereby proceedings are begun, consisting of an allegation that an offence has been committed

PH: made by the aggrieved person; SCO: made by a prosecutor, who is usually a procurator-fiscal, to a sheriff and confined to offences of the less serious kind (non-indictable offences); US: made by a prosecutor, who is usually a police officer or district attorney, to a magistrate and available as a means of prosecuting any kind of offence PH RC 110; US FRCP 3, Black; EN obs. in this sense, but see 3. below; note 1

3. (crim.law: EN) informal allegation, usually made by an aggrieved person to a police officer, that an offence has been committed

Baker 1, 208; in the law of evidence, where the complainant is the victim of a sexual offence, the term recent complaint (syn. early complaint) is used (Baker 2, 8); not a means of beginning proceedings, which can only be done on an information

F 1. ?demande initiale
2. ?plainte
3. ?plainte

S 1.
2.
3.

F complice (FR)

CP 59

1. sens large: celui qui participe au crime ou au délit d'autrui, p. ex. un coauteur
2. sens étroit et par opposition à coauteur: celui qui participe accessoirement à un crime ou à un délit

Capitant I

Capitant II, Guillien complicité

E 1. accomplice
2. accessory

See E note to auteur principal

S 1.
2. cómplice

S cómplice (AR, CL, ES, UY)

CL CP 14, 16; ES CP 23, 16

E accessory

In CL and ES, cómplice means only an accessory before or during the fact, an accessory after the fact being an encubridor; in AR and UY, it means an accessory before, during or after the fact; NOT accomplice, a term which comprises both principals and accessories (EN syn. secondary parties)

F complice

S complicitad

E complicity
F complicité

F	comporte l'obligation	
	E involves/entails an obligation	
	S	
F	comportement	SR
	E conduct - action or omission	e.g. <u>un comportement</u> , conduct, (1980 da 20) a course of conduct; <u>des comportements</u> , actions or omissions; <u>le comportement émane de ...</u> , the conduct is engaged in by ...
	S conducta	
F	comportement actif ou omissif	
	E conduct of commission or omission	
	S	
F	comportement (action ou omission)	
	E conduct (action or omission)	
	S	
F	comportement adopté	
	E conduct adopted*/which has occurred/which has taken place	*SR
	S	
F	comportement commissif	SR
	E conduct of commission	
	S	
F	comportement contraire à	SR
	E conduct conflicting with	
	S	
F	comportement incriminé	
	E conduct condemned/charged/complained of	
	S	
F	compositeur	
	v. amiable compositeur	

S	compraventa (CL)	CC 1793
	E sale and purchase	<u>Sale</u> is usually sufficient
	F achat et vente	
S	comprensión territorial (NI)	Dec. 232/80, 8: territorio jurisdiccional
	E territorial jurisdiction	
	F ressort d'un tribunal	
F	compromettre	FR CC 2059, CPCN 1450
	E agree to arbitration on ... - refer/submit ... to arbitration	Of a dispute; <u>agree to arbitration</u> on can refer both to future disputes (the subject of a <u>clause compromissoire</u> FR, IL) or to an existing dispute (the subject of a <u>compromis</u> FR, IL); in the latter case <u>refer/submit to arbitration</u> is more precise
	S comprometer - someter a arbitraje	
F	compromis	
	1. compromis d'arbitrage	FR CC 2059, CPCN 1447-1450; ECICA I(2)(a); MRAP 2, 8; CREFAA II; EGLAT
	2. compromis de vente	FR non-code
	E 1. reference/submission to arbitration - arbitration agreement* - <u>compromis**</u>	An agreement referring an existing dispute to arbitration (PAC 1); distinguish from <u>clause compromissoire</u> , <u>cláusula compromisoria</u> ; NOT <u>compromise</u> * ECICA I, CREFAA II; in EN, however (Arbitration Act 1950, 32), <u>arbitration agreement</u> also covers an undertaking to refer future disputes to arbitration (<u>clause compromissoire</u> , <u>cláusula compromisoria</u>), so it should be avoided where precision is important ** MRAP 2, 8
	2. sale agreement	In private, not public form; NOT <u>compromise</u>

S	1. compromiso	ES Ley de 22.12.1953 sobre Arbitrajes de Derecho Privado, 4 y sigs. MRAP 2,8; ECICA I (2)(a); CREFAA II
	2. compromiso	
F	compromis d'arbitrage = compromis 1.	
F	compromis de vente = compromis 2.	
E	compromise	PH CC 2028
	F transaction	FR CC 2044
	S transacción	ES CC 1809-1819
S	compromiso = compromis 1.	
F	compromissoire v. clause compromissoire	
F	comptable	
	E accountant - accounting officer* * EGLAT	
	S contador	
F	compte de dépôt	
	E current account	NOT <u>deposit account</u>
	S cuenta corriente	
F	compter v. à compter de	
S	compulsa	Copia de un documento o de autos y cotejada con el original judicialmente
	E certified copy - official copy	
	F expédition - copie certifiée conforme	
E	compulsory labour	A component of <u>penal servitude</u> , a penalty abolished in EN in 1948
	F	
	S	

S compurgar

1. desvirtuar, un reo, la acusación mediante la prueba de la compurgación
- ?2. cumplir una pena

E 1. to deny by compurgation

i.e. to clear oneself or another of a charge by one's own oath

2. to serve

A sentence

F 1. faire la preuve de son innocence

Par "jugement de Dieu" (droit féodal)

2. purger (une peine)

S común = commun

- v. caso de derecho común
delincuente común
delincuente de derecho común
delito común
delito de derecho común
delito de fuero común
delito del orden común
delitos previstos como de derecho común
derecho común
prisionero de derecho común

S comunero

1. propietario indiviso
2. miembro de una comunidad

E 1. co-owner

Loosely joint owner; NOT tenant in common; note 12

2. community member

F 1. copropriétaire (indivis)

2. membre de la communauté

S comunidad = communauté

S comunidad de bienes = communauté de biens

S Comuníquese

Un decreto u orden

E For transmittal

F A transmettre - Pour transmission (à qui de droit)

S	con agravante de ... (UY)	
	E aggravated by ...	Term used to describe an offence in which the degree of criminal responsibility is increased by an aggravating circumstance; note 2
	F	
S	concesionario	
	E licensee - concessionaire	Also has the various meanings of <u>cesionario</u>
	F	
F	cession immobilière (FR)	Loi 1253 30.12.1967, 48-60; Dalloz Civ. biens pp. 584-585
	E grant of user	Of land or buildings under a contract, similar in some respects to a lease but subject to different rules of law
	S	
S	conciencia	
	v. en conciencia	
	juez de conciencia	
F	conciliateur amiable	
	E ?friendly arranger	NOT <u>special referee</u>
	S amigable conciliador	
E	conciliation	LT: VCLT 66, Annex
	F conciliation	
	S conciliación	
F	concluant	
	v. conseil concluant	
	E (translate according to context)	The party on whose behalf the F <u>conclusions</u> , written submissions, are filed; if possible translate as <u>defendant, plaintiff, petitioner, respondent, intervener</u> , etc., as the case may be; if in doubt translate as <u>party</u>
	S	

- F conclure FR CPCN 76, 913
- E to plead* - to submit** * a case
** i.e. to make a submission
- S
- F conclusion v. conclusions
- S conclusión = F conclusions 3.
- S conclusiones = F conclusions 2.
v. alegato de conclusiones
escrito de conclusiones
- S conclusiones acusatorias (MX) Apreciación de los hechos por el ministerio público
- E indictment Note 1
- F
- F conclusions
1. sens général
 2. (FR) acte de procédure, pour la plupart accompli par écrit, dans lequel (i) (proc. civ., pén., adm.) les parties énoncent leurs prétentions, (ii) (proc. civ.) le ministère public donne son avis, (iii) (proc. adm.) le commissaire du Gouvernement fait ses recommandations
CPCN 56, 57, 431, 443, 753, 783, 815, 954, 961-962, 1041 1043; CPP 315, 419, 459, 536; CTA R.77, R.167; CN 128; COJ R.132.1; Dalloz Proc. civ. pp. 459-460, 524, 530 et seq., 584, 602-603, 608 et seq., 624-626, 662, 698, 868, 944-945; Dalloz Proc. pén. pp. 207, 620, 629-630, 652-653, 724; Dalloz Dr. adm. pp. 193, 227; Capitant, Dalloz, EGLAT, Guillien, Brown 64 et seq.

En proc. pén. (et selon Guillien réquisitions, en proc. civ. aussi) les conclusions du ministère public s'appellent réquisitions
 3. (FR, GE) partie finale de cet acte, contenant la demande ou les demandes de la partie concluante
 4. CJEC CJEC St 21, 22; CJEEC St 18, 19; RT 166(2)
 5. ICJ Statut 53

- E 1. argument(s) - case
2. submission(s)

Non-technical term
Technical term; also called representations (Nicholas 11); called pleadings (EN, US) in civil proceedings if they are formal statements in writing and emanate from a party; called brief (US, not EN; see Brown 57) if they are in writing and made by counsel or an amicus curiae; these alternative terms can be used accordingly; any other formal statement, written or oral, made in civil or criminal proceedings, whether or not the person by or for whom it is made is a party to the proceedings, constitutes that persons submission(s)

3. Points of claim* -
the relief sought**

* This term should be used for the name of the final part of a party's pleading and may also be used to refer to the contents of that part; SCO conclusion

** This term may be used to refer to the contents of the final part of a party's pleading where the party is an applicant, plaintiff, petitioner or counterclaimant

RT 166(2)

4. submissions
5. claim

- S 1.
2. conclusiones

ES LECR 650, 732; MX CPPDF 309, 316-320, CFPP 291, 305
CL CPC 254(5), 309(4)

3. conclusión
4.
5. demanda

F conclusions de la défense
= conclusions en défense

F conclusions de la demande
= conclusions 3.

F conclusions en défense (FR)

Proc. civ., pén.: moyens
présentés par le défendeur;
CPCN 4, 346, 460, 513, 536;
Capitant défenses

- E defence submissions - defence*
- answer**
- S defensa* -
contestación**
- F conclusions motivées
- E reasoned submissions
S conclusiones fundadas
- F conclut à ce qu'il plaise au
tribunal (GE)
- E petitions the court - pleads
that it may please the court
- S
- S con conocimiento de causa (CL)
- E (translate according to
context)
- F en connaissance de cause
- F concordat
- E arrangement with creditors
S concordato
- F concours = concurso
- F concours d'infractions (FR: Dalloz
peine sect. 14-18) = concurso de
delitos
- F concours formel d'infractions
(FR: Capitant concours d'infractions)
= concurso ideal de delitos
- F concours idéal d'infractions
(FR: Capitant concours d'infractions,
Dalloz peine sect. 18) = concurso ideal
de delitos
- SCO defences; US defense;
note 3
* EN civ. proc., also called
statement of defence, and
crim. proc.
** EN matrimonial proceedings;
US civ. proc.
* ES LECR 732, 739
** ES LEC 540-546; CL CPC 309,
CPP 447-448
- FR CPCN 1043
- Formal wording appearing in
the final part of a pleading,
in this instance a divorce
petition
- CC 263, 265, 1754
- e.g. according to the context
el juez con conocimiento de
causa ... can mean either the
competent court ... or the
court, having heard the
case, ...; in isolation, the
S term means knowingly
- EGLAT concordat faillite

- F concours matériel d'infractions
(FR: Capitant concours d'infractions)
= concurso real de delitos
- F concours réel d'infractions (FR:
Capitant concours d'infractions
Dalloz peine sects. 15-17)
= concurso real de delitos
- S con cuerpo cierto (ES)
- E as it is*/stands* - * Expressions applied to
in specie** immovables
** Expression applied to
movables
- F
- F concubin (FR) CCPR/C/22/Add.4
- E unmarried partner* NOT common-law spouse,
- cohabitee* - male common-law husband
partner * Of either sex; EN both
terms are in use
- S concubino
- F concubine
- E female partner - mistress* NOT common-law wife
- concubine* *These terms do not
necessarily imply cohabitation
- S concubina
- F concurrence
v. donner une garantie en faveur
de X jusqu'à concurrence de ...
- S concurrencia de delitos (CU CDS 23)
= concurso de delitos
- S concurrencia formal de delitos (UY CP 57)
= concurso ideal de delitos
- S concurrencia fuera de la reiteración CP 56
(UY)
- E combination of principal and
secondary offences
- F concours (d'infractions) sans
cumul réel
- S concurrencia fuera de la reiteración
real (UY) = concurrencia fuera de la
reiteración

S concurrencia ideal de delitos
= concurso ideal de delitos

S concurrencia material de delitos
= concurso real de delitos

S concurrencia real de delitos
= concurso real de delitos

S concurso
v. delitos previstos por ...
en concurso (real) con ...

E concurrence

F cumul - concours

S concurso de delitos (AR, BO, CR, ES,
MX, SV, UY)

E concurrence of offences

F concours/cumul
d'infractions

Civil law concursum

e.g. of offences; SCO
concourse

AR CP 54-58, MX CP 18-19,
UY CP 54-58; como se explica
en la nota en inglés, esta
institución se denomina
igualmente concurrencia de
delitos. Las dos especies
que presenta, ideal y material,
como variantes, suelen
denominarse formal y real,
respectivamente

Concurrence of offences (SO
PC 44) is a concept unknown
to the common law and is of
two kinds: (i) concurso
(concurrencia) real de delitos,
also known as concurso
(concurrencia) material de
delitos, which exists "when a
number of offences are committed
by means of more than one act"
(MX CP 18), and can be
translated as series of offences;
(ii) concurso (concurrencia)
ideal de delitos, also called
concurso (concurrencia) formal de
delitos, which exists "when a
number of offences are committed
by means of a single act" (MX
CP 18), and can be translated as
multiple offence (SO PC 46
complex offence). Where it is
unnecessary to maintain this
distinction, a less precise term
such as combination of offences
may suffice in either case

- S concurso formal de delitos (UY CP 57) = concurso ideal de delitos
- S concurso ideal de delitos (AR, BO, CR, ES, MX, SV) AR CP 54, BO CP 44, CR CP 21, ES CP 71, MX CP 18, SV CP 53; cuando con un hecho u omisión se violan varias disposiciones de la ley penal
- E multiple offence
F concours formel
d'infractions/idéal
d'infractions - cumul idéal
d'infractions See note to concurso de delitos
- S concurso material de delitos (AR CP 55-56, CR CP 22) = concurso real de delitos
- S concurso real de delitos (BO, ES, MX, SV)
v. delitos previstos por ... BO CP 45, ES CP 69, MX CP 18, SV CP 54; imputación a un mismo inculpado de dos o más infracciones diferentes no separadas entre sí por una condenación que haya adquirido carácter definitivo
- E series of offences
F concours matériel
d'infractions/réel
d'infractions - cumul
réel d'infractions See note to concurso de delitos
- F condamnation (FR)
v. arrêt de condamnation
décision de condamnation
jugement de condamnation
prononcer une condamnation
1. (proc. pén) Capitant II; Dalloz Proc. pén. pp. 653-655; CPP 366, 464, 525, 539; ECIVCJ 1; CSTP 7, 10; Dalloz Proc. pén. pp. 354, 664, 666-673; Dalloz chose jugée sect. 38, frais et dépens sect. 23-39, jugement sect. 34, peine
2. (proc. civ., proc. adm.) Capitant I; Dalloz Proc. civ. pp. 709-710, Dr. adm. p. 229; Dalloz exécution des jugements et actes sect. 8, frais et dépens sect. 2-22

E 1. sentence* - conviction**

(i) Process of judgement:

Conviction, a finding of guilt by a court or a jury, is followed by sentence, the pronouncement by the court of a punishment or other measure (in EN in a juvenile court the terms conviction and sentence are replaced by finding of guilt and order (Hampton 402)).

Strictly speaking, when used in connection with criminal proceedings the F and S terms given in this entry (and their cognate verbs and adjectives) denote the second step, but they are sometimes used in a way which blurs the distinction between the first step and the second, thus presenting the translator with a problem. Where the text offers no clear guidance, prefer sentence, especially in a technical passage; in a non-technical text conviction can be used if it seems more appropriate. There is no danger of misinterpretation since each step implies the other, but remember that while a jury or a court can convict, only a court can sentence. Note 1.

(ii) Name of decision:

Like sentence in EN, condamnation, condena and condenación can be used either stricto sensu to denote a decision which imposes a punishment or lato sensu to denote one which imposes either a punishment or some other measure or both.

* EN, US, CSTP 10

** EN, US, CSTP 7

2. order* - award**

The situation with regard to the use of the F and S terms in connection with civil or administrative-law proceedings is somewhat similar to that described under 1(i) above; the uncertainty in this case concerns whether to translate them as award, which means the adjudication of a remedy by a court or a jury, or order, which means the subsequent command of the court. Strictly speaking the F and S terms denote the latter, so in cases of doubt prefer order. Again there is no danger of misinterpretation since award implies order and vice versa, but bear in mind that while a jury or a court can award damages, only a court can award costs or order payment of damages, payment of costs, specific performance, restitution of property, etc. Note award of ..., order for

* EN, US

** EN, US

S 1. condenación* - condena**

Ossorio condena

* MX CPPDF 385

** CSTP 7, 10

Ossorio condena

2.

F condamnation aux dépens

E order for/award of costs

For the distinction between order and award see E note to condamnation 2.

S condena a costas

F condamnation contradictoire (BE)

CP 382

E adversary sentence

See E note to jugement contradictoire

S

F condamnation par contumace (FR)

Proc. pén.: Dalloz Proc. pén. p. 38

E contumacious sentence

Distinguish from condamnation par défaut

S condenación en rebeldía

- F condamnation par défaut (BE) CP 382
E default sentence - sentence in default Distinguish from condamnation par contumace
S condenación en ausencia
- F condamnation pénale (FR Ord. 2.2.1945, 2, 18, CP 66) = condemnation 1.
- F condamatoire
v. jugement condamatoire
- F condamné
1. nom COV 10(2)(a), 10(3)
2. adjectif
E. 1. convicted person* - prisoner** * COV 10(2)(a)
2. convicted - sentenced - ordered - awarded ** COV 10(3)
For the distinction between these terms see E note to condamnation 1., 2.
S 1. condenado* - penado** * COV 10(2)(a)
2. ** COV 10(3)
- F condamné à ...
E sentenced to ... - ordered to ... e.g. sentenced to imprisonment, ordered to pay costs; see E note to condamnation 1., 2.
S condenado a ...
- F condamné à deux ans de prison avec sursis (GE)
E given a suspended sentence of two years' (ordinary) imprisonment
S
- F condamné pour ...
E convicted of ...
S condenado por ...
- F condamner
v. assigner quelqu'un aux fins de s'entendre condamner à ...
E to convict - to sentence - to order - to award NOT to condemn; for the distinction between these terms see E note to condamnation 1., 2.
S condenar

- F condamner quelqu'un aux dépens
E to order someone to pay
(the) costs
S condenar a alguien a costas
- F condamnés pour dettes et à la prison civile SMR 94
E civil prisoners
S sentenciados por deudas y a la prisión civil
- S condena UY CPP 249; CSTP 7, 10
v. cumplir condena
recayó sentencia de primera instancia ...
sentencia de condena
E conviction* - sentence** - order - award For the distinction between these terms see E note to condamnation 1., 2.; note 1
* CSTP 7
** UY CPP 249, CSTP 10
F condemnation CSTP 7, 10
- S condena administrativa (CL)
E administrative punishment
F measure (sanction) administrative
- S condenación = condemnation
- S condenación condicional = condena condicional
- S condena condicional (CO, ES, MX, NI, PE) CO CP 80-84, ES CP 92-97, MX CPDF 90, NI CP 103-107, PE CP 53-57; la que suspende la ejecución de la sentencia; sin. condena de ejecución condicional CR CP 59-63, condenación condicional AR CP 26-28, ES CP 83-87, remisión condicional CU CDS 97, ES CP 92-97, remisión condicional de la pena CL Ley 7821 29.8.1944
E suspended sentence EN Martin, Hampton 260-262
F condemnation avec sursis FR Dalloz Pén. sects. 535-561

- S condena de ejecución condicional
= condena condicional
- S condenado
v. recluso condenado
E 1. convicted* - sentenced -
ordered - awarded
2. prisoner under sentence
3. convicted person
F condamné
Adjetivo, sustantivo;
UY CPP 249, COV 10(2)(a)
For the distinction between
these terms see E note to
condamnation 1., 2.
* UY CPP 249
SMR
COV 10(2)(a)
COV 10(2)(a)
- S condenado a la pena de 16 años
de prisión (AR)
E sentenced to 16 years' ordinary
imprisonment
F
- S condenado en primera instancia
E sentenced at first instance
F
In the first instance is
also correct but ambiguous
- S condenar
E to convict* - to sentence -
to order - to award
F
UY CPP 245(4)
For the distinction between
these terms see E note to
condamnation 1., 2.
*UY CPP 245(4)
- S condenatorio
v. sentencia condenatoria
- S condición = F condition
- S condición potestativa
= condition potestative
- S condición resolutoria
= condition résolutoire
- S condición suspensiva
= condition suspensive

E condition (EN)

v. terms and conditions

1. a provision of a contract:

- (i) a material term, as opposed to a warranty;
- (ii) a provision which suspends the contract (condition precedent) or terminates it (condition subsequent)

Martin 1., David Con. pp. 253-254, OCL
Martin 2., David Con. p. 254, OCL

2. a provision or stipulation in general

- F 1. (i)
(ii)

2.

- S 1. (i) condición
(ii) condición
2. condición

F condition (FR)

1. modalité d'une obligation ou d'un contrat

Capitant I; CC 1168-1184; les modalités d'une obligation ou d'un contrat sont soit des conditions, soit des termes; Nicholas 150-153, David Con. p. 254

2. clause d'un acte

Capitant II; CC 900

E 1. condition

F condition and S condición mean, in connection with an obligation or a contract, a provision relating to an event which is not certain to happen, as opposed to terme/plazo, a provision relating to an event which is certain to happen.

In E condition and term are often used interchangeably (as are their F and S counterparts) in such a way as to blur the foregoing distinction; where it is necessary to make it use contingent provision instead of condition.

Note that conditions are fulfilled, met, accomplished.

2. condition - term* -
provision - clause

*Of a contract (David Con., OCL term of contract, Martin term 2.); if in doubt about which term to use in connection with a contract, or about how to distinguish between sub-entries 1. and 2., use condition if technical accuracy is not essential, but provision or clause if it is, the reason for this being that in the common law the words term and condition each have a special meaning in relation to a contract and that meaning may not coincide exactly with the one in which F condition/S condición is used.

S 1. condición

Ossorio; ES CC 1114-1124, CL
CC 1473-1493

2. condición

F condition abrogatoire?
= condition résolutoire

E conditional release

EN: conditional release by the executive (executive bail) of prisoners awaiting trial or sentence, and early release of prisoners serving sentence (methods of relieving prison overcrowding: Imprisonment (Temporary Provisions) Bill 1980)

F
S libertad condicional

F condition casuale (FR)

CC 1169; Nicholas 154-164

E casual condition

SCO; Black condition,
Marshall 305

S condición casual

CL CC 1477

F condition légale (FR)

E legal/statutory requirement/
requisite

Use statutory where it seems appropriate to emphasize that the provision in question is one of enacted law; note 6

S condición legal

F	condition mixte (FR)	CC 1171; Nicholas 154-164
	E mixed condition	SCO; Black <u>condition</u> , Marshall 305
	S condición mixta	CL CC 1477
F	condition potestative (FR)	CC 1170, Nicholas 154-164
	E potestative condition	SCO; Black <u>condition</u> , Marshall 305; similar to EN
	S condición potestativa	<u>illusory promise</u> CL CC 1477
F	condition purement potestative (FR)	Nicholas 154 <u>et seq.</u>
	E purely potestative condition	
	S condición puramente potestativa	
F	condition résolutoire (CH, FR)	FR CC 1183-1184, CH CDO 154; Nicholas 150-153
	E condition subsequent* - resolutive condition**	Also called <u>resolutive condition</u> ; OCL <u>condition</u> , <u>resolutive</u> <u>condition</u> , Black <u>condition</u> * EN, US ** SCO Marshall 305
	S condición resolutoria	CL CC 1479, ES CC 1113, 1123
F	condition simplement potestative (FR)	Nicholas 154 <u>et seq.</u>
	E simply potestative condition	
	S condición simplemente potestativa	
F	condition suspensive	FR CC 1181-1182, CH CDO 151; Nicholas 150-153
	E condition precedent* - suspensive condition**	OCL, Black <u>condition</u> * EN, US ** SCO Marshall 305
	S condición suspensiva	CL CC 1479, ES CC 1122
S	condonación (CL)	De una deuda; CC 1513, 1652
	E remission	
	F remise	
S	condonar (CL)	Una deuda; CC 1518
	E to remit	
	F faire remise	

- E conduct SR: is adopted
- F comportement
S
- F conducteur
v. courtier interprète et
conducteur de navire
- S conexión procesal (UY) CPP 46
- E related proceedings
F
- E conference
v. United Nations Conference ...
- F conférence
S conferencia
- E Conference for the Codification
of International Law The Hague, 1930
Short names: The Hague
Codification Conference of
1930, 1930 Hague Conference,
1930 Codification Conference
Preparatory Committee for the
Conference, Third Committee,
request for information, Bases
of Discussion (YB 1956 II, 223),
articles adopted (ibid., 225)
- F
S
- F conférer
- E to extend* - to confer -
to accord** * MFN: treatment applied by
granting State to third State
** LT: VCLT 36, 1982 DA 36,
36 bis
- S
- F conférer compétence
- E to vest ... with jurisdiction e.g. a court
S
- S confesión calificada
- E qualified confession
F

S	confesión de parte (CL)	CC 1698, 1713
	E confession	
	F aveu d'une partie	
S	confinado	
	E person subject to a restricted residence order - prisoner*	See <u>confinamiento</u> * UY
	F assigné à résidence - détenu*	* UY
S	confinamiento	
	1. (CO, ES, MX) pena, (CL) forma popular de aludir a la condena administrativa o pena de relegación	MK CP 28, ES CP 87
	2. (CL) pena desusada	CP 33
	3. (UY) término general, no pena	
	E 1. internal exile*	CL, CO, ES, MX: banishment to a specified place in the country in question without deprivation of liberty; SU Criminal Code translation art. 25 <u>exile</u> ; ZA <u>banning</u> ; also called <u>restricted residence</u> *? Amnesty International term
	2. deportation	CL obs.: banishment to a specified place outside Chile
	3. imprisonment	
	F 1. et 2. assignation à résidence	SU Code pénal, traduction art. 25 <u>résidence forcée</u>
	3.	
S	confinamiento mayor (CL)	Pena
	E long-term transportation	See note to <u>confinamiento</u> 2.
	F relégation criminelle	
S	confinamiento menor (CL)	Pena
	E medium-term transportation	See note to <u>confinamiento</u> 2.
	F relégation correctionnelle	
E	confinement	
	v. home confinement	
	F	
	S	

- F conforme
v. certifié conforme
copie conforme
- F conforme à
E in conformity with
S
- F conformer, se
E (translate according to context) e.g. se conformer à, to comply with (SR 1979 DA 31)
S
- S confrontación (CL, MX)
= F confrontation 2.
- F confrontation
1. sens commun: des textes
2. sens juridique (notamment en proc. pén.): des témoins entre eux, des parties entre elles, ou des parties avec des témoins
E 1. comparison - collation
2. confrontation
e.g. production of a witness to an accused so that the latter can object to the former or the former identify the latter, or production of one witness to another or one accused to another for cross-examination; Black; in relation to police enquiries, identification parade may be a suitable translation in certain circumstances
S 1. comparación
2. confrontación
MX CPPDF 217-224, CFPP 258-264, CL CPP 351; in MX confrontación is distinguished from careo and used in the special sense of confrontation for purposes of identification
- S confusión (CL)
E confusion - merger
F confusion
CC 1665-1669
Black confusion and related compound terms

- F congé
v. donner congé
- E notice
S desahucio
- E Congress of Vienna
1815; for the French text of the Act see Parry, Consolidated Treaty Series, vol. 64, p. 453, Martens, Nouveau Recueil ..., vol. II, p. 379; for the English text of the Act see Oakes & Mowat, The Great European Treaties of the Nineteenth Century (DR01 167), Toynbee, Major Peace Treaties of Modern History, vol. I, p. ..., British & Foreign State Papers, vol. 2, p. 3
- F
S
- S congruo (CL)
E appropriate
F congru
CC 323, 1408
- F conjoint
v. caution conjointe
débiteur conjoint
1. (nom) syn. d'époux
2. (adjectif)
FR CC 723
- E 1. spouse
2. joint
S 1. cónyuge
2. conjunto - mancomunado
Note 12
- F conjointement = conjuntamente
- S conjuez
1. sentido general
2. abogado integrante
- E 1. co-judge
2. associate judge
EN recorder; NOT assessor, associate (Osborn 34, 37)
*D'un tribunal collégial
- F 1. juge - co-juge
2. assesseur - juge assesseur

- S conjuntamente (CL)
E jointly Note 12
F conjointement
- S conmoción interior
E internal disturbances
F
- F connaissance
v. prendre connaissance de
E cognizance - knowledge
S conocimiento
- F connaître
v. ne connaissent pas de prescription
E to exercise/have jurisdiction A cause, matter
in/over - to have cognizance
of
S
- S connivencia
E connivance - ?privity
F
- S conocer
v. recurso de fuerza en conocer
- S conocer a prevención
E to assume jurisdiction in A case
F se saisir - se déclarer D'une affaire relevant
compétent pour connaître également de la compétence
d'une autre juridiction
- S conocer de una causa por delito (CL)
E to try a criminal case
F connaître d'une affaire
criminelle
- S conocer de un delito (CL)
E to try an offence
F connaître d'une infraction
- S conocer en casación (PE) Const. 298
E to review
F

- S conocimiento de causa
v. con conocimiento de causa
- S consagrado
E laid down - expressed -
established
F
- F conscience juridique
E legal thinking
S
- F conseil
v. chambre du conseil
en chambre du conseil
retirer
E 1. board - council
2. adviser - counsel -
counsellor
S
- F conseil concluant
E counsel for ...
S
i.e. counsel for the party
who is filing the submissions
in question; may often be
translated as defence counsel,
plaintiff's lawyer, etc.
- F Conseil Constitutionnel, Conseil
constitutionnel (FR)
E Constitutional Council
S Consejo Constitucional
Const. 56-63, Ord. 1067
7.11.1958, Brown 9-14
Is not a court of law
- F conseil d'administration
E board of directors
S consejo de administración
FR Loi 24.7.1966, 89-117,
Déc. 23.3.1967, 77-95; BE
CCOM 54; CH CDO 712-716;
EGLAT
FR: of one kind of société
anonyme; BE: of a société
anonyme; CH: of a société
anonyme or société en
commandite par actions

F	conseil de direction	EGLAT
	E board of management/ governors	Of an institution
	S	
F	conseil de famille	BE CC 406, CJ 1243; FR CC 407, CPCN 1219-1223; CH CC 364-365; QU CC 250
	E family council	QU CC 250
	S consejo de familia	ES obs.: Aguilar arts. 293-313
F	conseil de guerre (BE)	C. Eur 18
	E military court - court martial	There are several such courts in BE
	S consejo de guerra	
F	conseil de l'ordre (FR)	Merryman 491
	E executive council	Of a bar association
	S consejo de la orden	
F	conseil de prud'hommes (FR, GE, LU)	FR COJ L.421.1 <u>et seq.</u> , CT L.511.1; C. Eur 39, 87; de Vries 80
	E labour court	In FR there are a large number of such courts; in FR, GE and LU they have features unlike those of ordinary courts of law, but should be called courts rather than boards or tribunals because they are part of the ordinary judicial hierarchy; the official name in GE, where there is only one, is <u>Tribunal de prud'hommes</u> ; Merryman 269 <u>labour board</u>
	S tribunal del trabajo	
F	Conseil des Prises (FR)	Dalloz
	E Prize Court	
	S	
F	Conseil des Prises de Guerre (FR) = Conseil des Prises	

F	conseil des tutelles (FR)	Loi 14.12.1964, 3; obsolete, replaced by <u>conseil de famille</u>
	E guardianship council	
	S	
F	conseil de surveillance	FR: Loi 24.7.1966, 118-150, 253; CH CDO 768; EGLAT
	E board of supervision - supervisory board	Of one kind of <u>société anonyme</u> and formerly of one kind of <u>société à responsabilité limitée</u> (FR); of a <u>société en commandite par actions</u> (FR, CH)
	S	
F	Conseil d'Etat	
	1. (BE, FR: dr. adm.) organe suprême de l'ordre administratif, possédant des attributions administratives, judiciaires et consultatives	BE: Loi 23.12.1946, C. Eur 18; FR Ord. 1708 31.7.1945, C. Eur 37, Brown <u>passim</u>
	2. (GE) organe exécutif du canton	Const. 101-129
	E 1. Council of State	Nicholas, Brown, Amos <u>Conseil d'Etat</u>
	2. Council of State	
	S 1. Consejo de Estado	
	2. Consejo de Estado	
F	Conseil de tutelle.	Des Nations Unies
	E Trusteeship Council	
	S	
F	conseil judiciaire	BE CC 513, QU CC 349; FR: obsolete
	E judicial adviser	QU CC 349; to adults in need of protection
	S	
F	conseil juridique	Guide pratique 51
	E legal adviser/consultant*	* FR: a class of lawyers who are entitled to advise clients and have certain rights of audience; NY a class of lawyers who are not members of the New York Bar
	S	

F conseiller (BE, FR)

FR Ord. 1708 31.7.1945, 2,
CPCN 1012, COJ L.121.1,
L.212.1; BE Const. 99,
CJ 207; Guillien; EGLAT
séance plénière

E judge* - counsellor** -
member*** - councillor**** -
adviser

* FR: of the Court of
Cassation (the senior of the two
grades of membership), an appeal
court, an administrative appeal
court or an administrative court;
BE: of the Court of Cassation,
a labour appeal court or an
ordinary appeal court

** FR: of the Council of State
(the most senior of the three
grades of membership) or the Court
of Audit (see conseiller-maître
and conseiller-référendaire);
translate as counsellor in a
general context or where it is
a question of administrative
functions, judge where it is a
question of judicial functions

*** FR: of a conseil de
prud'hommes, labour court

**** Of a municipal council

S

F conseiller de la mise en état (FR)

E pre-trial judge

Of an appeal court,
exercising functions similar
to those of EN master;
CPCN 910-914

S

F conseiller délégué (FR)

Brown 73; CTA L.4, L.9,
L.10

E judge-delegate

Of an administrative court

S

F conseiller d'Etat (FR, GE)

E State counsellor* -
Councillor of State**

* FR: a senior member of
the Council of State; translate as
State counsellor in a general
context or where it is a question
of administrative functions, judge
where it is a question of judicial
functions

** GE: one of the seven members
of the Council of State

S Consejero de Estado

F	conseiller-maître (FR)	Loi 1484 25.9.1948, 2
	E counsellor	Of the Court of Audit (the most senior of the three grades of membership); translate as <u>counsellor</u> in a general context or where it is a question of administrative functions, <u>judge</u> where it is a question of judicial functions
	S	
F	conseiller prud'hommes (FR)	CT L.513.1 <u>et seq.</u> , Loi 6.5.1982, 39
	E labour court member	They are <u>juges</u> but not <u>magistrats</u> ; loosely, <u>labour magistrate</u>
	S juez del trabajo	
F	conseiller rapporteur (FR)	Proc. civ., proc. adm.; CTA R.105, R.107, R.115; Guillien, Dalloz Proc. civ. pp. 673, 942
	E reporting judge*/member**	* Of a court other than a <u>conseil de prud'hommes</u> , exercising functions similar to those of EN <u>master</u> ** Of a <u>conseil de prud'hommes</u> , labour court
	S	
F	conseiller référendaire (FR)	Loi 1484 25.9.1948, 2, CPCN 1012, COJ L.121.1; Guillien <u>conseiller</u> , EGLAT <u>séance plénière</u> , Dalloz Proc. civ. p. 943
	E reporting judge	Of the Court of Cassation (the junior of the two grades of membership) or the Court of Audit (the intermediate of the three grades of membership), exercising functions similar to those of EN <u>master</u>
	S	
F	conseiller technique	PM
	E ?technical adviser	
	S	

- F Conseil supérieur de la magistrature (FR, GE) FR Const. 65, Ord. 1271 22.12.58; GE Const. 135; Guillien
- E Supreme Council of Justice A regulatory, not adjudicatory, body
- S
- S consejero delegado ES LSA 77
- E managing director ES: of a sociedad anónima
- F
- S consejo de administración ES LSA 73
- E board of directors ES: of a sociedad anónima
- F
- S Consejo de Estado
- E Council of State
- F Conseil d'Etat
- S consejo de familia = conseil de famille
- S consejo de guerra (AR, CL, ES, UY)
- E court martial - military court
- F tribunal militaire
- S Consejo de Guerra Especial Estable N°. ... (AR) E/CN.4/GR.8/7/Add.1
- E Special Standing Military Court No. ...
- F
- S consejo de guerra (ordinario) (CO) Tribunal de la Justicia Militar, cuyo nombre oficial no contempla el adjetivo ordinario, que le ha sido agregado por la práctica para diferenciarlo del consejo de guerra verbal
- E (ordinary) court martial
- F tribunal militaire (ordinaire)

- S consejo de guerra verbal (CO) Tribunal de la Justicia Militar que juzga muy brevemente no sólo delitos castrenses
- E summary court martial
F tribunal militaire à procédure sommaire
- S Consejo de la Judicatura (CJ) (VE)
- E Judicature Council
F Conseil de la magistrature
- S Consejo de Seguridad Nacional (COSENA) (CL, UY)
- E National Security Council (COSENA)
F Conseil de la sécurité nationale (COSENA)
- S Consejo General del Poder Judicial (ES) Const. 122(2)(3)
v. Ley Orgánica del Consejo ...
- E General Council of Justice
F
- S Consejo Interventor (UY) Véase la nota que figura en Comisión Interventora
- E Board of (Government) Nominees
F Conseil gouvernemental (de contrôle)
- S Consejo Supremo de las Fuerzas Armadas (AR) E/CN.4/GR.8/7/Add.1
- E Supreme Council of the Armed Forces
F
- S consejo verbal de guerra = consejo de guerra verbal
- F consensualisme LT
- E consensuality In preference to consensualism; loosely, consensus
- S
- E consent decree (EN, US) = consent judgement

- E consent decrees and litigated judgements (US)
- F ?jugements convenus et non convenus
 - S
- F consentement
- E consent* - assent**
 - S consentimiento* - asentimiento**
- F consentimiento elaborado
- E consent established
 - S
- F consentimiento tacite
- E silent/tacit consent
 - S consentimiento tácito
- E consent decree = consent judgement
- E consent judgement (EN, US)
- F jugement d'expédient - jugement convenu
 - S
- F consentir
- E to apply
 - S
- S consentir la sentencia
- v. sentencia consentida
 - E to accept the judgement
 - F aceptar le/acquiescer au judgement

VCLT 11-18, 34, 36; 1982
DA 11-18, 34, 36, 36 bis

* VCLT 11-18, 34; 1982
DA 11-18, 34
** VCLT 36; 1982 DA 36,
36 bis

* VCLT 11-18, 34
** VCLT 36

LT

A final and enforceable
judicial decision embodying
terms which are settled by
the parties to the dispute
instead of being decided by
the court; in certain equity
cases in US called consent
decree; Black judgment
decree; Langan 266-268,
RSC 0.42, r. 5A

Dalloz Proc. civ. p. 138

MFN

E	consent order (EN)	An order in the sense of <u>order</u> 2. which has the same features as a consent judgement but is an order and not a judgement; Langan 266-268, RSC 0.42, r. 5A
	F ? ordonnance par consentement S	CA; VOCL III
F	conséquences accessoires v. ... entraîne certaines conséquences accessoires	
S	conservador (CL)	COT 446-452
	E registrar F	
F	conservateur des hypothèques (FR)	Déc. 2.1.1955
	E land registrar S	
F	conservatoire v. acte conservatoire action conservatoire exécution conservatoire instance, acte conservatoire ou procédure d'exécution mesure provisoire ou conservatoire saisie conservatoire	
E	consideration	EN <u>for</u> , syn. <u>on</u> , a contract, promise; QC CC 984
	F considération S contraprestación	QC CC 984; loosely, <u>cause</u> Loosely, <u>causa</u>
F	considération = E consideration	
F	consignation	FR CC 1257-1264, CPCN 269, 280, 521, 1426-1429; CH CDO 184 n.; Capitant, Guillien, Dalloz Civ. obl. p. 1036

- E consignation
SCO; bailment, i.e. deposit of something owed or likely to be owed, as directed by statute or by the court; bailment, deposit (SC CC 1257-1264) may suffice; OCL, Costello; NOT payment into court
ES CC 1176, PR CC 1130
- S consignación
- F consigner
v. constar
- E consolidation
v. joinder
- E consolidation of proceedings
Black, OCL consolidation of actions
- F
S
- F consommé
v. violation consommée
- S consorte (CL)
E spouse
F conjoint - époux
- S conspiración (CL, ES, UY)
v. atentado contra la Constitución en grado de conspiración
ES CP 4; UY CPO 7, CPM 42, 44, 60 (XII); CL CP 8
E conspiracy - conspiring
F conspiracy - complot
- S conspiración seguida de actos preparatorios (UY)
CPM 60 (XII)
E conspiracy followed by criminal preparations
F conspiracy et actes préparatoires
- S Cons. Pol. = Constitución Política

E constable

An officer of the law responsible for maintaining the peace and bringing wrongdoers to justice; GB: "A police officer in the United Kingdom is an independent holder of public office and exercises powers as a constable, whether conferred by statute or by common law, by virtue of his office. He is an agent of the land, not of the police authority nor of the central Government and, although his chief officer of police has a vicarious liability for any wrongful act he may commit in the performance of his functions as a constable, he himself may also be sued in respect of his own wrongful act"; OCL, Curzon

F
S

S constar en el expediente (UY)

E to be on record

Consigner au dossier, hacer constar en el expediente, to place on record

F être consigné au dossier - être établi

S constar por escrito (CL)

CC 1709

E to be evidenced in writing
F constater par écrit

F constat (FR)

Guillien, Dalloz Proc. civ. p. 454

E formal report - certificate

Drawn up by a huissier de justice; is one category of exploit, process

S

F constater
v. constatation

F	constatation	Guillien
	E establishment* - information** - determination***	* Of facts ** About facts; loosely <u>evidence</u> , but not evidence in the technical sense *** Charter 39
	S	
F	constatation par écrit	
	E establishment/information* in writing	* Loosely <u>evidence</u> , but not evidence in the technical sense
	S	
S	constitución	
	E constitution* - grant** - settlement***	* All senses ** Of property generally *** Of property under a trust
	F	
S	Constitución Política	
	E Constitution	
	F	
F	constituer v. se constituer partie civile	
	E to constitute - to grant* - to settle**	* Property generally ** Property under a trust
	S constituer	
S	constituir = constituer v. constituirse	
S	constituirse	
	1. un órgano pluripersonal 2. un juez que ejerce sus funciones judiciales fuera de la sala del tribunal 3. el que comparece ante un notario público 4. constituirse en ...	
	E 1. to meet - to sit 2. to attend - to visit 3. to appear 4. to become - to convene as	

- F 1. se réunir - siéger
2. se transporter
3. comparaître
4. se transformer en ...
- S constituerse parte civil
- E to bring/take criminal
indemnification proceedings
F se constituer partie civile
- See note to action civile
FR CPP 85, Dalloz action
civile, partie civile
- F constitutif
v. acte constitutif
jugement constitutif
règle constitutive
- F constitution = S constitución
- S constitutivo
v. acto constitutivo
sentencia constitutiva
título constitutivo
- S constitutivos de dominio (CL) CC 703
- E constitutive of ownership
F constitutifs de propriété
- S Const. Pol. = Constitución Política
- S constituyente
1. el constituyente
2.
3. (der. civ.)
- Derecho constitucional
CL CC 733
- E 1. the authors of the
Constitution
2. constituent assembly
3. settlor
F 1. les auteurs de la
Constitution
2. l'assemblée constituante
3.
- Of a trust

S consulta

1. término genérico
2. opinión
3. (AR, BO, CL, CO, CR, ES, PA, UY, VE) trámite judicial

p. ej. VE CECR 286, 287, 291
Por el cual determinadas resoluciones judiciales - generalmente no apeladas - son examinadas por el tribunal superior; AR CPCR 508; BO CPP passim; CO CPP 198-199; CR CPP 310, 323; CL CPP 412, 414, 533, 534; CL CPC 751, 753; ES LECR 624; PA CJ 2142, 2231; UY CPP 33, CPPM 246-247; UY CPP 50-51, 336, 207

4. (CL) la del 4.1 1978

- E
1. consultation
 2. opinion
 3. (automatic) review

Obligatory, unlike an appeal, which is at the discretion of the party entitled to appeal

4. referendum

- F
1. consultation
 2. avis
 3. réexamen d'office
 4. consultation

Référendum

S consultar

- E to refer ... for review

A decision to a higher instance; see E note to consulta 3.

F

S Consultoria Jurídica (CJ) (VE)

- E (Office of the) Legal Counsel
F Service juridique - Bureau du Conseiller juridique

S consumo

- v. de consumo
disponer de consumo

S contabilidad moral

- E behaviour record
F antécédents en moralité
- conduite en détention

E contempt in the face of the court (EN)

F
S

E contempt of court

EN: may be civil contempt, i.e. failure in civil proceedings to comply with an order made by a court or an undertaking given to it, or criminal contempt, i.e. interference in civil or criminal proceedings with the course of justice (including contempt in the face of the court); OCL, Black, Curzon, Walker EN 225-228, Hampton passim, Langan passim

F ?outrage à la cour/au tribunal/à l'autorité de la justice

NOT contumace

S

S contencioso administrativo = contentieux administratif
v. jurisdicción contencioso-administrativa
recurso contencioso-administrativo
sala de lo contencioso-administrativo
Tribunal Contencioso Administrativo
Tribunal de lo Contencioso Administrativo

F contentieux
v. décision contentieuse
recours contentieux
Section du Contentieux
statuant au Contentieux

1. (adjectif) Guillien
2. (substantif) Guillien

E 1. contentious - adjudicatory
2. litigation - litigation department

S 1.
2.

- F contentieux administratif (substantif) Guillien;
Brown passim
- E (system of) administrative
litigation - system of
administrative challenge
S contencioso administrativo Clagett Adm., chap. IV
- F contentieux d'annulation (FR) Dr. adm.; Dalloz Dr. adm.
p. 212, Brown 110
- E annulment proceedings Note 15
S
- F contentieux d'interprétation (FR) Dr. adm.; Dalloz. p. 212,
Brown 110
- E interpretation proceedings
S
- F contentieux de pleine juridiction (FR) Dr. adm.; Dalloz Dr. adm.
p.212, Brown 110
- E full jurisdiction proceedings Sometimes called proceedings
for damages
S
- F contentieux de la répression (FR) Dr. adm.; Dalloz Dr. adm.
p. 213, Brown 111
- E criminal proceedings
S
- S contestación
- v. escrito de contestación
1. término general
2. etapa procedural CL CPP 447-450, CPC 309-313,
ES LEC 540 et seq.
3. (CIJ) nombre no oficial
de la contramemoria
4. resistencia a la
autoridad
- E 1. answer - reply
2. defence EN, US; SCO defences; NOT
reply; note 3
3. counter-memorial ICJ Statute 43
4. resistance to authority
- F 1.
2. ?conclusions du
défendeur/en défense
3. contre-mémoire CIJ Statut 43
4.

F	contestation	
	E dispute - complaint	
	S	
F	contester	VCLT 42
	E to impeach	VCLT 42
	S impugnar	VCLT 42
F	continuer une cause (FR)	
	E to adjourn an action/case/ proceeding(s)	Note 3
	S	
F	continuité	SS
	E continuity	
	S	
E	contract	Black, OCL <u>agreement</u> , <u>contract</u> ; a contract is <u>performed</u> , then <u>discharged</u> ; for the distinction between <u>contract</u> and <u>agreement</u> see note 14; QU CC 984
	F contrat	FR CC 1101-1167, CH CDO 1-32, QU CC 984
	S contrato	CL CC 1438, ES CC 1254-1314, MX CC 1793 <u>et seq.</u>
E	contract of affreightment	Can be either (i) a charter party or (ii) a bill of lading or other document evidencing the receipt of goods for carriage
	F	
	S	
S	contradicción	
	1. procedimiento contradictorio	Esto es, que presupone una contienda entre partes
	2. acepción ordinaria	
	3. oposición	
	E 1. adversary procedure	
	2. contradiction - conflict	
	3. opposition - resistance to authority	

- F 1. procédure contradictoire
- 2. contradiction
- 3. opposition

F contradictoire
v. condamnation contradictoire
examen contradictoire
jugement contradictoire
jugement dit contradictoire
jugement réputé contradictoire

Cornu contradictoire; EGLAT
présenter contradictoirement

E adversary

e.g. procedure, proceedings
(Black adversary proceeding,
adversary system); see
E note to jugement
contradictoire; also called
adversarial (Hampton 2)

S

F contradictoirement
v. décision rendue contradictoirement
décision rendue non
contradictoirement

Cornu contradictoire; EGLAT
présenter contradictoirement

E in adversary proceedings
- by the adversary method/
system - adversarily

S

S contradictorio = contradictoire
v. fase contradictoria

S contraescritura pública (CL)

E ?counterpart instrument in
public form - ?back-letter
in public form

F ?contre-lettre faite par acte
public

S contra imperio

Distinguish from contrario
imperio

E unconstitutional - unlawful
F contraire à l'ordre juridique

F contraindre
v. contraint ...
contrainte ...

F contrainte

v. opposition à contrainte
pouvoir de contrainte
signification par contrainte

1. (FR: dr. fin.) acte de poursuite utilisé par l'Administration en matière d'impôts et de sécurité sociale
Capitant, Guillien
2. (FR: dr. pén.) cause de non-imputabilité, aussi en dr. int. public; circonstance aggravante
Guillien; CP 64, 334.1; VCLT 51-52
3. (FR: proc. pén.) pouvoir offert par la loi aux autorités judiciaires pour assurer la comparution des personnes soupçonnées ou des témoins
Dalloz enquête sects. 48-51, témoign (matière pénale) sect. 4

- E 1. enforcement order
2. duress* - coercion**

These terms can be regarded as synonyms in criminal law matters

* EN a defence to liability, but coercion is used in speaking of the related defence of marital coercion (Archbold sects. 17.54-17.58, OCL duress); SCO force
** VCLT 51-52

3. compelling appearance

As the name of a procedural concept, but force may suffice

- S 1.
2. coacción
3.

VCLT 51-52

F contrainte par corps

BE CP 46; BI CPP 19;
FR CP 467, CPP 366, 473, 543, 749-762; LU CP 40;
NE CPP 628

E	enforcement by committal - body execution*	EN: enforcement by committal means imprisonment by court order, not of an offender by way of punishment but of a defaulter as a means of enforcing compliance with a civil judgement or a sentence imposing a fine (civ. proc.: Langan 260-263; crim. proc.: Hampton 363-366); it cannot be used in EN, BE or FR to compel the performance of a civil obligation; sometimes called <u>civil imprisonment</u> , (EN obs.) <u>imprisonment for debt</u> (EN Lawson 9) <u>execution on the person, constraint of person, duress of imprisonment</u> , (EN crim. proc., also SC CPC 281) <u>imprisonment in default</u> ; FR crim. proc.: exists in regard to unpaid fines, costs and damages; SCO <u>civil imprisonment, diligence against the person</u> * Black
S	apremio personal	
S	contrainterrogación (CL)	CCPR/C/32/Add.1 S p. 57
	E cross-examination	
	F	
S	contrainterrogaciones (CL) = contrainterrogación	
F	contraint par corps (DJ)	
	E default prisoner	See E note to <u>contrainte par corps</u>
	S	
F	contraire à v. comportement contraire à	
	E contrary to - incompatible/ conflicting with - violating	
	S	
F	contraire aux bonnes moeurs (BE, FR)	BE FR CC 1133
	E immoral - <u>contra bonos mores</u>	
	S	

F contrairement à

E contrary to - in contravention/
infringement/violation of
S

S Contralor (CL: forma que se utiliza
en el lenguaje corriente para
referirse al Contralor General
de la República)

S Contralor General de la República (CL)

E Comptroller General of the
Republic
F Contrôleur général de la
République

S Contraloría

1.
2. (CL) forma que se utiliza en
el lenguaje corriente para
referirse a la Contraloría
General de la República

E 1. Comptroller('s) Office -
Audit Office - Auditor
2. (Office of the) Comptroller
General of the Republic

F 1.
2. Contrôlerie générale de la
République

S Contraloría General de la República
= Contraloría 2.

S contramemoria = contre-mémoire

S contraprestación
v. precio y contraprestación

S contrario imperio
v. por contrario imperio
recurso de revocación
por contrario imperio

Distinguish from contra
imperio

F	contrat (BE, CH, FR, QU)	Convention obligatoire, c'est-à-dire génératrice d'obligations; BE CC 1101-1167, FR CC 1101-1167, CH CDO 1-32, QU CC 984; Dalloz Civ. obl. pp. 24-25, Marty Civ. obl. par. 23-26, Barraine, Guillien, Amos 149-191, Nicholas 35-37, 145
	E contract	FR: Dalloz Civ. obl. p. 25: an agreement intended to create, modify or extinguish a legal relationship (an obligation, a right <u>in rem</u>); for the distinction between <u>contrat</u> and <u>convention</u> see note 14 and Salmond sect. 78; QU CC 984; Black, OCL <u>agreement, contract</u>
	S contrato	CL CC 1438, ES CC 1254-1314, MX CC 1793 <u>et seq.</u>
F	contrat aléatoire	FR CC 1105; Capitant, Guillien, Amos 151,361
	E aleatory/hazardous contract	MT CC 1005; Black <u>aleatory contract, contract</u> , Costello, Curzon
	S contrato aleatorio	ES CC 1790-1808, CL CC 2258-2283
F	contrat à titre gratuit	Capitant, Amos 150
	E gratuitous contract	Black <u>contract</u> ; EN: called by Cheshire a <u>gratuitous undertaking</u> because it lacks the consideration necessary to make it a contract
	S contrato gratuito	CL CC 1440
F	contrat à titre onéreux	FR CC 1106; Guillien, Amos 150
	E onerous contract	MT CC 1003; Black <u>contract</u>
	S contrato oneroso	CL CC 1440
F	contrat bilatéral	FR CC 1102; Capitant, Amos 149
	E bilateral contract	Black <u>contract</u> ; MT CC 1002 <u>synallagmatic contract</u>
	S contrato bilateral	CL CC 1439

F	contrat collectif	Capitant, Amos 153
	E collective contract	
	S	
F	contrat commutatif	FR CC 1104; Capitant, Guillien, Amos 151
	E commutative contract	MT CC 1004; Black <u>contract</u> , Costello, Curzon
	S	
F	contrat consensuel	Capitant, Amos 151
	E consensual contract	Black <u>contract</u>
	S contrato consensual	
F	contrat d'adhésion	Guillien, Amos 152
	E adhesion contract	Black; Charlesworth 24 <u>contract of adhesion</u> ; also called " <u>take it or leave it</u> " <u>contract</u>
	S contrato de adhesión	Ossorio; AR
F	contrat de bail (CH)	CDO 253-304: a nominate contract; the contract in the abstract and the document evidencing it
	E lease* - hire contract**/ agreement** - contract of hire*** - tenancy agreement****	* As to when <u>lease</u> is appropriate, see note 9; ** As to when <u>hire</u> is appropriate, see note 9; for the distinction between <u>contract</u> and <u>agreement</u> see note 14 *** Name given to the <u>contrat de bail</u> (CH), <u>contrat de louage</u> (BE, FR) as a nominate contract, e.g. in RL, SC CC 1708; MT CC 1714-1715 <u>contract of</u> <u>letting and hiring</u> **** Alternative to <u>lease</u> , especially in the case of residential property; note 9
	S	
F	contrat de bienfaisance (FR CC 1105, Capitant) = contrat à titre gratuit	

- F contrat de garantie
- E contract of guarantee
- S
- F contrat de location (FR Déc. 960
30.9.1953, 3.1, Loi 526 22.6.1982, 3)
= contrat de bail
- F contrat de louage (BE FR CC 1708
et seq.: the nominate contract; the
contract in the abstract (BE FR CC
1741) and the document evidencing it)
= contrat de bail
- F contrat de mariage
- E marriage contract
- S contrato de matrimonio
- F contrat d'entreprise (CH, FR)
- E contract to do work
- S contrato de empresa
- F contrat de travail
- Dalloz garantie
- When referring to the
nominate contract (contrat
de garantie is not used in
this sense in CH, FR), to a
class of contracts (FR) or
to an individual contract
falling into that class;
note 11
- QU CC 1257 contract of
marriage (narrower than
convention matrimoniale);
NOT marriage settlement
- CH CDO 363-393, see FR CC
1708, 1710-1711, 1779,
1782-1799; Dalloz; also
called louage d'industrie
- Distinguish from contrat de
travail; called
manufacturing contract if
the work consists in the
production of a thing; the
F and S terms include work
of other kinds, e.g. a
contract of carriage
See CL CC 1915, 1996-2006,
ES CC 1542, 1544, 1588-1603,
MX CC 2616-2699,
llamado también (ES)
contrato de obra, (MX)
contrato de obras
- CH CDO 319-362, see FR CC
1708, 1701-1711, 1779-1780,
CT L.120-1 et seq.; Dalloz;
also called louage de
services

E contract of employment	Distinguish from <u>contrat d'entreprise</u> ; EN a particular kind of contract of service; US <u>employment contract</u> , <u>labour contract</u>
S contrato de trabajo	CL CT; ES Ley del Contrato de Trabajo
F contrat formel	Amos 151
E formal contract	Black
S contrato formal	
F contrat innommé	FR CC 1107; Capitant, Guillen, Amos 151
E innominate contract	Black
S contrato innominado	
F contrat judiciaire	Guillien, Dalloz, Dalloz Proc. civ. pp. 138-140
E judicial contract	A <u>settlement out of court</u> (EN Odgers 240, 300) which is recorded judicially
S contrato judicial	
F contrat léonin	
E oppressive contract	Sometimes called <u>leonine contract</u> (Amos 164, 191, 270), <u>unconscionable contract</u>
S contrato leonino	
F contrat nommé	FR CC 1107, Amos 151
E nominate contract	Black; Nicholas 44, 109 <u>specific contract</u> ; contracts of this kind, such as marriage, sale, lease (hire), mandate (agency), loan, partnership (companies), suretyship and pledge are regulated specifically by the Civil Codes of countries and territories in the civil law family, e.g. BE, CH, CL, ES, FR, MT, MX, QU, SC
S	
S contrato (CL CC 1438, ES CC 1254-1314, MX CC 1793 <u>et seq.</u>) = contrat v. cuasi contrato cuasicontrato	

- S contrato bilateral (CL CC 1439)
= contrat bilatéral
- S contrato de adhesión (AR, CL)
= contrat d'adhésion
- S contrato de beneficencia (CL CC 1440)
= contrat à titre gratuit
- S contrato de empresa (ES)
= contrat d'entreprise
- S contrato de obra (ES)
= contrat d'entreprise
- S contrato de obras (MX CC 2616)
= contrat d'entreprise
- S contrato de obras y servicios ES CC 1544
E contract of industry and services
F
- S contrato de prestación de servicios (MX CC 2605-2669)
= contrato de servicios
- S contrato de producción
E manufacturing contract
F v. contrat d'entreprise
- S contrato de servicios (CL, ES) ES CC 1544, CL CC 1987-1995, 2007-2012; término que comprende el contrato de trabajo
E contract for (the performance/ rendering of) services EN contract of service has a narrower meaning but both English terms are wider than contract of employment; EN, US service contract is ambiguous since it may mean contract of service or simply a maintenance contract
F
- S contrato de trabajo
= contrat de travail
- S contrato gratuito (CL CC 1440)
= contrat à titre gratuit

S	contrato oneroso (CL CC 1440) = contrat à titre onéreux	
S	contrato preliminar de arbitraje (ES)	Ley de 22.12.1953 sobre Arbitrajes de Derecho Privado, 7-9; An agreement to refer future disputes to arbitra- tion; ES the <u>contrato</u> <u>preliminar de arbitraje</u> may be a clause in the principal contract or a contract on its own, and is synonymous with <u>cláusula compromisoria</u>
	E preliminary arbitration contract	
	F	
S	contrato real = contrat réel	
S	contrato unilateral (CL CC 1439) = contrat unilatéral	
F	contrat réel	Capitant, Amos 152
	E real contract	Black <u>contract</u>
	S contrato real	
F	contrat solennel	Amos 152
	E contract in solemm form	
	S contrato solemne	
F	contrat successif	Capitant, Guillien
	E instalment/continuing contract	Black <u>installment contract</u>
	S	
F	contrat synallagmatique (FR CC 1102, Capitant) = contrat bilatéral	
F	contrat type	Amos 153, Charlesworth 24
	E model contract	
	S	
F	contrat unilatéral	FR CC 1103, Amos 149
	E unilateral contract	Black <u>contract</u>
	S contrato unilateral	CL CC 1439

S contravención

v. faltas y contravenciones
municipales y de policía
simple contravención

- 1. sentido general
- 2. (der. pen.) CO, CR, CU, EC: la más baja de las dos categorías de infracciones penales
CO CP 2, CR CP 1, CU CDS 1, EC CP 603
- 3. (der. pen.) DO: la más baja de las tres categorías de infracciones penales
CP 1, llamado también (CP 464) contravención de policía
- 4. (der. adm.) AR: infracción que no es penal
CPCR 28, llamado también contravención de policía

- E 1. contravention - breach - infringement - transgression - violation
Note 2
- 2. minor offence
Note 2
- 3. minor offence
Note 2
- 4. contravention
Note 2

- F 1.
- 2.
- 3.
- 4.

S contravención de policía
= contravención 3.,4.

E contravention

- 1. (general term) an infringement of a rule
EN: The act of breaking a law, e.g. Companies Act 1985, sect. 6(3): ... and, for continued contravention, ...; the term is used in particular of breaches of statutes and regulations; note 2
- 2. (SO) the lower of the two categories of criminal offence
PC 15; note 2
- F 1. ? infraction
FR
- 2. ? contravention
FR
- S 1. ? infracción
AR, ES, MX, CL
- 2. ? contravención
CR, CU, CO, DO, EC

- F contravention
v. en contravention de
matière de contravention
1. terme général
2. (dr. pén.: BE, CH, FR, HT, LU, BE CP 1; CH CP 101; FR
NE) la plus basse des trois CP 1, CPP 521; HT CP 1;
catégories d'infractions LU CP 1
- E 1. contravention - breach - Note 2
infringement -
transgression - violation
2. minor offence EN (obs.), US petty
offence; note 2
- S 1.
2.
- F contravention à la loi (RW)
= violation de la loi 1.
- F contravention de police (FR CP 465,
R. 25, CPP 524) = F contravention 2.
- F contre
v. affaire
arrêt
- F contredit (FR) CPCN 80-91; CPCA 663, 755;
Guillien; Dalloz Proc. civ.
330-334, (obs.) 659-661,
Dalloz Voies pp. 460-475
- E formal dissent Remedy available in the
same court in certain civil
proceedings;
- S
- F contrefaçon
- E infringement IP
S
- F contrefacteur
- E infringer IP
S

F	contre-lettre	FR CC 1321; Nicholas 190
	E back letter	EN, SCO; OCL <u>back-bond</u>
	S	
F	contre-mémoire	CIJ Statut 43; European Court of Human Rights; EGLAT <u>requête</u>
	E counter-memorial* - counter-case**	* ICJ Statute 43, European Court of Human Rights
	S contramemoria	** ? PCIJ CIJ Estatuto 43
F	contrevaleur de ...	
	E value of/corresponding to ...	
	S	
F	contrevenant	Buffelan 2,252
	E person contravening*/ infringing* - infringer* - offender** - defaulting party*** - party in breach***	* A person who breaks a particular law, e.g. <u>a person contravening section 6(3) of the Companies Act 1985; infringer</u> is used in particular in the law of intellectual property
	S	** A person who has committed a criminal offence *** The party who is in breach of a contract
F	contrevenir à	
	E to breach/break/contravene infringe/violate	
	S	
F	contribuable	
	E taxpayer	
	S contribuyente	
F	contrôle judiciaire	
	1. (dr. adm.)	
	2. (proc. pén.: FR) d'un inculpé: mesure permettant de le laisser en liberté sous certaines conditions	CPP 137-143, Ord. 2.2. 1945, 8; Dalloz Proc. pén. pp. 505-513; Guide pratique 223
	3. (dr. pén.: FR) d'un établissement pénitentiaire	CPP 727, Dalloz Crim. p. 325

E 1. judicial review*/
supervision**

* Of legislation (EN, and especially US) and administrative acts (EN, US)

2. judicial supervision

** Of administrative acts
FR: a non-custodial pre-trial régime alternative to and less rigorous than détention provisoire, pre-trial detention. Also called pre-trial probation and sometimes described in F as pré-probation (regarding the use of the word probation in F and E in the pre-trial stage see Dalloz Proc. pén. p. 505 and E note to liberté surveillée). Most of the measures of which contrôle judiciaire can consist make it the equivalent of EN conditional bail rather than of any form of probation. See E note to libertad provisional. Note 1.

3. judicial supervision

S 1.
2.
3.

F contumace = rebeldía 2.
v. arrêt de contumace
condamnation par contumace
jugement par contumace

S convención
v. Geneva Conventions ...
proyecto de convención sobre ...

1. (der. int.)
2. (der. civ.) convenio
no obligatorio
3. (der. civ.) convenio
obligatorio

CL CC 1438

E 1. convention
2. agreement
3. contract

See note 14 and Salmond
sect. 78

See note 14 and Salmond
sect. 78

F 1. convention
2. convention
3. contrat

- S Convención Americana sobre Derechos Humanos
Suscrita en San José el 22 de noviembre de 1969, cuyo nombre oficial es Facto de San José de Costa Rica
- E American Convention on Human Rights
F Convention américaine relative aux droits de l'homme
- S Convención de Derecho Internacional Privado
LONTS 86; Havana, 1928; short title is Código Bustamante
- E Convention on Private International Law
F Convention de droit international privé
- S Convención de las Naciones Unidas sobre los Contratos de Compraventa Internacional de Mercaderías
A/CONF.97/19; Vienna, 1980
- E United Nations Convention on Contracts for the International Sale of Goods
F Convention des Nations Unies sur les contrats de vente internationale de marchandises
- S Convención de Viena sobre el Derecho de los Tratados
WILC; Viena, 1969
- E Vienna Convention on the Law of Treaties
F Convention de Vienne sur le droit des traités
- S Convención de Viena sobre la Representación de los Estados en sus Relaciones con las Organizaciones Internacionales de Carácter Universal
WILC; Viena, 1975
- E Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character

- F Convention de Vienne sur la représentation des Etats dans leurs relations avec les organisations internationales de caractère universel
- S Convención de Viena sobre la Sucesión de Estados en Materia de Bienes, Archivos y Deudas de Estado
- E Vienna Convention on Succession of States in Respect of State Property, Archives and Debts A/CONF.117/14; Vienna, 1983
- F Convention de Vienne sur la succession d'Etats en matière de biens, archives et dettes d'Etat
- S Convención de Viena sobre la Sucesión de Estados en Materia de Tratados WILC; Viena, 1978
- E Vienna Convention on Succession of States in Respect of Treaties
- F Convention de Vienne sur la succession d'Etats en matière de traités
- S Convención de Viena sobre Relaciones Consulares WILC; Viena, 1963
- E Vienna Convention on Consular Relations
- F Convention de Vienne sur les relations consulaires
- S Convención de Viena sobre Relaciones Diplomáticas WILC; Viena, 1961
- E Vienna Convention on Diplomatic Relations
- F Convention de Vienne sur les relations diplomatiques
- S Convención Europea de Derechos Humanos UNTS 213; Roma 1950; forma abreviada e informal de aludir a la Convención de Salvaguardia de los Derechos Humanos y de las Libertades Fundamentales
- E European Convention on Human Rights
- F Convention européenne des droits de l'homme

- S Convención Interamericana de Derechos Humanos Uno de los nombres que recibió el anteproyecto que finalmente se suscribió y pasó a denominarse Pacto de San José de Costa Rica
- E Inter-American Convention on Human Rights
- F Convention interaméricaine des droits de l'homme
- S Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial HRC
- E International Convention on the Elimination of All Forms of Racial Discrimination
- F Convention internationale sur l'élimination de toutes les formes de discrimination raciale
- S Convención Internacional sobre la Represión y el Castigo del Crimen de Apartheid HRC
- E International Convention on the Suppression and Punishment of the Crime of Apartheid
- F Convention internationale sur l'élimination et la répression du crime d'apartheid
- S Convención para la Prevención y la Sanción del Delito de Genocidio HRC
- E Convention on the Prevention and Punishment of the Crime of Genocide
- F Convention pour la prévention et la répression du crime de génocide
- S Convención para reducir los casos de apatridia HRC
- E Convention on the Reduction of Statelessness
- F Convention sur la réduction des cas d'apatridie

- S Convención relativa a la lucha contra las discriminaciones en la esfera de la enseñanza HRC
- E Convention against Discrimination in Education
 - F Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement
- S Convención sobre el consentimiento para el matrimonio, la edad mínima para contraer matrimonio y el registro de los matrimonios HRC
- E Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
 - F Convention sur le consentement au mariage, l'âge minimum du mariage et l'enregistrement des mariages
- S Convención sobre el Derecho Internacional de Rectificación HRC
- E Convention on the International Right of Correction
 - F Convention relative au droit international de rectification
- S Convención sobre el Estatuto de los Apátridas HRC
- E Convention relating to the Status of Stateless Persons
 - F Convention relative au statut des apatrides
- S Convención sobre el Estatuto de los Refugiados HRC
- E Convention relating to the Status of Refugees
 - F Convention relative au statut des réfugiés
- S Convención sobre la Esclavitud HRC
- E Slavery Convention
 - F Convention relative à l'esclavage

- S Convención sobre la imprescriptibilidad de los crímenes de guerra y de los crímenes de lesa humanidad HRC
- E Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
 - F Convention sur l'imprescriptibilité des crimes de guerre et des crimes contre l'humanité
- S Convención sobre la Nacionalidad de la Mujer Casada HRC
- E Convention on the Nationality of Married Women
 - F Convention sur la nationalité de la femme mariée
- S Convención sobre las Misiones Especiales A/RES/2530 (XXIV), 1969
- E Convention on Special Missions
 - F Convention sur les missions spéciales
- S Convención sobre los Derechos Políticos de la Mujer HRC
- E Convention on the Political Rights of Women
 - F Convention sur les droits politiques de la femme
- S Convención suplementaria sobre la abolición de la esclavitud, la trata de esclavos y las instituciones y prácticas análogas a la esclavitud HRC
- E Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
 - F Convention supplémentaire relative à l'abolition de l'esclavage, de la traite des esclaves et des institutions et pratiques analogues à l'esclavage

- S convenio MX CC 1792-1793
v. Geneva Conventions...
1. (der. civ.)
2. (der. int.)
- E 1. agreement See note 14 and Salmond
sect. 78
2. agreement - convention
- F 1. convention
2. accord - convention
- S Convenio de las Naciones Unidas sobre el Transporte Marítimo de Mercancías A/CONF.89/14; Hamburg, 1978
- E United Nations Convention on the Carriage of Goods by Sea
- F Convention des Nations Unies sur le transport de marchandises par mer
- S Convenio Europeo de Derechos Humanos = Convenio para la Protección de los Derechos Humanos y las Libertades Fundamentales
- S Convenio para la Protección de los Derechos Humanos y las Libertades Fundamentales UNTS 213; Rome 1950; forma
abreviada: Convenio
Europeo de Derechos
Humanos
- E Convention for the Protection of Human Rights and Fundamental Freedoms
- F Convention de sauvegarde des droits de l'homme et des libertés fondamentales
- S Convenio para la represión de la trata de personas y de la explotación de la prostitución ajena HRC
- E Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- F Convention pour la répression de la traite des êtres humains et de l'exploitation de la prostitution d'autrui

- S Convenio sobre el derecho de sindicación y de negociación colectiva HRC
- E Right to Organise and Collective Bargaining Convention
 - F Convention sur le droit d'organisation et de négociation collective
- S Convenio sobre el trabajo forzoso HRC
- E Forced Labour Convention
 - F Convention sur le travail forcé
- S Convenio sobre igualdad de remuneración HRC
- E Equal Remuneration Convention
 - F Convention sur l'égalité de rémunération
- S Convenio sobre la abolición del trabajo forzoso HRC
- E Abolition of Forced Labour Convention
 - F Convention sur l'abolition du travail forcé
- S Convenio sobre la discriminación (empleo y ocupación) HRC
- E Discrimination (Employment and Occupation) Convention
 - F Convention concernant la discrimination (emploi et profession)
- S Convenio sobre la libertad sindical y la protección del derecho de sindicación HRC
- E Freedom of Association and Protection of the Right to Organise Convention
 - F Convention sur la liberté syndicale et la protection du droit syndical
- S Convenio sobre la política del empleo HRC
- E Employment Policy Convention
 - F Convention sur la politique de l'emploi

- S Convenio sobre los representantes de los trabajadores HRC
- E Workers' Representatives Convention
 - F Convention concernant les représentants des travailleurs
- E convention IL
- v. Abolition of Forced Labour ...
 - Discrimination ...
 - Employment Policy ...
 - Equal Remuneration ...
 - European Convention ...
 - Forced Labour ...
 - Freedom of Association ...
 - Geneva Conventions ...
 - Hague Conventions ...
 - Inter-American Convention ...
 - International Convention ...
 - Right to Organise ...
 - Slavery ...
 - Supplementary Convention ...
 - Tokyo Convention
 - United Nations Convention ...
 - Vienna Convention ...
 - Warsaw Convention
 - Workers Representatives ...
- F convention
 - S convención - convenio
- F convention
- v. Geneva Conventions ...
 - 1. (dr. int.)
 - 2. (dr. civ.)
- E 1. convention
- 2. agreement
- S 1. convenio - convención
- 2. convenio - convención
- BE FR CC 1101 et seq.;
Marty Civ. obl. par. 23-26;
Barraine, Guillien,
Nicholas 35-37
- i.e. one intended to have legal effect; for the distinction between contrat and convention see note 14; Black, OCL agreement, contract, Salmond sect. 78

- E Convention against Discrimination in Education HRC
- F Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement
 - S Convención relativa a la lucha contra las discriminaciones en la esfera de la enseñanza
- F Convention américaine relative aux droits de l'homme
- E American Convention on Human Rights
 - S Convención Americana sobre Derechos Humanos
- Suscrita en San José el 22 de noviembre de 1969, cuyo nombre oficial es Pacto de San José de Costa Rica
- F convention arbitrale RCAICC 13
- E arbitral agreement RCAICC 13
 - S convención arbitral RCAICC 13
- F convention collective du travail FR CT L. 131-136, CH CDO 322-323 Guillien, convention collective
- E collective labour agreement
 - S convención colectiva de trabajo
- F Convention concernant la discrimination (emploi et profession) HRC
- E Discrimination (Employment and Occupation) Convention
 - S Convenio sobre la discriminación (empleo y ocupación)
- F Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement HRC
- E Convention against Discrimination in Education
 - S Convención relativa a la lucha contra las discriminaciones en la esfera de la enseñanza

- F Convention concernant les
représentants des travailleurs HRC
- E Workers' Representatives
Convention
- S Convenio sobre los
representantes de los
trabajadores
- F convention d'arbitrage FR CPCN 1442, ECICA I,
ECULA 1
- E arbitration agreement FR, ECICA I, ECULA 1:
covers both clause
compromissoire and
compromis; see note to
compromettre
ECICA I, ECULA 1
- S convención de arbitraje ECICA I, ECULA 1
- F Convention de droit international
privé LONTS 86; Havana, 1928;
short title is Bustamante
Code
- E Convention on Private
International Law
- S Convención de Derecho
Internacional Privado
- F Convention de sauvegarde des droits
de l'homme et des libertés
fondamentales UNTS 213; Rome 1950; titre
abrégé: Convention
européenne des droits de
l'homme
- E Convention for the Protection
of Human Rights and
Fundamental Freedoms
- S Convenio para la Protección
de los Derechos Humanos y las
Libertades Fundamentales
- F Convention des Nations Unies sur les
contrats de vente internationale de
marchandises
- E United Nations Convention on
Contracts for the
International Sale of Goods A/CONF.97/19; Vienna, 1980
- S Convención de las Naciones
Unidas sobre los Contratos de
Compraventa Internacional de
Mercaderías

- F Convention des Nations Unies sur le transport de marchandises par mer
- E United Nations Convention on the Carriage of Goods by Sea A/CONF.89/14; Hamburg, 1978
 - S Convenio de las Naciones Unidas sobre el Transporte Marítimo de Mercancías
- F convention d'établissement
- E establishment convention
 - S
- F Convention de Vienne sur la représentation des Etats dans leurs relations avec les organisations internationales de caractère universel
- E Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character WILC; Vienne, 1975
 - S Convención de Viena sobre la Representación de los Estados en sus Relaciones con las Organizaciones Internacionales de Carácter Universal
- F Convention de Vienne sur la succession d'Etats en matière de biens, archives et dettes d'Etat
- E Vienna Convention on Succession of States in Respect of State Property, Archives and Debts A/CONF.117/14; Vienna, 1983
 - S Convención de Viena sobre la Sucesión de Estados en Materia de Bienes, Archivos y Deudas de Estado
- F Convention de Vienne sur la succession d'Etats en matière de traités
- E Vienna Convention on Succession of States in Respect of Treaties WILC; Vienne, 1978
 - S Convención de Viena sobre la Sucesión de Estados en Materia de Tratados

- F Convention de Vienne sur le droit des traités WILC; Vienne, 1969
- E Vienna Convention on the Law of Treaties
 - S Convención de Viena sobre el Derecho de los Tratados
- F Convention de Vienne sur les relations consulaires WILC; Vienne, 1963
- E Vienna Convention on Consular Relations
 - S Convención de Viena sobre Relaciones Consulares
- F Convention de Vienne sur les relations diplomatiques WILC; Vienne, 1961
- E Vienna Convention on Diplomatic Relations
 - S Convención de Viena sobre Relaciones Diplomáticas
- F convention écrite e.g. CREFAA II
- E agreement in writing e.g. CREFAA II
 - S acuerdo por escrito e.g. CREFAA II
- F Convention européenne des droits de l'homme = Convention de sauvegarde des droits de l'homme et des libertés fondamentales
- E Convention for the Pacific Settlement of International Disputes The Hague, 1907; CTS 205
- v. International Convention for the Pacific Settlement ...
- E Convention for the Protection of Human Rights and Fundamental Freedoms UNTS 213; Rome 1950; short name is European Convention on Human Rights
- F Convention de sauvegarde des droits de l'homme et des libertés fondamentales
 - S Convenio para la Protección de los Derechos Humanos y las Libertades Fundamentales

- E Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others HRC
- F Convention pour la répression de la traite des êtres humains et de l'exploitation de la prostitution d'autrui
- S Convenio para la represión de la trata de personas y de la explotación de la prostitución ajena
- E Convention for the Unification of Certain Rules Relating to International Carriage by Air v. Protocol to amend ... Warsaw, 1929; LONTS 137; short title is Warsaw Convention
- F Convention interaméricaine des droits de l'homme
- E Inter-American Convention on Human Rights
- S Convención Interamericana de Derechos Humanos Uno de los nombres que recibió el anteproyecto que finalmente se suscribió y pasó a denominarse Pacto de San José de Costa Rica
- F Convention internationale sur l'élimination de toutes les formes de discrimination raciale HRC
- E International Convention on the Elimination of All Forms of Racial Discrimination
- S Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial
- F Convention internationale sur l'élimination et la répression du crime d'apartheid HRC
- E International Convention on the Suppression and Punishment of the Crime of Apartheid
- S Convención Internacional sobre la Represión y el Castigo del Crimen de Apartheid

- F convention matrimoniale QU CC 1257
- E marriage covenant QU CC 1257
- S convención matrimonial
- F conventionnel
- v. bassin conventionnel du Congo
droit conventionnel
droits conventionnels
règle conventionnelle
1. sens commun
2. (dr. civ.)
3. (dr. int.)
- E 1. conventional
2. contractual
3. conventional - treaty* * Adjective
- S 1.
2.
3.
- E Convention on Consent to Marriage,
Minimum Age for Marriage and
Registration of Marriages HRC
- F Convention sur le consentement
au mariage, l'âge minimum du
mariage et l'enregistrement
des mariages
- S Convención sobre el
consentimiento para el
matrimonio, la edad mínima
para contraer matrimonio y el
registro de los matrimonios
- E Convention on Offences and Certain
Other Acts Committed on Board Aircraft JYB 1963, 136; short
title is Tokyo Convention
- F
S
- E Convention on Private International
Law LONTS 86; Havana, 1928;
short title is Bustamante
Code
- F Convention de droit
international privé
- S Convención de Derecho
Internacional Privado

- E Convention on Special Missions A/RES/2530 (XXIV), 1969
- F Convention sur les missions spéciales
 - S Convención sobre las Misiones Especiales
- E Convention on the Elimination of All Forms of Discrimination against Women A/RES/34/180; HRC
- F Convention sur l'élimination des toutes les formes de discrimination à l'égard des femmes
 - S Convención sobre la eliminación de todas las formas de discriminación contra la mujer
- E Convention on the International Right of Correction HRC
- F Convention relative au droit international de rectification
 - S Convención sobre el Derecho Internacional de Rectificación
- E Convention on the Law of Sea v. Geneva Conventions on the Law of the Sea
United Nations Convention on the Law of the Sea
- E Convention on the Nationality of Married Women HRC
- F Convention sur la nationalité de la femme mariée
 - S Convención sobre la Nacionalidad de la Mujer Casada
- E Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity HRC
- F Convention sur l'imprescriptibilité des crimes de guerre et des crimes contre l'humanité
 - S Convención sobre la imprescriptibilidad de los crímenes de guerra y de los crímenes de lesa humanidad

- E Convention on the Political Rights of Women HRC
- F Convention sur les droits politiques de la femme
 - S Convención sobre los Derechos Políticos de la Mujer
- E Convention on the Representation of States = Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character
- E Convention on the Prevention and Punishment of the Crime of Genocide HRC
- F Convention pour la prévention et la répression du crime de génocide
 - S Convención para la Prevención y la Sanción del Delito de Genocidio
- E Convention on the Privileges and Immunities of the Specialized Agencies A/RES/179 (II), 1947
- F
 - S
- E Convention on the Privileges and Immunities of the United Nations A/RES/22 A (I), 1946
- F
 - S
- E Convention on the Reduction of Statelessness HRC
- F Convention sur la réduction des cas d'apatridie
 - S Convención para reducir los casos de apatridia
- E Convention relating to the Status of Refugees HRC
- F Convention relative au statut des réfugiés
 - S Convención sobre el Estatuto de los Refugiados

- F Convention pour la prévention et la répression du crime de génocide HRC
- E Convention on the Prevention and Punishment of the Crime of Genocide
 - S Convención para la Prevención y la Sanción del Delito de Genocidio
- F Convention pour la répression de la traite des êtres humains et de l'exploitation de la prostitution d'autrui HRC
- E Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
 - S Convenio para la represión de la trata de personas y de la explotación de la prostitución ajena
- E Convention relating to the Status of Stateless Persons HRC
- F Convention relative au statut des apatrides
 - S Convención sobre el Estatuto de los Apátridas
- F Convention relative à l'esclavage HRC
- E Slavery Convention
 - S Convención sobre la Esclavitud
- F Convention relative au droit international de rectification HRC
- E Convention on the International Right of Correction
 - S Convención sobre el Derecho Internacional de Rectificación
- F Convention relative au statut des apatrides HRC
- E Convention relating to the Status of Stateless Persons
 - S Convención sobre el Estatuto de los Apátridas

- F Convention relative au statut des réfugiés HRC
- E Convention relating to the Status of Refugees
 - S Convención sobre el Estatuto de los Refugiados
- F Conventions humanitaires de Genève
= Geneva Conventions for the protection of victims of war
- E conventions on liability A/CN.4/360, p. 11, n. 40
- F
 - S
- F Convention supplémentaire relative à l'abolition de l'esclavage, de la traite des esclaves et des institutions et pratiques analogues à l'esclavage HRC
- E Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
 - S Convención suplementaria sobre la abolición de la esclavitud, la trata de esclavos y las instituciones y prácticas análogas a la esclavitud
- F Convention sur l'abolition du travail forcé HRC
- E Abolition of Forced Labour Convention
 - S Convenio sobre la abolición del trabajo forzoso
- F Convention sur la liberté syndicale et la protection du droit syndical HRC
- E Freedom of Association and Protection of the Right to Organise Convention
 - S Convenio sobre la libertad sindical y la protección del derecho de sindicación

- F Convention sur la nationalité de la femme mariée HRC
- E Convention on the Nationality of Married Women
 - S Convención sobre la Nacionalidad de la Mujer Casada
- F Convention sur la politique de l'emploi HRC
- E Employment Policy Convention
 - S Convenio sobre la política del empleo
- F Convention sur la réduction des cas d'apatridie HRC
- E Convention on the Reduction of Statelessness
 - S Convención para reducir los casos de apatridia
- F Convention sur le consentement au mariage, l'âge minimum du mariage et l'enregistrement des mariages HRC
- E Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
 - S Convención sobre el consentimiento para el matrimonio, la edad mínima para contraer matrimonio y el registro de los matrimonios
- F Convention sur le droit d'organisation et de négociation collective HRC
- E Right to Organise and Collective Bargaining Convention
 - S Convenio sobre el derecho de sindicación y de negociación colectiva

- F Convention sur l'égalité de rémunération HRC
E Equal Remuneration Convention
S Convenio sobre igualdad de remuneración
- F Convention sur les droits politiques de la femme HRC
E Convention on the Political Rights of Women
S Convención sobre los Derechos Políticos de la Mujer
- F Convention sur les missions spéciales A/RES/2530 (XXIV), 1969
E Convention on Special Missions
S Convención sobre las Misiones Especiales
- F Convention sur le travail forcé HRC
E Forced Labour Convention
S Convenio sobre el trabajo forzoso
- F Convention sur l'imprescriptibilité des crimes de guerre et des crimes contre l'humanité HRC
E Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
S Convención sobre la imprescriptibilidad de los crímenes de guerra y de los crímenes de lesa humanidad
- E convey (EN) To alienate real property
F
S

- E conveyance (EN)
v. acts, deeds, conveyances and assurances
- The alienation of real property by written instrument (other than by will) and the instrument itself (Martin 1.); by the Law of Property Act 1925, 205 conveyance means an alienation of any kind of property, whether real or otherwise, but in practice transfer is more often used in this general sense: See E note to transfer 1.; by the same provision conveyance also means any form of disposition of property, whether an alienation or not, e.g. including a mortgage, charge or lease, but it is rarely used in this extended sense; syn., virtually obs., assurance (Jowitt assurance, conveyance)
- F
S
- E conviction
- A conviction is spent, i.e. discharged; see E note to condamnation 1. and note 1
- F condamnation
S condena - condenación
- v. condamnation 1.
v. condamnation 1.
- F convocation (FR)
- CPCN 160, 228, CPP 101, 394
- E attendance notice
- Notice to attend at court or elsewhere in connection with judicial proceedings; less formal than a summons; note 18
- S
- S cónyuge (CL)
- CC 131, 1717
- E spouse
F conjoint - époux - épouse
- S copamiento (AR)
- E illegal occupation
F
- Of property, i.e. squatting

F	copie	FR CPCN 1435; EGLAT <u>expédition</u>
	E copy - plain copy*	Of an authentic act or a judgement * As distinct from a <u>copie certifiée conforme, copie exécution, expédition, etc.</u>
	S copia	
F	copie certifiée conforme (FR)	Dalloz Proc. civ. p. 725
	E certified (true) copy	Of an authentic act or a judgement
	S copia autorizada	
F	copie collationnée	EGLAT <u>expédition</u>
	E certified copy	
	S	
F	copie conforme	
	E true copy	US, EN <u>conformed copy</u> (Black)
	S	
F	copie dûment légalisée	
	E duly authenticated copy	
	S copia debidamente legalizada	
F	copie exécutoire	FR CPCN 1439; Guillien; Dalloz Proc. civ. p. 725, Dalloz Voie pp. 45-46
	E executory copy	Of an authentic act or a judgement
	S	
F	copropriété	
	1. (FR, CH)	CH CC 646; Dalloz <u>propriété</u> sects. 52-59
	2. immeuble en copropriété	
	E 1. co-ownership	SC CC 815, PH CC 484; loosely <u>joint ownership</u> ; NOT <u>tenancy in common</u> ; note 12 Black
	2. condominium	
	S 1. copropiedad	
	2.	
E	<u>The Corfu Channel Case</u>	1966 DA 28c6

- F corporation QU CC 352
 E corporation QU CC 352
 S
- F corps du délit
 E corpus delicti Black
 S cuerpo del delito ES LECR 334-367
- F corps judiciaire (FR) Ord. 1270 22.12.1958, 1; syn.
v. magistrat du corps judiciaire de magistrature
 E judiciary Used here stricto sensu
 S
- S corrección (CL) CC 233
 E punishment - discipline* CL CC 233
 F punition disciplinaire -
 correction
- S correccional
v. Juzgado Nacional de Primera
 Instancia en lo Correccional
 E correctional
 F 1. correctionnel
 2. de correction - de détention
- F correctif
 E qualifying addition -
 qualification
 S
- F correction = corrección
v. maison de correction
- F correctionnel
v. délit correctionnel
 emprisonnement correctionnel
 maison correctionnelle
 matière correctionnelle
 peine correctionnelle
 tribunal correctionnel
 E correctional
 S correccional
- S correctivo
v. competencia correctiva ...

- S corriente de plaza (CL) CC ...
E prevailing (market) price/rate
F cours de la place
- S corte LAM; sin. ES tribunal 2.;
v. Suprema Corte de Justicia Ossorio; Prieto-Castro 27
E court i.e. a superior court; note 4
F cour
- S corte de alzada (CL CC 5; obs.)
= corte de apelaciones
- S corte de apelaciones (CL)
E court of appeal There are several in CL
F cour d'appel
- S Corte de Justicia (UY) Variante, desde 1977, para
referirse a la Suprema Corte
de Justicia
E Court of Justice
F Cour de justice
- S Corte Electoral (UY)
E Electoral Court
F Tribunal electoral
- S Corte Electoral (Nacional) (BO)
E (National) Electoral Court
F Tribunal electoral (national)
- S corte en pleno
E full court - court sitting
in banc
F
- S Corte Interamericana Forma abreviada de referirse
v. Corte Interamericana de Derechos a la Corte Interamericana de
Humanos Derechos Humanos
- S Corte Interamericana de Derechos Establecida por el
Humanos apartado b) del artículo 33
del Pacto de San José de
Costa Rica. Sus estatutos
fueron aprobados por la
Asamblea General de la OEA,
el 31.X.1979, en La Paz. En
forma abreviada se la denomina
Corte Interamericana

- E Inter-American Court of Human Rights
F Cour interaméricaine des droits de l'homme
- S Corte Internacional de Justicia
= Cour internationale de Justice
- S Corte Marcial (CL)
E Military Appeal Court
F Cour d'appel militaire
- S corte plena = corte en pleno
- S Corte Superior de Justicia (BO)
= Corte Suprema de Justicia
- S Corte Suprema (CL, PE) CL COT 93, 1980 Const. 75;
PE nombre que se da como
variante a la Corte Suprema
de Justicia
E Supreme Court
F Cour suprême
- S Corte Suprema de Justicia (AR, BO,
CL, CO, CR, SV, EC, GT, HN, MX, NI,
PA, PE, VE) AR Const. 94; CL nombre
que se da como variante a
la Corte Suprema
(CCPR/C/32/Add.1 S p. 29)
E Supreme Court of Justice
F Cour suprême de justice
- S Corte Suprema de Justicia de la
Nación (AR) = Corte Suprema
de Justicia
- S cosa ajena (CL) CC 1815
E res aliena Plural: res alienae
F chose d'autrui
- S cosa debida (CL) CC 1501, 1532
E thing owed
F chose due FR CC 1302-1303
- S cosa determinada (ES) CC 1096
E specific/definite thing -
thing in specie Black in specie
F

S	cosa fungible (CL)	CC 575
	E fungible (thing)	Black <u>fungibles, res</u>
	F chose fongible	
S	cosa genérica (ES)	CC 1096
	E thing <u>in genere</u> /in kind	Black <u>in genere</u>
	F	
S	cosa indeterminada (CL, ES)	CL CC 1526(5), ES CC 1096
	E undetermined thing - thing	Black <u>in genere</u>
	<u>in genere</u> /in kind	
	F chose quelconque	
S	cosa juzgada	
	v. acción de cosa juzgada	
	excepción de cosa juzgada	
	fuerza de cosa juzgada	
	sentencia pasada en autoridad de	
	cosa juzgada	
	E <u>res judicata</u>	A matter adjudged
	F chose jugée	
S	cosa pública	
	v. delitos contra la cosa pública	
	E public welfare - the public	i.e. the welfare or interest
	interest	of the State and its citizens;
		similar expressions, such as
		<u>public domain, the State,</u>
		<u>the community, public order,</u>
		<u>public policy,</u> may be suitable
		translations in certain
		contexts
	F chose publique	
S	costas judiciales (CL)	CC 2472
	E costs	
	F frais de justice/judiciaires	
S	costumbre (CL)	CC 2
	E custom	
	F usage	
S	COT (CL) = Código Orgánico de	
	Tribunales	
S	COIM (UY) = Código de Organización de	
	los Tribunales Militares	

F côtier
v. Etat côtier

F coupable

1. nom
2. adjectif: se dit d'une personne ou d'une action

E 1. offender* - criminal* -
culprit

2. guilty* - offending -
culpable - punishable -
shameful

* Technical and non-
technical senses; note 1

* Technical and non-
technical senses; note 1

- S 1.
2. culpable

F coups et blessures (FR, SG)

E striking and wounding

Physical violence more severe than violences et voies de fait; loosely, battery, bodily harm; coups et blessures and violences et voies de fait, taken together, are approximately the equivalent of EN assault and battery, but the dividing line between the two former notions is not the same as between the two latter; this means that coups et blessures cannot be equated precisely with battery, just as violences et voies de fait cannot be equated precisely with assault

S

F cour
v. Haute Cour
Haute Cour constitutionnelle
Haute Cour de justice
Haute Cour militaire

BE, FR: jurisdiction supérieure, par opposition à tribunal, jurisdiction inférieure; Capitant; p. ex. Cour de cassation, cour d'appel, cour administrative d'appel; en CH l'opposition hiérarchique des deux termes est moins nette

E court

In the sense of a superior court; note 4

S tribunal* - corte**

* ES LOPJ 26

** LAM

F	cour administrative d'appel (FR)	Loi 1127 31.12.87
E	administrative appeal court	There are several such courts
S		
F	Cour constitutionnelle (RW)	Const. 99
E	Constitutional Court	Part of the Supreme Court
S	Tribunal Constitucional	
F	Cour correctionnelle (GE)	
E	Correctional Court	Tries <u>délits</u> , ordinary offences
S		
F	Cour d'appel (BE, BI, CG, FR, GE, LU, RW, ZR)	C. Eur 17, 38; BI Const. 53; CG Const. 79; FR COJ L. 211.1 <u>et seq.</u> , R. 211.1 <u>et seq.</u> ; RW Const. 99; ZR Const. 105
E	Court of Appeal	BE, FR: the <u>Cour d'appel</u> is the Court of Appeal as whole, divided up in each country into several <u>cours d'appel</u> , appeal courts, e.g. the <u>Cour d'appel de Bruxelles</u> , the Brussels Appeal Court, the <u>Cour d'appel de Rouen</u> , the Rouen Appeal Court; GE, LU, RW each have one <u>Cour d'appel</u> ; BI, CG, ZR each have several <u>cours d'appel</u>
S	Corte de Apelaciones	
F	Cour d'appel fédérale (CA)	Appelée aussi <u>Division d'appel de la Cour fédérale</u> ; FCA 4
E	Federal Court of Appeal	CA: also called <u>Appeal Division of the Federal Court</u> ; LCF 4
S		
F	Cour d'assises (BE, FR, GE, LU)	C. Eur 17, 38, 87; FR CPP 231 <u>et seq.</u> , COJ L. 621.1; GE LOJ 1; pour CH v. <u>Cour d'assises fédérales</u>

E Court of Assize	BE, FR each have several <u>cours d'assises</u> , assize courts, GE, LU each have one <u>Cour d'assises</u> ; these try <u>crimes</u> , serious offences EN obsolete
S	
F cour d'assises des mineurs (FR)	COJ L. 511.1
E juvenile assize court	The <u>cours d'assises des mineurs</u> , juvenile assize courts, try minors aged 16-18 accused of <u>crimes</u> , serious offences
S	
F Cour d'assises fédérales (CH)	CP 341
E Federal Assize Court	Name of the <u>Tribunal fédéral</u> when it sits to try the offences specified in CP 341
S	
F Cour de cassation (BE, FR, GE, LU, VD, RW)	BE Const. 95; FR COJ L. 111.1 <u>et seq.</u> , R. 111.1 <u>et seq.</u> ; GE LOJ 1; RW Const. 99; C. Eur 17, 38
E Court of Cassation	BE, FR, GE, LU, VD: in each country or canton there is one Court of Cassation, which is the supreme court of the country in BE and FR; in RW it is part of the Supreme Court
S	
F Cour de cassation pénale (CH)	C. Eur 130
E Court of Criminal Cassation	Part of the <u>Tribunal fédéral</u>
S	
F Cour de droit public et administratif (CH)	C. Eur 130
E Court of Public and Administrative Law	Part of the <u>Tribunal fédéral</u>
S	
F Cour de justice (GE)	LOJ 1, 29-35; <u>inter alia</u> the Geneva appeal court
E Court of Justice	
S	

F	Cour de justice des Communautés européennes	Isaac 51, 211-281
	E Court of Justice of the European Communities	<u>OCL Court of Justice of the European Communities,</u> <u>European Court of Justice</u>
	S Tribunal de Justicia de la Comunidad Europea	
F	cour de renvoi (FR CPCN 79) = juge de renvoi	
F	Cour des Comptes (FR, RW)	Const. 47, Loi 1484 25.9.1948, Déc. 20.9.1968; RW Const. 99; C. Eur 37
	E Court of Audit	FR: a body exercising both administrative and judicial functions; in RW it is part of the Supreme Court
	S	
F	Cour de sûreté de l'Etat (FR, ZR)	FR obsolete; ZR Const. 105; Guillien
	E Court of National Security	
	S	
F	Cour de travail = Cour du travail	
F	Cour du travail (BE)	C. Eur 17
	E Labour Court of Appeal	There are three <u>cours du travail</u> , labour appeal courts
	S	
F	Cour européenne des droits de l'homme	ECHR 19(b)
	E European Court of Human Rights	
	S Tribunal Europeo de Derechos Humanos	
F	Cour fédérale du Canada (CA)	LCF 4
	E Federal Court of Canada	CA FCA 4
	S	
F	Cour internationale de Justice	Charter 7, 92-96
	E International Court of Justice	
	S Corte Internacional de Justicia	

F	Cour militaire (BE, ZR)	BE C. Eur 18, ZR obsolete
	E Military Appeal Court	
	S	
F	Cour pénale fédérale (CH)	CP 342
	E Federal Criminal Court	Name of the <u>Tribunal fédéral</u>
	S	when it sits to try the
		offences specified in CP 342
F	Cour permanente d'arbitrage	
	E Permanent Court of Arbitration	OCL
	S	
F	Cour permanente de justice internationale	COVLON 14
	E Permanent Court of International Justice	OCL
	S	
F	cours	
	E (rate of) exchange	
	S	
F	cours du change à vue	
	E sight exchange of the day	
	S	
F	cours du jour	
	E exchange (rate) of the day	
	S	
F	cours et tribunaux	
	1. les juridictions d'un pays	FR: syn. de <u>tribunaux</u> (<u>lato sensu</u>); Dalloz <u>tribunaux judiciaires,</u> <u>tribunal administratif;</u> ES Const. 24, 117(4), 118 traduction officielle du gouvernement espagnol: <u>judges et tribunaux</u>
	2. CE: Protocole sur le statut de la Cour de justice de la CECA 20, Protocole sur le statut de la Cour de justice de la CEE 17	

- E 1. courts of justice/law
- (law) courts - courts and tribunals* - judges and courts**
2. courts of law
- S 1. jueces y tribunales*
- juzgados y tribunales**
- tribunales y juzgados***
- 2.
- F cours forcé
- E compulsory (legal) tender
S curso obligatorio
- F cours légal
- E legal tender
S curso legal
- F Cour supérieure de justice (LU)
- E Supreme Court of Justice
S
- F Cour suprême (BI, CF, CG, CI, CM, GA, MG, MI, MR, RW, SN)
- E Supreme Court
S Corte Suprema
- F Cour suprême de justice (ZR)
- E Supreme Court of Justice
S Corte Suprema de Justicia
- F Cour suprême du Canada (CA)
- E Supreme Court of Canada
S
- Note 4
* ES Const. 117(4) official Spanish Government translation
** ES Const. 24, 118 official Spanish Government translation
- ES: sin. de tribunales (lato sensu), Prieto-Castro
* ES Const. 24, 118, LOPJ 6
** ES Const. 117(4), LOPJ 2, 3, 26-37
*** ES LOCGPJ 37
- Const. 87; C. Eur 87
- BI Const. 53, CF Const. 10, CG Const. 79, CI Const. 57, CM Const. 32, GA Const. 59, MG Const. 83, MI Const. 66, MR Const. 51, RW Const. 99, SN Const. 82
- Const. 105
- LCF 2
CA FCA 2

- E court
v. Admiralty Court
Bankruptcy Court
Commercial Court
Companies Court
Federal Court of Appeal
Federal Court of Canada
foreign court
home court
inferior court
kangaroo court
Patents Court
superior court ...
Supreme Court of Canada
- F tribunal - jurisdiction
S tribunal - fuero
- E court administrator = secretario de gobierno
- F courtage
E brokerage
S corretaje
- E Court of Admiralty EN obsolete
F
S
- E Court of Justice of the European Communities = Cour de justice des Communautés européennes
- E court of record (CA, EN) EN: a court whose records are preserved for all time and which in particular has power to punish for contempt of court; excludes magistrates' courts; OCL, Walker EN 170-171, 227; CA FCA 3; note 4
F cour d'archives CA LCF 3
S
- E court order = order 2.
- F courtier d'assurances maritimes (FR) EGLAT officiers ministériels, Dalloz courtier
E marine insurance broker
S corredor de seguros marítimos

- F courtier interprète et conducteur de navire (FR) EGLAT officiers ministériels,
Dalloz courtier
- E commercial interpreter,
shipbroker and ship's agent
S
- F coutumier
v. droit coutumier
droit coutumier anglais
- F couvrir la nullité (FR) LOI 24.7.1966, 105
Loosely, to cure the defect
- E to remedy the invalidity
S sanear las causas de nulidad
- E covenant
v. International Covenant ...
1. (ML) formal promise or stipulation (stricto sensu, made in a deed) and by extension the obligation thus created Black, Odgers' Construction
204, Jowitt;
2. (IL)
- F 1.
2.
- S 1.
2.
- S CP = Código Penal
- S CPCR = Código de Procedimientos en lo Criminal
- S CPM = Código Penal Militar
- S CPO = Código Penal (Ordinario)
- S CPP = Código del Proceso Penal, Código de Procedimiento Penal, Código de Procedimientos Penales, Código Procesal Penal
- S CPPDF = Código de Procedimientos Penales para el Distrito Federal
- S CPPM = Código de Procedimiento Penal Militar
- F crainte fondée (CH) CDO 29-30
- E justifiable fear Defect in consent to a contract, the equivalent of violence (BE, FR)

S violencia* - fuerza**

* MX; ES violencia + intimidación
** CL

F créance

v. droit de créance

1. sens juridique et large:
droit d'une personne de contraindre une autre à faire ou à ne pas faire ou à lui donner quelque chose
2. sens commun et restreint:
droit d'une personne de contraindre une autre à lui payer une somme d'argent

Par opposition à dette; syn. droit de créance (Guillien droit de créance)
FR Capitant, Guillien, Barraine, Dalloz biens sect. 13, Amos 21 n. 1; BE, FR CC passim; CH CC, CDO passim
FR: Guillien, Barraine

E 1. claim

There is no E legal term for créance, crédito when used in this sense that is both satisfactory and widely employed. A créance, crédito is the right of one person (the obligee) to demand performance of an obligation owed to him by another person (the obligor). It can often be translated as debt, which is the same right seen from the point of view of the obligor, but this term is normally reserved for créance 2. (Salmond p. 447). A para-phrase such as obligation owed... may be appropriate, especially where créance, crédito meaning a claim in this sense, i.e. the right itself, has to be distinguished from demande, demanda, meaning a claim in the sense of asserting that right (Black, OCL, Martin: claim).

Also called credit (rare), chose in action (rare but a precise equivalent), obligatory right; Black credit, Amos 21 n. 1, Cheshire and North 537, OCL chose in action, Paenson 132.

In IL sometimes called right, and in SS debt-claim, in order to distinguish it from claim meaning the assertion of a right.

2. claim

See E note to 1. above.
Translate as debt, or loosely liability, in expressions such as les créances de la banque, debts owed to the bank, ses créances envers moi, his claims against me, my liabilities to him, saisie-arrêt d'une créance, attachment of a debt.

Also called credit (rare also in this sense, since credit normally means agreed deferment of a money debt; Black, OCL, Martin: credit) and in SS debt-claim as explained above.

Ossorio; CL CC passim, ES CC 1911-1929

S 1. crédito

2 ? acreencia

F créance chirographaire

E unsecured claim/debt

S

See E notes to créance

F créance post-positionnée (CH)

E ? deferred debt

Deferred in the sense of its position, in the ranking of debts, not in time

S

F créance privilégiée

Créance qui jouit d'un privilège

E preferential claim/debt

See E notes to créance

S crédito privilegiado

F créances sur banques

E sums due from banks

S

F créance valable

E live claim

S

F	créancier	Par opposition à <u>débiteur</u>
	1. personne à qui il est dû une prestation	FR Capitant, Guillien, Amos 21 n. 1
	2. personne à qui il est dû de l'argent	Petit Robert
E	1. obligée* - creditor**	* Black; rare, usually called <u>person to whom an obligation is owed</u>
		** In its broad sense, (Salmond p. 447), but the term is normally reserved for <u>créancier</u> 2. (Martin, Black)
	2. creditor	In its narrower and usual sense, i.e. a person to whom money is owed
S	1. acreeedor	Ossorio
	2. acreeedor	
F	créancier chirographaire	
	E unsecured/ordinary creditor	
	S	
F	créancier gagiste (FR, CH)	FR CC 2073, CH LPFR 32
	E pledgee	
	S	
F	créancier privilégié	Créancier qui jouit d'un <u>privilège</u>
	E preferred/preferential creditor	
	S acreeedor privilegiado	
F	création	Dr.int.
	E establishment* - creation**	* Of obligations
		** Of obligations and rights (VCLT 34)
	S	
F	crédirentier (LB)	CC ...
	E annuitant	Person who receives an annuity
	S	
E	credit = <u>créance</u> 1., <u>crédit</u>	

F	crédit	Prêt ou engagement de prêt; Capitant II, III
	E credit* - loan**	* Agreed deferment of a debt; Martin, OCL
	S crédito	** Advance of money
F	crédit-bail	UEC 276
	E leasing	UEC 276; note 9
	S ? arrendamiento financiero	UEC 276
F	crédit continu	
	E continuing credit	
	S	
S	crédito = créance l., crédit	
S	crédito derivado de ...	
	E payment due for	
	F	
S	crédito garantizado	
	E secured claim	
	F	
S	crédito marítimo	
	E maritime lien	
	F	
S	crédito privilegiado (VE)	CCOM 615(11)
	E preferred/preferential claim	
	F	
E	creditor = créancier	
S	CRI = Cruz Roja Internacional	
E	crime	
	v. crimes ...	
	grave crime	
	1. (general term) an act punishable by law	CA, EN, IN, NZ, SCO, US, ZA: non-technical term for such acts and synonymous with <u>offence</u> ; not a category of criminal acts; note 2
	2. (SO) the higher of the two categories of criminal offence	PC 15; note 2
	3. (IL) SR, COPP	

- F 1.
2.
3. crime SR 1980 DA 19
- S 1.
2.
3. delito* - crimen** * COPP
** SR 1980 DA 19
- F crime
v. matière de crime
1. sens général
2. (ML: dr. pén.: BE, CH, FR, BE, CP 1, CH CP 9, FR CP 1,
HT, LU, NE) la plus grave des HT CP 1, LU CP 1; EGLAT
trois catégories d'infractions infraction
3. (IL) SR, COPSM, COPP
- E 1. crime Note 2
2. serious offence Note 2
3. crime* - offence** Note 2
* SR 1980 DA 19, COPP
** COPSM
- S 1.
2.
3. crimen* - delito** * SR 1980 DA 19
** COPSM, COPP
- F crime de droit international SR: 1980 DA 19c19
- E crime under international law
S
- F crime défini par une loi
E offence created under/offence
specified in a statute -
statutory offence
S
- F crime infamant
E infamous crime US
S crimen infamante
- F crime international SR 1980 DA 19
E international crime SR 1980 DA 19
S crimen internacional SR 1980 DA 19

- S crimen
- 1. término genérico
 - 2. (ML: der. pen.: CL, DO, HN) CL CP 3, DO CP 1, HN CP 3
la más alta de las tres
categorías de infracciones
penales
 - 3. (der. int.) SR 1980 DA 19
- E. 1. crime Note 2
2. serious offence Note 2
3. crime 1980 DA 19
- F 1. crime
2. crime
3. crime 1980 DA 19
- E crimes affecting the administration of justice (NZ) Crimes Act
- F
S
- E crimes against public order (NZ, SO) NZ Crimes Act 1961, SO PC 320
- F
S
- F crimes et délits contre la chose publique (FR CP 70) = delitos contra la cosa pública
- E criminal See note to E penal and note 2
- F criminel - pénal - répressif
S criminal - penal - represivo
- S criminal
- E criminal Translate as criminal not penal; see note to E penal and note 2
- F criminel - pénal - répressif
- E Criminal Code (CA)
- F Code criminel CA
S

E criminal contempt

i.e. criminal contempt of court; EN: Walker EN 225-226: "Criminal contempt is a common law misdemeanour punishable by fine and imprisonment. It consists of conduct, in or out of court, which amounts to a contemptuous interference with the administration of justice."

F
S

F criminel

v. matière criminelle
principe de légalité criminelle
tribunal criminel

1. terme général
2. (dr. pén.) ayant trait à un crime

E 1. criminal

Translate as criminal not penal; see note to E penal and note 2

2. (translate as appropriate)

Relating to a serious offence

S 1. criminal - penal - represivo

2.

F criminel de droit commun

E common criminal

S delincuente (de derecho)

común - delincuente ordinario

S crio. (AR) = comisario

F crochets

v. entre crochets

S Cruz Roja Internacional (CRI)

Nombre no oficial que se usa para referirse al Comité Internacional de la Cruz Roja (CICR),
E/CN.4/Sub.2/R.41/Add.11

E International Red Cross (IRC)

F

L c.s. = cum suis

S cuaderno = autos

- S cuantía
v. juzgado civil ...
juzgado del crimen ...
juzgado de letras ...
- S cuasi contrato (ES) CC 1887-1901
E quasi-contract Black, OCL; Marshall 405-412
F quasi-contrat FR CC 1371-1381; Nicholas 29,
Amos 192
- S cuasicontrato (CL CC 2284-2313)
= cuasi contrato
- S cuasidelito (CL) CC 2284, 2314 et seq.,
CP 4, 490
E quasi-delict SC CC 1382-1386; an
- quasi-tort* unintentional tort (i.e. an
unintentional civil wrong
other than a breach of
contract or trust), as
opposed to delict, an
intentional wrong, which may
be civil or criminal;
comparable with EN negligence
and used in SCO to indicate
the latter; Black delict,
Nicholas 29, Amos 201
* MT CC ...
F quasi-délit FR CC 1382, CH non-code;
EGLAT infraction, Nicholas 29,
Amos 201, Dalloz responsabilité
civile sect. 2
- S cuasiflagrancia (CO) CPP 301; v. nota en
flagrancia
E quasi-flagrancy Situation of a person showing
signs of having just committed
an offence
F
- S cuerpo
v. con cuerpo cierto
cuerpos de represión
- S cuerpo cierto (CL) CC 734, 1548
v. con cuerpo cierto
especie o cuerpo cierto
E specific item of property - Black in specie
thing in specie
F corps certain

- S **Cuerpo de Carabineros (CL)**
E Corps of Carabineros
F Corps des carabiniers
- S **cuerpo del delito = corps du délit**
- S **cuestión de competencia**
Conflicto que puede surgir entre órganos jurisdiccionales por estimar que, en aplicación de las normas que determinan la competencia, les corresponde o no el conocimiento de un asunto
E question of jurisdiction
F question de compétence
- S **cuestión prejudicial (BO, CL)**
BO CPP 175
E preliminary issue
BO: one decided in a court other than that in which the action lies; see note to question préalable
F question préjudicielle
FR
- S **cuestión previa (BO)**
CPP 186
E prior issue
BO: one decided by the court in which the action lies; see note to question préalable
F question préalable
FR
- S **cuidado (CL)**
CC 1547
E care
F soin
- L **culpa**
E culpa - fault - negligence* * ZA
F faute
S culpa
- L **cujus**
v. de cuius
- S **culpa (CL, ES)**
CL CC 1547, 2483;
ES CC 1089, 1093; Ossorio
v. **absuelto de culpa y cargo**
1. (der. civil)
2. (der. penal)

- E 1. fault* - negligence**
- RL culpa, an unintentional wrong, generally opposed to RL dolus, an intentional wrong; also called personal fault (UK Merchant Shipping Act 1894, 502), subjective fault (ST/LEG/13, para. 7), culpable negligence, misconduct, blame; not synonymous with EN negligence; if in doubt translate as fault; Black culpa, OCL fault, culpa, Nicholas Roman 170, Marshall 414, 432
* PH PC 3
** SCO (also called culpa), ZA
2. guilt
- F 1. faute
2.
- S culpable = coupable
v. presunto culpable
- S culpa grave (CL CC 2035) = culpa lata
- S culpa lata (CL) CC 1547
- E gross fault/negligence
- RL culpa lata; also called major misconduct, recklessness, blatant negligence; Nicholas Roman 170, Black culpa Capitant, EGLAT faute, Barraine faute lourde
* CH CDO 100, 193
- F faute lourde/grave*
- S culpa leve (CL) CC 250, 1547
- E ordinary fault/negligence
- RL culpa levis; also called minor misconduct, carelessness, negligence; Nicholas Roman 170, Black culpa Capitant, EGLAT faute
- F faute légère
- S culpa levisima (CL) CC 1547
- E slight/trivial fault/negligence
- RL culpa levisima, Black culpa Capitant
- F faute très légère

- S culposo Of an act, ? not of a person
v. delito culposo
hecho culposo
- E wrongful - criminal -
blameworthy - culpable -
guilty
F reprehensible - coupable
- S cumplimiento
1. (CL) de una condición CC 1479, 1492
2. (CL) de una obligación CC 1494, 1535
- E 1. fulfilment
2. performance
F 1. accomplissement - réalisation
2. exécution
- S cumplir (CL) CC 1481, 1494
- E to fulfil*/perform**/accomplish * A condition
** An obligation
F accomplir - remplir
- S cumplir condena
- E to serve a sentence
F
- L cum suis
- E and (his/her) colleagues
F
S
- F cumul
- v. non-cumul ...
- E combination* - accumulation** * Of faults (FR AL Brown
- plurality - multiplicity 117-119), offences
** Of punishments
S
- F cumul d'actions Capitant
- E multiple right of action The right to bring more than
one action in respect of a
single act; NOT joinder of
actions, consolidation of
actions
S

- F cumul de peines
v. non-cumul des peines
Capitant
- E accumulation of penalties
NOT combination of penalties
- S acumulación de penas
Ossorio
- F cumul d'infractions (FR: Dalloz peine
sects. 14-18, BARRAINE) = concurso
de delitos
- F cumul idéal d'infractions (FR:
BARRAINE cumul d'infractions)
= concurso idéal de delitos
- F cumul juridique des peines
Capitant cumul de peines
- E aggravation of penalties
S
- F cumul matériel des peines
Capitant cumul de peines
- E aggregation of penalties
The approximate equivalent of
EN consecutive sentences
(sentences running
consecutively); Black
consecutive sentences, syn.
Black cumulative sentence;
Hampton 263
- S
- F cumul réel d'infractions (FR:
BARRAINE cumul d'infractions)
= concurso real de delitos
- S cuota
- E interest - holding - share* -
fee**
* ES CC 393
** ES payable by patentee to
Patent Office
- F quote-part
- S curador = curateur
- S curador ad litem (ES obs., CL)
= guardian ad litem
- S curador para la litis (CL)
= guardian ad litem
- S curador para pleito (CL)
= guardian ad litem
- S curaduría = curatelle

- S curatela (CL CC 338-544, ES CC 286-298)
= curatelle
- F curatelle
FR CC 508-514, 812, CPCN
1262-1263; CH CC 392-397,
CDO 725, 817, 903; QU CC 337;
Dalloz Civ. pers. pp. 902 et seq.;
FR: the second most extensive of
the three forms of judicial
protection, confined to property;
note 13
- E curatorship* - administration
- receivership
For the distinction between
these terms see note 13;
SCO curatory
* QU CC 337, ZA, SC CC 513
* CL CC 338-544
** ES CC 286-298
- S curaduría* - curatela**
- F curateur
FR CC 509.1, 812, Dalloz
succession sects. 48-50;
CH CC 360, 417-419;
BE CJ 1228; QU CC 347
- E curator* - administrator -
receiver - committee**
For the distinction between
the first three terms see
note 13
* QU CC 347, SCO
** EN obsolete: person given
custody of lunatic's
person and property
MX CC 454, 618-630, CL CC 338;
ES CC 291-293
- S curador
- F curateur aux biens
QU CC 347
- E curator bonis* - curator to
property**
Note 13
* SCO
** QU CC 347
- S curador de bienes
- F curateur à la mémoire du mort (FR)
CPP 625
- E representative of the
deceased's reputation
Non-existent in EN
(Archbold sect. 7-92)
- S
- F curateur par voie judiciaire
E judicial curator/administrator/
receiver
i.e. one appointed by the
court; see note 13
- S curador judicial

- E curatorship
Guardianship of property;
e.g. SCO curatory: of the
property of a minor (a girl
of 12-18 or a boy of 14-18)
or incapax; note 13
- F curatelle
S curaduría* - curatela**
* CL CC 338-544
** ES CC 286-298
- E curatory (SCO) = curatorship
- E curator bonis
SCO: curator of the property
of an incapax; note 13
- F curateur aux biens
S curador de bienes
- S custodia
- E 1. custody - detention
2. safekeeping
3. a guard
F 1. (la) garde (d'une personne
ou d'une chose)
2. surveillant - gardien
- S custodiar
- E to guard - to detain
F garder
- E custody
Crim. proc.: lato sensu
means any form of detention
or imprisonment, whether
before or after trial, but in
EN is sometimes distinguished
from imprisonment in order to
indicate deprivation of
liberty before trial as
opposed to after sentence;
note 1
- F
S

D

- S daño emergente (CL) CC 1556
E damnum emergens Black
F dommage émergeant
- S dar por terminado
E to terminate Used transitively
F
- F dans les 60 jours à compter de ...
E within 60 days following/after See à compter de
S
- F dans les 60 jours de ...
= dans les 60 jours à compter de
- F dans les 60 jours qui suivent
= dans les 60 jours à compter de
- F dans un délai de 30 jours à compter de ...
E within 30 days following ...
S
- F débats (FR, ICJ) FR proc. civ., proc. pén.;
v. clôture des débats étape procédurale: syn.
versé aux débats d'audience; FR CPCN 22,
430-446, 937, CPP 306-354,
406-461; Dalloz Proc. civ.
pp. 526-536, 627-629, Proc.
pén. pp. 616-640; EGLAT débats,
instruction; ICJ Statute 45, 51
E hearing* - trial - oral
proceedings** *ICJ Statute 51
S **ICJ Statute 45
- F débats oraux (FR Dalloz Proc. civ.
pp. 526-536, 627-629, Proc. pén.
pp. 616-640) = débats
- E debenture EN, CA, US
F obligation* - débenture** * FR Loi 24.7.1966,
284-339
**NB
S obligación - debenture ES LSA 111-132

F	débirentier (LB)	CC ...
	E annuity debtor	Person who pays an annuity
	S	
F	débiteur	Par opposition à <u>créancier</u>
	1. sens juridique et large: celui qui doit	v. <u>dette</u> 1.; FR CC Bk. III, tit. III <u>passim</u> , BE CC <u>ibid.</u> ; Capitant, Guillien, Dalloz <u>obligation</u> sect. 1
	2. sens commun et strict: celui qui doit une somme d'argent	v. <u>dette</u> 2.
	E 1. obligor* - debtor**	*Black; rare, usually called <u>person by whom an obligation is owed</u> **In its broad sense, (Salmond p. 447), but the term is normally reserved for <u>débiteur</u> 2. (Martin, Black) In its narrow and usual sense, i.e. a person who owes money. Ossorio; CL, ES, MX: CC Bk. IV <u>passim</u>
	2. debtor	
	S 1. deudor	
	2. deudor	
F	débiteur conjoint	
	E joint debtor	As opposed to <u>débiteur solidaire</u> ; note 12
	S deudor mancomunado	
F	débiteur solidaire	
	E joint and several debtor	As opposed to <u>débiteur conjoint</u> ; note 12
	S deudor solidario	
L	<u>de bono et aequo</u> = <u>ex bono et aequo</u>	
F	débouter v. dismiss	
E	debt = dette	
E	debtor = débiteur	

F décharge
v. à décharge

E discharge* - release**

Can take place by act of party or by operation of law
*Of an obligation, of a person from an obligation
**Of a person from an obligation, e.g. of a liquidator, a company director, a money debtor

S cumplimiento

F déchu de

E deprived of

être déchu de, to be deprived of, to lose, to forfeit

S privado de

S decidir (CL)

E to decide - to give judgement - to rule*

*i.e. to give a ruling

F statuer

F décision

E decision* - judgement**

FR: pr. civ., pen., dr. adm.; IACEV 1, CJENF 25
FR name given in particular to the decisions of the Tribunal des conflits (Déc. 26.10.1849, 9), the Conseil Constitutionnel (Ord. 1067 7.11.1958, 15, 40, Brown 10) and the Conseil d'Etat, although the decisions of the Conseil d'Etat are always called arrêt (v. arrêt)
* IACEV 1
** CJENF 25; judgement is spelt judgment in EN, US, ICJ, CJEC, ECHR

S resolución

F décision administrative (FR)

Dr. adm.: can mean a decision of an administrative authority or a decision (arrêt, jugement, ordonnance) of a court of administrative law; EGLAT

- E administrative decision
S
Translate as appropriate, e.g. decision of the administrative court, if the decision is clearly one taken by a court of administrative law
- F décision à titre préjudiciel
S
EGLAT; RT 177
- E preliminary ruling
S
- F décision avant dire droit (FR)
S
Daloz Proc. pén. p. 658; TD/B/RBP/15/Rev.1, art. 9 (II) (ii)
- E interim/interlocutory decision
S
Many décisions avant dire droit would fall in EN under the heading of interlocutory orders; TD/B/RBP/15/Rev.1, art. 9 (II) (ii) interim order TD/B/RBP/15/Rev.1, art. 9 (II) (ii)
- F décision collective
S
E collective/collegiate decision
S
- F décision contentieuse (FR)
S
E adjudicatory decision
S
As opposed to a décision gracieuse
A judicial decision in a contentious matter
- F décision de condamnation (FR proc. pén. CPP 485, Daloz Proc. pén. p. 653) = condamnation l.
S
- F décision gracieuse (FR)
S
E non-contentious decision
S
Guillien, Daloz Proc. civ. pp. 131 et seq.
A judicial decision in a non-contentious matter (see matière gracieuse) or on a non-contentious point arising in a contentious matter
- F décision judiciaire (FR)
S
Means lato sensu a decision taken by any court of law or stricto sensu a decision taken by a juridiction judiciaire as opposed to one taken by a juridiction administrative;
EGLAT; IACEV I

E	judicial decision - judgement*	Translate as <u>decision of a judicial court</u> if it is necessary to draw the distinction mentioned above *IACEV I, but not otherwise IACEV I
S	sentencia judicial	
F	décision pénale	IACEV I
E	judgement in penal proceedings	IACEV I
S	sentencia penal	IACEV I
F	décision préjudicielle	CJEC: RT 177, Isaac 282-301
E	preliminary ruling	CJEC: RT 177, Brown & Jacobs 151-178, 214-217
S		
S	decisión provisional	
E	interim decision	Of Human Rights Committee
F		
F	décision rendue contradictoirement	
E	adversary decision - decision given in adversary proceedings	
S		
F	décision rendue non contradictoirement (FR)	CPCN 493
E	<u>ex parte</u> decision - decision given in non-adversary proceedings	
S		
F	décision susceptible de cassation (RW)	
E	decision against which appeal lies in cassation	Translate as <u>decision against which appeal lies to the Court of Cassation</u> if that is clearly the case
S		
S	declaración	
	1. término general	
	2. (CL, ES, UY) nombre principal o único que recibe la relación que el presunto responsable hace ante el juez	

E	1. declaration - statement	Note 18
	2. accused's statement	Note 1
F	1. déclaration	
	2. déclaration de l'inculpé	Déclaration faite lors de la comparution devant le magistrat instructeur
S	Declaración Americana de los Derechos y Deberes del Hombre	Aprobada por la IX Conferencia Internacional Americana, Bogotá, 1948
	E American Declaration of the Rights and Duties of Man	
	F Déclaration américaine des droits et devoirs de l'homme	
S	declaración bajo protesta (MX)	Const. 16
	E affirmed declaration	
	F	
S	declaración de ausencia	ES CC 182
	E declaration of absence	PH CC 384, SC CC 115; roughly equivalent to EN <u>decree of presumption of death</u>
	F déclaration d'absence	FR CC 115, CPCN 1066-1069
S	declaración de la ausencia = declaración de ausencia	
S	Declaración de las Naciones Unidas sobre la eliminación de todas las formas de discriminación racial	HRC
	E United Nations Declaration on the Elimination of All Forms of Racial Discrimination	
	F Déclaration des Nations Unies sur l'élimination de toutes les formes de discrimination raciale	
S	Declaración de los Derechos del Niño	HRC
	E Declaration of the Rights of the Child	
	F Déclaration des droits de l'enfant	
S	Declaración de los Derechos de los Impedidos	HRC
	E Declaration on the Rights of Disabled Persons	
	F Déclaration des droits des personnes handicapées	

- S Declaración de los Derechos del Retrasado Mental HRC
- E Declaration on the Rights of Mentally Retarded Persons
- F Déclaration des droits du déficient mental
- S Declaración de los principios de la cooperación cultural internacional HRC
- E Declaration of the Principles of International Cultural Co-operation
- F Déclaration des principes de la coopération culturelle internationale
- S declaración de nulidad (CL) CC 1683
- E
- F nullité déclarée
- S declaración de pobreza (ES, GT) ES LEC 13-50, LECR 118-140, GT CPP 175
- E declaration of indigence - Black in forma pauperis; declaration in forma pauperis* equivalent to EN legal aid certificate (civ. proc.)/order (crim. proc.)
- F *IACEV 5
- S declaración indagatoria
1. (AR, CO, SV, VE) nombre principal o único que recibe la relación que el presunto responsable hace ante el juez AR CPCR 9, 236, CO CPP 436, SV CPP 188, VE CECR 192
2. (CL, UY) nombre que como variante se da a ese importante trámite
- E accused's statement Note 1
- F déclaration de l'inculpé Déclaration faite lors de la comparution devant le magistrat instructeur
- S declaración indagatoria con cargos (NI) Dec. 185/79, 11(d)
- E accused's answer to charges
- F déclaration de l'inculpé

- S declaración instructiva (PE) CPP 121; nombre principal que recibe la relación que el presunto responsable hace ante el juez
E accused's statement Note 1
F déclaration de l'inculpé Déclaration faite lors de la comparution devant le magistrat instructeur
- S declaración jurada
E sworn statement - affidavit Note 18
F déclaration sous serment
- S declaración preparatoria (MX) CPPDF 287, CFPP 153; nombre único que recibe la relación que el presunto responsable hace ante el juez
E accused's statement Note 1
F déclaration de l'inculpé Déclaration faite lors de la comparution devant le magistrat instructeur
- S Declaración sobre el Asilo Territorial HRC
E Declaration on Territorial Asylum
F Déclaration sur l'asile territorial
- S Declaración sobre el fomento entre la juventud de los ideales de paz, respeto mutuo y comprensión entre los pueblos HRC
E Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples
F Déclaration concernant la promotion parmi les jeunes des idéaux de paix, de respect mutuel et de compréhension entre les peuples
- S Declaración sobre el Progreso y el Desarrollo en lo Social HRC
E Declaration on Social Progress and Development
F Déclaration sur le progrès et le développement dans le domaine social

S Declaración sobre la concesión de la independencia a los países y pueblos coloniales HRC

E Declaration on the Granting of Independence to Colonial Countries and Peoples

F Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux

S Declaración sobre la eliminación de la discriminación contra la mujer HRC

E Declaration on the Elimination of Discrimination against Women

F Déclaration sur l'élimination de la discrimination à l'égard des femmes

S Declaración sobre la protección de la mujer y el niño en estados de emergencia o de conflicto armado HRC

E Declaration on the Protection of Women and Children in Emergency and Armed Conflict

F Déclaration sur la protection des femmes et des enfants en période d'urgence et de conflit armé

S Declaración sobre la Protección de Todas las Personas contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes HRC

E Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

F Déclaration sur la protection de toutes les personnes contre la torture et autres peines ou traitements cruels, inhumains ou dégradants

S Declaración sobre la utilización del progreso científico y tecnológico en interés de la paz y en beneficio de la humanidad HRC

E Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind

- F Déclaration sur l'utilisation du progrès de la science et de la technique dans l'intérêt de la paix et au profit de l'humanité
- S Declaración Universal de Derechos Humanos HRC
- E Universal Declaration of Human Rights
- F Déclaration universelle des droits de l'homme
- S Declaración universal sobre la erradicación del hambre y la malnutrición HRC
- E Universal Declaration on the Eradication of Hunger and Malnutrition
- F Déclaration universelle pour l'élimination définitive de la faim et de la malnutrition
- S declarado reo (CL) CPP 247, 380
- E committed for trial
- F prévenu - accusé
- Note 1
Selon qu'il s'agisse d'un délit ou d'un crime; v. note F au mot acusado 1.
- S declarar cesante (UY) Destituir, especialmente de la Administración Pública
- E to dismiss (from office)
- F licencier
- S declarar por oficio (CL) Ciertas autoridades o dignatarios que no están obligados a concurrir al tribunal entregan su testimonio "por oficio"
- E to give official evidence in writing
- F faire une déposition écrite - déposer par écrit
- Et NON PAS d'office
- F declaratif
v. acte déclaratif
jugement déclaratif

- E declaration
v. United Nations ...
Universal ...
1. (IL)
2. (ML)
- F
S
- F déclaration
1. terme général: affirmation
faite par un tribunal ou
par un particulier
2. (FR proc. civ., proc. pén.) acte de procédure
- GPCN 900, 974, CPP 502,
567.2, 576
- E 1. declaration - statement
2. notice of appeal* -
notice of application**
- Note 18
*To an appeal court
**To the Court of Cassation
- S 1.
2.
- F Déclaration concernant la promotion
parmi les jeunes des idéaux de
paix, de respect mutuel et de
compréhension entre les peuples
- HRC
- E Declaration on the Promotion
among Youth of the Ideals of
Peace, Mutual Respect and
Understanding between Peoples
- S Declaración sobre el fomento
entre la juventud de los
ideales de paz, respeto mutuo
y comprensión entre los pueblos
- F déclaration d'absence
= declaración de ausencia
- F déclaration d'appel
- FR CPCN 901, CPP 502,
547
- E notice of appeal
- i.e. appeal to the
Court of Appeal
- S
- F déclaration de conformité (FR)
- De la constitution d'une
société commerciale: Loi
24.7.1966, 6
- E declaration
of compliance
- GB: with the requirements
for the registration etc. of
an incorporated company:
Companies Act 1985, 12(3)
- S

- F déclaration de pourvoi FR CPCN 975
E notice of appeal i.e. appeal to the Court
S of Cassation
- F Déclaration des droits de l'enfant HRC
E Declaration of the Rights of
the Child
S Declaración de los Derechos
del Niño
- F Déclaration des droits des personnes HRC
handicapées
E Declaration on the Rights of
Disabled Persons
S Declaración de los Derechos de
los Impedidos
- F Déclaration des droits du déficient HRC
mental
E Declaration on the Rights of
Mentally Retarded Persons
S Declaración de los Derechos
del Retrasado Mental
- F Déclaration des Nations Unies sur HRC
l'élimination de toutes les formes
de discrimination raciale
E United Nations Declaration on
the Elimination of All Forms of
Racial Discrimination
S Declaración de las Naciones Unidas
sobre la eliminación de todas las
formas de discriminación racial
- F Déclaration des principes de la HRC
coopération culturelle
internationale
E Declaration of the Principles
of International Cultural
Co-operation
S Declaración de los principios
de la cooperación cultural
internacional

- F Déclaration de volonté The Willenserklärung of German law; Marty Civ. obl. para. 42
- E declaration of intention Not letter of intent
S declaración de voluntad
- E Declaration of Independence Subtitle: The Unanimous Declaration of the Thirteen United States of America, 4.7.1776; for text see POL 15, p. 336
- F
S
- E declaration of right Salmond 106
- F
S
- E Declaration of the Principles of International Cultural Co-operation HRC
- F Déclaration des principes de la coopération culturelle internationale
S Declaración de los principios de la cooperación cultural internacional
- E Declaration of the Rights of the Child HRC
- F Déclaration des droits de l'enfant
S Declaración de los Derechos del Niño
- E Declaration of the Rights of Man and of the Citizen
- F
S
- E Declaration on Social Progress and Development HRC
- F Déclaration sur le progrès et le développement dans le domaine social
S Declaración sobre el Progreso y el Desarrollo en lo Social

- E Declaration on Territorial Asylum HRC
- F Déclaration sur l'asile territorial
 - S Declaración sobre el Asilo Territorial
- E Declaration on the Elimination of Discrimination against Women HRC
- F Déclaration sur l'élimination de la discrimination à l'égard des femmes
 - S Declaración sobre la eliminación de la discriminación contra la mujer
- E Declaration on the Granting of Independence to Colonial Countries and Peoples HRC
- F Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux
 - S Declaración sobre la concesión de la independencia a los países y pueblos coloniales
- E Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples HRC
- F Déclaration concernant la promotion parmi les jeunes des idéaux de paix, de respect mutuel et de compréhension entre les peuples
 - S Declaración sobre el fomento entre la juventud de los ideales de paz, respeto mutuo y comprensión entre los pueblos
- E Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment HRC
- F Déclaration sur la protection de toutes les personnes contre la torture et autres peines ou traitements cruels, inhumains ou dégradants

- S Declaración sobre la Protección de Todas las Personas contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes
- E Declaration on the Protection of Women and Children in Emergency and Armed Conflict HRC
- F Déclaration sur la protection des femmes et des enfants en période d'urgence et de conflit armé
- S Declaración sobre la protección de la mujer y el niño en estados de emergencia o de conflicto armado
- E Declaration on the Rights of Disabled Persons HRC
- F Déclaration des droits des personnes handicapées
- S Declaración de los Derechos de los Impedidos
- E Declaration on the Rights of Mentally Retarded Persons HRC
- F Déclaration des droits du déficient mental
- S Declaración de los Derechos del Retrasado Mental
- E Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind HRC
- F Déclaration sur l'utilisation du progrès de la science et de la technique dans l'intérêt de la paix et au profit de l'humanité
- S Declaración sobre la utilización del progreso científico y tecnológico en interés de la paz y en beneficio de la humanidad
- F Déclaration sur la protection des femmes et des enfants en période d'urgence et de conflit armé HRC
- E Declaration on the Protection of Women and Children in Emergency and Armed Conflict

S Declaración sobre la protección de la mujer y el niño en estados de emergencia o de conflicto armado

F Déclaration sur la protection de toutes les personnes contre la torture et autres peines ou traitements cruels, inhumains ou dégradants HRC

E Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

S Declaración sobre la Protección de Todas las Personas contra la Tortura y Otros Tratos o Penas Cruels, Inhumanos o Degradantes

F Déclaration sur l'asile territorial HRC

E Declaration on Territorial Asylum

S Declaración sobre el Asilo Territorial

F Déclaration sur l'élimination de la discrimination à l'égard des femmes HRC

E Declaration on the Elimination of Discrimination against Women

S Declaración sobre la eliminación de la discriminación contra la mujer

F Déclaration sur le progrès et le développement dans le domaine social HRC

E Declaration on Social Progress and Development

S Declaración sobre el Progreso y el Desarrollo en lo Social

F Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux HRC

E Declaration on the Granting of Independence to Colonial Countries and Peoples

S Declaración sobre la concesión de la independencia a los países y pueblos coloniales

- F Déclaration sur l'utilisation du progrès de la science et de la technique dans l'intérêt de la paix et au profit de l'humanité HRC
- E Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind
- S Declaración sobre la utilización del progreso científico y tecnológico en interés de la paz y en beneficio de la humanidad
- F déclaration unilatérale FR CPCN 547
- E unilateral declaration - notice of motion* *FR: in an appeal to an appeal court
- S
- F Déclaration universelle des droits de l'homme HRC
- E Universal Declaration of Human Rights
- S Declaración Universal de Derechos Humanos
- F Déclaration universelle pour l'élimination définitive de la faim et de la malnutrition HRC
- E Universal Declaration on the Eradication of Hunger and Malnutrition
- S Declaración universal sobre la erradicación del hambre y la malnutrición
- S declarativo
v. acto declarativo
sentencia declarativa
- S declaratoria
1. forma abreviada de declaratoria general
2. declaración
- E 1. declaratory ruling
2. declaration - statement Note 18
- F 1. déclaration générale
2. déclaration

- S declaratoria general (MX)
E declaratory ruling
F déclaration générale
- S declaratoria de estado de abandono (VE)
E declaration of abandonment Of minors, roughly equivalent to EN care order, under which a juvenile is committed by the court to the care of a local authority
F
E declaratory judgement A discretionary decision, but not a non-contentious one; Black, OCL, Salmond 106, Lawson 12-13, 231-238 West
F jugement déclaratoire West
S sentencia declaratoria West
- F déclinatoire FR CPCA 168-172 obs, see CPCN 75-107, Dalloz Proc. civ. pp. 308 et seq., Dr. adm. p. 148
E formal objection* - procedural plea** *e.g. lodged by a prefect with a court at the request of an administrative authority (FR AL), lodged by a party to conciliation proceedings **pleaded by a defendant in legal proceedings (Black declinatory exception)
S declinatoria is narrower than déclinatoire (see ES LEC 538)
- F déclinatoire de compétence FR Dalloz Proc. civ. pp. 308, 315-321, Dr. adm. p. 148, Brown 93; IL CID 32
E objection as to jurisdiction* - plea to the jurisdiction** *lodged e.g. by a prefect with a court at the request of an administrative authority (FR AL), by a party to conciliation proceedings under CID 32; **pleaded by a defendant in legal proceedings (EN)
S declinatoria de jurisdicción CL CPP 433, ES LEC 72-115, 533(1), 538, LEGR 26, 45, 666, 674

- F déclinatoire de connexité (FR obs
Dalloz Proc. civ. pp. 308, 358)
= exception de connexité
- F déclinatoire de litispendance (FR obs
Dalloz Proc. civ. pp. 308, 357)
= exception de litispendance
- S declinatoria (CL, ES) CL CPP 433, ES LEC 72
et seq., 533(1), 538, LECR
26, 45, 666, 674, 676, 678
- E plea to the jurisdiction
F déclinatoire de compétence*
- exception d'incompétence *obs.
- S declinatoria de jurisdicción (CL
CPP 433, ES LEC 72 et seq., 533(1)
538, LECR 26, 45, 666, 674, 676,
678) = declinatoria
- E declinature
v. abstención
- F décliner
- E to disclaim/decline e.g. responsibility,
liability
- S
- F déconfiture (BE, FR, ?CH) BE CC 1613, 1913, 2003,
2032; FR CC ibid.; Amos 370
Applies only to non-traders,
whether individuals (BE, FR,
?CH) or juridical persons (BE,
?CH); non-mercantile need not
be used unless déconfiture has
to be distinguished from
faillite or faillite personnelle;
see F and E notes to faillite
- S
- F d'économie mixte
v. société d'économie mixte
- S de consuno (CL) CC 222, 362-363, 1526(6),
1751
- E by common accord/mutual
agreement
F d'un commun accord
- F découlant
v. obligation découlant d'un traité

F	découlant de	IL
E	flowing from* - involved in** - arising out of***	*e.g. rights <u>flowing from</u> a treaty **e.g. rights <u>involved in</u> the notion of ... ***e.g. consequences, responsibility <u>arising out of</u> its conduct
S	decr. = decreto	
E	decree	
	v. consent decree	
	consent decrees and litigated judgements	
	1. Class of legislation	A legislative decree is <u>issued</u>
	2. (EN: civ. proc.) name given to the final judgement in a matrimonial cause; (US: civ. proc.) name given to the final judgement in certain equity proceedings	A judicial decree is <u>granted</u> ; EN: name formerly given to the final decision in a <u>suit</u> , i.e. in equity proceedings, and still used in a matrimonial cause instead of <u>judgement</u> because such a cause is still known as a <u>suit</u> . SCO name given to all final judgements
F	1. décret législatif - ordonnance*	*FR valeur législative en vertu d'une disposition expresse de la Constitution
	2. (EN) jugement en matière matrimoniale; (US) decision - judgement	West
S	1. 2.	
E	decree <u>nisi</u>	EN: final judgement given in divorce proceedings and made absolute after a specified period of time unless (<u>nisi</u>) cause is shown against it
F	jugement déclaratoire en matière de divorce	West
S		
E	decree of judgement	EN: technical term for the class of judicial decisions comprising <u>judgement 1.</u> and <u>decree 2.</u>
F		
S		

F décret (BE, FR)

FR: acte législatif au sens matériel (Cornu acte législatif (b) obs.): décision administrative, notamment celle prise par le Président de la République ou par le Premier ministre, faisant partie en particulier de la catégorie des règlements, Const. 13, 19, 21, 22, 69; Dalloz Dr. adm. p. 71, Cornu; autres exemples: décret en Conseil des Ministres, décret en Conseil d'Etat, décret simple; BE Const. 26 bis
See E note to arrêté

E decree
S decreto

S decretar

1. en el sentido administrativo:
dictar decretos
2. ordenar algo aun cuando no sea por decreto
3. decidir el juez sobre las peticiones de las partes

E 1. to (issue a) decree
2. to order
3. to rule
F 1. édicter un décret
2. décréter
3. statuer

S decretar el procesamiento (UY)

E to commit for trial
F

F décret-loi (FR, RW)

Acte législatif: FR obs,
RW Const. 48; Guillien

E decree-law
S decreto-ley

F Décret no. 66-1081 du
31 décembre 1966 portant
organisation des établissements
pénitentiaires (SG)

E Penal Establishments Organization
Decree No. 66-1081 of
31 December 1966

S

- S decreto
- 1. orden del Poder Ejecutivo CO; Ossorio
 - 2. (CL, MX) clase de resoluciones judiciales CL CPC 158, CPP 43, MX
CPCDF 79, CPPDF 71; Ossorio
- E. 1. decree
2. procedural order
- F. 1. décret
2. ordonnance (judiciaire)
- S Decreto ...
- E ... Decree Note 5
- F Décret
- S decreto con fuerza de ley (CL)
- Norma legal que por autorización expresa del Congreso Nacional podía dictar el Presidente de la República respecto de ciertas materias dentro de cierto plazo (i.e. delegated legislation, 1925 Const. ...). En la actualidad, reemplazado el Congreso por la Junta Militar, ésta también suele delegar esas facultades y existen bajo ella los decretos con fuerza de ley (1980 Const. 61).
- E law-ranking decree
- F décret ayant force de loi
- S decreto de detención (CL)
- CPP 53, 269, 1925 Const. 17
- E arrest warrant Note 1
- F mandat d'arrêt
- S decreto de exhibición (NI)
- Dec. 232/80, 6; variante para el auto de exhibición
- E writ of habeas corpus
- F ordonnance de représentation (de personne) - ordre de présenter la personne du détenu
- S decreto de insistencia
- E overruling decree
- F décret d'insistance

- S decreto de mero trámite (BO, UY) BO CPP 86, UY CPP 88
E procedural order
F
- S decreto de no ha lugar (PE) CPP 77
E dismissal order Order dismissing criminal proceedings; note 1
F ordonnance de non-lieu
- S decreto de substanciación (UY CPC 75)
= decreto de sustanciación
- S decreto de sustanciación (UY) CPPM 444; llamado también mera interlocutoria, mere interlocutoria, interlocutoria
E procedural order
F ordonnance préparatoire -
décision préparatoire
- S decreto exento (CL)
E exempt decree - prerogative decree A decree exempt from review as to constitutionality and legality (toma de razón), e.g. a decreto supremo (1980 Const., 24th transitional provision)
F décret spécial (decreto exento)
- S decreto judicial = decreto 2.
- S decreto legislativo
1. (CO) variante para el decreto que tiene fuerza legislativa
2. (ES) norma legal que por autorización expresa de las Cortes Generales puede dictar el gobierno respecto de ciertas materias dentro de cierto plazo; (PE) ?norma legal semejante
E 1. law-ranking decree CO: emergency legislation
2. legislative decree ES, ?PE: delegated legislation
F 1. décret ayant force de loi
2. décret législatif

S decreto-ley (CL, ES)

En la actualidad esta expresión se registra en ambos países pero en contextos diferentes. En Chile, se trata de facultades asumidas después del 11 de septiembre de 1973. En España, la establece la Constitución de 1978 (art. 86) para casos de extraordinaria y urgente necesidad, con limitaciones en cuanto a la materia y a su convalidación o derogación por el Congreso de los Diputados
ES: emergency legislation

E decree-law
F décret-loi

S decreto que tiene fuerza legislativa (CO)

Const. 118(8)

E law-ranking decree
F décret ayant force de loi

Emergency legislation

S Decreto S. (CL) = decreto supremo

S decreto supremo

1980 Const., 24th transitional provision; es un ejemplo del decreto exento

E supreme decree
F décret suprême

L de cujus

E = causante l.
F de cujus
S = causante l.

S de derecho

EGLAT de plein droit

E (as a matter) of right*
- as a matter of course -
by (operation of) law -
de jure - ipso jure -
automatically - ex officio
F de droit* - de plein droit**

*Black of right

*FR CPCN 514
**FR CPCN 514, CC 1251,
CH CC 182

S de derecho privado = de droit privé

- S de derecho público = de droit public
- F dédommagement SR
E compensation SR
S
- F dédoublement fonctionnel
E duality of functions
S
- F de droit (FR CPCN 514) = de derecho
- F de droit privé
v. société de droit privé
E at/under private law - private-law* Sometimes called privati juris;
private may suffice
*adjective; O'Connell SS 226 n.1
S de derecho privado
- F de droit public
v. société de droit public
E at/under public law - public-law* Sometimes called publici
juris; public may suffice
*adjective; O'Connell SS 226 n.1
S de derecho público
- S deducir requerimientos (CL)
E to bring/file*/prefer** *US
charges - to charge **EN
F présenter une requête
- S deducir un recurso
E to lodge/file* an appeal For alternatives to appeal
- to appeal see recurso and note 3
F présenter un recours

E deed
v. acts, deeds, conveyances,
and assurances

EN, SCO, US: private written instruments are of two kinds: the deed and the instrument under hand. A deed is required for certain major legal transactions: creating, transferring, acknowledging or terminating rights, powers and obligations. Deeds are distinguished from instruments under hand by being executed, i.e. signed, with certain formalities, such as witnessing and sealing. Sealing is still a requirement in EN, but one not always observed in practice, except in the case of execution by a corporation, and is sometimes a requirement in US, particularly in the case of execution by a corporation; in other common law countries a deed is simply a formal document normally executed in the presence of a witness or witnesses; Odgers Construction 1, Black deed, seal; EN Law of Property Act 1925, 52, 57, 73(1), 74(1). Note that the instrument under hand and the deed are both private instruments and that consequently the distinction between them is not the same as between the private instrument (acte sous seing privé, escritura privada) and the public instrument (acte authentique, escritura pública) of the civil law, the public form of instrument being unknown in most common law countries for private transactions Guillien; NOT acte sous seing privé Ossorio actos solemnes; NOT escritura privada

F ?acte solennel

S ?acto escritura solemne

E deed poll

EN: a unilateral deed, e.g. a power of attorney, as opposed to an indenture; Costello deed, OCL
West
West

F instrument unilatéral

S escritura unilateral

F de façon abusive

E wrong(ful)ly - abusively
- improperly - unwarrantably
S

F défaillance

E default
S

F de fait

v. tuteur de fait

E de facto
S de hecho

E defamation

EN: may be intentional or unintentional; comprises slander (oral defamation, which is a civil wrong) and libel (defamation in a permanent form, which may be a criminal as well as a civil wrong); IN PC; SC PC 184 (= libel, see above)

F diffamation
S difamación

E default

v. imprisonment in default
rebeldía

E default fine

EN Companies Act 1985, 6(3), 730(5) and Sch. 24, MCA 63(3); the same system exists in New York State

F astreinte
S

E default judgement (EN, US)

EN RSC O. 13, Langan 59;
US FRCP 55

F jugement par défaut
S

F défaut

v. arrêt par défaut
jugement par défaut
procédure par défaut

E default
S

NOT absence (see Dalloz Proc. pén. p. 679)

F défavorable

E (translate according to context)

e.g. la décision lui était défavorable, the decision went against him

S

S defecto legal

E legal defect - liability
F défaut selon la loi

S defecto oculo (CL)

CC 1837

E latent defect
F défaut caché

OCL

E defence

A defence is pleaded, brought, put forward

1. (civ. proc., crim. proc.) the defence: the defendant's case as a whole
2. (civ. proc., crim. proc.) the defence: the defendant or his representative
3. (civ. proc., crim. proc.) a defence: an argument available to or put forward by a party for the purpose of answering his opponent's allegation; also called plea

EN: defence and plea are often used interchangeably where a particular kind of legal argument is talked of in the abstract, e.g. the defence/ a plea of res judicata is not available to the defendant unless... At the stage of proceedings, however, the following distinctions must be noted:

1. In a civil action, defence must not be used for an argument pleaded by a plaintiff unless it is pleaded by him in answer to an allegation by the defendant; every other argument put forward by the plaintiff is a claim.
2. In a civil action, a defence available to a party becomes a plea when he puts it forward in a pleading.
3. In a civil action, plea must not be used for the name of the defendant's formal answer to the plaintiff's statement of claim, i.e. defence 4. opposite.

4. In criminal proceedings, plea must be used for the defendant's formal answer to the charge laid against him in an information or an indictment, and defence for an argument put forward at a subsequent stage of the trial prior to the verdict being given; finally, plea in mitigation is the statement made to the judge after conviction asking for mitigating circumstances to be taken into account in the sentence.

Note 2

4. (civ. proc.: EN) procedural step: the defendant's formal answer to the plaintiff's statement of claim; also called statement of defence

The defendant's first pleading and thus the second pleading in a civil action; note 3

F 1. la défense
2. la défense
3. (moyen de) défense
4. conclusions en défense

S 1. defensa
2.
3.
4.

E defendant = défendeur 1.

F défendeur
v. Etat défendeur
1. (FR: proc. civ., pén. (rare), adm.)

Distinguish from défenseur

CPCN 756, CT R. 516-1;
Dalloz action en justice
sect. 8, divorce sect. 14,
tribunal administratif
sect. 30; Dalloz Proc.
pén. p. 255; syn. partie
défenderesse (FR CTA R.107)

2. (dr. int.)

- E 1. defendant
EN person (loosely called the defence) against whom an action at law is brought (SCO defender in civil proceedings); for the alternatives which should be used in certain circumstances
(accused, respondent) see note 3; OCL, Odgers 340
ICJ, international tribunals generally
2. respondent
- S 1. demandado
ES LEC 469, 532, 540, LRJCA 30
CL CPC 19, 254 et seq., MX CPCDF 255; sin. parte demandada (ES LRJCA 29)
2. ?demandado
- F défendeur en appel = intimé
- S defensa (CL, ES) = défense 1. ?2.
- S defensa por pobre (ES LEC 13-50)
= beneficio de pobreza
- F défense
v. conclusions en défense
demandes et défenses
droits de la défense
légitime défense
mémoire en défense
1. (proc. civ., proc. pén.)
partie défenderesse, ou ses moyens; dans ce dernier cas, syn. de moyens de la défense
2. (proc. civ., proc. pén.)
syn. de moyen de défense
- E 1. the defence
?FR CPP 347
FR CPCN 71, CA; Dalloz Proc. civ. pp. 69-78; Dalloz action en justice sect. 8
2. a defence - plea
The defendant's case; term also used for the defendant or his representative
FR a défense (syn. moyen de défense) may be a défense au fond, an exception, a fin de non-recevoir or a demande reconventionnelle; for the extent to which defence and plea are interchangeable see E defence 3
- S 1. defensa
2. excepción*
- ?defensa**
CL CPP 447, ES LEC 37
*lato sensu (v. Ossorio);
ES LEC 531, 1464, ES LECR 666,
CL CPC 309
**v. Ossorio defensa en el sentido de alegato

F	défense au fond (FR)	CPCN 71-72, CPP 386; Dalloz Proc. civ. p. 69, Proc. pén. p. 407
	E defence on the merits	EN civ. proc. <u>traverse</u> , which is a form of <u>plea in bar</u> ; see <u>plea in bar</u>
	S defensa en cuanto al fondo	
F	défenses	
	1. étape procédurale (FR proc. civ. ?obs: Capitant; CJEEC St.18 = conclusions en défense	
	2. moyens de défense (FR proc. civ., pén.: Guillien <u>défenses à l'action</u>) = défense 2.	
F	défenseur (FR)	Guillien, Capitant; ne pas confondre avec <u>défendeur</u>
	E advocate	i.e. the <u>avocat</u> and the <u>avoué</u> in the exercise of their function of pleading in court (<u>plaider</u>) as opposed to that of representing their client (<u>postuler</u>)
	S abogado defensor	
F	?défenseur public = defensor 2.	
S	defensor	Ossorio
	1. abogado que patrocina y defiende en juicio	BO CPP 76, MX CPPDF 296, CFPF 160, UY CPP 126
	2. funcionario auxiliar de la administración de justicia que tiene a su cargo la protección de las personas e intereses de menores, incapaces (p. ej. enfermos mentales) y ausentes	CL CPC 852; sin. CL <u>defensor público</u> COT 365-371 (hay un defensor público en cada departamento y dos en Santiago de Chile)
	3. persona que representa a un menor, incapaz o ausente	ES CC 163, 181, 215; sin. <u>defensor judicial</u> ES CC 299-302
	E 1. advocate - defence lawyer* - counsel for the defence*	In the exercise of his function of pleading in court *In crim. proc., if for the defence
	2. official guardian	NOT <u>Official Solicitor</u> (EN) or <u>public defender</u> (US) If in civil proceedings, translate as <u>guardian ad litem</u>
	3. guardian	

- F 1. défenseur
2. ?défenseur public
3. tuteur
- S Defensor del Pueblo (ES)
- E Parliamentary (High) Commissioner - Ombudsman
F Défenseur du peuple* -
Médiateur**
- S defensor de menores (CL)
- E official guardian (of minors)
F juge des tutelles
- S defensor de oficio (ES, MX, UY)
- E assigned counsel - officially appointed lawyer
F avocat d'office - avocat désigné/commis
- S defensor de pobres, incapaces y ausentes = defensor 2.
- S defensor judicial (ES CC 299-302) = defensor 3.
- S defensor oficial (AR?, BO CPP 74) = defensor de oficio
- S defensor oficial de turno
- E duty (defence) lawyer
F avocat d'office inscrit au rôle
- S defensor público = defensor 2. v. ministerio de los defensores públicos
- FR Dalloz Civ. pers. par. 838
- Const. 54
- EN Parliamentary Commissioner for Administration (OCL)
*Traduction retenue dans les documents relatifs aux droits de l'homme
**Dalloz Dr. adm. p. 351, Loi 6 du 3.1.1973
- CC 263, CPC 853; funcionario auxiliar de la administración de justicia; Ossorio
- Cornu
- Proc. civ., proc. pén.; MX CFPP 159, ES LEC 27, 40, 1714, UY CPP 126
i.e. a lawyer appointed by the court to represent a litigant, especially an indigent under a legal aid system; EN, US FRCRP 44; US public defender if the lawyer in question is a public official; NOT ex officio lawyer
- Cornu
- BO CPP 74

- F défini par une loi
v. crime défini par une loi
- F définitif
v. adopté sous forme définitive
signature définitive
- F définitivement
E definitively
S
e.g. violation réalisée définitivement, breach committed definitively (SR)
- S de género (CL)
E ?generic - ?class*
F de genre
CC 1508; tipo de obligación
*Adjective
- F dégradation civique (FR)
E civic dishonour
S
Peine: CP 8, 34; Dalloz Pén. p. 450
- F degré
E degree
S
BE FR CC 735
EGLAT
- F de gré à gré
E by mutual consent
- by private treaty*
S
*of a sale, as opposed to by auction
- L de jure condendo
E
F
S
- L de jure condito
E
F
S
- F délai
v. dans un délai de 30 jours à compter de
- F délai de forclusion
E limitation period
S

F	délaï de recours	CSAJED 16
	E time for appeal	CSAJED 16
	S	
F	délaï légal	
	E statutory period/time-limit	
	S plazo legal	
E	delegate	To a country or organization
	F délégué	
	S delegado	
E	delegated legislation	EN also called <u>subordinate legislation</u> , its major class being <u>statutory instruments</u> ; Odgers Construction 417-435, OCL, Salmond p. 116
	F législation déléguée	
	S legislación delegada	
F	délégation	
	1. (dr. civ.) d'une obligation	FR CC 1275-1276; Dalloz Civ. obl. p. 1070
	2. sens commun	
	E 1. delegation	A form of novation; Black
	2. delegation	
	S 1.	
	2.	
F	délégué à la surveillance (FR)	Ord. 2.2.1945, 25
	E supervisor*	FR: under the system of <u>liberté surveillée</u> for juvenile offenders; an alternative rendering is <u>juvenile probation officer</u> , but the juvenile may not necessarily be "on probation" in the accepted sense; see <u>liberté surveillée</u> *EN: he need not be a probation officer (Hampton 420)
	S	
S	de letras = letrado	

- F délibération (FR CPP 355-365)
= délibéré
v. délibérations
- F délibérations (ECHR) EGLAT; ECHRRC 19, ECHRRP 19

E deliberations* - *ECHRRC 19, ECHRRP 19
conclusions - decisions
S
- F délibéré (FR)
v. mise en délibéré
pré-délibéré
vidant son délibéré Proc. civ., pén., adm.:
étape procédurale: partie
de la procédure qui intervient
entre l'audience et le jugement
stricto sensu; CPCN 447-450,
Dalloz Proc. civ. pp. 699-701,
Proc. pén. pp. 641-652, Brown
67; EGLAT

E consideration FR: procedural step in which the
judge or judges consider their
decision, findings or verdict;
in the Council of State or an
administrative court also called
audience privée; EN civ. proc.
Langan 226

S
- E delict A wrongful act, especially
one which constitutes a civil
wrong; SC CC 1382-1386, SCO
Marshall 413-447, ZA; OCL
v. quasi-delict delict, wrongs; see wrong;
SR 1980 DA 19
*SR 1980 DA 19
*SR 1980 DA 19

F délit* - délit civil
S delito* - delito civil
- L delicta juris gentium

E crimes against the law of
nations
F crimes contre le droit
international
S
- S delictivo = délictuel
v. hecho delictivo
- F délictuel
v. peine délictuelle

E wrongful - delictual See delict, wrong
S delictivo

- F délier
E to release se délier, to withdraw
S to opt out
- F délimitation LT
E delimitation
S
- S delincuenta
v. menor delincuenta
presunto delincuenta
E offender* - criminal*
- wrongdoer - delinquent**
- culprit
F délinquant
*Technically, a person who
has committed a criminal offence;
COD, COV 10(3) offender
**Not a technical term in EN
FR: personne qui a contrevenu
à une règle de droit pénal
(Guillien)
- S delincuenta común sin. MX reo de orden común
E common criminal
F délinquant de droit commun
- S delincuenta de derecho común
= delincuenta común
- S delincuenta ordinario
= delincuenta común
- F délinquance juvénile Dalloz Proc. pén. p. 351
E juvenile delinquency
S delincuencia juvenil
- F délinquant = delincuenta
v. mineur délinquant
- F délit FR: Capitant, Guillien
délit, délit civil,
EGLAT
infraction; v. wrong
v. crimes et délits contre la
chose publique
en flagrant délit
matière de délit
quasi-délit
1. lato sensu, fait illicite
2. (dr. civ.: lato sensu)
fait illicite ayant le
caractère de faute
FR CC 1382-1386, Amos 201
et seq.; CH non-code (CDO 41)

3. (dr. civ.: stricto sensu) fait illicite ayant le caractère de faute intentionnelle, par opposition au quasi-délit FR CC 1382, CH ...
4. (dr. pén.: lato sensu) fait réprimé par la loi pénale
5. (dr. pén.: stricto sensu: BE, CH, FR, HT, LU, NE) fait illicite sanctionné par une peine correctionnelle, constituant la moyenne des trois catégories d'infraction FR CP 1, CPP 381; CH CP 9; BE CP 1; HT CP 1; LU CP 1
6. (IL) SR
- E 1. wrong(ful act) - delict See delict, wrong
2. tort* - delict** - civil *EN, US; MT CC ...
wrong **SC CC 1382-1386, SCO, ZA;
see delict, wrong
3. deliberate/intentional/
wilful tort/wrong
4. (criminal) offence - crime Note 2
- criminal wrong* *Academic term
Can be translated as
correctional offence
if the word ordinary
is unsuitable in the
context; note 2
5. ordinary offence SR 1980 DA 19
6. delict
- S 1.
2.
3.
4.
5.
6. delito SR 1980 DA 19
- F délit civil = délit 2., 3.
- F délit complexe Capitant
1. délit constitué par plusieurs actes
2. acte qui constitue plusieurs délits
- E 1. multiple-act offence
2. multiple offence SO PC 46 complex offence
- S delito complejo
- F délit contre l'ordre public Guillien ordre public
- E offence against public policy/against law and order
- S delito contra el orden público

- F délit correctionnel = délit 5.
- F délit d'audience
E court offence
S
- FR CPP 675-678, Brown 112
EN loosely, contempt of court, which is however much wider in meaning; strictly EN (conduct constituting) contempt in the fact of the court; OCL contempt of court
- F délit de droit commun = delito común
- F délit d'opinion = delito de opinión
- F délit grave
E serious wrong
S delito grave
- CH CC 477, CDO 249
- F délit infamant
E infamous crime
S delito infamante
- CH CC 139
- F délit international
E international delict
S delito internacional
- SR 1980 DA 19
SR 1980 DA 19
- F délit pénal
follows delitos ...
- S delito
v. acumulación de delitos
autor responsable del delito
de ... previsto en ...
concurrency ...
concurso ...
conocer de ...
cuasidelito
delitos ...
en delito flagrante
en flagrante delito
omisión de denuncia de delito
prescripción del delito
principio de la legalidad del
delito y de la pena
producto del delito
recayó sentencia ...
simple delito
- Ossorio; v. wrong

1. lato sensu, hecho ilícito
 2. (der. civ.) delito civil CL CC 2284, 2314 et seq.
 3. (der. pen.: lato sensu) hecho penado
 4. (der. pen.: stricto sensu) CL, CL CP 1, HN CP 3, UY HN, UY: término general usado CP2, AR CP 1, MX CP 1 en el Código Penal por infracción penal; AR, MX: categoría única de infracciones penales
 5. (der. pen.: stricto sensu: CO, CO CP 2, CR CP 1, CU CDS 1, CR, CU, EC, ES, GT, NI, PA, PE, EC CP 115, ES CP 1, PY, SV, UY, VE) la más alta CPN 16, Const. 25, de las dos categorías de GT CP 1, NI CP 1, PA CP 1, PE infracciones penales CP 2, PY CP 1, SV CP 152, UY CP 2, VE CP 1
 6. (der. pen.: stricto sensu: DO) la intermedia de las tres CP 1 categorías de infracciones penales
 7. (IL) SR, COPSM, COPP
- E
1. wrong(ful act) - delict See delict, wrong
 2. tort* - delict** - * EN, US; MT CC ... civil wrong ** SC CC 1382-1386, SCO, ZA; see delict, wrong
 3. offence - crime ~ Note 2 criminal wrong* * Academic term
 4. (criminal) offence Note 2
 5. serious offence In the case of ES CPN, translate as major offence if delito has to be distinguished from delito grave; note 2
 6. ordinary offence Can be translated as correctional offence if the word ordinary is unsuitable in the context; note 2
 7. delict* - crime** * SR 1980 DA 19 - offence*** ** COPP *** COPSM
- F
1. délit - faute - infraction Cornu
 2. délit (civil)
 3. délit pénal
 4. délit correctionnel
 - 5.
 - 6.
 7. crime* - délit** - * COPP, COPSM attentat - atteinte ** SR 1980 DA 19

S delito civil = delito 2.

- S delito común
E offence under the ordinary law
F délit/infraction de droit commun
Por oposición a ?delito especial
Loosely, ordinary offence or common crime, but both these terms are ambiguous
- S delito común de menor cuantía
E petty offence
F délit mineur de droit commun
- S delito conexo
E related offence
F délit connexe
- S delito continuado
E continuing offence
F délit continu
SO PC 45
- S delito contra el honor (MX)
E offence against honour
F (délit d') atteinte à l'honneur
Offences against honour are defamatory offences, but not all forms of defamation are offences; NZ crimes against reputation, SO PC 451 crimes against honour
FR Dalloz Civ. pers. par. 32 constitue, sous certaines conditions, le délit pénal de diffamation
- S delito contra la cosa pública (VE)
E offence against the public interest
F délit contre la chose publique
CP ...
FR CP 70: crimes et délits contre la chose publique
- S delito contra la integridad personal (CO)
E offence against the person
F (délit d') atteinte à l'intégrité physique
SC PC 192; IN PC, SG PC 299, offence affecting the human body; NZ Crimes Act crime against the person; NOT bodily injury

- S delito contra la libertad (AR) CP ...
E offence against liberty
F attentat à la liberté FR CP 114-122
- S delito contra la moral pública
v. delitos contra la moral pública y
las buenas costumbres
- S delito contra las buenas costumbres
v. delitos contra las buenas costumbres
y el buen orden de las familias
- S delito contra la seguridad común (AR) CP ...
E offence against public safety SO PC 329 crime against
public safety
F atteinte à la sûreté publique
- S delito contra la seguridad de la Nación (AR, MX) AR CP ..., MX CP 123
E offence against the safety of
the Nation
F attentat à la sûreté de l'Etat FR CP 70: crimes et délits
contre la sûreté de l'Etat;
Guillien atteinte à la sûreté
de l'Etat
- S delito contra la tranquilidad pública (AR) CP ...
E offence against the public
peace IN PC: offence against the
public tranquillity
F atteinte à la tranquillité Cornu
publique
- S delito contra la vida
v. delitos contra la vida y la
integridad corporal
- S delito culposo Ossorio culpa, delito
culposo
E culpable wrong
F délit fautif - faute
- S delito de acción
v. delitos de acción u omisión

- S delito de acción privada BO CPP 7, CR
- E offence actionable/
prosecutable privately -
privately actionable/
prosecutable offence -
offence for which a private
action/prosecution lies
 - F délit porté devant les tribunaux
par un particulier
- S delito de acción pública BO CPP 7
- E offence actionable/prosecutable
publicly - publicly actionable/
prosecutable offence - offence
for which a public action/
prosecution lies
 - F délit entraînant la mise en
mouvement de l'action publique
- S delito de derecho común = delito común
- S delito de fuero común (MX)
- E non-federal offence
 - F délit non fédéral
- S delito de fuero federal (MX) = delito
federal
- S delito de lesa humanidad
- E crime against humanity
 - F crime contre l'humanité
- S delito de lesa nación
- E offence against the State*
- treasonable offence**
 - F délit contre la Nation
- * In PC
** Black treason
- S delito del orden común (MX) = delito
de fuero común
- S delito del orden federal (MX) = delito
federal
- S delito de opinión
- E crime of opinion/belief
 - F délit d'opinion

S	delito doloso	Ossorio <u>delito culposo.</u> <u>delito doloso</u>
	E wilful wrong	
	F faute dolosive	
S	delito federal (MX)	
	E federal offence	
	F délit fédéral	
S	delito flagrante v. en flagrante delito	UY CPP 111
	E flagrant crime*/offence	* Non-technical term
	F infracción flagrante	** Technical term RW CPP 7
S	delito grave (ES)	CPN 16
	E serious offence	One of the two subcategories into which the category of offences called <u>delito</u> is divided; note 2
	F délit grave	
S	delito imposible	UY CP 5(3)
	E impossible offence	EN (<u>per</u> Court of Appeal, Times Law Report, 6.11.1984)
	F	
S	delito menos grave (ES)	CPN 16
	E ordinary offence	One of the two subcategories into which the category of offences called <u>delito</u> is divided; note 2
	F	
S	delito monetario (ES)	
	E monetary offence	
	F	
S	delito oficial (MX)	Acto de alto funcionario de la Federación que viola una garantía individual
	E governmental offence	
	F abus d'autorité	

S	delito perseguible a instancia de parte (ES)	CP 111
	E offence prosecutable at the instance of a private individual	
	F	
S	delito perseguible a instancia del agraviado (ES)	CP 96
	E offence prosecutable at the instance of the person aggrieved/victim	
	F	
S	delito perseguible de oficio	
	E offence prosecutable <u>ex officio</u> /officially	See note to <u>proceder de oficio</u>
	F	
S	delito perseguible mediante denuncia o querrela del agraviado (ES)	CP 112
	E offence prosecutable on the information or complaint of the person aggrieved/victim	
	F	
S	delito previsto ... v. delitos previstos ...	
S	delito privado	CU
	E private offence	i.e. against a private person
	F	
S	delito público	CU
	E public offence	i.e. against the public
	F	
S	delito que debe perseguirse de oficio (CL)	CPP 11
	E offence which must be prosecuted officially	See note to <u>proceder de oficio</u>
	F	

- S delito putativo UY CP 8
E ?putative offence
F délit putatif
- S delito que afecta
v. delitos que afectan ...
- S delito que da lugar a procedimiento
de oficio (ES, GT, HN)
E offence prosecutable ex officio
F
- S delitos contra la moral pública y las
buenas costumbres (MX) CP ...
E offences against public morals
and decency NZ Crimes Act crimes against
morality; SO PC 398 crimes
against morals and decency
F Cornu attentat aux moeurs
- S delitos contra las buenas costumbres
y el buen orden de las familias
E offences against morals and
family propriety
F
- S delitos contra la vida y la integridad
corporal (MX) CP 288-343
E offences against human life and
the person
F
- S delitos de acción u omisión
E offences of commission or
omission
F délits par commission ou
omission
- S delitos previstos como de derecho
común
E offences ranking as offences
under the ordinary law See note to delito común
F délits considérés comme de
droit commun

- S delitos previstos por ... en concurso con ... (AR)
E combination of offences under ... and ...
F
- S delitos previstos por ... en concurso real con ... (AR) = delitos previstos por ... en concurso con ...
- S delitos que afectan la fuerza moral del Ejército y la Marina (Fuerza Aérea) (UY) CPM 58
E offences detrimental to military morale Translate literally if the context requires
F délits portant atteinte à la morale de l'armée et de la marine (de l'armée de l'air)
- F délit pénal = délit 4.
- F délivrer
E to issue
S
- S demanda (CL, ES, MX) = demande
- S demandada
v. demandado
parte demandada
- S demanda de garantías
E petition of rights EN obs. petition of right
F
- S demandado = défendeur
- S demandante
= demandeur
v. parte demandante
- S demanda principal
= demande principale
- S demandar = demander

S demandar en juicio (CL)

CC 2199

E to bring an action/
proceedings - to sue
F actionner - poursuivre en
justice

Note 3

F demande

v. à la demande de ...
demandes et défenses
d'office ou à la demande d'une
partie
former une demande
produire une demande

1. terme général
2. terme procédural: action
de s'adresser à un tribunal
pour faire reconnaître
l'existence d'un droit
(Capitant I);
nom donné à l'acte,
normalement fait par écrit,
par lequel cette action est
exercée (Capitant II), appelé
notamment en proc. civ.
demande initiale
3. prétention au sujet de
laquelle est exercée l'action
en justice (Capitant III)

FR CPCN 25, 53-70,
434, 797, 1073, 1283,
1292; utilisé parfois
comme synonyme d'action
(p. ex. FR CC 181)

FR CPCN v. demande 2.

- E. 1. application - claim -
request
2. application* - claim* -
request**

* For the distinction
between these terms and the
alternative motion see
the specific examples of demanda
and demande above and below and
note 3; where demanda means
originating claim (see demande
initiale) it can be translated
accordingly
** If addressed by an authority
of one country to an authority
of another

3. claim

- S 1.
2. demanda
3. demanda

CL CPC 253, ES LEC 524, 540,
680, 681, 720, MX CPCDF 255

F	demande additionnelle (FR)	CPCN 65
	E supplementary claim	
	S demanda adicional	
F	demande conjointe (FR)	CPCN 1143
	E joint application	In divorce proceedings
	S demanda conjunta	
F	demande d'abstention (FR)	CPCN 5; Guillien <u>abstention</u>
	E request to stand down	FR: official request made by a judge not to hear a case assigned to him because he might be thought to have an interest in the matter it involves. In EN there is no official procedure for this; a judge finding himself in such a position would simply disqualify himself from hearing the case by notifying the circumstances to the court administrator; see E note to <u>abstención</u>
	S	
F	demande d'exequatur	
	E 1. request for enforcement	i.e. for enforcement abroad of a judgement or award
	2. <u>exequatur</u> application	VCCR 12
	S 1.	
	2.	
F	demande de récusation (FR)	CPCN 5, 342, CPP 672
	E motion challenging ...	A judge; Black <u>recusation</u>
	S escrito de recusación	ES LOPJ 223
F	demande de renvoi (FR)	CPCN 5, 356, CPP 662
	E application for transfer	Application for a case to be transferred to another court; or (EN) court or division; RSC 0.4, r. 3
	S	EN CCA 40-42
F	demande de signification	
	E request for service	e.g. for service of process abroad
	S petición de notificación	

- F demande en divorce (FR) CPCN 1076-1077
- E application for divorce Distinguish from the requête, petition, also used in divorce proceedings (FR CPCN 1089)
- S demanda de divorcio
- F demande en garantie (FR) CPCN 334-337, Dalloz Proc. civ. pp. 258-259, 806-810, 966-971, 1079-1082
- E guarantee/warranty claim See E note to action en garantie; for the distinction between guarantee and warranty see note 16
- S
- F demande en intervention (FR) CPCN 63, 66; Guillien; Dalloz intervention; Dalloz Proc. civ. pp. 65-66, 805 et seq., 1074 et seq.
- E additional-party proceedings - application to add a party/parties FR: for explanation of intervention and alternative renderings see E note to F intervention 1. and note 19
- S
- F demande en justice (FR) CPCN 53-70, 573, 750, 829, 854; Dalloz Proc. civ. pp. 65 et seq.
v. former une demande en justice
- E judicial claim/proceedings - application to the court - legal proceedings* The most precise translation is judicial claim
FR: a demande en justice can be (i) a demande initiale, the step whereby contentious or non-contentious civil proceedings are begun and a claim first brought, or (ii) a demande incidente, the step whereby an interlocutory, i.e. further, claim is brought in contentious or non-contentious proceedings already commenced; in certain cases the demande can be made by both litigants jointly, or be made orally; NOT writ, summons
* not a precise equivalent of judicial proceedings
- F demande en matière contentieuse (FR) CPCN 53
- E contentious claim
- S

- F demande en matière gracieuse (FR) CPCN 60
E non-contentious application
S
- F demande en nullité (BE, FR) BE FR CC 181
E application for annulment Of a marriage for fundamental defect; distinguish from divorce proceedings
S demanda de nulidad
- F demande en nullité d'une société EGLAT nullité d'une société
E application to declare a business association null and void For alternatives to business association see société
S
- F demande en règlement des juges (FR obs., RW) Dalloz Proc. civ. pp. 308, 356
E conflict-of-jurisdiction application
S
- F demande en révision (FR) CPP 622-626; Dalloz Proc. pén. pp. 677, 732-738
E application for judicial review of the facts In criminal proceedings to the Court of Cassation, for error of fact, as opposed to pourvoi en cassation
S recurso de revisión
- F demande en séparation de corps (FR) CPCN 1076
E application for separation Distinguish from requête, petition
S
- F demande incidente (FRO) CPCN 4, 64; EGLAT incident
E interlocutory claim In FR a demande incidente can be either a demande reconventionnelle, a demande additionnelle or an intervention; NOT cross-suit. See E note to demande en justice; may be a demande reconventionnelle, a demande additionnelle or demande en intervention
S

F demande initiale (FR)

Proc. civ.: étape procédurale; CPCN 53-54; syn. acte introductif d'instance CPCN 836, demande introductive d'instance CPCN 4 (et terme de l'ancienne procédure), exploit introductif d'instance (en contrefaçon d'un brevet), demande introductive d'instance BE CJ 731; Guillien demande initiale, demande introductive d'instance; appelée parfois demande principale

E originating claim

FR: formal step whereby contentious or non-contentious civil proceedings are begun and a claim first brought. In the former the step is taken by the plaintiff serving an assignation on the defendant - the demande constitutes the plaintiff's first pleading or by both litigants lodging a requête conjointe; in the latter it is taken by the claimant lodging a requête. In certain cases the claim can be brought orally.

ES: formal document whereby contentious civil proceedings are commenced; it is the plaintiff's first pleading and is served on the defendant by emplazamiento.

The equivalent of FR demande initiale formée par assignation and ES demanda y emplazamiento is as follows:

EN High Court: Writ of summons and statement of claim

EN County Court: plaint, summons and particulars of claim

EN magistrates' court: complaint and summons

IN, LK, SC: plaint, ...? and summons

US: complaint, petition? and summons.

Note 3.

ES LEC 524, 540, 680, 681, 720, MX CPCDF 255;

Ossorio, Gómez; a veces llamado demanda principal (ES LEC 744)

S demanda

- F demande introductive d'instance
= demande initiale
- F demande motivée
- E reasoned/substantiated request
S
- F demande principale
- E principal claim
S demanda principal
- Usually means the same as
FR demande initiale, ES
MX demanda, originating
claim
ES LEC 744
- F demander
- E to claim - to apply
for - to move for -
to request
- S demandar
- These verbs correspond to
the nouns claim, application,
motion and request respec-
tively; see E note to demande
2. and note 3
- F demande reconventionnelle (FR, QU,
CIJ)
- E counter-claim
- S reconvección
- FR CPCN 64, Dalloz Proc.
civ. pp. 69, 1072-1074; QU
Loi concernant les lettres de
change ... de 1952, 2(b),
RCAICC 10, Capitant, EGLAT
- CA, QU Federal Bills of
Exchange Act 1952, 2(b),
RCAICC 10, SC CCP 80,
Langan 83; for the diffe-
rence between cross-claim
and counter-claim see Black
cross-claim; NOT cross-claim,
cross-action, set-off
ES LEC 542, CL CPC 314
- F demandes et défenses
- E claims and defences
S

- F demandeur
v. Etat demandeur
1. (FR: proc. civ., pén. (rare),
adm. (plus souvent requérant)
CPCN 756, CT R. 516-1;
Dalloz action en justice
sect. 8, divorce sect. 9,
tribunal administratif
sects. 36, 81, Conseil d'Etat
sects. 27; Dalloz Proc. Pén.
pp. 104, 141, 255; syn. partie
demanderesse
2. (dr. int.)
- E 1. plaintiff
Person who brings an action
at law (SCO pursuer),
normally confined to civil
proceedings; for the
alternatives used in certain
circumstances (prosecutor,
petitioner, claimant) see
note 3;
Curzon, Osborn, Odgers 340
* ICJ; ** generally
CL CPC 19, 254, 261, ES LEC
469, LRJCA 88; sin. parte
demandante (ES LRJCA 95)
2. applicant* - claimant**
- S 1. demandante
2. demandante
- F demandeur en garantie (FR)
CPCN 334-337
- E secured defendant
A defendant who becomes a
plaintiff by taking
interlocutory guarantee or
warranty proceedings against
a third party
- S
- F démence
v. personne en état de démence
FR dr. pén. CP 64
- E lunacy* - insanity**
* EN obs. replaced by
mental disorder (Mental
Health Act 1983, 1)
** EN in matters of criminal
liability
- S demencia
- S demente (CL)
- E lunatic* - person of unsound
mind
* EN obs. replaced by
mentally disordered person,
syn. patient (Mental Health
Act 1983, 1, 145)
- F aliéné

- F demeure
v. en demeure
mise en demeure
- E demise charter TD/B/AC.34/CRP.3
F contrat de louage TD/B/AC.34/CRP.3, with the
meaning of affrètement par
disposition/cession
S fletamento con cesión TD/B/AC.34/CRP.3
- F dénaturation (FR) D'un acte juridique;
Daloz Proc. civ.
p. 922, Guillien
E misconstruction A ground for appeal to the
Court of Cassation
S
- S denegación de ...
E refusal of leave to ...
F refus d'autoriser ... -
décision déclarant
l'irrecevabilité de ...
- jugement de débouté de ...
- S denegación de justicia
E denial of justice
F déni de justice
- S denegada apelación (ES, MX)
v. recurso de denegada apelación
E refusal of leave to appeal NOT rejection of appeal
F dénégation d'action en appel
- S denegar
Al denegar, el tribunal
estima que no se cumplen las
condiciones para la
interposición del recurso y
lo niega; en tanto que, al
rechazarlo, el tribunal lo
niega después de un examen a
fondo
E to refuse leave to
F déclarer irrecevable
- S denegar una apelación
E to refuse leave to appeal
F déclarer un appel irrecevable

S denegar un recurso en mérito

E

F ?rejeter un recours sur le fond

S denegatoria de ... = denegación de ...

F dénoncer

1. dr. int.

VCLT 44, ADR 8(1)

2. droit des obligations

CH CDO 304

3. notifier, déclarer

4. accuser

E 1. to denounce

A treaty: VCLT 44, ADR 8(1);
McNair 491; for usage and
alternatives see note 15

2. to terminate

A lease, contract etc.; for
usage and alternatives see
note 15

3. to denounce - to notify -
to report - to make a
statement

See the various meanings of
denuncia

4. to denounce - to charge -
to accuse - to indict -
to complain against - to
inform against

See the various meanings of
denuncia

S 1. denunciar

VCLT 44

2.

3. denunciar

4.

F dénonciation = denuncia

S denuncia

v. omisión de denuncia de delito

1. de un tratado

VCLT 42-43

2. declaración ante una autoridad,
persona o entidad,
comunicándole un hecho que en
muchos casos es delictivo y,
en especial, ante la justicia
para poner en movimiento
la acción penal

Ante la justicia:
AR CPCR 179, CL CPP 81, 554,
ES LECR 259, UY CPP 105;
Ossorio

3. disolución de un contrato

E 1. denunciation

VCLT 42-43, ADR 8(2), 15(c);
for usage and alternatives see
note 15

- 2.
- (i) charge - accusation - indictment
 - (ii) charge
 - (iii) an information
 - (iv) complaint
 - (v) notice - notification - report - statement
 - (vi) complaint
 - (vii) denunciation
3. termination
- F 1. dénonciation
2. (i)
- (ii)
 - (iii) dénonciation
 - (iv) plainte
- Note 1
- General term: an accusation that a wrong has been done
- Crim. proc.: an accusation which charges a person with a criminal offence, especially one made by the police or a prosecutor either orally to a suspect or in writing in a document such as an information or indictment; EN, US
- Crim. proc.: an accusation which charges a person with a criminal offence, initiates proceedings, is usually in writing and is laid before a prosecuting authority or a magistrate; EN, CA, US
- Civ. and crim. proc. (syn. queja, querella): an accusation which charges a person with an unlawful act (which may or may not be a criminal offence), initiates proceedings and is made by the aggrieved person (civ. proc.) or the victim (crim. proc.) or the legal representative of either; if the unlawful act is a criminal offence, translate as criminal complaint where it is necessary to emphasize the criminal nature of the complaint; EN, US
- Not necessarily to an authority
- In Human Rights Committee procedure
- In Inter-American Commission on Human Rights procedure
- VCLT 42-43, ADR 8(2), 15(c)
- FR CPP 40, 337, 451, CP 62 (precedes rather than initiates proceedings), Guillien; CA
- Proc. pen.: FR CPP 40, 85

(v)
(vi)
(vii)
3. résiliation

- S denuncia, acusación y querrela MX Const. 16
E information, charge or complaint
F
- S denuncia de obra nueva (CL) CC 930-931
E objection to works Raised judicially
F dénonciation de nouvel oeuvre Guillien
- S denuncia de presunta desaparición (AR)
E notice of presumed disappearance See note to presunta desaparición
F
- S denuncia de presunta desgracia (CL)
E notice of presumed misadventure See note to presunta desgracia
F déclaration de disparition faisant présumer un accident
- S denuncia por presunta desgracia = denuncia de presunta desgracia
- S denunciante BO CPP 106
E informer - complainant* *Human Rights Committee procedure
F demandeur - plaignant
- S denunciar
E to accuse - to charge - to complain against/of - to denounce* - to indict - to inform against - to lodge/file a complaint - to notify - to report - to terminate** For the distinction between these terms see the various meanings of denuncia
* A treaty, VCLT 44; for usage and alternatives see note 15
** A contract
F dénoncer* - résilier** * Un traité
** Un contrat

S de oficio
v. defensor de oficio
delito perseguible de oficio
delito que debe perseguirse de
oficio
perseguir de oficio
proceder de oficio
procedimiento de oficio
proseguir de oficio

Ossorio: UY CPP 13, 23, 132

E ex officio* - of its/his own
motion**

Alternatives: at/of its/his
own discretion/volition,
automatically, compulsorily,
officially, in the regular
official course, proprio
motu, (US) sua sponte

* Used in particular of a
government department or official,
e.g. the Attorney-General may
institute proceedings ex officio
(James 149)

** Used in particular of a
court, e.g. le juge peut,
à la demande des parties ou
d'office, the court may, on
the application of the
parties or of its own motion;
the court may of its own
motion (i.e. without anyone
so applying) order any person
... to cease to be a party
(EN RSC 0.15, r. 6(2)), the
judgement may be pronounced
on the petition of a creditor
or by the court of its own
motion (Amos 372); see
Black office: office of the
judge and the E note to F
instance 2.

F d'office

FR CPCN 59, 733; EGLAT;
Guillien office (mesures
prises d')

S de oficio o a petición
de parte (CL)

COT 200

E (either) of its own motion or
on the application of a party

EN RSC 0.15 r. 6(2); of its
own motion or on application
may suffice; its refers to
the court

F

- S deontología
- E ethics - duty* *Duty or duties in the moral sense
 - F déontologie
- S deontología policial (ES)
- E police ethics - the duties of the police
 - F
- F déontologie = deontología
v. code de déontologie
- S Departamento Confidencial (CL) Servicio del Ministerio del Interior a través del cual se cursan las comunicaciones del Poder Judicial y la CNI, etc.
- E Department of Confidential Affairs
 - F Service des affaires confidentielles
- S Departamento de Asuntos Indígenas (CL, MX)
- E Department of Indigenous Affairs
 - F Service des affaires concernant les autochtones
- S departamento de corrección
- E punishment wing
 - F quartier disciplinaire
- S Departamento de Extranjería
- E Aliens Department
 - F Service des étrangers
- S Departamento de Inteligencia de la Fuerza Aérea (CL)
- E Air Force Intelligence Department
 - F Service de renseignements des forces aériennes

- S Departamento ... de Inteligencia de la
Policía (UY)
- E Police Intelligence Department
No. ...
- F ... Service de renseignements de
la police
- S Departamento de Investigaciones (UY)
- E Investigation Department A police body
- F
- S Departamento de Policía
- E Police Department
- F Département/Service de police
- F départir
- E (translate according to
context) e.g. se départir de (CH CDO
passim), to terminate: for
usage and alternatives see
note 15
- S
- F dépeçage
- E "dismemberment" Refers to the decision by the
parties to an international
contract that the laws of
different countries shall
govern different parts of it;
discussed e.g. by UNCITRAL at
Vienna in June 1985
- S
- S dependencia
v. dependencias
- E unit - establishment
- F groupe - service - établissement
- S dependencia carcelaria
- E prison establishment - gaol
facility
- F établissement pénitentiaire
- S dependencia del Ejecutivo
- E branch/office of the Executive
- F bureau de l'Exécutif

- S dependencia militar
E military establishment
F établissement militaire
- S dependencias de seguridad (UY) De un ministerio
E security services
F services de sécurité
- S dependencias policiales
E police premises
F locaux de la police
- F dépens (FR) syn. frais et dépens et
v. compenser les dépens en proc. pén. frais de
justice; CPCN 695-725,
CPP 473-477, Dalloz
frais et dépens
E costs Langan chap. 12
S costas
- F dépens liquidés (FR) CPCN 702
E taxed costs
S
- F dépistage
E detection
S
- S de plano
E summarily
F
- F de plein droit (FR CPCN 514)
= de derecho
- F de pleno derecho = de derecho
v. nulo de pleno derecho
- S deponer Declarar ante un tribunal
o ante una autoridad
E to give evidence - to testify Note 18
- to depose/affirm/declare/
state
F déposer Déposer contre quelqu'un/
en faveur de quelqu'un

E deportation

1. lato sensu expulsion of an undesirable person from a country (in some cases a criminal penalty)
2. stricto sensu expulsion of an undesirable alien from a country (an administrative measure) EN

- F 1. expulsion
2. expulsion

- S 1.
2.

F déportation (FR)

Peine politique consistant en l'exil du condamné en un lieu hors de la France, exécutée par transportation; abolie en 1960 et remplacée par détention criminelle; Capitant, Dalloz Pén. p. 419

E deportation

Used lato sensu, see deportation 1.

S

F déposer

- E 1. to give evidence - to testify - to depose/affirm/declare/state
2. to file/lodge
- Note 18

- S 1. deponer
2.

S deposición

- E deposition - statement - evidence
F déposition - déclaration
- Note 18

F dépositaire de l'autorité publique (FR, LU)

- E person vested with public authority

S

F	dépôt v. ouverture et dépôt du testament	FR CC 1915-1954
	E deposit	SC CC 1915
	S depósito	
F	dépôt de conclusion (FR)	
	E filing of submissions/pleadings	See note to F <u>conclusions</u> 2.
	S	
F	dépôt légal (FR)	Loi 21.6.1943
	E statutory deposit	Of a publication
	S depósito legal	
F	dépôt nécessaire	FR CC 1949-1954
	E necessary deposit	SC CC 1949-1954
	S	
F	dépôt volontaire	FR CC 1921-1926
	E voluntary deposit	SC CC 1921-1926
	S	
F	déprivation arbitraire de liberté	
	E arbitrary/unlawful imprisonment	
	S	
S	derecho	RI <u>jus</u> as opposed to <u>lex</u>
	v. capital con derecho a voto	
	caso de derecho común	
	de derecho común	
	delito de derecho común	
	delitos previstos como de derecho común	
	de pleno derecho	
	derechos ...	
	en derecho de	
	invocar el derecho de <u>habeas corpus</u>	
	nulo de pleno derecho	
	prisionero de derecho común	
	1. lo que debe hacerse, que es justo, razonable	Ossorio <u>derecho</u>
	2. el derecho objetivo	Ossorio <u>derecho, derecho objetivo</u>
	3. un derecho subjetivo, que puede ser moral o jurídico	Ossorio <u>derecho, derecho subjetivo</u>
	4. (der. adm.) algo pagado	

E	1. right - justice	Right in a purely abstract sense, e.g. <u>à droit</u> , rightly, justifiably, <u>la force prime le droit</u> , might is right, <u>según derecho</u> , by rights
	2. (the) law	Law in a general sense, meaning the law as a whole of a given country or on a given subject; <u>el derecho inglés</u> , <u>le droit anglais</u> , English law, the law of England; <u>el derecho penal</u> , <u>le droit pénal</u> , criminal law. Distinguish from <u>una ley</u> , <u>une loi</u> , a law in the particular sense, and from <u>la ley</u> , <u>la loi</u> , enacted law. OCL <u>law</u> , <u>Salmond p. 48</u>
	3. a right	Right in a concrete sense; <u>Salmond chap. 7</u>
	4. duty - charge - fee - tax	
F	1. droit	Capitant III?
	2. le droit	Sens objectif: Capitant I, Dalloz <u>droit</u> sects. 1-3, David GS p. 149, David Sys. p. 139
	3. un droit	Sens subjectif: Capitant II, Dalloz <u>droit</u> sects. 1, 4-7
	4. un droit	Capitant IV
S	derecho a defenderse (VE)	E/CN.4/Sub.2/470, para. 84
	E right of defence	
	F droit de se défendre	
S	derecho a la asistencia de letrado (ES)	E/CN.4/Sub.2/470, para. 84; ES Const. 24(2)
	E right to professional counsel	
	F	
S	derecho a la defensa (VE)	Const. 68
	E right of defence	
	F	
S	derecho a la libertad	COV 9(1)
	E right to liberty	COV 9(1)
	F droit à la liberté	COV 9(1)

S	derecho a la libertad personal	COV 9(1)
	E right to liberty	COV 9(1)
	F droit à la liberté	COV 9(1)
S	derecho a la libertad y a la seguridad personales	COV 9(1)
	E right to liberty and security of person	COV 9(1)
	F droit à la liberté et à la sécurité de la personne	COV 9(1)
S	derecho a la política educativa (MX)	
	E right to public education	
	F droit à l'instruction publique	
S	derecho a la seguridad personal	COV 9(1)
	E right to security of person	COV 9(1)
	F droit à la sécurité de la personne	COV 9(1)
S	derecho a la vida	COV 6
	E right to life	COV 6
	F droit à la vie	COV 6
S	derecho al complemento (CL)	
	E right of complement	
	F droit au complément	
S	derecho al juez ordinario (ES)	E/CN.4/Sub.2/470, para. 61
	E right of access to the (ordinary) courts	
	F	
S	derecho al reintegro (ES)	CCOM 483
	E right of recovery - right of recourse	
	F	
S	derecho a visita	
	E right to receive visits	
	F droit de recevoir des visites	

- S derecho común
v. caso de derecho común
delincuente de derecho común
delito de derecho común
delitos previstos como de derecho común
prisionero de derecho común
- E ordinary/general law
F droit commun
- NOT common law
- S derecho de acrecer
- E right of accretion
F droit d'accroissement
- ES CC 981, CL CC 1147-1155
PH CC 1015
- S derecho de amparo (NI)
- E right of amparo
F droit d'amparo
- El relativo a la libertad y seguridad de las personas, cuya fase destacada es la exhibición del agraviado
- A/RES/34/178
- S derecho de las personas
- E law of persons - personal law*
- The branch of law dealing with persons as opposed to things, sometimes called family law; do not confuse the S and F terms (i) with derecho personal, droit personnel; see derecho personal; (ii) with derechos de las personas, droits des personnes, rights of the individual
- * Sometimes used as an alternative to law of persons by analogy with the use of property law as an alternative to law of things, but strictly speaking should be reserved for its proper meaning: see personal law 1.
- F droit des personnes

S	derecho de los bienes	
	E law of things - property law	The branch of law dealing with things as opposed to persons; do not confuse the S and F terms with S <u>derecho real</u> , F <u>droit réel</u> , real right (the distinction between real and personal rights is not the same as between the law of things and the law of persons: see E note to <u>derecho personal</u> 2.)
	F droit des biens	
S	derecho de opción de salir del país (AR)	Const. 23, CP 281 <u>ter</u>
	E option of leaving the country - exile option	
	F	
S	derecho de petición (GT, MX, PA)	MX Const. 28, GT CPP 11
	E right of petition	
	F droit de pétition	
S	derecho de recurrir	GCBE 25
	E right of recourse	GCBE 25
	F droit de recours	GCBE 25
S	derecho de retención (Ossorio) = droit de rétention	
S	derecho de superficie (ES)	CC 1611, 1655, Ley del Suelo y Ordenación Urbana (refundida por RD 9.4.1976) 172(1), 173(1), Ley Hipotecaria (8.2.1946) 107(5), Ley sobre Propiedad Horizontal (21.7.1960), 5
	E right of <u>superficies</u>	Black <u>superficies</u> , Nicholas Roman 149
	F droit de superficie	Amos 95
S	derecho de uso (CL)	CC 811
	E (right of) use	
	F droit d'usage	

S derecho inmobiliario = droit
immobilier

S derecho mobiliario = droit mobilier

S derecho objetivo

E the law

F droit objectif

Ossorio

As opposed to derecho
subjetivo, a right

S derecho personal

1.

2.

3.

E 1. personal law

2. personal right -
right in rem

3. personal right -
right in rem

F 1. droit personnel

Ossorio derechos personales

OCL; see E note to personal
law; do not confuse the S and F
terms (i) with derecho de las
personas, droit des personnes,
law of persons; (ii) with
derechos de las personas,
droits des personnes, rights
of the individual

These terms are synonymous; such
a right (which in both the civil
law and common law systems can
concern any kind of property,
immovable or movable, real or
personal) is effective against
a specified person or persons
only, as opposed to a real
right, a right in rem, which
is effective against the world
at large; Martín right in
personam, OCL personal right
real right, right (p. 1071),
Salmond p. 237; do not confuse
with derecho mobiliario, droit
mobilier (v. droit mobilier)
and do not use personal right
if it could be taken to have
meaning 3.

Système de droit, p. ex.
droit français, droit
musulman, s'attachant à
une personne

2. droit personnel
Droit (subjectif) exigible contre une personne ou des personnes déterminées: Capitant A, Amos 20; syn. droit de créance: Capitant droit de créance, David II 105
Droit (subjectif) s'attachant à une personne ou des personnes déterminées: Capitant B; FR CC 1166
- S derecho procesal
E procedural right
F droit de la procédure
- S derecho real
1. Relación jurídica entre una persona y una cosa
CL CC 577, ES CC 609, 1280; Ossorio derechos personales, Gómez Moliner
2. (ES) tributo que se paga al Estado en las transmisiones de bienes, llamado habitualmente derechos reales
E 1. real right - right in rem
These terms are synonymous; such a right (which in both the civil law and common law systems can concern any kind of property, immovable or movable, real or personal) is effective against the world at large, as opposed to a right in personam, which is effective against a specified person or persons only; Martin right in rem, OCL real right, right (p.1071), Salmond p. 237; do not confuse with derecho inmobiliario, droit immobilier: v. droit immobilier
2. transmission tax
e.g. death duties, inheritance tax, any tax payable on transfer of property
Guillien
F 1. droit réel
2. ?droits de succession - droit de mutation
- S derechos de las personas
Forma eufemística de aludir a los derechos humanos
E rights of the individual
F droits des personnes
syn. droits de la personnalité

S derechos de particulares

- E private rights
- F droits des particuliers

S derechos fundamentales

- E fundamental/constitutional rights
- F droits fondamentaux

S derechos individuales

- 1. conjunto de los derechos fundamentales y los derechos de particulares
- 2. (der. const.)

- E 1. rights of individuals
- 2. rights of the individual

NOT personal rights (Black right)

- F 1. ?droits individuels - ?droits de la personne
- 2.

S derechos patrimoniales

- E patrimonial rights
- F droits patrimoniaux

OCL: rights relating to a person's patrimony; not property rights

S derechos reales
v. derecho real

S derechos subjetivos individuales
= derechos individuales 1.

S derecho subjetivo
v. derechos subjetivos individuales

- E a right

As opposed to derecho objetivo, the law; IL sometimes called subjective right

- F droit subjectif

F dernier ressort
v. en dernier ressort

S derogar

1. una ley
2. un contrato

- E 1. to repeal - to abrogate
2. to override - to overrule

For use of repeal, abrogate,
override and alternatives
see note 15

- F 1. abroger - abolir
2. déroger

Une loi
A un contrat

F dérogation

- E waiver
S derogación

F dérogatoire
v. clause dérogatoire

F déroger à

- E to override - to negate
S derogar

S desacato al tribunal

- E contempt of court
F outrage à magistrat -
outrage à l'autorité de la
justice - entrave à la
bonne marche de la justice

OGL, Black

S desafuero

1. no sólo parlamentario, sino
sindical, etc.
2. acción irregular y violenta
cometida contra la ley, la
costumbre o la razón (Escriche)

BO CPP 184

Moliner

- E 1. withdrawal of immunity
2. violation* - malfeasance**
- misdemeanour***

* Of a law, custom, right
** Black; syn. obs.
malefaction
*** In the general sense,
not as the name of a class
of offence

- F 1. levée de l'immunité
2. atteinte/infraction aux
lois/aux usages

S desagradar (CL)

E to displease

F déplaire

S desahucio (CL, ES)

CLCC 1951, 1976; ES CC 1569,

1. Hecho del arrendador o del arrendatario de una cosa

LEC 1561-1608

2. Evicción del arrendatario de un inmueble

E 1. notice*

* Given to or by a tenant, lessee or hirer of a thing for the purpose of terminating the contract in question (CL CC 1951, 1976)

2. eviction**

** Eviction of a tenant or lessee of land or buildings (ES CC 1569); juicio de desahucio, action for eviction, (EN) action of ejection (ES LEC 1561-1608); sentencia de desahucio, eviction order (ES ibid.)

F 1. préavis

2. éviction - expulsion

S desaparecido

v. personas desaparecidas o cuyo paradero se desconoce

E missing (person) - disappeared person*

* E/CN.4/Sub.2/L.756, para. 4(d)

F personne disparue - disparu

S desaparecidos/detenidos = detenidos desaparecidos

S desarrollar

E to give effect

e.g. leyes que desarrollen los artículos 53.2 y 161.1 (b), statutes which give effect to articles 53.2 and 161.1(b)

F

S desarrollo

E development - developments*

* e.g. desarrollo del artículo 4 de la Convención,
developments under article 4
of the Convention

F développement(s)

S desborde de poder

E abuse of authority - excess of
zeal

F excès de pouvoir

S desconocer

1. un punto de vista
2. alguien
3. las afirmaciones
4. los méritos de alguien
5. las órdenes

- E
1. to ignore/disregard/be ignorant of - not to know
 2. to ignore/pretend not to know
 3. to disavow/disown/disclaim/repudiate
 4. to misjudge - to fail to recognize/appreciate
 5. to infringe

- F
1. ignorer
 2. ne pas reconnaître
 3. renier - désavouer
 4. méconnaître
 5. enfreindre

S descuido (CL)

CC 44; Ossorio

E ?negligence - ?neglect
F ?négligence

S desembolsos (CL)

E disbursements
F dépenses

S deserción calificada
v. primera deserción calificada

?UY CPM

E aggravated desertion
F désertion qualifiée (de délit)

- S desestimar e.g. an appeal
1.
2.
- E 1. to dismiss
2. to reject
- F 1. débouter être débouté; débouter une demande
2. repousser - rejeter
- S desgracia
v. denuncia de presunta desgracia
presunta desgracia
- S desheredación (ES CC 848)
= desheredamiento
- S desheredamiento (CL) CC 1207
- E disinheritance
F exhérédation FR ..., CH CC 477
- F deshérence (FR) v. CC 768 et seq.,
Guillien, Amos 302
- E want of heirs
S desherencia
- F désistement EGLAT
1. (dr. civ.) d'un droit, d'une action
2. (proc. civ., proc. pén.) FR CPCN, 394-405, 1024,
d'une instance, de l'appel, etc. CPP 426, Dalloz Proc. civ.
passim, Proc. pén.
pp. 105, 205
- E 1. waiver Of a right, including a right
of action
2. withdrawal Of an action at law, appeal,
application, complaint,
information; the preferred
term is nevertheless
abandonment (also, as regards
civil actions only,
discontinuance EN, US) for
all or part of an action at
law and for an appeal; NOT
non-suit
- S desistimiento

- S desistimiento (UY CPP 19)
= désistement 2.
- S desobediencia (UY) CPM 37
E disobedience
F désobéissance
- F dessaisir
E to deprive Se dessaisir, to relinquish jurisdiction (term used of a judge or court)
S
- F dessaisissement
1. FR ... Dalloz Proc. pén. pp. 471-473
2. FR ... Dalloz Proc. pén. p. 472
3. (para. 458)
E 1. relinquishment* - deprivation** * By a court of its jurisdiction
** By a superior court of an inferior court's jurisdiction
2. ?discharge Of a judge when he has given judgement or its equivalent
3. dispossession - ?divestment Of a bankrupt of his assets
S 1.
2.
3.
- S destierro
1. (CL, ES) pena CL CP 36, ES CP 88
2. (UY) pena abrogada UY CP 74, CL see
(CL) nombre vulgar de la CCPR/C/32/Add.1 S p. 54
pena de extrañamiento
E 1. (local) expulsion CL, ES banishment from a
- externment* specified place in the
country in question; SU
Criminal Code translation
art. 26 banishment; ZA
banning
* IN
2. exile UY CP 74
- F 1. interdiction de séjour SU Code pénal, traduction
art. 26
2. bannissement

S destrato

E ill-treatment - maltreatment
F

F désuétude

LT: 1966 DA 59c2, 39c5

E desuetude
S

S desviación de poder

E misuse of powers
F détournement de pouvoir

S desvirtuar

E to nullify (the effect of)
F

E detainee

Person held in executive detention, e.g. for political reasons or pending immigration clearance, expulsion or deportation; IN detenu, representing a form in use in E before the F word was anglicized (Nihalani)

F détenu
S detenido

S detención

Proc. pen.

v. auto de detención ...
boleta de detención
decreto de detención
mandamiento de detención
notoria urgencia de detención
orden de detención ...

1. (AR, CL, ES, MX, NI, PE, SV, UY, COD, COV, SMR) hecho de privación de libertad del presunto responsable para presentarlo al juez

AR CPCR 256, 263; CL CPP 251 et seq.; ES LECR 489-502, CP 26(1); MX CPPDF 132, 266, CFPP 193, Const. 19; NI Dec. 52/79, 8(1); 232/80, 1(1); 185/79, 11(a)(3); PE CPP 80; SV CPP 241-243; UY CPP 118; COD 3, comm. (a); COV 9; SMR 84

2. BOD, COD

COD 1, comm. (a)

3. (CO, VE) privación de la libertad como consecuencia de la resolución de encarcelamiento

CO CPP 432, 436-438, 441, 455, 165; VE CECR 182, 186

- E 1. arrest
2. detention
3. pre-trial detention
- F 1. arrestation
2. détention
3. détention préventive
- S detención arbitraria
- E arbitrary arrest*/detention
- unlawful arrest/detention
- false imprisonment**
- F détention/arrestation*
arbitraire
- S detención definitiva (PE)
- E pre-trial detention
- F détention préventive
- S detención domiciliaria
- E house arrest
- F (mise en) résidence forcée
- assignation à domicile -
interdiction de quitter son
domicile
- S detención en el domicilio = detención
domiciliaria
- S detención formal (BO)
- E committal for trial
- F détention préventive
- S detención ilegal
- E unlawful arrest*
- false imprisonment**
- F arrestation illégale
- COD 3, comm. (a), COV 9,
SMR 84; note 1
BOD, COD 1, comm. (a);
detention for one month to
two years; note 1
Note 1
- NI Dec. 52/79, 8; COV 9(1)
- Note 1
* COV 9(1); NI
** EN: name of an offence
* COV 9(1)
- Pese a la redacción
categórica, se trata de la
privación de libertad
consecuencia de la
resolución de encarcelamiento
- See E note to détention
préventive and note 1
- CPP 91
- See E note to detención
preventiva 2. and note 1
- COV 9(5)
- * COV 9(5)
** EN: name of an offence

- S detención judicial (VE) CECR 171
- E judicial detention - detention
by order of the court
- F détention judiciaire
- S detención para inquirir (SV) SV CPP 244
- E detention for investigation -
holding for inquiries EN euphemism "helping police
with inquiries"
- F détention aux fins d'enquête
- S detención para inquirir (NI Const. 45
repealed, SV LPPS 14) = detención
para inquirir
- S detención preventiva
1. (CO, ES) = détention préventive
2. (BO) CPP 91, 194
- E 1. = détention préventive
2. remand in custody
- In BO pre-trial detention
goes by two different names
according to the stage at
which it takes place:
detención preventiva during
the instrucción and
detención formal after the
instrucción has been
completed
- F 1. = détention préventive
- 2.
- S detención prolongada
- E long-term detention
- F détention de longue durée -
détention prolongée
- S detención provisional
1. (PE) hecho de privación de
libertad del presunto
responsable, con el objeto de
presentarlo al juez CPP ...
2. (SV, NI) privación de
libertad como consecuencia de
la resolución de
encarcelamiento SV CPP 81, 83, 244, NI Dec.
185/79, 11(c)

- E 1. arrest
2. pre-trial detention
- Note 1
See E note to détention préventive and note 1
- F 1. arrestation
2. détention préventive
- S detener
- Palabra usada con respecto a personas
1. término genérico
2. (AR, CL) término procesal
- E 1. to arrest - to detain
2. to arrest* - to detain**
- Note 1
* AR; CL except as indicated in **
** CL 1980 Const. 19(7)(c)(d)
- F 1. arrêter - détenir
2. arrêter
- S detenido
v. detenidos
persona detenida
1. término genérico
2. término procesal:
(a) (AR, CL, ES, NI, UY)
- COV 9(3)
AR CPCR 6; CL CPP 253, 165, 1925 Const. 13, 1980 Const. 19(7)(c)(d); ES LOGP 1; NI Dec. 52/79, 8(2), 185/79, 11, 232/80, 31, Const. 39 repealed; UY CPP ...
PE CPP 93, VE CECR 186
- (b) (CO, PE, VE)
- E 1. (a) detainee - prisoner
(b) arrested* - detained - held - imprisoned - in custody
- Note 1
* COV 9(3)
2. (a) (person) arrested - (person) under arrest - (person) detained*
- IN: undertrial (see 2(b))
* only in CL 1980 Const. 19(7)(c)(d)
- (b) untried prisoner - prisoner awaiting trial
- IN: undertrial (term used in newspaper reports: Nihalani)

- F 1. (a) détenu
(b) arrêté* - en garde à vue * COV 9(3)
2. (a) (personne) arrêté(e) -
(personne) en état
d'arrestation
(b) détenu (en détention
préventive)
- S detenido a disposición de la Justicia
Federal (AR)
- E (arrested and) detained by
the federal judiciary
- F
- S detenido a disposición del Poder
Ejecutivo (AR) CP 281 ter
- E (arrested and) detained by
the Executive
- F Cornu gardé à vue aux fins
de rester à la disposition
des autorités
- S detenido de opinión A/37/594, para. 95
- E prisoner of conscience A/37/594, para. 95
- F prisonnier d'opinion A/37/594, para. 95
- S detenido en averiguaciones (UY)
- E held pending investigation(s)/
inquiries NOT held for questioning
unless the context makes it
clear that this is the case;
EN euphemism "helping police
with inquiries"
- F arrêté pour vérifications
- S detenido en esferas militares (UY) Expresión generalmente
empleada para no identificar
el lugar de detención
- E detained by the military - in
military hands
- F détenu par l'autorité militaire
- S detenido en prisión preventiva SMR 8(b)
- E untried prisoner SMR 8(b)
- F prévenu - détenu (en détention
préventive)

- S detenido o preso (CL) CPP 291
- E person under arrest or detention
F arrêté ou détenu - détenu (en détention préventive)
- S detenido, procesado o preso (CL)
1. nombres CL 1925 Const. 14, 17
2. adjetivos CL 1925 Const. 16
- E 1. person under arrest or detention or undergoing imprisonment
2. arrested, detained or imprisoned
- F 1. personne arrêtée, prévenue ou emprisonnée
2. en état d'arrestation, en détention préventive ou emprisonné
- S detenidos desaparecidos
- E missing detainees
F détenus disparus
- S detenido, sujeto a prisión preventiva o preso (CL) 1925 Const. 14
- E arrested, detained or imprisoned
F en état d'arrestation, en détention préventive ou emprisonné
- F détenir
v. détenu en prévention
1. une personne
2. un bien
- E 1. to detain - to arrest
- to remand (in custody)
- For the distinction between these terms see détention and détention préventive

2. to hold* - to keep** -
to occupy*** - to
possess**** - to have
custody of****

* e.g. a negotiable
instrument
** e.g. premises, an
establishment
*** Immovables, in the
ordinary sense of being in
possession of them, not in
the technical sense of
taking possession of them
with a view to ownership
**** Used here in the sense
of having mere possession,
mere custody; see E note
to detentación 1.

S 1. detener
2. detentar

S detentación

1. tenencia
2. tenencia de mala fe

Ossorio
Ossorio

E 1. detention - mere possession
- occupation*

RL detentio; Black, Nicholas
Roman 112; the least
extensive of the three forms
of relationship between a
person and a thing, the other
two being possession (in the
sense of legal possession) and
ownership; also called actual
possession, possession in
fact, mere custody; Salmond
p. 267

* Of immovables, in the
ordinary sense of being in
possession of them, not in
the technical sense of taking
possession of them with a
view to ownership
Also called unlawful
detainer; Black, OCL

2. detainer

F. 1. détention
2. détention de mauvaise
foi - recel

Amos 100, 101, n.4, 103 n.4

- S detentador Ossorio; quien ejerce la detentación 2.
- E unlawful possessor - possessor
in bad faith
- F détenteur illégal - receleur
- S detentar (Ossorio) = détenir 2.
- F détenteur = S detentor
v. l'Etat en tant que ...
- F détenteurs du pouvoir
- E those who wield power - those
in authority/power
- S
- L detentio (Black) = detentación 1.
- E detention
1. of property
2. of persons
- Syn. mere possession; see E
note to detentación 1.; Black
EN: a general term for
deprivation of liberty, used
in particular (i) for
executive acts such as
holding a person for
police questioning or
detaining a suspected
terrorist, (ii) for judicial
steps (punishments or
comparable measures) such as
detaining a juvenile offender
at Her Majesty's pleasure or
for a term of years, or in a
detention centre, or
detaining an offender who is
a mental patient in a
hospital; EN, unlike US, not
used as a technical term for
pre-trial detention (see E
note to détention préventive);
BOD; COD 1, comm. (a)
- F 1. détention
2. détention
- S 1.
2.

F détention

v. maison de détention

1. (proc. pén.) de personnes:
en général et mesure provisoire LU CP 147, ECHR 5(1)(b), SCP
rés. 7 (XXVII) (E/CN.4/1160);
Capitant IV
2. (dr. pén.) de personnes:
peine politique, appelée aussi
détention criminelle FR CP 7
3. (dr. civ.) de biens Capitant I, II; Guillien

E 1. detention

ECHR 5(1)(b), SCP
res. 7 (XXVII); note
detention for one month to
two years; note 1

2. penal detention

3. detention - mere possession
- occupation

For usage and meaning see E
note to detentación 1.

S 1.

2.

3. detentación

F détention criminelle = détention 2.

F détention criminelle à perpétuité (FR) CP 7

E penal detention for life

S

F détention criminelle à temps (FR) CP 7

E long-term penal detention

S

E detention order (EN)

An order e.g. for executive
detention under the
Prevention of Terrorism
(Temporary Provisions Act)
1976

F

S

F détention précaire = détention 3.

F détention préventive (BE, CH, FR, GE,
MI, RW)

v. en détention préventive

Loi relative à la détention
préventive

Loi sur la détention préventive

BE ...; CH CP 110 (7); FR
nom donné jusqu'en 1970 à
l'actuelle détention
provisoire et utilisé toujours
dans la langue courante
(Dalloz Proc. pén. pp. 514-
515); RW CPP 37, SMR 84,
E/CN.4/Sub.2/471, para. 21

E pre-trial detention

EN: the corresponding terms are remand in custody (Osborn remand, OCL remand) where deprivation of liberty of the accused takes place during magistrates' court proceedings, whether on examination or trial, and committal (Osborn, OCL, usually expanded to committal (in custody) for trial or committal (in custody) for sentence) where it takes place on the conclusion of magistrates' court proceedings or during Crown Court proceedings. EN: preventive detention was a punishment (1948-1967) for persistent offenders, not a pre-trial measure; now the term preventive detention is primarily understood as meaning executive as opposed to judicial detention. In US and among comparative law writers pre-trial detention is called preventive detention (Merryman 700, E/CN.4/Sub.2/471, para. 21), in US sometimes simply detention (CJD). SMR 84 en détention préventive, awaiting trial. Note 1.
* CO CPP 437, 441, ES Const. 17(2)

S prisión preventiva - detención preventiva*

F détention provisoire (FR CPP 137, 144-148.5, 714-716, Dalloz Proc. pén. pp. 514-531, GE Const. 15) = détention préventive

F détention qui précède le jugement (E/CN.4/Sub.2/471) = détention préventive

E detention without trial
v. executive detention

E detentor. = S detentor

S detentor

E holder - keeper - occupier
- (mere) possessor -
(mere) custodian - detentor*

For usage of the first
five terms see E note to
détenir 2.

* The term which corresponds
to detention in the RL sense;
see E note to detentación 1.
Capitant

F détenteur

E detenu (IN)
= detainee

F détenu = detenido

S deterioros (CL)

CC 1267, 1590, 1771

E waste

Black

F dégradations

FR CC 614

S determinar a cometer un delito (UY)

E to instigate the commission of
an offence

F inciter à commettre un délit

F détournement de pouvoir (FR, CJEC)

FR dr. adm.: Brown 147-151;
EGLAT; CJEC Statute

E misuse of powers

CJEC Statute

S desviación de poder

F dette

Par opposition à créance et
syn. d'obligation au sens
restreint de ce dernier mot

1. sens juridique et large:
obligation de faire ou de ne
pas faire ou de donner

FR: Capitant, Guillien

2. sens commun et strict:
obligation de payer une somme
d'argent

FR: Capitant, Guillien

E 1. obligation* - debt**

* Preferred translation;
used in the sense of duty,
liability: v. obligación 1.

** In its broad sense, but
the term is normally
reserved for 2. (Salmond
p. 447) (OCL,
Black)

2. debt

In its narrow and usual sense,
i.e. a money obligation
(Martin); loosely
liability

- S 1. deuda
2. deuda
Ossorio
Ossorio
- F dette odieuse
SS: 1981 DA 17-18c42
- E odious debt
S
- S deuda = dette
- S deudor (CL, MX, ES) = débiteur
- S deudor moroso (CL)
CC 1521: sin o con
intimación
E defaulting debtor
F débiteur en demeure/retard
- F développer des conclusions
E to argue submissions/pleadings
For the use of pleadings see
F conclusions
S
- S devolución
v. no devolución
E refoulement
F refoulement
- S devolución de procesos
E ?return of process
Black return
F
- E devolution = dévolution
v. transfer 1.
- F dévolution
Guillien
E devolution
Passing of a right from
one person to another
by operation of law
S
- S devolutivo
v. efecto devolutivo
- E devolve upon
v. transfer 3.
- S DFL = decreto con fuerza de ley
- F diamant
v. à titre de diamant

- S Diario de Centroamérica (GT) Nombre del periódico que publica los textos auténticos de las leyes, decretos, reglamentos y otros asuntos oficiales
- E (leave in Spanish and underline)
- F Diario de Centroamérica (Journal officiel)
- S Diario Oficial (CL, CO, MX, SV, UY) Nombre del periódico que publica los textos auténticos de las leyes, decretos, reglamentos y otros asuntos oficiales
- E (leave in Spanish and underline)
- F Diario Oficial (Journal officiel)
- S dicho
- E statement
- F déclaration
- Note 18
- S dictamen forense
- E forensic report - medical report
- F rapport du médecin légiste
- S dictar
- E 1. to pass - to enact
2. to promulgate
3. to give/hand down/pass/pronounce
- F 1. adopter
2. promulguer
3. rendre
- An item of legislation
- An item of legislation
- Judgement or sentence
- Une loi
- Une loi
- Un jugement
- L dictum
1. (EN) usually called obiter dictum: a statement (dictum) made by a judge in the course of his judgement which is by the way (obiter), i.e. extraneous to the decision itself
2. operative part of a judgement (Littre)
- OCL dictum, Black obiter dictum

- E 1. obiter dictum
2. operative part - dictum*
- Also called the judgement proper, (EN) the terms of the judgement
* Used in E in this sense by Riphagen (see A/CN.4/1938)
- F 1. Obiter dictum
- Opinion incidente du juge figurant dans les attendus et qui ne peut théoriquement servir de précédent car elle n'est pas directement nécessaire à la solution du litige
2. dispositif - dictum
- S 1. afirmaciones de pasada
2. (parte) dispositiva
- E diet (SCO)
1. A sitting of a sheriff court (called pleading diet) or of the High Court of Justiciary (called trial diet) for the purpose of hearing a criminal case
2. The date fixed for any such sitting
- Walker SCO 482-483
- F 1.
2.
- S 1.
2.
- S DIFA = Departamento de Inteligencia de la Fuerza Aérea
- S difamación (BO, GT, MX) = diffamation
- F diffamation (CH, FR)
- FR Loi 29.7.1881, 32 et seq.; Dalloz
- E defamation
S difamación
- v. defamation
BO CP 282, GT CP 164, MX CP 350
- F difficultés d'interprétation
- IL
- E difficulties of interpretation
S dificultades de interpretación
- S DII = Dirección de Información e Inteligencia

- F diligence
v. à la diligence de diligences
- F diligences
E proceedings
S
- S diligencia
v. diligencias ...
primeras diligencias del sumario
Ossorio; CL CPP 118, 216
- E diligence - step -
measure - proceeding(s)
- service*
F
* Of a judicial document
- S diligenciar pruebas
E to collect evidence
F recueillir/rassembler des
preuves
- S diligencias de prevención = primeras
diligencias del sumario
- S DIN = Dirección de Investigaciones
Nacionales
- S DINA = Dirección de Inteligencia
Nacional
- S DINACOS = Dirección Nacional de
Comunicación Social
- S DINARP = Dirección Nacional de
Relaciones Públicas
- S DINE = Dirección de Inteligencia
Nacional del Ejército
- S Dirección de Control de Responsabilidad
de Funcionarios y Empleados (VE)
E Department for Supervision of
Officials and Employees
F Direction du contrôle de la
responsabilité des
fonctionnaires et employés

- S Dirección de Derechos Humanos (VE)
E Department of Human Rights A department of the Office of the Attorney-General of the Republic
F Direction des droits de l'homme
- S Dirección de Familia y Menores (VE)
E Department of Family Affairs and Minors
F Direction de la famille et des mineurs
- S Dirección de Información e Inteligencia (UY)
E Directorate of Information and Intelligence
F Direction des renseignements
- S Dirección de Inteligencia Nacional (CL)
E Directorate of National Intelligence The predecessor of CNI
F Direction des services de renseignements nationaux
- S Dirección de Inteligencia Nacional del Ejército (CL)
E Army Directorate of National Intelligence
F Direction des services de renseignements nationaux de l'armée
- S Dirección de Investigaciones (CL)
= Dirección General de Investigaciones
- S Dirección de Investigaciones Nacionales (HN) M/HR/190/81
E Directorate of National Intelligence
F Direction de la sûreté nationale
- S Dirección de Protección (VE)
E Department of Social Protection
F Direction de la protection sociale

- S Dirección de Vigilancia de Tribunales y Fiscalías (VE)
E Department for Supervision of Courts and Prosecutors
F Direction de la surveillance des tribunaux et parquets
- S Dirección General de Investigaciones (CL) Nombre oficial de la dependencia central que dirige y coordina al Servicio de Investigaciones
E Directorate-General of Police
F Direction générale de la sûreté cf., en France, la Direction générale de la sûreté nationale
- S Dirección General de Investigaciones (CR)
E Directorate-General of Criminal Investigation A police body
F
- S Dirección General de la Guardia Civil (CR)
E Directorate-General of the Civil Guard A police body
F Direction générale de la garde civile
- S Dirección General del Registro Civil e Identificación (CL)
E Directorate-General of Civil Registry and Identity
F Direction générale de l'état civil et de l'identité
- S Dirección General de Tránsito
E Directorate-General of Movement A police body responsible for traffic control
F Direction générale de la circulation
- S Dirección Nacional de Comunicación Social (CL)
E National Directorate for Information Media
F Direction nationale des moyens d'information

- S Dirección Nacional de Institutos Penales (AR)
- E National Directorate of Penal Institutions
 - F Direction nationale des établissements pénitentiaires
- S Dirección Nacional de Relaciones Públicas (UY)
- E National Directorate of Public Relations
 - F Direction nationale des relations publiques
- S directiva De un sindicato
- E executive committee
 - F direction - comité directeur
- S directorio
- E 1. governing body
2. board of directors
 - F 1. organe directeur
2. conseil d'administration - directoire
- S dirigente
- E leader - official - executive
 - F dirigeant
- F diriger
- E to bring*/take* - to raise**
- * Proceedings
** A defence, plea
- S
- S dirigir una acción contra alguien (CL)
- E to bring/take proceedings against someone - to proceed against someone
 - F actionner/poursuivre quelqu'un (en justice) - agir/ester en justice contre quelqu'un - engager des poursuites contre quelqu'un
- E disability
v. person under disability

F discernement = discernimiento 1.
v. avec discernement
sans discernement

S discernimiento

1. juicio por cuyo medio percibimos y declaramos la diferencia que existe entre varias cosas Real Acad; CL CC 1470 (1), CP 72
2. decreto judicial que autoriza al tutor o curador para ejercer su cargo CL CC 371, 373, ES LEC 1833
3. concesión de una distinción u honor Real Acad.

E 1. due discernment - discretion *, **

* EN Criminal law: note the expression age of discretion (14 years), acting with mischievous discretion (of a child of not less than 10 but under 14 years)

** Civil law

2. appointment

Of a guardian or curator by court order; where appropriate, translate as guardianship order, curatorship order or simply court order

3. award

F 1. discernement
2. nomination
3. attribution

A une tutelle/charge
p. ex., d'une distinction

F discipline et police de la salle

EGLAT; FR police de l'audience et direction des débats

E conduct and policing of proceedings - conduct of proceedings and maintenance of order

S

E disclaim
v. disclaimer

E disclaimer

- | | |
|---|--|
| 1. refusal to perform a duty or obligation | e.g. disclaimer of a contract; v. <u>repudiation</u> |
| 2. renunciation of a right, power or office, especially if not yet vested or unwanted or burdensome | v. <u>surrender</u> 1. |
| 3. denial of responsibility for the contents of a statement | |

- | | |
|---|-------------------------------|
| F 1. renonciation | |
| 2. <u>répudiation</u> * - renonciation**
- désistement | * D'un droit
** A un droit |
| 3. déni de responsabilité
- clause de sauvegarde | |

- | |
|-------------------|
| S 1. ?repudiación |
| 2. ?renuncia |
| 3. |

E discontinuance Of a judicial action

- | | |
|--------------------------|---------------|
| F abandon* - désistement | * D'un procès |
| S ?abandono | |

F discontinuité SS: of States

- | |
|------------------|
| E ?discontinuity |
| S |

S discordia

- | | |
|-------------------|---|
| E dissenting view | Of a judge; ICJ <u>dissenting opinion</u> |
| F divergence | |

F discours juridique syn. langage juridique

- | | |
|------------------|---|
| E legal language | In the expression <u>le discours juridique</u> , legal language |
| S | |

S discrecional

- | | |
|--|--------------------------------------|
| E 1. discretionary | |
| 2. optional | |
| 3. wilful - intentional | |
| F 1. discrétionnaire - gracieux*
- arbitraire | * Guillien <u>décision gracieuse</u> |
| 2. facultatif | |
| 3. volontaire - intentionnel | |

E	Discrimination (Employment and Occupation) Convention	HRC
	F Convention concernant la discrimination (emploi et profession)	
	S Convenio sobre la discriminación (empleo y ocupación)	
S	disipador (CL)	CC ...
	E prodigal	
	F prodigue	
E	dismiss	EN: civ. proc.: the High Court or a county court may dismiss an action (RSC 0.18, r.19(1), CCA 76), a magistrates' court may <u>dismiss</u> a complaint (MCA 53(2)); crim. proc.: a magistrates' court may <u>dismiss</u> an information (MCA 9(2)); Civ. proc., crim. proc.: any appellate court may <u>dismiss</u> an appeal. An indictment is quashed, not <u>dismissed</u> . Distinguish <u>dismissal</u> of an action by the court from <u>stay</u> of an action by the court, <u>discontinuance</u> of an action by plaintiff, <u>withdrawal</u> of a claim or a defence by the plaintiff or defendant respectively, <u>withdrawal</u> of an action by all parties to the action. Note 15. * ?proc. civ. ** ?proc. pén.
	F débouter* - rejeter**	
	S	
F	dispense de peine (FR)	CPP 469.2
	E absolute discharge	
	S	
S	disponer (CL) v. dispuesto	CC 1184, 1187
	E to dispose of	
	F disposer	
S	disponer a su arbitrio de ... (CL)	CC 1184, 1187
	E to dispose of ... freely/as one wishes	
	F disposer librement de ...	

- S disponer de consumo (CL) CC 688 (2)
- E to dispose by mutual agreement
 - F disposer de concert
- E disposal
- 1. of property
 - 2. EN: action by a criminal or juvenile court which disposes of a case, by punishment or otherwise (e.g. by community service order) e. g. custodial and non-custodial disposals
- F 1. aliénation* - cession - vente * Acte de disposition
- 2. ? dessaisissement p. ex. en prononçant une peine privative de liberté ou non privative de liberté
- S 1.
- 2.
- F disposer de ... (FR) CC 893
- E to dispose of .../make a disposition of ...
 - S
- S disposición
- v. a disposición de la justicia
 - arrestado a disposición del Poder Ejecutivo Nacional
 - detenido a disposición del Poder Ejecutivo
 - disposiciones ...
 - poner a disposición ...
 - por disposición ...
- S disposiciones legales y reglamentarias = dispositions législatives et réglementaires
- S disposición general
- E general provision
 - F disposition générale

S disposición judicial
v. poner a disposición judicial
por disposición judicial

E judicial decision - court
order - order of the court
F décision judiciaire

S disposición transitoria

E interim/transitional* provision * Of a treaty, constitution
F disposition transitoire

F dispositivo
v. droit dispositif

1. (nom: proc. civ.) partie
finale des conclusions
produites par les parties

2. (nom: proc. civ., pén., adm.)
partie finale d'un jugement*,
d'un arrêt*, d'une
résolution**, d'une loi**

EGLAT dispositif de l'arrêt;
Dalloz Proc. civ. pp. 707-710,
Proc. pén. pp. 653-654, Dr.
adm. p. 228, FR CPCN 452, 455,
CPP 485

* Par opposition aux motifs du
jugement

** Par opposition à préambule,
considérants

3. (adjectif)

4. (CIJ)

E 1. material part

Of pleadings, also called
(especially EN) the relief
sought, the order sought

2. operative part

Of a judgement, i.e. the order
which the judgement contains,
also called judgement proper,
decision, EN terms of the
judgement, EN order

3. dispositive

4. operative provisions

S 1. parte dispositiva

2. parte dispositiva

3.

4.

E disposition

- 1. of property
- 2. (US) = disposal 2.

CJD

- F 1. aliénation
- 2. ?dessaisissement

- S 1.
- 2.

F disposition

- v. acte de disposition
- dispositions ...
- normes qui sont de simples dispositions
- simple disposition

- E provision - rule - direction
- S

F disposition à titre gratuit (FR)

Guillien; CC 893-1100; syn., pour le pluriel, libéralités, donations entre vifs et testaments FR: comprises donations entre vifs, gifts inter vivos, and legs, legacies; NOT grant; also called gratuitous alienation, transfer without consideration

- E gratuitous disposition

- S disposición a título gratuito

F disposition d'ordre public

EGLAT ordre public

- E requirement/rule of public policy
- S

See E note to ordre public

F disposition légale

- E legal/statutory provision - provision of (the) law

Use statutory where it seems appropriate to emphasize that the provision in question is one of enacted law; note 6

- S

F disposition législative
v. dispositions législatives ...

FR CP 127

- E legislative provision
- S

See note to législatif

F disposition liminaire

E introductory wording
S

F dispositions législatives et réglementaires (FR)

E provisions of statutes and regulations - statutory provisions
S disposiciones legales y reglamentarias

F disposition statutaire

EGLAT disposition statutaire, statut(s)

E provision of the statute(s)/ regulations/constitution

Of a body or organization, see statut 1. NOT statutory provision

S

E dispositive

1. (IL) law
2. (IL) treaty

See jus dispositivum
One which makes a disposition in rem; McNair 655-656, Oppenheim Peace 937, n.1, O'Connell SS, chap. III; A/CN.4/202, p. 18; also called localized treaty
SCO: of a deed: the clause which conveys the property

3. (ML) clause

F 1. loi - justice
2. droit réel
3. clause

Jus dispositivum par opposition à jus cogens
jus in re, droit sur une chose

S 1.
2.
3.

S dispuesto

E provision

In the expression lo dispuesto en ..., the provisions of ..., the provision in ...

F disposition

Dans l'expression lo dispuesto en ..., la (les) disposition(s) contenue(s) dans ...

F dissolution

EGLAT

E dissolution* - winding-up**

* especially of a partnership, body
** especially of a company

S

E distraint = distress 1.

E distress

Note 8

1. taking goods out of the possession of a wrongdoer (defaulting debtor or tortfeasor), called the distrainee, by seizing them as security for the performance of or a duty or an obligation or the payment of damages
2. the property so distrained upon

Also called executing a distress, distraining upon goods; OCL, Jowitt

F 1. saisi - gagerie

Guillien; pratiquée à l'encontre d'un débiteur

2. effets/fruits saisis

S 1.

2.

F distribuer = distribuir

S distribuir

E to apply*/appropriate*
- to distribute**

* Moneys, profits
** A dividend, assets (e.g. among creditors, heirs)
p.ex. des dividendes

F distribuer

F distributif
v. justice distributive

S Distrito Especial (CO)

E Special District
F District spécial

S divisible (CL)

Tipo de obligación: CC CL
1524

E divisible
F divisible

Black obligation

E	division (CA, EN)	Of a collegiate court of justice, e.g. CA of the Federal Court of Canada, EN of the High Court of Justice, of the Court of Appeal
	F chambre* - section** - division***	* FR, p. ex. de la Cour de cassation ** FR, p.ex. du Conseil d'Etat *** CA, p. ex. de la Cour fédérale du Canada
	S sala	ES, p. ej. del Tribunal Supremo, de la Audiencia Nacional, de los Tribunales Superiores de Justicia
E	divisional court (EN)	Two or more judges of the High Court sitting together to hear appeals from an inferior court (Osborn); C. Eur 148
	F chambre d'appel	
	S	
F	Division d'appel (CA)	De la Cour fédérale, division appelée aussi <u>Cour d'appel fédérale</u> ; LCF 4
	E Appeal Division	CA: of the Federal Court, also called <u>Federal Court of Appeal</u> ; FCA 4
	S	
F	Division de Police (CH) v. Office fédéral de la police	
F	Division de première instance (CA)	De la Cour fédérale du Canada; LCF 4
	E Trial Division	CA: of the Federal Court of Canada; FCA 4
	S	
S	división de poderes	Der. const.
	E separation of powers	
	F séparation des pouvoirs	
S	DL = decreto-ley	
S	DNI = documento nacional de identidad	
S	DO, D.O. = Diario Oficial	

S doble instancia
v. principio de la doble instancia

S doctrina = F doctrine

E doctrine

West

F doctrine* - théorie**

* West
** CA VOCL 4 doctrine of abuse of rights, théorie de l'abus de droit; doctrine of allurement, théorie de la séduction; doctrine of mitigation of damage, théorie de la limitation des dommages

S

F doctrine
v. ouvrages de doctrine

Rechtswissenschaft

1. (dr.int.)
2. droit national

E 1. doctrine

Alternatives are the literature, the writings of jurists, legal doctrine/science/theory; NOT the doctrine (Body of) learned opinion, Clagett Adm. 123
* David Sys.

2. legal doctrine/writing*

- S 1.
- 2.

F doctrine internationale

Dr. int.

E internationalist doctrine

S

S documento nacional de identidad (AR)

Documento de identidad para hombres y mujeres creado recientemente con carácter nacional, destinado a reemplazar a la cédula de identidad emitida por la policía federal o las provinciales. Por esto es posible que una persona tenga este documento y la cédula

E national identity document

F document national d'identité

- S documento público (ES)
= acte authentique
- F d'office = de oficio
v. à la demande des parties ou
d'office
avocat commis d'office
avocat d'office
licence d'office
témoin cité d'office
- F d'office ou à la demande
d'une partie ECHRRP 28
- E proprio motu or at the request
of a party ECHRRP 28
- S de oficio o a petición de parte
- F dol Dr. civ., dr. pén.; Capitant
Guillien, Dalloz contrats et
conventions, sect. 8;
Nicholas 73 et seq.; EGLAT
faute; BE CC 1109 et seq.,
1304, FR ibid., CP 334.1,
CH CC 125, CDO 28, 100, 193;
VCLT 44, 49
- E fraud* - deceit** -
malice*** - bad faith RL dolus, an intentional wrong,
generally opposed to RL culpa,
an unintentional wrong; also
called dole (SCO crim. law),
fraudulent intent; OCL dolus,
Black dolus
* IL: VCLT 44, 49; ML: use
this term in civil law matters,
e.g. (as in EN, SCO) in regard
to the defect in consent to a
contract called fraud
** PH PC3
*** Use this term or wilfulness
in regard to criminal law
matters; EN malice aforethought
in the crime of murder
CL CC 1451, 2316-2317, 2483;
MX CC 1812; ES CC 1265, 1269
VCLT 44, 49
- S dolo
- S dolo = dol
- S dolo futuro (CL) CC 1465
- E future fraud
F dol à venir

- F dolosif
v. fausses représentations dolosives
représentations dolosives
- E fraudulent* - malicious** -
wilful** - deceitful
- S doloso
- S doloso = dolosif
v. delito doloso
homicidio doloso
- F dol qualifié
- E aggravated fraud
S
- F dol volontaire
- E deliberate fraud -
wilful misconduct
- S
- F domaine
- E domain
S dominio
- F domaine public
- E public domain*/land** -
State lands**
- S dominio público
- E domestic court
- 1.
- 2.
- F 1.
- 2.
- S 1.
- 2.
- * In civil law matters
** These terms can be regarded
as synonyms in criminal law
matters
- RL dolus malus
- SS
- Dr. adm., Amos 91; IL:SS
- * O'Connell SS 226
** If land alone is clearly
referred to
- EN: a magistrates' court
acting in domestic matters;
Walker EN 198
US: court existing and
having jurisdiction at the
place of the party's
residence or domicile
- Tribunal de première
instance compétent en
matière de droit
familial
Tribunal ayant juridiction
au lieu du domicile d'une
partie

E domicil = E domicile 2.

E domicile

1. (non-technical term, rare)
dwelling place, home
2. (technical term; the spelling domicil is obsolescent) legal home: the place of a natural person's permanent home, actual or imputed by law, or of a juristic person's principal establishment

Black, Osborn, OCL domicil,
Cheshire & North 156-192,
Oliver 10, 21, EGLAT domicile;
note 16

F 1. domicile

2. domicile

S 1.

2. domicilio

F domicile (BE, CH, FR, dr.int.)

v. élection de domicile ...

violation de domicile

BE CC 34, 102-111, 1247;
FR ibid., CPCN 6 53, CCOM 124;
CH CC 23-24, CDO 1011, ORC 43;
Dalloz Civ. pers. chap. II,
Dalloz Comm. p. 24, Marty Civ.
pers. chap. II, Battifol II 311,
Amos 36-37, EGLAT; GCBE 4, 21,
22, 27, 77

E domicile

For usage and alternatives,
including the use of legal
domicile, see note 16; GCBE 4,
21, 22, 27, 77

S domicilio

ES CC 28, 40-41, 181,
LEC 264-269, LSA 5, 11(3), 86,
116, LSRL ...; CL CC 59, CCOM
426(1), 461; MX CC 29, 33;
Diccionario de Derecho Privado;
GCBE 4, 21, 22, 27, 77

F domicile acquis

E acquired domicile

S

F domicile acquis de propre fait

E domicile acquired animo et facto

S

F domicile civil (CH)

CC 23

E civil domicile

Same as domicile réel

S domicilio civil

- F domicile conjugal (BE, FR; CH CC 140)
E matrimonial home
S domicilio conyugal
- F domicile convenu = domicile d'élection
- F domicile d'assistance (CH) = domicile de secours
- F domicile de droit (FR)
E domicile by operation of law
S Capitant; syn. de domicile légal, domicile nécessaire
NOT legal domicile
- F domicile d'assistance (CH)?
= domicile de secours
- F domicile d'élection
E elected domicile - address for service*
S domicilio convencional/electivo
NOT domicile of choice
* Where a party to a legal document nominates an address for service of notices, writs etc.
- F domicile de nécessaire = domicile nécessaire
- F domicile de secours (FR)
E welfare domicile
S Dalloz aide sociale sect. 18
- F domicile d'origine
E domicile of origin
S domicilio de origen
Black domicile
- F domicile élu (BE CC 111, FR ibid.)
= domicile d'élection
- F domicile fiscal (CH, FR)
E tax residence* - fiscal domicile
S domicilio fiscal
* Also called residence for tax purposes
- F domicile général
E general domicile
S Dalloz domicile sect. 2
The same as domicile réel

F domicile légal

1. sens commun: syn. de domicile GDEL 4 domicile: légal,
Petit Larousse domicile:
domicile légal
2. sens technique: syn. de domicile de droit, domicile
nécessaire BE CC 107-109, FR CC 102
(par. 2), 107-109, CH CC 25;
Daloz domicile sects. 8-13
- E 1. (legal) domicile Note 16
2. statutory domicile -
domicile by operation
of law* * The more usual expression;
Black necessary domicile;
NOT legal domicile
- S 1.
2. domicilio legal ES Aguilar art. 40 com.,
LEC 62-71

F domicile matrimonial
= domicile conjugal

(FR Daloz domicile sect. 2)

F domicile nécessaire

- E necessary domicile*
- domicile by operation
of law** Syn de domicile de droit,
domicile légal
* Also called domicilium
necessarium; Black domicile:
necessary domicile
** The more usual expression;
Osborn domicile
- S domicilio necesario ES Aguilar art. 40 com.,
LEC 62-71

F domicile politique

Daloz domicile sect. 2

- E political domicile
S ? domicilio político

F domicile professionnel (CH)

- E professional domicile
S domicilio profesional

F domicile réel (BE, CH, FR)

Daloz domicile sect. 2;
BE CC 111, FR ibid., CH CC 23

- E effective domicile
S domicilio real/efectivo

F domicile spécial

Daloz domicile sect. 2

- E special domicile A domicile for the performance
of certain acts, as opposed to
general domicile
- S domicilio especial

F	domicile volontaire	
	E domicile of choice	Costello domicile; also called <u>domicilium voluntarium</u>
	S domicilio voluntario	
F	domiciliataire (CH)	CDO 1017
	E payee	Of a bill of exchange
	S	
F	domicilié	
	1. en parlant d'une personne	Qui a un domicile quelque part
	2. en parlant d'une lettre de change	Dont le lieu de paiement a été désigné
	E 1. domiciled	
	2. payable	
	S 1. domiciliado	
	2.	
S	domicilio (ES, CL, MX) = F domicile	
S	domicilio civil (ES, CL CC 61-62) = domicile civil	
S	domicilio civil especial (CL CC 69) = domicile spécial	
S	domicilio conyugal (ES v. CC 58) = domicile conjugal	
S	domicilio convencional (MX CC 34) = domicile d'élection	
S	domicilio electivo (CL CC 69, ES) = domicile d'élection	
S	domicilio especial (ES) = domicile spécial	
S	domicilio excepcional (ES)	Aguilar art. 40 com.
	E ?exceptional/extraordinary domicile	
	F ?domicile exceptionnel	
S	domicilio fiscal = domicile fiscal	
S	domicilio legal = domicile légal	
S	domicilio necesario = domicile nécessaire	

- S domicilio real (ES) = domicile réel
- S domicilio político (CL) CC 60
- E national domicile Black domicile
- F
- S domicilio social (ES, CL) ES LSA 5, 11(3), 86, 116;
CL CCOM 426(2), 461
- E domicile of the company* - * For alternatives to company
registered office** see future entry société
- F domicile de la société* - ** If the text clearly refers to
siège social * Territoire où la société a son
domicile
- S dominio (CL) CC ...
- E ownership - dominium -
domain
- F propriété
- L dominium
- E ownership - dominium
- dominion - sovereignty
- F propriété - nue-propriété - West dominion, possession
souveraineté en toute propriété, autorité,
souveraineté
- S dominio - propiedad
- F dommage
1. (FR: dr. civ.) Nicholas 220-226
2. (dr.int. SR) 1980 DA 23c5
- E 1. loss - damage - harm
- injury
2. damage* - injury** * 1980 DA 23c5
- injuries** ** To persons or property
- F dommageable
- E indemnifiable - injurious* * IL SR
- S
- F dommages BE CC 1146 et seq. FR ibid.
- E damages
- S

- F dommages et intérêts
(BE CC 1146 et seq., FR ibid.)
= dommages
- F dommages-intérêts = dommages
- F donation entre vifs
- E donation inter vivos
- donatio inter vivos
S donación entre vivos
- F donation pour cause de mort
- E donation mortis causa
- donatio mortis causa
S donación mortis causa -
donación por causa de muerte
- F donner acte de ...
- E to place ... on record
- to record ... - to
declare ...
- S
- F donner acte que ...
= donner acte de ...
- F donner congé
- E to give notice
- S desahuciar
- F donner une garantie en faveur de X
jusqu'à concurrence de ...
- E to guarantee X for a sum
not exceeding ...
- S
- A gift between living persons
- A gift made in contemplation
of death
- Donner acte aux époux que ...,
to declare that ... (wording of
a point of claim in a pleading,
in this instance a divorce
petition in GE, i.e. one of the
things the petitioner asks the
court to do)
- CH CDO passim
- Of termination of employment
(dismissal or resignation),
contract, lease etc.; translate
as to resign, to dismiss, to
terminate where appropriate

F donneur de contrat

- 1.
- 2.

E 1. contractor

In joint ventures

2.

Law of the sea

S 1.

2.

F don testamentaire à payer de fonds
spécifiés

E demonstrative legacy

S

F d'ordre public

v. disposition d'ordre public

être d'ordre public

fin de non-recevoir d'ordre public

F dossier

EGLAT

E (court) file/record - case

Merryman 699 record; EN

S expediente

record of a court case

S dote (CL)

CC 1404, 1789

E dowry

F dot

F doté de

E vested with

S

E double jeopardy

v. rule of double jeopardy

E draft

1. banker's draft

2. (US) syn. for bill of exchange

F 1. chèque bancaire

2. traite - effet -
lettre de change

S 1.

2.

F droit (EGLAT) = derecho

v. abus de droit
à qui de droit
ayant droit
crime de droit international
criminel de droit commun
décision avant dire droit
de droit ...
délit de droit commun
de plein droit
domicile de droit
droits ...
en matière de droit
Etat de droit
gouvernement de droit
injonction avant dire droit
juge de droit commun
jugement avant dire droit
jugement d'avant dire droit
juridiction civile de droit commun
juridiction de droit commun
matière de droit
opposer un droit sur ...
règle de droit
science du droit
sujet de droit
voie de droit ...

F droit acquis

Guillien

E acquired/vested right
S derecho adquirido

NOT vested interest

F droit administratif

v. recours de droit administratif

E administrative law
S derecho administrativo

F droit à la mémoire

Term used in connection with a case of genocide, apparently to describe the right of the surviving members of an ethnic group in exile not to have their reputation or that of their forbears sullied by the perpetuation of false accusations (see G. Chaliand in Esprit, April 1984)

E ?right to unblemished reputation/?to unblemished memory

Black memory

S

- F droit à l'intégrité physique
E right to inviolability of the person
S
- F droit autonome
E tariff duty
S
A customs duty imposed under a standing tariff, as opposed to a droit conventionnel
- F droit civil
v. droits civils
E civil law
S derecho civil
OCL enumerates 10 meanings; the most common are (Martin 3., 4.): (i) a legal system based on Roman law, as distinct from the English and other systems of common law; (ii) private law as opposed in particular to criminal law and administrative law, i.e. to public law
- F droit civique
v. droits civiques
- F droit commercial
E commercial/mercantile* law
- law merchant
S derecho comercial/mercantil
* EN
- F droit commun
v. criminel de droit commun
délict de droit commun
juge de droit commun
jurisdiction civile de droit commun
jurisdiction de droit commun
voie de droit commun
1. (dr. civ.)
2. (dr.int.)
EGLAT
E 1. ordinary/general law
2. ? residuary rules
S 1. derecho común
2.
As opposed to droit d'exception, extraordinary/special law, e.g. martial law; NOT common law

F droit conventionnel

- 1. (dr.int.)
- 2.

- E 1. law of treaties - treaty law
- 2. conventional duty

A customs duty applicable under a commercial treaty, as opposed to a droit autonome

- S 1.
- 2.

F droit coutumier

- 1.
- 2.

- E 1. customary law
- 2. common law
- S 1. derecho consuetudinario
- 2.

e.g. in Africa, Asia; IL
e.g. EN, IN, US; OCL lists seven meanings

F droit coutumier anglais

- E common law of England
- S

F droit d'accession (FR)

CC547

- E right of accession
- S

SC CC 547; OCL accessio;
distinguish from jus accrescendi

F droit d'association

E/CN.4/1984/13, annex II,
art. 1

- E right of association
- S

F droit de cité (CH, FR)
v. avoir droit de cité

CH CC 22

- E cantonal citizenship* -
freedom of the/a city
- S

* CH CC 22

F droit de créance

FR: syn. droit personnel
(v. droit personnel 2.;
Capitant droit de créance,
David II 105, Marty Civ. biens
sect. 3, Dalloz biens sect. 13),
créance (Guillien droit de
créance)

E right in personam* - claim**

* Use this term if the emphasis is on the nature of the right
** Use this term or an alternative (see E notes to créance) if the emphasis is on the subject-matter of the right

S

F droit de gage

E right of pledge
S derecho de prenda

See gage
CL CC 2407

F droit de garantie (FR)

Capitant

E warranty fee

For official attestation of authenticity of precious metals, trade marks etc.

S

F droit de la guerre

E laws of war
S

Black war

F droit de la mer

E law of the sea
S derecho del mar

F droit de légation

E ? right of legation -
right to diplomatic
representation
S

F droit de légation actif

Dr. int.

E right of active legation
S

F droit de légation actif et passif

Dr. int.

E right to send and receive
legations
S

F droit de légation passif

Dr. adm.

E right of passive legation
S

- F droit de législation
E right to enact laws/legislate
S
- F droit d'enregistrement v. droits de transcription et d'enregistrement
EGLAT
E registration/recordation fee/duty
S
- F droit de recours
GCBE 25
E right of recourse
GCBE 25
S derecho de recurrir
GCBE 25
- F droit de pétition (GE)
Const.11
E right of petition
S derecho de petición
- F droit de regard
E right of inspection
S
e.g. possessed by a shareholder
- F droit de rétention (CH, FR)
FR dr. civ.: sûreté réelle, légale, qui permet au créancier auquel la loi la confère de refuser de restituer une chose appartenant à son débiteur tant qu'il n'est pas payé et bien qu'il n'ait pas reçu cette chose par un contrat de nantissement (M. Jaquot, ONU New York);
CH CC 895-898,
FR CC passim, Dalloz Civ. sûretés, Amos 252, 363
EN possessory lien; note 11;
SCO retention
E right of retention
S derecho de retención
- F droit de retour
1. dr.civ.
2. ONU: rés.38/83 de l'Assemblée générale

- E 1. reversion
2. right of return
- S 1.
2.
- F droit de retourner dans son pays
- E right (of people) to return
to their (own) country
- S
- F droit des biens = derecho de los bienes
- F droit de séjour
- E right of abode
- S
- GB traduction officielle de
right of abode
GB
- F droit des gens
- E law of nations - jus gentium
- S derecho de gente -
- F droit des personnes = derecho de
las personas
- F droit d'ester en justice
- E locus standi
- S
- Guillien ester en
justice
- F droit de suite
- E right to trace* - droit de
suite**
- S
- Dr.civ.; IP
- * i.e. to follow property:
right of a creditor who has
a claim in rem to enforce his
claim against that rem if it has
passed from the ownership of the
debtor to that of a new owner;
his right is said to follow, or
run with, the property;
Amos 129 n.1
**IP
- F droit de superficie (BE, FR;
Dalloz Civ. biens pp. 591-595,
Amos 95) = derecho de superficie

F	droit de transcription v. droits de transcription et d'enregistrement	EGLAT <u>droits</u> <u>d'enregistrement, transcription</u>
	E registration fee/duty	On the registration of a right over an immovable
	S	
F	droit d'exception	EGLAT droit commun
	E extraordinary/special law	As opposed to <u>droit commun</u> , ordinary/general law
	S	
F	droit d'introduire ...	
	E right to bring ...	e.g. <u>droit d'introduire une</u> <u>demande en séparation de corps</u> , right to bring an application for/to apply for separation; <u>droit d'introduire une demande</u> <u>en indemnisation</u> , right to a claim for/right to claim indemnification
	S	
F	droit dispositif	Dr. int.
	E optional law	i.e. <u>ius dispositivum</u> , also called <u>dispositive law</u> , <u>residuary law, residuary rules</u> , as opposed to <u>ius cogens</u> , peremptory law
	S	
F	droit embryonnaire	
	E law in the formative stage	
	S	
F	droit éminent de l'Etat	
	E right of eminent domain of the State	
	S	
F	droit en voie de formation	
	E emerging law	
	S	

- F droit établi au bénéfice de X
E right accorded to X - X's right
S Under a provision, treaty
- F droit immobilier
E right in/over an immovable - right in/over immovables/immovable property - law of immovable property* - real estate law*
S derecho inmobiliario
Guillien
Distinguish droit immobilier, derecho inmobiliario from droit réel, derecho real; v. derecho real 1.
* F and S terms rarely used in this sense
Ossorio, Gómez
- F droit impératif
E peremptory law
S Par opposition au droit supplétif; David Sys. p.338
IL; in ML context called "imperative" law by David (Sys. p. 338); Salmond p. 25 also uses imperative law, but in a completely different context
- F droit individuel
v. Loi tendant à ...
E right of the individual
S
- F droit international
E international law
S derecho internacional
- F droit international privé
E private international law
S derecho internacional privado
- F droit international public
E public international law
S derecho internacional público
- F droit international public positif
E positive public international law
S derecho internacional público positivo

- F droit interne
- E domestic*/internal**/
municipal***national**** law
 - S derecho interno/nacional
- F droit intertemporel
- E intertemporal law
 - S
- F droit jurisprudentiel (FR)
- E case law
 - S
- F droit lésé
- E impaired right
 - S
- F droit maritime
- E maritime law
 - S derecho marítimo
- F droit matériel
- E substantive law
 - S
- F droit mixte
- E composite right
 - S
- National as opposed to international law; loosely, law of the land
- * HR
- ** IL: LT (e.g. VCLT 27), SIO, SR, SS
- *** academic term
- **** CIMT 30; term seldom applied to countries, usually (F droit national) to individuals
- Dr. int.
- Concerns the question of what law applies to a situation or effects which occur over a period of time
- (Reuter in A/CN.4/SR.1749)
- David Sys. p.333
- CA VOCL 3 decisional law
- NOT law of the sea
- As opposed to procedural law

- F droit mobilier
E right in/over a movable -
right in/over movables/movable
property
S derecho mobiliario
Guillien
Distinguish droit mobilier,
derecho mobiliario from
droit personnel, derecho
personal; v. derecho
personal 2.
- F droit national
E national law
S derecho nacional
See note to droit interne
- F droit objectif = derecho objetivo
- F droit obligatoire
E peremptory law - ius cogens
S
Dr. int.; selon VCLT 53
le ius cogens se définit
comme norme impérative
- F droit pénal
E criminal law
S derecho penal
For penal as an alternative
to criminal see note 2
- F droit personnel
= derecho personal 1., 2., 3.
- F droit positif
E positive law*
- positive right**
S derecho positivo
* OCL
** OCL right (p.1071)
- F droit préférentiel
E preferential right
S derecho preferencial
- F droit privé
v. de droit privé
E private law*/right
S derecho privado
EGLAT
* OCL; the concept is not
confined to civil-law countries
- F droit privé international
= droit international privé

- F droit procédural
- E law of procedure - adjective/procedural law
 - S derecho procesal - derecho/ley adjetivo/a
- F droit propre de ...
- E law peculiar to Distinguish from loi applicable à ...
 - S
- F droit public
v. de droit public EGLAT
- E public law*/right * OCL; the concept is not confined to civil-law countries
 - S derecho público
- F droit public international
= droit international public
- F droit réel
= derecho real
- F droits acquis
v. droit acquis
- F droits civils
v. interdiction de droits civils
- E civil rights
 - S derechos civiles
- F droits civiques
- E civic rights
 - S
- F droits de la défense (FR) CPP 56-57, Dalloz Proc. pén. passim
- E rights of the defence/defendant
 - S
- F droits de la personnalité Guillien
- E personal rights* - rights of the individual * In the constitutional sense: Black right (p.1190)
 - S

F droits de l'homme

E human rights - rights of man
S derechos humanos

En español se recomienda usar la expresión "derechos humanos" no sólo por ser la que emplea la Carta de las Naciones Unidas, sino porque el reemplazo de la antigua expresión "derechos del hombre" obedeció a criterios más amplios. Excepcionalmente se mantiene esta última, como por ejemplo en la "Declaración Universal de los Derechos del Hombre y del Ciudadano" y en los nombres de algunas ONG. No obstante el cambio de criterios y por razones históricas evidentes, en francés se mantiene la expresión "droits de l'homme" que, con las salvedades indicadas, debe traducirse al español como "derechos humanos"

F droits de plaidoirie (FR)

CPCN 695(7)

E advocacy fees
S

F droits des personnes
= derechos de las personas

F droits de transcription et
d'enregistrement (FR)

EGLAT droits
d'enregistrement,
transcription

E recordation and registration
fees
S

F droits et taxes

E duties, charges (, fees)
and taxes
S

F droit subjectif = derecho subjetivo

- F droit supplétif
E residual law
S
- S dueño (CL)
E owner
F propriétaire
- S duplica (CL, ES, CIJ) = duplique
- F duplique (FR, CIJ)
v. mémoire en duplique
E rejoinder
S duplica
- F durée
E period of validity* - term* -
term of existence**
S
- F d'utilité publique
v. association reconnue d'utilité
publique
établissement d'utilité publique
E in the/of public interest - of
service to the public -
public-interest
S de utilidad pública
- E duty of care
F obligation de vigilance* -
devoir de diligence**
S
- Par opposition au droit
impératif; David Sys.
p.338
IL; also called residuary
law
- CC 590, 670, 700
- FR proc. civ. obs., proc.
pén., proc. adm., Cour de
cassation; EGLAT duplique,
requête; Brown 60; Dalloz
tribunal administratif
sect. 35; CIJ
- ICJ; EGLAT further reply in
defence is not used in EN;
note 3
ES LEC 540, CIJ, CL CPC 312
- * Of an agreement
** Of a juristic person,
e.g. a company
- EGLAT
- NOT public utility
- IL: A/CN.4/360, p.10,
A/CN.4/346 & Add.1 & 2,
esp. paras. 68-72
* à base de tout délit de
negligence
** CA VOCL4

E

- E easement One kind of E servitude
F servitude
S
- F écarter
E to rule out - to exclude -
to disallow
S
- F Ecole nationale d'administration, ENA (FR) Ord. 1708 31.7.1945
E National College of
Administration
S
- F Ecole nationale de la magistrature, ENM (FR) Ord. 1270 22.12.1958, 14
E National College of Magistrates
S
- S económico
v. competencia correctiva ...
- F économie D'un projet (CDI), d'une loi
E structure Of a draft (ILC), law
S
- F. économie mixte
v. société d'économie mixte
- F écrit
v. constatation par écrit
procédure écrite
- F écritures
E documents In a case
S
- F édicter CA
E to enact* - ?to promulgate * CA
S

S	edicto	BO CPP 106
	E judicial edict	A public summons
	F édit	
S	edil (UY)	Integrante de una Junta Departamental
	E department board member	
	F membre du conseil départemental - edile	
S	efectividad	Der. int.
	E effective exercise	Of a right
	F caractère effectif	
S	efecto	
	v. ambos efectos de una apelación	
S	efecto devolutivo	
	E devolutive effect	Of an appeal, i.e. whereby it is transferred to a superior court
	F effet dévolutif	
S	efecto suspensivo	
	E suspensive effect	Of an appeal, i.e. whereby judgement is stayed in the proceedings in which the appeal arises
	F effet suspensif	
F	effacement	
	v. clause d'effacement	
F	effacer	
	E to wipe out/expunge	
	S	
F	effet de commerce (FR)	
	v. effets de commerce	
	E item of commercial paper	
	S	
F	effet dévolutif (Dalloz Proc. civ. pp. 842-843) = efecto devolutivo	
F	effet juridique	
	E legal effect	
	S	

F	effets de commerce (FR)	Dalloz, Amos 365 <u>et seq.</u>
	E commercial paper	US UCC, OCL; FR <u>effets de commerce</u> comprise <u>lettres de change</u> , bills of exchange, <u>billets d'ordre</u> , promissory notes, <u>chèques</u> , cheques, and <u>warrants</u> , warrants of movables
	S	
F	effet suspensif (Dalloz Proc. civ. pp. 841 <u>et seq.</u>) = efecto suspensivo	
S	Ejecutivo Federal (?AR, ?MX)	
	E Federal Executive	
	F Exécutif fédéral	
S	ejecución = exécution	
S	ejecución forzosa = exécution forcée	
S	ejecutivo	
	v. acción ejecutiva	
	embargo ejecutivo	
	juicio ejecutivo	
S	ejecutor (NI Dec. 232/80, 6)	
	= juez ejecutor	
S	ejecutoria (ES LEC 369)	
	= copie exécutoire	
S	ejecutoriado	SV LPPS 6, 10, 25, 36
	v. sentencia ejecutoriada	IACEV 2(g)
	E (made) executory - (made) enforceable - final*	Loosely, <u>(made) effective</u> , but this is ambiguous (see Dalloz Proc. civ. p. 738, RSC O. 42, r. 3, ES LEC 369)
	F exécutoire	* IACEV 2(g) but not otherwise IACEV 2(g), FR CPCN 501, CTA L.8
S	ejercer (CL)	CC ...: una acción
	E to bring* - to exercise**	*An action
	F exercer	**A right of action

- S ejercer la justicia de paz
- E to serve as (a) justice
of the peace
- F exercer les fonctions de
juge de paix
- S ejercitar
1. una acción,
un juicio
2. un derecho
- E 1. to bring - to prosecute
2. to exercise
- F 1. exercer
2. exercer
- An action, a suit, in
a court of law, i.e. to
sue
- A right
- S ejido
- E common land -
land held in common*
- F terrain communal
- Ossorio, Merryman
- * MX
- D'un village
- L ejusdem generis
- E ejusdem generis - of the
same kind/category
- F ex eadem specie - de la
même espèce
- S del mismo género - de la misma clase
- F élaboration
- E preparation - drawing-up
- S
- Dr. int.
- e.g. of a treaty
- S elección (CL)
- E choice - election
- F choix - élection
- CC 1500: pago de
obligaciones alternativas
- S elección de domicilio = élection
de domicile
- F élection de domicile (BE, FR)
- E election* of domicile
- S elección de domicilio
- BE CC 111, FR ibid.
- *NOT choice
- F élection de domicile légale (FR)
- E statutory election of
domicile
- S
- Dalloz domicile élu
sects. 8-10

- F élément de preuve (CA, FR CPP 428)
= elemento probatorio
- F élément de l'infraction (FR) Dr. pén., Guillien
E ingredient of the offence
S
- F élément de moyen (FR) CPCN 978
E point in an argument
S
- F élément d'information
E item of information - fact
S elemento de información
- F élément d'un fait internationalement SR
illicite
E element of an internationally
wrongful act
S
- S elemento de juicio
E item/piece of evidence Elementos de juicio,
evidence; evidence is used
here in the non-technical
sense
F élément de décision
- S elemento probatorio
E element of proof* -
item of evidence -
probative evidence Evidence alone is sufficient
if it is understood in the
sense of proof
*CA; VOCL 3
CA; VOCL 3
F élément de preuve
- F élimination LT 1982 da? 62
E ?discarding Of a treaty
S
- S El Peruano (PE) Nombre del periódico que
publica los textos
auténticos de las leyes,
decretos, reglamentos y
otros asuntos oficiales
E (leave in Spanish and
underline)
F El Peruano (Journal officiel)

- F émancipation (BE, FR) D'un mineur; BE CC 476-487,
FR ibid., Guillien
- E emancipation
S emancipación
- F émancipation légale (BE, FR) D'un mineur; Guillien
émancipation
- E statutory emancipation -
emancipation by operation of law
S emancipación legal
- F émaner
v. fait émanant de ...
le comportement émane de ...
- S embargable (CL) CC 1618, CPC 445
- E seizable - attachable -
distrainable - arrestable For the distinction between
these terms, and alternatives,
see note 8;
- F saisissable
- S embargar
v. embargo, secuestrar
- F embargo = S embargo 2.
- S embargo
1. (der. civ., com., pen.) Escriche, Ossorio, Gómez;
aprehensión judicial o sin. secuestro 2., 3.,
administrativa de un bien, proc. civ.: vía de apremio
depósito judicial de un bien utilizada por un acreedor
para la ejecución de una
escritura pública o una sentencia (embargo ejecutivo)
o medida precautoria (embargo preventivo): CL CPC 443;
(ejecutivo) ES LEC 921-922,
1442-1480, MX CPCDF 451-453,
507-511, 534-563; (preventivo)
ES LEC 1397-1418; medida
utilizada en caso de rebeldía:
ES LEC 762-768; depósito
judicial de un bien litigioso:
ES CC 1785-1789; proc. pen.:
CL CPP 380-400, ES LE CR 589,
597-614
2. (der. púb.) intervención del Ossorio embargo, embargo
gobierno de armas, embargo de buques

- E 1. seizure-impoundment*
- confiscation -
attachment-execution
- distraint-arrest-
sequestration
2. embargo
- F 1. saisie
2. embargo
- S embargo ejecutivo
E execution
- F saisie
- S embargo preventivo
v. secuestro y embargo preventivo
E provisional attachment
F saisie conservatoire
- S embargo provisional (CL CPP 380)
= embargo preventivo
- S emergencia
v. estado de emergencia
régimen de emergencia
zona de emergencia
- E eminent domain, right of
F pouvoir d'expropriation
S
- For the distinction between these terms see note 8
*syn. impounding
- On ships, exports property of a foreign national; distinguish embargo de buques in this sense from embargo de buques in the civil law sense, i.e. arrest of vessels by a creditor; OCL, Jowitt
- Ou saisie conservatoire, selon le cas
Guillien
- Ossorio embargo
In EN the term execution already implies the notion of seizure (OCL execution, Martin execution 2.), but if an explicit rendering is required translate embargo ejecutivo as execution seizure, seizure by way of execution; syn. attachment in aid of execution, SCO arrestment in execution
- Ossorio; ES LEC 1397-1418
- See E note to saisie conservatoire
- Black; Abrams (US)
- Pour cause d'utilité publique

S empeño (CL CC 2384) = gage 2.

F emphytéose (FR, QU)

FR CRU 939, QU CC 567

E emphyteusis

The name of the right of an emphyteuta; MT CC 1576, QU CC 567; Black emphyteusis; see note to censo enfiteútico

S

S emplazado

E summonsed -
subpoenaed -
under restriction
F assigné - mis en demeure

For the distinction between these terms see emplazamiento

S emplazamiento

v. libertad bajo emplazamiento
término de emplazamiento

1. (proc. civ., pen., adm.)
citación para comparecer
ante un tribunal (sin. de
citación de comparecencia) o
cumplir otra formalidad;
en lo penal, puede conllevar
la prohibición de abandonar
el lugar del proceso

BO CPP 97, ES LECR 166-182,
207, 623 et seq., 784, 859
et seq.; ES LEC 6, 177, 525
et seq., 681-682, 840;
CL CPC 258, MX CPC 110-128,
256, CPPDF 80-93;
Ossorio, Anabalón,
Escriche

2. (proc. pen.) esta última
prohibición u otra análoga

UY: puede ser ordenada a
un imputado antes de su
procesamiento

3. (proc. civ., pen., adm.)
plazo que tiene una parte,
un perito o un testigo para
responder o hacer lo ordenado
por el juez

Sin. término de emplazamiento
(AR, CL); v. término de la
distancia

E 1. summons

If the summons commences contentious civil proceedings, translate as writ of summons, which can be abbreviated to writ. See E note to demande initiale.

If the summons is addressed to a witness, translate as subpoena. See summons, subpoena.

Ossorio and Anabalón distinguish emplazamiento from citación de comparecencia, whereas Escriche and Black do not; the distinction may be valid, i.e. as between an order to appear and an order to comply with some other formality, but it does not affect the E translation.

2. condition -
prohibition
- restriction

Where appropriate translate according to context, specifying the nature of the condition imposed, e.g. restricted movement, restricted residence; conditions of this kind can be attached to bail in EN (Hampton 100) by means of a prohibitive order (Archbold...), residence order, and in such cases the bail is said to be conditioned e.g. time for appearance, time for compliance (with a formality), time-limit, period

3. (translate according to context)

- F 1. citation (en justice) -
assignation
2. interdiction
3. délai légal

- S emplazar
E to subpoena

IACEV 2(e)
IACEV 2(e), used of a plaintiff; see also the other meanings of emplazamiento; the verbs corresponding to summons and subpoena are to summon and to subpoena

- F assigner* - citer

*IACEV 2(e)

E Employment Policy Convention

- F Convention sur la politique de l'emploi
- S Convenio sobre la política del empleo

S empresa
v. contrato de empresa

- E enterprise - undertaking
- F entreprise

F emprisonnement (BE, CH, FR)

- E imprisonment* - ordinary imprisonment**

Peine: BE CP 7, CH CP 9, 36, FR CP 9, 465, CPP 717 et seq.; SCP rés. 7 (XXVII) (E/CN.4/1160)

*BE and FR, in both of which emprisonnement is either correctionnel, ordinary imprisonment, or de police, light imprisonment; if emprisonnement is not qualified, translate it as non-rigorous imprisonment in cases where it needs to be distinguished from réclusion (BE) or réclusion criminelle (FR); SCP rés. 7 (XXVII)
**CH

S

F emprisonnement cellulaire

- E solitary confinement
- S

F emprisonnement correctionnel (BE, FR)

Peine: BE CP 7, FR CP 9, CPP 717 et seq.

- E ordinary imprisonment
- S prisión

F emprisonnement de police (BE, FR)

Peine: BE CP 7, FR CP 465, CPP 717 et seq.

- E light imprisonment
- S arresto

NOT police custody

S emr, EMR = Establecimiento Militar de Reclusión

F ENA = Ecole nationale d'administration

E	enabling Act	Odgers 370 (EN), Black Abrams (US) West
	F loi conférant de nouveaux pouvoirs à une personne/société	West
	S ley que confiere nuevos poderes a una persona/sociedad	West
E	enact	EN: a bill which has passed both Houses of Parliament is enacted by the Royal Assent being given it
	F décréter - promulguer	
	S decretar - promulgar - aprobar - sancionar	
E	enactment = texte législatif 1., 2.	
S	enajenación (CL CC ...) = alienación	
S	enajenar (CL CC 255,434) = aliéner	
S	en ausencia	
	E in his/her absence	NOT <u>by default</u>
	F par contumace	v. Guillien
E	<u>en banc</u> (PH Const. 8(10)) = <u>in banc</u>	
F	en bon père de famille	QU CC 290
	E like a prudent administrator	QU CC 290
	S como buen padre de familia	
S	encargado reo (CL)	A/37/594, para. 60 table 2
	E committed for trial	- ditto -
	F avec confirmation de l'accusation	- ditto -
S	encargatorio v. auto encargatorio de reo	
S	encartado (ES LECR 780) = encausado	
F	en cas d'atteinte aux droits	
	E in cases in which rights are violated/suffer	
	S	

S	encausado (VE, PE)	VE CECR 42, PE non-code
	E accused - defendant	Note 1
	F inculpé	
F	en chambre	ECHR; EGLAT <u>séance plénière</u> NOT <u>in chambers</u>
	E divisionally	
	S	
F	en chambre du conseil (BI, FR, CJEC) v. retirer	FR CPCN 22, 433, CPP 199; CJEC; EGLAT <u>chambre du conseil, séance plénière</u>
	E in chambers	
	S	
S	encierro de persona (ES)	
	? = apremio personal	
S	en conciencia (CL)	
	E according to equity - as a court of conscience	i.e. weighing evidence according to equitable principles instead of strict rules of evidence; Black <u>conscience</u>
	F <u>ex aequo et bono</u> - en équité	
S	encontrarse en trámite	
	E to be pending	Of a case
	F être en souffrance/en instance	
F	en contravention de	FR CP R.26(4)
	E contrary to - in contravention/ breach/infringement/violation of	
	S	
S	encubridor (CL, ES)	
	1.	CL CP 14, 17; ES CP 12,
	2.	
	E 1. accessory after the fact 2. receiver	
	F 1. complice 2. receleur	

- S encubrimiento
1.
2.
E 1. concealment
F 1. dissimulation
2. recel
- E encumbrance
F charge réelle
S carga real - gravamen real
Lato sensu includes leases, servitudes, mortgages, liens and trusts (Salmond p. 424 n.(j))
p. ex. obligation, servitude, hypothèque
- S en delito flagrante (CL) 1980 Const. 19(7)(c)
E in flagrante delicto - in the act (of committing a crime)
F en flagrant délit EGLAT flagrant délit
- F en demeure
v. mise en demeure
E under notice of default*/ arrears**
i.e. under notice to comply with an obligation, e.g. to pay a debt; Amos 242 n. 10
in culpable delay; see E note to mise en demeure
* In the case of any obligation
** In the case of a money obligation
- S
- F en dernier ressort
E without (right of) appeal
S en última instancia
- F en détention préventive
= en prisión preventiva
- F endosser
E to endorse* -
to espouse** -
to take up**
S
* All senses
** e.g. a claim

- S en estado de alienación
E of unsound mind
F en état d'aliénation mentale/
de démence
- F en état
E ready for hearing Of a case
S
- F en état de récidive légale
E deemed a recidivist by law
S
- F en exécution de ...
E in implementation of .../
execution of .../compliance
with .../performance of ...
S
- F en exercice
E serving e.g. of an official
S
- F enfance délinquante (FR) Ord. 2.2 1945, CP 66-67
E juvenile delinquency
S
- F enfant
1. sens général
2. (CH dr. pén.) individu âgé CP 82-88
de moins de 15 ans
3. (FR) tout mineur Guillien
protégé par la loi
E 1. child
2. child Note 10
3. child
S 1. menor
2. menor
3. hijo Ossorio
- F en faveur de
v. donner une garantie ...
- S enfiteuta (ES) = emphytéote

- S enfitéutico
v. censo enfitéutico
- E emphyteutic
F emphytéotique
- F en flagrant délit = en delito flagrante
- S en flagrante delito = en flagrant délit
- F engager
v. responsabilité
- F engagement
1. syn. d'obligation Capitant I
2. contrat de louage de services personnels Capitant II
- E 1. obligation* - commitment** * Technical term; use in
 - undertaking** a strictly legal context,
 e.g. in a contract
 ** Non-technical term
2. engagement
- S 1.
 2.
- F engagement d'arbitrage MRAP 1
- E undertaking to arbitrate MRAP 1
S estipulación de arbitraje MRAP 1
- F engagement sans convention
- E implied contract Also called quasi-contract,
 undefined obligation
S cuasicontrato ES CC 1887-1901, CL CC
 2284-2313
- S engaño inmaterial
- E non-material fraud/deception
F erreur non matérielle
- S engaño material
- E material fraud/deception
F erreur matérielle
- E enjoin
v. injunction

S	enjuiciado (CO, VE)	VE CECR 32/2
	E accused - defendant	Note 1
	F prévenu	v. note F au mot <u>acusado</u> l.
S	enjuiciamiento	COV 10(2)(b)
	v. auto de enjuiciamiento	
	E 1. prosecution	UY non-code
	2. trial	
	3. adjudication	
	F 1. poursuites	COV 10(2)(b)
	2. procédure de jugement	
	3. ?règlement judiciaire - soumission à la justice - jugement - décision*	* COV 10(2)(b)
S	enjuiciamiento prejudicial (BO)	GPP 184
	E prior proceedings	
	F procédure préjudicielle	
F	en justice	FR CPCA 966
	v. droit d'ester en justice	
	traduire en justice	
	E at law - in court	
	S	
F	ENM = Ecole nationale de la magistrature	
F	en matière de ...	
	E for ... - in regard to ...	
	- in ... matters/cases	
	S	
F	en matière de droit	
	E where (the) law is concerned	
	- in legal matters	
	S	
S	enmienda	
	v. recurso de enmienda	
F	énorme lésion	
	= lésion énorme	
E	enorm lesion	
	= lésion énorme	

S en prisión preventiva

SMR 84

E under pre-trial*/preventive*
detention - detained in
custody**
- awaiting trial***

* For the distinction
between these terms see
E note to détention
préventive and note 1;
EN remanded in custody
** General term for a
person in the hands of
the police
*** SMR 84
SMR 84

F en détention préventive

S en prisión provisional
= en prisión preventiva

F enquête

v. enquêtes

1. (proc. civ., pén.: FR)
procédure par laquelle les
témoins sont entendus par
le juge, appelée aussi
audition des témoins
2. (proc. pén.: DJ, FR)
ensemble d'opérations menées
par la police avant ou après
l'ouverture d'une instruction
pénale
3. dr. adm. et terme général
4. Charte 34

CPCN 199, 203, 204-231,
Dalloz Proc. civ.
pp. 1027-1041, Guillien;
terme utilisé en ce sens
surtout en proc. civ.
DJ CIC 54.1; FR CPP 53-78;
Guillien enquête de police;
Dalloz Proc. pén.
pp. 283-294

- E
1. examination of witnesses
 2. (police) inquiries/
investigation
 3. inquiry
 4. investigation

- S
- 1.
 - 2.
 - 3.
 4. investigación

F enquête de police (FR) = enquête 2.

F enquête judiciaire (FR CPP 55)
= enquête 2.

F enquête préliminaire (FR)

Proc. pén. CPP 75-78; menée
par la police; Guillien

E preliminary investigation

S

F enquêtes (FR proc. pén.) = enquête 2.

F	enregistrement	EGLAT <u>droits d'enregistrement</u>
	E registration	
	S	
F	Ensemble de règles minima pour le traitement des détenus	HRC
	E Standard Minimum Rules for the Treatment of Prisoners	
	S Reglas mínimas para el tratamiento de los reclusos	
F	ensemble des lois	
	E body of laws - <u>corpus juris</u>	
	S	
S	en simple vía administrativa	
	E as a purely administrative measure	
	F par simple mesure administrative - par la voie administrative	
F	entaché de vice fondamental	Dr. int.
	E vitiated by a fundamental flaw	
	S	
F	entendre v. assigner quelqu'un aux fins de s'entendre ... entendu	EGLAT <u>entendu</u>
	E to hear	
	S	
F	entendu	EGLAT
	E heard	e.g. <u>X entendu</u> , X having been heard, after X has/had been heard
	S	
E	enter judgement, to	
	1. of a party	EN: to apply for judgement; RSC 0.13 r.1, 0.42 r.5
	2. of an officer of the court	EN: to record a judgement (done on the application of a party); Langan 229-230

- F 1. demander un jugement
2. enregistrer un jugement -
inscrire un jugement -
déposer la minute du
jugement* * FR CPP 486 au greffe du
tribunal
- S 1.
2.
- S entrada y registro
E entry and search
F perquisition
- F entraîner
v. responsabilité
E (translate according to context) e.g. ... entraîne certaines
conséquences accessoires,
certain incidents attach
to ...
S
- S en trámite de ...
E under ...
F en cours de ...
- S en trámite de sumario
E under examination
F en cours d'instruction
- S entrañas (CL) CC ...
E essentials
F l'essentiel
- E entrapment See Black, Archbold
sect. 17-60
F incitation à des actes
criminels par des agents de
la force publique
S incitación por agentes
oficiales a la
comisión de un delito West
- S entrada en vigencia
= entrée en vigueur
- F entre crochets CDI
E in square brackets ILC
S

- F entrée en vigueur EGLAT
- E entry into force
S
- S entregar (CL) CC 1548: una cosa
- E to deliver
F faire livraison
- F entreprise
v. contrat d'entreprise
- E enterprise - undertaking
- venture
S
- F entreprise conjointe
- E joint venture
S
- F entre vifs
v. donation entre vifs
- E inter vivos
S entre vivos
- F en vigueur
- E existing - relevant -
in force (at the time)
- S vigente
- e.g. les lois en vigueur,
the existing laws, the laws
at present in force;
la législation en vigueur,
la legislación vigente,
the existing/relevant
legislation, the legislation
now in force
- S envite
v. juegos de envite y azar

F envoi en possession (BE, FR)
v. ordonnance d'envoi en
possession

CC 724, 770, 1008; Guillien,
Amos 292, 305, 319 n.1, 325
n. 9, Marty Succ. nos. 135-
140, 551, 576; acte judiciaire
qui correspond à l'élément
grant du grant of probate
anglais (v. grant of probate),
mais à la différence de
celui-ci, qui est obligatoire
pour toute succession testa-
mentaire en Angleterre,
l'envoi en possession a lieu
pour les seules successions
testamentaires réglées par
un testament olographe ou un
testament mystique, à
l'exclusion de celles réglées
par un testament authentique;
l'envoi en possession a lieu
aussi pour l'Etat comme
successeur ab intestat.

E vesting

The notion of possession is
implied in the term vesting,
which in this case must be
used in the transitive sense
of the verb to vest, e.g.
demandeur l'envoi en possession
(à être envoyé en possession)
des biens du défunt, to apply
to be vested with possession
of the deceased's estate; if
this is not possible, use
investiture, since vesting by
itself usually has an intran-
sitive meaning

S ? entrega

F épave (FR)

CC 717

E lost property
S

F époux

syn. de conjoint

E spouse - husband

In documents dealing with
both spouses, e.g. a marriage
contract, époux in the
singular may refer to either
husband or wife and should
therefore be translated as
spouse not husband unless
the latter is obviously meant

S

- F épreuve
- E probation
 - S
- F épuisement des recours internes SR: 1980 DA 22;
COV Optional Protocol 2
- E exhaustion of local*/domestic** * SR: 1980 DA 22
 - remedies ** COV Optional Protocol 2
 - S
- E Equal Remuneration Convention HRC
- F Convention sur l'égalité de rémunération
 - S Convenio sobre igualdad de remuneración
- S equiparado (UY) Funcionario sin estado militar, con categoría o rango que podrá ser otorgado por el Poder Ejecutivo cuando el servicio lo requiera; CPM 63
- E military-ranking official
 - F ayant rang (de)
- E equity
1. fairness
 2. branch of the common law, as opposed to law stricto sensu
 3. an equitable right, as opposed to a legal right stricto sensu e.g. the mortgagor's equity of redemption, equities attaching to licences and trade marks
 4. share in a business association (company or partnership)
- F 1. équité
2. système juridique fondé sur l'équité
 3. droit équitable
 4. action* - part
- S 1.
- 2.
 - 3.
 - 4.
- F erreur = S error
- F erreur de droit = error de derecho

- S error CL CC 1451, MX CC 1812, ES
CC 1265-1266; VCLT 48
- E mistake* - error** * EN defect in consent to a
contract (SCO error)
** VCLT 48
- F erreur BE CC 1109 et seq., FR ibid.,
CH CDO 26-27, Nicholas 73
et seq., Dalloz contrats et
conventions sect. 6; VCLT 48
- S error de derecho (CL) CC 1452
- E error/mistake of law
- F erreur de droit
- S error de hecho (CL) CC 1453
- E error/mistake of fact
- F erreur de fait
- S escarnio (UY) CPM 58(2)
- E mockery - contempt
- F insulte - outrage
- S escribano (AR, ES) Ossorio; funcionario
público encargado de
autorizar actos y contratos
(Gómez)
- E public recording
officer* - clerk of
the court** -
registrar***
Notary****
scrivener*****
- * generic term
** In the judicial sphere
*** In the extrajudicial
sphere
**** AR: escribano público,
notary public
***** EN: archaic, but certain
notaries public practising in
London are still called
scrivener notaries
- F greffier - notaire
- S escribano público
= escribano
- S escrito
1. documento
2. solicitud o presentación
ante los tribunales
- ES LEC 378, 395, 1718,
LECR 721; CL CPC 214, 770,
CPP 510, 537;
MX CPCDF 685, 691, CPPDF 416,
CFPP 368; Anabalón 91

- E 1. document - writing
2. (written) statement
- In the case of appeals,
called notice, e.g. notice of appeal to an appeal court,
notice of application to a court of cassation; and see the specific examples below
- F 1. document
2. requête - pièce de procédure
- S escrito de acusación
1. (PE) nombre principal que recibe la apreciación de los hechos por las partes acusadoras CPP 225
2. (AR, CL, MX, UY) nombre que como variante se da a ese acto AR CPR 484, CL CPP 430, UY CPPM 261, CPP 239
- E indictment
- F 1. réquisitions
2. réquisitoire
- Note 1
Dans ces pays, des personnes privées parties à l'action pénale peuvent prendre des réquisitions tout comme le ministère public
- S escrito de calificación (ES)
- Apreciación de los hechos por las partes acusadoras; LECR 650
- E indictment
- F réquisitions
- Note 1
Même des personnes privées parties à l'action pénale peuvent prendre des réquisitions tout comme le ministère public
- S escrito de cargos (VE)
- Apreciación de los hechos por las partes acusadoras; CECR 218
- E indictment
- F réquisitions
- Note 1
- S escrito de conclusiones (ES LEC 670)
= F conclusions 2.
- S escrito de contestación (UY)
- CPP 240
- E defence
- F défense - plaidoirie
- Note 1

- S escritura
ES: los instrumentos públicos son de dos tipos, es decir, escrituras y actas
- E instrument - deed*
* A deed (EN, US) is a document executed, i.e. signed, with certain formalities (see deed); this term can therefore be used as an alternative to instrument where it is necessary to distinguish between escritura and instrumento; otherwise translate escritura as instrument
- F acte
- S escritura privada
= acte sous seing privé
- S escritura pública (CL, ES)
AR CC 997-1011, CL CC 1699, ES CC 175, 317, 633, 704, 1327, 1628, 1667, LEC 596, CCOM 119, RRM 90; Ossorio escritura privada o pública, Gómez
- E public instrument
ES: the escritura pública, generally executed by a private individual before a notary public, is one kind of instrumento público (see instrumento público) which itself is one kind of documento público (see acte authentique)
- F acte authentique* - acte public**
* Guillien
** FR CC 971
- F espèces
- E specie* - cash
S
* Coin; Black
- S especie
1. (CL)
2. (ES)
CC 1548, 2466, 2476, CPC 438
CC 1657
- E 1. specific thing
2. kind
- F 1. bien particulier
2. espèce

- S especie o cuerpo cierto (CL) CC 951, 1548, CPC 438
E specific thing or thing
in specie
F chose ou corps certain
Black in specie; the two terms are synonymous in E and S
- S esponsales (CL) CC ...
E betrothal
F fiançailles
- S establecimiento carcelario
E detention establishment -
custodial establishment - prison
F établissement pénitentiaire -
maison d'arrêt - centre de
détention - prison
- S establecimiento de detención
= establecimiento carcelario
- S Establecimiento Militar de Reclusión
(UY)
E Military Prison
F établissement militaire
de détention - prison militaire
- S Establecimiento de Reclusión Militar
N°. 1
E No. 1 Military Prison
F Prison militaire n° 1
- S establecimiento penal
E penal establishment
F établissement pénitentiaire
- S estado de alienación
v. en estado de alienación
- S estado de asamblea (CL) 1980 Const. 40(1)
E state of alert
F état d'alerte générale
- S estado de catástrofe (CL) 1980 Const. 40(4)
E state of disaster
F état de catastrophe

S	Estado de derecho	G <u>Rechtstaat</u>
	E State subject to the rule of law	Sometimes referred to as a <u>constitutional State</u>
	F état du droit	
S	estado de derecho	
	E the rule of law	i.e. the abstract concept of which the <u>Estado de derecho</u> is the organized expression
	F état du droit	
S	estado de emergencia (CL)	1980 Const. 40(3)
	E state of emergency	
	F état d'urgence	FR Loi 3.4.1955
S	estado de excepción (CL)	1980 Const. 39-41, 24th transitional provision
	E state of exception	Loosely, <u>state of emergency</u>
	F état d'exception	
S	estado de excepción constitucional (CL 1980 Const. 39-41) = estado de excepción	
S	estado de guerra interno (CL, UY)	
	E internal state of war	NOT <u>state of internal war</u>
	F état de guerre interne	
S	estado de necesidad	SR
	E state of necessity	
	F état de nécessité	
S	estado de sitio (CL) v. Ley de Estado de Sitio	1980 Const. 40(2)
	E state of siege	
	F état de siège	
S	estar cesante (UY)	
	E to have been dismissed from office	
	F être démissionnaire/congédié	
S	estatuto = statut v. estatutos	

- S Estatuto de Derechos y Garantías de los Nicaragüenses (NI) Dec. 52/79
- E Statute of Rights and Guarantees of Nicaraguans The provisional constitution of NI
- F Statut des droits et garanties des Nicaraguayens
- S Estatuto de Seguridad (CO) Legislative Decree 1923 of 1978
- E Statute of Security
- F Règlement relatif à la sécurité
- S estatuto excepcional (UY)
- E exceptional system - exceptional status
- F statut exceptionnel
- S Estatuto Fundamental (NI) ?Lo mismo que el Estatuto de Derechos y Garantías de los Nicaragüenses
- E Fundamental Statute
- F Statut fondamental
- S estatutos = statut l.
- F ester en justice v. droit d'ester en justice
- S estipulación de arbitraje = engagement d'arbitrage
- S estirpes v. cabezas o estirpes
- E estoppel v. issue estoppel IL: ICJ Report 1962, p. 39; A/CN.4/245, p. 138, note (4); YB ... II 1966, p. 239; ML: EN: Hampton 196-198, Odgers Construction 154-160
- F préclusion juridique* - préclusion ** * West; ** VOCL3
- S
- F établissement v. visa d'établissement
- E establishment In all senses
- S

- F établissement de preuves
E taking of evidence
S
- F établissement d'intérêt public (?CH, FR)
= établissement d'utilité publique
- F établissement d'utilité publique (FR) EGLAT utilité publique,
Dalloz
E corporation of public interest* of service to the public - public-interest corporation
A private-law entity; can be a fondation, congrégation or association; distinguish from établissement public; NOT public utility;
E corporation of public interest*/ of service to the public - public-interest corporation * Merryman 267
S
- F établissement public (FR) Dalloz établissements publics à caractère administratif, industriel et commercial, EGLAT établissement public, utilité publique
E public establishment*/body/ authority/undertaking
A public-law entity; can be a local authority, teaching establishment, chamber of commerce, energy supply or transport undertaking, broadcasting corporation, etc.; Merryman 267
public corporation; distinguish from établissement d'utilité publique
* SC CCP 161(2)
S
- F établissement public à caractère administratif
E public administrative undertaking
S

- F établissement public à caractère
industriel et commercial (FR)
- E industrial and commercial
public undertaking
- S
- F établissement public administratif
= établissement public à caractère
administratif
- F établissement public d'aménagement (FR)
- E public development authority
- S
- F établissement public industriel et
commercial = établissement public
à caractère industriel et
commercial
- F état
v. en état
possession d'état
- F Etat accréditaire VCDR
- E receiving State
- S
- F Etat accréditant VCDR
- E sending State
- S
- F Etat agressé SR 1980 DA 34c
- E victim State
- S
- F Etat agresseur SR 1980 DA 34c
- E attacking State
- S
- F Etat auteur
- E author*/acting** State
- S
- * SR: A/CN.4/344,
para. 51; ** INJ

- F Etat auteur de la violation
- E defaulting State* - State committing the breach**
 - S
- * VCLT 60
** SR: YB 1976 II/2, p. 111, para. (38)
- F Etat auteur d'une lésion
- E injuring State
 - S
- SR
- F Etat auteur d'une réserve
- E reserving State
 - S
- F Etat auteur d'un fait
- E State committing an act
 - S
- F Etat bénéficiaire
- E beneficiary/?recipient State
 - S
- SR
- F Etat cédant
- E ceding State
 - S
- F état civil
- 1. situation de la personne
 - 2. service
 - E 1. civil status
 - 2. civil registry
 - S 1.
 - 2.
- EGLAT, Guillien
- F Etat composant
- E component State
 - S
- SS
- F Etat composé
- E composite State
 - S
- SS
- F Etat constituant
- E constituent State
 - S
- SS

- F Etat côtier
E coastal State
S
- F Etat de droit = Estado de derecho
- F Etat défendeur
E respondent State ICJ, international
S ?Estado demandado tribunals generally
- F Etat demandeur
E applicant State* - * ICJ
claimant State** ** International tribunals
S ?Estado demandante generally
- F Etat d'envoi SIO, SM, SR
E sending State
S
- F Etat de police G Polizeistaat
E police State
S
- F Etat de réception SIO, SM
E receiving State
S
- F état de récidive légale
v. en état de récidive légale
- F Etat de résidence VCCR
E receiving State
S
- F état d'exception = estado de excepción
- F Etat du domicile fiscal
E State of fiscal domicile For alternatives see domicile
S fiscal
- F Etat du pavillon
E flag State
S

- F état d'urgence (FR Loi 3.4.1955)
= estado de emergencia
- F Etat du siège SIO
E host State
S
- F Etat en puissance
E potential State
S
- F Etat hôte SIO
E host State
S
- F Etat incriminé
E accused State
S
- F étatisme absolu
E State absolutism
S
- F Etat lésé SR
v. Etat qui s'estime lésé
E injured State
S
- F Etat limitrophe
E ?bordering State
S
- F Etat policier = Etat de police
- F Etat qui s'estime lésé
E State alleging injury
S
- F Etat riverain
E riparian State
S

- F Etat territorial SR
E territorial State
S
- F Etat tiers SS
E third State
S
- F Etat unifié
E unified State
S
- F Etat unitaire
E unitary State
S
- F Etat victime
E injured*/victim*/affected** * ?SR
State ** INJ
S
- F Etat voisin
E neighbouring State
S
- F éteindre
E to extinguish e.g. an obligation;
s'éteindre, to abate (EN of
an action at law); for usage
and alternatives see note 15
S
- F étranger
E alien
S
- F études juridiques
E legal/law studies
S
- E European Commission of Human Rights
= Commission européenne des
droits de l'homme

- E European Convention on Human Rights
= Convention for the Protection
of Human Rights and Fundamental
Freedoms
- E European Court of Human Rights
= Cour européenne des droits
de l'homme
- E European Court of Justice
Short name of the Court
of Justice of the European
Communities
- F Cour européenne de justice
S
- E European Convention on State
Immunity and Additional Protocol
1972; Cmnd. 5081
- F Convention européenne sur
l'immunité des Etats et
Protocole additionnel
S
CE, Bâle, 1972
- S evento de la condición resolutoria
(CL)
CC 1567 (9)
- E satisfaction/accomplishment
of the condition subsequent
For synonyms and usage of
condition subsequent see
condition résolutoire
- F événement de la condition
résolutoire
- S evicción = éviction
v. acción de evicción
acción de evicción y saneamiento
acción de saneamiento por evicción
saneamiento por evicción
sujeto a la evicción
- S evicción y saneamiento
= saneamiento por evicción;
v. garantie d'éviction

F éviction (FR)
v. garantie d'éviction

CC 1626-1649, 1725-1726;
Barraine, Guillien, Amos
359-361

E dispossession

Deprivation of the right to possess a thing, including the right to occupy land and buildings, and meaning in its widest sense deprivation of the right to own it; Osborn, Martin eviction. The F and S terms, as well as dispossession and eviction, apply theoretically to all forms of property, but all of them are used in particular of land and buildings; this is especially true of eviction, to which dispossession should therefore be preferred unless the context clearly indicates that the eviction concerns land or buildings, e.g. in the case of squatters being evicted from housing by court order. The dispossession referred to by the F and S terms is that suffered by a purchaser or a lessee or hirer of property as a result of a claim by a party extraneous to the sale or the lease or hire and includes threat at dispossession and harassment.
ES CC 860, 869, 1475-1483, 1532, 1554, 1681, MX CC 2119-2141, 2283; Aguilar art. 1475 com., Gómez, Ossorio

S evicción

F évocation = avocamiento
v. évoquer

F évoquer

FR CPCN

E to assume cognizance of

e.g. la cour peut évoquer le fond, the court may assume cognizance of the merits, évoquer une affaire, to call up a case; see E note to avocamiento

S

- L ex aequo et bono OCL
- E ex aequo et bono ICJ Statute 38
F ex aequo et bono CIJ Statut 38
S ex aequo et bono CIJ Estatuto 38
- S examen amplio en apelación (UY)
- E broad review on appeal
F examen approfondi en appel
- F examen contradictoire
- E cross-examination
S
- S examen y registro = entrada y registro
- E examining justice v. committal proceedings
- S excarcelación Ossorio
- E (release on) bail*
- release from custody**
- * This is the normal meaning, e.g. in CO CPP 453(6), 455 UY CPP 138, PA CJ 2099, CR CPP 297; see E note to libertad provisional; note 1
** Use this term or release from confinement if it is not clear whether bail is involved
- F mise en liberté (sous caution)
- S excarcelación bajo caución (UY) CPPM 195
- E (release on) bail with security See E note to libertad provisional and bail; note 1
F (mise en) liberté sous caution
- S excarcelación bajo fianza (GT)
= excarcelación bajo caución
- S excarcelación caucionada (CO CPP 453)
= excarcelación bajo caución
- S excarcelación caucional (CO CPP 453)
= excarcelación bajo caución
- S excarcelación provisional (UY CPPM 193-211)
= excarcelación bajo caución

S excepción

- v. estado de excepción
- medida de excepción
- norma sustantiva y adjetiva de excepción
- régimen de excepción
- tribunal de excepción
- 1. término general
- 2. término procedural, utilizado lato sensu
- 3. término procedural, utilizado stricto sensu
- 4. (IL) SR, COPSM

Ossorio; CL CPC 309, ES LEC 531, 1464, LECR 666; GCBE 17
Ossorio; ES LEC 542, 544

- E. 1. exception - proviso
- 2. defence* - plea

For the extent to which defence and plea are interchangeable see E defence 3.;

if in doubt use defence

* GCBE 17

- 3. procedural plea

For alternatives see E note to F exception 3.

SR: A/CN.4/SR.1538 (regarding circumstances precluding wrongfulness)

- 4. exception

- F 1. exception - dérogation - dispense - exemption - restriction
- 2. défense - exception*
- 3. exception
- 4. exception

* GCBE 17

S excepcional

- v. estatuto excepcional
- facultad excepcional
- medida excepcional de seguridad

- S excepción de arraigo (Ossorio)
= exception de caution
judicatum solvi

- S excepción de cosa juzgada
(CL CPC 304, 310)
= exception de la chose jugée

- S excepción declinatoria = ?declinatoria

- S excepción de previo pronunciamiento
(ES LECR 666)
= excepción de previo y especial pronunciamiento

- S excepción de previo y especial pronunciamiento (CL) CPP 433
- E special plea Corresponds roughly to EN special plea (syn. special plea in bar) (Curzon, Martin, Halsbury vol. 11, para. 238)
- F défense péremptoire spéciale Distincte de la question principale; West
- S excepción dilatoria (CL CPC 303, 305, ES LEC 533, 542)
= exception dilatoire
- S excepción perentoria (ES, LEC 542, 544, 1464)
= exception péremptoire
- F exception (FR)
v. clause d'exception
droit d'exception
état d'exception
exceptions ...
juridiction d'exception
opposer une exception
tribunal d'exception
1. sens général
 2. (FR proc. civ., proc. pén.)
terme procédural, utilisé lato sensu: syn. de moyen de défense
 3. (FR proc. civ., proc. pén.)
terme procédural, utilisé stricto sensu: catégorie de moyens de la défense
 4. (dr. int.) SR, COPSM
- E 1. exception - proviso
2. defence* - plea
- GCBE 17; Dalloz exceptions et fins de non-recevoir sect. 2
- CPCN 73-121, CPP 384-386, 522
Dalloz Proc. civ. pp. 69-73,
Dalloz Proc. pén. passim,
Dalloz exceptions et fins de non-recevoir, EGLAT
- For the extent to which defence and plea are interchangeable see E defence 3.
* GCBE 17

3. procedural plea
- Also called incidental plea, procedural defence; plea (syn. defence) will suffice unless the text draws an express or implied distinction between défense, meaning any kind of answer by a party to his opponent's allegation, and exception (syn. exception de procédure), meaning one which is specifically of the procedural kind; if in doubt translate as procedural plea
SR: A/CN.4/SR.1538 (regarding circumstances precluding wrongfulness)
4. exception
- S 1.
2. excepción
- Ossorio lato sensu; CL
CPC 309, ES LEC 531, 1464,
LECR 666; GCBE 17
3. excepción
- Ossorio stricto sensu;
ES LEC 542, 544
- F exception à l'instance
= exception d'incompétence
- F exception de cautio judicatum solvi
= exception de caution
judicatum solvi
- F exception de caution judicatum solvi
(BE, FR)
- BE FR CC 16 obs.
Dalloz Proc. civ. pp. 91, 964
Proc. pén. p. 169, Dalloz
exceptions et fins de
non-recevoir sect. 39
- E defence of cautio judicatum solvi
- S
- F exception de chose jugée
= exception de la chose jugée
- F exception déclinatoire = déclinatoire
- F exception de communication de pièces
(FR)
- obs; Dalloz Proc. civ.
pp. 71, 982
- E defence of production of documents
- S

- F exception de connexité (FR) CPCN 101, CPP 387, 522, Dalloz Proc. civ. pp. 308 et seq., 487 et seq., 965 et seq., Dalloz exceptions et fins de non-recevoir sect. 37
- E defence of connected proceedings
S
- F exception de garantie (FR) Dalloz Proc. civ. pp. 966-971
- E defence of third-party liability The defence raised in the interlocutory form of action en garantie (syn. appel en garantie)
- S
- F exception de la chose jugée (FR) Dalloz Proc. pén. p. 741
- E defence of res judicata - exceptio rei judicatae
- S excepción de cosa juzgada CL CPC 304
- F exception de litispendance (FR) Proc. civ., proc. pén.: CPCN 100, Dalloz Proc. civ. pp. 308 et seq., 487 et seq., 965 et seq.; Dalloz exceptions et fins de non-recevoir sect. 36
- E defence of lis pendens
S
- F exception de nationalité (FR) CPCN 1038, CN 131, Dalloz Proc. pén. p. 402
- E plea of national status
- S
- F exception de nullité (FR) Proc. civ., proc. pén.: CPCN 112-121, CPP 385, 522; Dalloz Proc. civ. pp. 308 et seq., 487 et seq., 965 et seq., Dalloz exceptions et fins de non-recevoir sect. 38, Dalloz Proc. pén. p. 401
- E defence of nullity
S
- F exception de procédure (FR CPCN 73-121, Dalloz Proc. civ. pp. 69-70)
= exception 2.

- F exception de relativité de chose jugée (FR) Guillien chose jugée
- E defence of relative res judicata
- S
- F exception d'extranéité (FR) CPCN 1038
- E ?plea of alien status
- S
- F exception dilatoire (FR) Proc. civ.: CPCN 108-111, Capitant, Dalloz Proc. civ. pp. 308 et seq., 487 et seq., 965 et seq.
- E dilatory plea In FR CPCN the F term is used in a narrower sense than given in Capitant and than the E term (OCL, Osborn, Black; EN obs.) or the S term CL, ES, Ossorio
- S excepción dilatoria
- F exception d'illégalité (FR, CJCE) Proc. pén.: Dalloz Proc. pén. pp. 15, 404, Guillien, Brown 90; CJCE RT 184, Isaac 250-251
- E plea of illegality CJEC RY 184, Brown & Jacobs 112-117
- S
- F exception d'incompétence (FR) Proc. civ., proc. pén., Cour de cassation: CPCN 75-99, Dalloz Proc. civ. pp. 308 et seq., 487 et seq., 965 et seq., Dalloz exceptions et fins de non-recevoir sect. 35
- E plea to the jurisdiction OCL plea, EN Hampton 188, Arguile 141; see Langan 58
- S
- F exception légale Exception utilisé dans son sens courant
- E statutory exception
- S

- F exception péremptoire (FR) obs.; Dalloz Proc. civ.
p. 74
- E peremptory plea EN obs., US obs.; syn. plea in bar; v. plea in bar
- S excepción perentoria ES; Ossorio
- F exception préjudicielle (FR) CPP 386, 522, Dalloz Proc.
pén. pp. 398 et seq.,
Dr. adm. pp. 183 et seq.;
syn. question préjudicielle au jugement
- E preliminary issue Strictly speaking, issue preliminary to trial as opposed to issue preliminary to action (see question préjudicielle au jugement, question préjudicielle à l'action)
- S excepción prejudicial
- F exception préjudicielle au jugement (FR)
= exception préjudicielle
- F exception préliminaire CIJ, Règlement de la Cour,
art. 79
- E preliminary objection ICJ, Rules of Court,
art. 79
- S excepción preliminar
- F exceptions et fins de non-recevoir Proc. civ., proc. pén.;
Dalloz exceptions et fins de non-recevoir
- E procedural pleas and bars to proceedings - technical defences
- S
- F excès de pouvoir (FR)
v. recours en annulation pour excès de pouvoir
recours pour excès de pouvoir
1. (dr. adm.)
2. (proc. civ., proc. pén.)
Brown 11, 31, 58, 133-153;
EGLAT détournement de pouvoir
Loi 523 3.7.1967, 18; Dalloz Proc. civ. pp. 917, 923-924,
Dalloz Proc. pén. pp. 706-707

- E 1. illegality* -
unconstitutionality**
2. illegality
- S 1.
2.
- S exceso (CL) CC 529
- E excess
F excès - abus
- F exclure
- E to exclude - to save -
preclude
- S
- S excusa
= F excuse
- S excusa absoluta
= excuse absolutoire
- F excusabilité (FR) CPP 625
- E excusability
i.e. the condition of having
an excuse légale; note 2
- S
- F excuse
1. (ML: FR dr. pén.) Dalloz responsabilité pénale
sects. 5-10; l'une des deux
catégories de causes
d'atténuation de la peine;
syn. excuse légale
2. (ML: dr. civ.)
3. (dr. int.)

- E 1. (legal/statutory) excuse
2. excuse
3. excuse
- S 1. excusa
2. excusa
3. excusa
- F excuse absolutoire (FR)
E ground for absolution
S excusa absolutoria
- F excuse atténuante (FR)
E ground for mitigation
S
- F excuse légale (FR Dalloz responsabilité pénale sects. 5-10)
= F excuse 1.
- S excusión
E discussion
F discussion
- S execución = exécution
- F exécutant
E maker* - signer - person executing
S otorgante
- Use legal where it seems appropriate to emphasize that the defence in question is one laid down by law, statutory where the same is true with particular reference to enacted law; notes 2, 6
- Dalloz responsabilité pénale sect. 6; l'une des deux catégories d'excuses légales
i.e. from punishment; note 2
ES CP 18, 226, 497, 563 bis (b), 564, según Colex pág. 393, pero algunos de estos casos parecen ser eximentes y no excusas absolutorias; Ossorio, Gómez
- Dalloz responsabilité pénale sect. 6; l'une des deux catégories d'excuses légales
i.e. of punishment; note 2
- Black excussio, discussion
Guillien
- See the various meanings of execute
* Of a will, deed

E execute

1. to complete, enforce, carry into effect, perform, satisfy, comply with (a judgement or other judicial decision, quasi-judicial decision, arbitral award, penalty, punishment, order, contract, trust, writ)
2. to sign and deliver (an instrument)
3. to exercise (a power of appointment)
4. to put (a person) to death

- F
1. exécuter - accomplir
 2. passer
 3. exercer (un pouvoir de nomination)
 4. exécuter
- S
1. ejecutar - cumplir
 2. otorgar
 3. ?ejecutar - ejercer
 4. ejecutar - justiciar

F exécuter
v. faire

E to execute

S

F exécuteur des mandats de justice ou des jugements ou commandant en chef ou en sous-ordre de la force publique (LU)

E judicial marshal or police commandant or deputy commandant

S

EN: execution of judgements is effected by writs of execution, orders and notices; writs of execution are addressed to a sheriff, whose function it is to execute them, i.e. carry them out; in this connection execution often means recovery of a debt; note the usages to execute a distress, execution may be issued, may issue. Contracts and trusts are executory until performed, executed thereafter.

In the case of a deed, i.e. an instrument under seal, execute means to seal it as well

See execute; for alternatives see the various meanings of exécution; s'exécuter, to perform an obligation, to comply with an order

CP 257

See E note to fuerza pública

- F exécuteur testamentaire EGLAT
- E (testamentary) executor
S ejecutor testamentario - albacea CL CC 1270
- E execution
1. of a judgement, or other judicial decision, quasi-judicial decision, arbitral award, penalty, punishment, order, contract, trust, writ
Carrying it out, etc. (see execute 1.); as to execution of judgements in EN, see OCL execution, Langan chap. 9, Odgers chap. 24, in which connection execution often means judicial recovery of a debt by seizure and sale of goods belonging to the debtor (Martin; note 8, sect. 10); SO PC 136 execution of punishments; IACEV 2(h), 3
 2. of an instrument
Signing it, etc. (see execute 2.); OCL execution of deeds
 3. of a power of appointment
Exercising it
 4. of a person
Putting the person to death, usually by judicial authority
- F 1. exécution* - accomplissement v. exécution forcée
* IACEV 2(h), 3
2. passation
 3. exercise
 4. exécution (capitale)
- S 1. ejecución* - cumplimiento** * IACEV 2(h); ** IACEV 3
2. otorgamiento
 3. ?ejecución - ejercicio
 4. ejecución (capital) - ajusticiamiento
- F exécution
- v. absence d'exécution du contrat
en exécution de ...
loi d'exécution
lois d'exécution
procédure d'exécution
tribunal d'exécution
1. d'une mesure
 2. d'une obligation, contrat, traité, peine, commission rogatoire
VCLT 61(1)
 3. d'une décision judiciaire, jugement, sentence arbitrale, garantie, titre exécutoire
FR GPCN 500-526, CPCA 517-811, CPCN 1477, 1479; IACEV 2(h), 3; Dalloz exécution des jugements et actes
 4. d'une personne

- E 1. application - implementation
2. execution* - performance**
- fulfilment***
- discharge****
- compliance*****
3. enforcement* - execution**
- satisfaction***
- compliance***
- S 1. aplicación
2. cumplimiento*
- ejecución
3. ejecución*
- cumplimiento**
4. ejecución -
ajusticiamiento
- F exécution conservatoire
= ?saisie conservatoire,
?exécution provisoire
- F exécution en nature (FR)
- E performance in kind
- specific performance*
- S
- * Of an obligation, contract, treaty (VCLT 61(1)), punishment, letter of request
** Of an obligation (SR), treaty (VCLT 61(1)); syn. of execution
*** Of an obligation (SR); syn. of execution
**** Of an obligation; syn. of execution
***** With a letter of request
* Of a judgement or other judicial decision, quasi-judicial decision, arbitral award, guarantee, instrument of title, at the instance of the person in whose favour it is made
** Of a judgement, etc. in general and in particular of a judgement for recovery of a debt; use this term in cases of doubt; IACEV 2(h), 3
*** Satisfaction of a judgement, compliance with an arbitral award, by the person against whom it is made (the equivalent of exécution volontaire; see Dalloz exécution des jugements et actes sect. 1)
- * De un tratado: VCLT 61(1)
De una sentencia, laudo o resolución judicial o arbitral o similar
* Ossorio; ES LEC 919-958, IACEV 2(h)
** IACEV 3
- D'une obligation, d'un contrat; Nicholas 210, de Vries 420 et S.
*EN

- F **exécution forcée (CH, FR)**
CH LP; FR exécution d'une obligation conventionnelle, judiciaire ou légale par recours à la force publique ou par l'intermédiaire d'une saisie ou d'une astreinte (Guillien): CPCN 1477, Nicholas 210
- E **enforcement - forcible recovery***
Of a judgement or other judicial decision, quasi-judicial decision, arbitral award, obligation, contract; in the case of a contract, also called enforced performance
* Of a debt (money obligation), also called execution in EN (See E note to execution 1.)
- S **ejecución forzosa**
Ossorio ejecución
- F **exécution provisoire (FR)**
CPCN 514-526, Dalloz
- E **provisional execution**
- S
- F **exécution sur la personne**
syn. contrainte par corps; Dalloz exécution des jugements et actes sect.2
- E **execution on the person**
See E note to contrainte par corps
- S
- F **exécution sur les biens**
Where recovery of a debt is concerned execution by itself is normally understood to mean execution on property
- E **execution (on property)**
- S
- F **exécution volontaire v. exécution 3.**
- E **executive bail**
One example, technically speaking, is EN bail by police (not by a magistrate); the expression has also been used in EN to describe an administrative measure of temporary release of remand (i.e. unconvicted) prisoners in order to relieve prison overcrowding
- F **caution administrative**
- S

- E executive detention (GB) e.g. of suspected terrorists in Northern Ireland (called internment if it lasts more than seven days), of immigrants not permitted to enter the United Kingdom who are held at a port, of aliens awaiting expulsion, of persons awaiting extradition; Bradley 457; in a political context, called detention without trial (?PH)
Term used on radio in a political context
- F ?détention sans jugement
- S
- E executive order (US) Order or regulation issued by the President or an administrative authority and the major but not the only class of delegated legislation; corresponds to EN statutory instrument
- F décret-loi
- S
- F exécutoire (FR) = ejecutoriado
v. copie exécutoire
forme titre exécutoire
formule exécutoire
grosse exécutoire
saisie exécutoire
titre exécutoire
- F exemption de cautions et de dépôts
E exemption/dispensation from furnishing securities or deposits
- S
- S exención (CL, ES)
E exemption e.g. immunity from criminal liability; note 2
F exemption
- S exención de responsabilidad (CL, ES)
= irresponsabilidad
- S exento
v. decreto exento

- S exento de responsabilidad (CL) Der. pen.; CCPR/C/32/Add.1,
S p. 43
E exempt from criminal liability/responsibility See E note to responsabilité pénale 1. and note 2
F exempt de responsabilité - irresponsable
- F exequatur, exéquatur
1. (dr. int.) autorisation donnée par l'Etat de résidence au chef de poste consulaire VCCR 12; Official Records of the United Nations Conference on Consular Relations, vol. II, p. 11; Capitulant III, Guillien
2. (dr. int. privé: FR) ordre d'exécution, donnée par l'autorité judiciaire française, d'une décision rendue par une juridiction étrangère Capitulant I, Guillien
3. (proc. civ.: FR) ordre d'exécution, donné par l'autorité judiciaire, d'une sentence rendue par une justice privée, p. ex. une sentence arbitrale Capitulant II, Guillien; CPCN 1486
- E 1. exequatur VCCR 12; OCL
2. exequatur
3. enforcement order
- S 1. exequátur VCCR 12, Ossorio
2.
3.
- F exercice
v. en exercice
- F exercice d'une activité SR
E conduct of an activity
S
- F. exercice légitime d'une sanction SR: 1980 DA 30
E legitimate application of a sanction
S
- S exheredación (CL CC ...)
= ? desheredamiento
- F exhérédation (FR, CH) = desheredamiento

- S exhibición
v. recurso de exhibición ...
1. (NI) variante de auto de exhibición Dec. 232/80, 12
2. de un documento, de una persona
E 1. writ of habeas corpus
2. production
F 1. (ordonnance de) représentation de personne
2. production - présentation - comparution
- S exhibición personal
1. (GT) Const. 79
2.
E 1. habeas corpus
2. personal appearance
F 1. habeas corpus West; garantie des droits de l'individu
2. comparution personnelle
- S exhorto (CL) CC 1223
E rogatory commission
F commission rogatoire
- F exigence légale = condition légale
- F exigible
E exigible - demandable - payable
S
- S eximente
= circunstancia eximente
- S eximir (CL, ES) CL CP 10, ES CP 8
E to exempt
F affranchir
- F existence légale
E lawful existence - existence at law
S
- S exoneración = exonération

F exonération
v. clause d'exonération
clause exonératoire

E exception - immunity -
exemption

S

F exonérer

E to absolve - to release -
to exempt - to except

S

F exorbitant

E overriding

Clause

S

E ex parte (EN)

1. on the part of one side only

OCL, Osborn, Curzon 1.,
Martin 1. the term is
relevant to both contentious
and non-contentious
proceedings and has the
approximate meaning of
'unilateral'; however,
in a contentious matter,
where one party makes an
urgent ex parte application
to the court without
notice to the other, e.g.
for an interim injunction
before or at the
commencement of the action
proper, the proceedings
will not remain unilateral
because notice of the
application will normally
have to be given to the
other party without delay

2. on behalf of

Term used in the headings
of law reports; Martin 2.,
Curzon.

F 1. unilatéral - ex parte*

*Procédure où une seule
partie est entendue

2.

S 1.

2.

E ex parte application

EN application made to the court by a party without or before giving notice of it to the other party; often used to obtain an interim injunction in matters of urgency (RSC 0.29, r.1(2)); used in a wide variety of other procedural situations

F requête ex parte
S

E ex parte injunction (EN)

Injunction obtained by means of an ex parte application; for the similarities and differences between this and FR ordonnance de référé, ordonnance sur requête, see note 3

F injonction ex parte
S

S expediente = autos

S expedir

1. enviar, mandar, remitir una comunicación o mercancía
2. extender y dar una certificación u otro documento
3. girar o librar letra u otra orden de pago
4. despachar una causa o asunto

- E
1. to send - to dispatch - to forward
 2. to issue
 3. to draw
 4. to deal with

- F
1. expédier (envoyer)
 2. délivrer - établir - dresser
 3. tirer (une lettre de change)
 4. expédier (une affaire)

- S expedirse (AR, UY)
- E 1. to do one's work
2. to state one's case UY 1967 Const. 202
3. to rule (that) - to express
the view - to give a ruling
- to find (that)
- F 1. faire son travail
2. présenter son cas
3. statuer - exprimer l'avis
- F expédition FR CPCN 465, 1435;
EGLAT, Guillien, Dalloz Proc.
civ. pp. 725, Dalloz notaire
sect. 13
- E office copy Of an authentic act or
a judgement
- S
- F expédition authentique = expédition
- F expédition de jugement FR: Dalloz Proc. Civ.
p. 725, Guillien
- E office copy judgement
S
- S expensas (CL)
- E
F impenses - dépenses
- F expert judiciaire (FR) Guide pratique 55
- E (judicial) expert EN RSC 0.38, r. 4
S perito ES LEC 273
- F exploit (BE, FR) FR: CPCA 66, 67, CPCN
653, 967, Ord. 2592
2.11.1945, 1 Cornu:
le CPCN préfère l'appellation
plus générale d'acte de
procédure (art. 112) ou
d'acte d'huissier de
justice (art. 55)

E process

BE, FR: a document served by a huissier de justice. Exploit may be translated as process but it differs from it in two ways: first, it covers a smaller range of judicial acts, since it excludes judgements and orders and often simply means writ or summons; secondly, it extends to extrajudicial acts such as a sommation or procès-verbal de saisie; documents of this kind are sometimes called bailiff's writs, but neither process nor writ properly bears this extrajudicial meaning

S

F exploitable = ? saisissable

F exploit d'ajournement (FR)

Désuet; Dalloz Proc. civ. p. 453

E summons

If the summons commences contentious civil proceedings, translate as writ of summons, which can be abbreviated to writ

S

F exploit d'assignation

Désuet; Dalloz Proc. civ. p. 453

E summons

If the summons commences contentious civil proceedings, translate as writ of summons, which can be abbreviated to writ

S

F exploit de citation (BE)

Proc. civ.: CJ 702

E summons

If the summons commences contentious civil proceedings, translate as writ of summons, which can be abbreviated to writ

S

- F exploit d'huissier (BE CJ 32, FR),
= exploit
- F exploit introductif d'instance (FR)
E writ of summons In a patent infringement
S action; Langan 38
- F exposé des motifs = exposición de
motivos
v. parte expositiva
- F exposé des moyens (FR) Proc. civ., pén., adm.;
Dalloz Proc. civ. p. 517
E (statement of) arguments In a pleading
S
- S exposición
E statement - declaration Note 18
F déposition - déclaration -
exposé
- S exposición de motivos
E explanatory introduction Preface to legislation
F exposé des motifs
- S expositivo
v. parte expositiva
- L ex proprio vigore
E
F
S
- F expulsion (FR) D'un étranger; mesure
administrative; Guillien
E deportation* * EN: technical term
- expulsion** ** Non-technical term
S
- F extensif
E broad Interpretation
S
- E externment (IN) = interdiction
de séjour
- S extinción = F extinction

- F extinction
v. cause d'extinction
- E abatement* -
extinction** -
termination***
- S extinción - terminación*
- F extinctif
v. prescription extinctive
- S extinguir
1. una acción
2. un derecho, una obligación
- E 1. ? to abate - ? to
discontinue
2. to extinguish
- F 1. éteindre
2. éteindre
- S extinguirse = s'éteindre
- E extradition
- F extradition
S
- F extrajudiciaire
v. acte extrajudiciaire
- E extrajudicial
S
- S extrañamiento
1. (CL, ES) pena
2. (AR) medida ejecutiva
- E 1. exile
2. deportation
- F 1. bannissement
2. expulsion
- FR CPCN 769; VCLT 42-43
- For usage and alternatives
see note 15
* EN of an action at law
** e.g. of an obligation
*** Of a treaty: VCLT 42-43;
McNair 491
VCLT 42-43
- CL CC 1504, 1567
- Guillien extinction de
l'instance
Cornu extinction de
l'obligation
- Is sought by the requesting
(syn. requisitioning) State
from the requested (syn.
requisitioned, surrendering)
State
- CL CP 34, ES CP 86
- Banishment to a country of
the offender's choice (CL),
from Spain (ES)
Expulsion of an alien or
non-patrial (OCL deportation)

- S extrañamiento mayor (CL) Pena
E long-term exile To a country of the
offender's choice
F bannissement criminel
- S extrañamiento menor (CL) Pena
E medium-term exile To a country of the
offender's choice
F bannissement correctionnel
- S extranjería
v. Departamento de Extranjería
- S extranjero pernicioso (MX)
E undesirable alien
F étranger indésirable
- F extraordinaire
v. voie de recours extraordinaire
voie extraordinaire de recours
- S extraordinario
v. recurso de apelación extraordinario
recurso extraordinario

F

L facies
v. in facie curiae

F factum (FR)

Black; Petit Robert:
mémoire dépassant l'exposé
du procès et dans lequel
l'une ou l'autre des
parties mêle attaques et
justifications

E brief
S

S facultad

E faculty* - option -
discretion**
F attribution - pouvoir

* IL, constitutional law
** Constitutional law

S facultades de asociación
y reunión (MX)

E freedom of association
and assembly
F liberté d'association et de
réunion

S facultades excepcionales

E exceptional*/emergency/special
powers
F pouvoirs exceptionnels

Translate literally if the
text distinguishes between
an estado de excepción and an
estado de emergencia

F facultatif = facultativo

S facultativo
v. obligación facultativa

Adjetivo

E facultative - optional -
discretionary
F discrétionnaire - facultatif

See facultad

F faillite (BE, CH, FR)

BE CC 1613, 1913, 2032;
CH CC 210, CDO passim,
LP 1, 3, 159 et seq.,
Boillod 318-325; FR CC 1613,
1913, 2032, CCOM obs. (remplacé
par faillite personnelle),
Amos 370-378 obs., EGLAT

E (mercantile) bankruptcy

Unlike in EN, where the technical term (but not the common expression) bankruptcy applies only to individuals, the institution of faillite applies (BE, CH; FR applied) only to commerçants, traders, whether individuals or juridical persons, the corresponding institution for non-traders, whether individuals (BE, FR, ? CH) or juridical persons (BE, ? CH), being déconfiture; also called (mercantile) insolvency; mercantile need not be used unless faillite has to be distinguished from déconfiture; faillite and faillite personnelle both imply that the insolvent debtor has been adjudged bankrupt by a court, as does bankruptcy in its technical sense, whereas déconfiture implies no more than recognized insolvency, as does insolvency; distinguish faillite from banqueroute, criminal bankruptcy, faillite personnelle, individual mercantile bankruptcy, règlement judiciaire, judicial receivership, liquidation des biens, judicial liquidation, and déconfiture, non-mercantile bankruptcy

S quiebra

F faillite personnelle (FR)

Loi 563 13.7.1967, Déc. 1120 22.12.1967, EGLAT faillite, Guillien

E (individual mercantile) bankruptcy

Applies only to individuals who are traders, and to executives, etc. of juridical persons; individual and mercantile need not be used unless faillite personnelle has to be distinguished from faillite and déconfiture, respectively; de Vries 211 individual bankruptcy; see F and E notes to faillite

- F faire + verbe
v. céder
valoir
E to procure - to cause e.g. exécuter ou faire exécuter, to perform or procure the performance of, to perform or cause to be performed
S
- F faire valoir
v. valoir
- F fait
v. de fait
par son fait
tuteur de fait
E act - fact
S hecho - acto
- F fait complexe SR 1980 DA18c5
E complex act
S
- F fait composé SR 1980 DA18c5
E composite act
S
- F fait continu SR 1980 DA18c5
E continuing act
S hecho continuo
- F fait d'autrui
v. responsabilité du fait d'autrui
responsabilité pour fait d'autrui
E act of another (person) NOT vicarious act
S hecho (acto) ajeno (de un tercero)
- F fait de l'Etat
E act of the State
S

- F fait du prince (FR)
1. (dr. civ.) Capitant, Guillien, Dalloz responsabilité civile sect. 11, Paenson 48
2. (dr. adm.) Capitant, Guillien, Dalloz Dr. adm. pp. 131-132, Brown 127, 131, Paenson 48
- E 1. ? restraint of princes OCL restraints of princes, Black restraint of princes and rulers
2. sovereign act Sometimes equated with EN, US act of State, or translated as actum principis; can be translated as act of State if fait du prince is added in French in brackets
- S 1.
2.
- F fait émanant de ... SR
E act (committed) by ...
- act of ...
S hecho/acto de ...
- F fait illicite dr. int., dr. interne
E wrongful*/unlawful** act *IL, ML
S hecho ilícito **ML
- F fait illicite international SR
E internationally wrongful act
S
- F fait juridique Capitant, Guillien, Black
E juridical event An event which has legal consequences (Nicholas 35-36); also called legal happening/event/occurrence, act of (the) law (Black, OCL, Paton p. 243); distinguish from acte juridique, juridical act
S hecho jurídico
- F fait juridiquement illicite
E ? legally prohibited act
S

- F fait justificatif (FR) Dalloz responsabilité pénale sect. 4; l'une des deux catégories de causes d'irresponsabilité; CP 327-328; v. cause d'irresponsabilité
- E justification Note 2
S
- F fait matériel Capitant, Amos 21
- E material event Distinguish from fait juridique, juridical event
S hecho material
- F fait ou faute
- E actual fault or privity
S hecho o falta
- S fallar por expediente (UY)
- E to give judgement without hearing/by the record
F statuer sur pièces
- S fallir
v. tener por fallida una condición
- S fallo
1. (proc. civ., pen., adm.) Sin. de sentencia 1.
clase de resoluciones judiciales
2. la resolución misma, la parte UY CPP 245 (4),
dispositiva de la sentencia ES LRJCA 81
- E 1. judgement - sentence For the distinction between
- decree these terms see E note to arrêt; judgement is spelt judgment in EN, US, ICJ, CJEC ECHR
2. decision - order - award Also called judgement proper, EN terms of the judgement; for the distinction between order and award see E note to condamnation 2.
- F 1. arrêt - sentence - judgement - décision
2. décision - dispositif
- S fallo condenando o absolviendo UY CPP 245(4)
- E conviction or acquittal
F jugement de condamnation ou d'acquittement

- S fallo condenatorio (CU LPP 3) =
arrêt de condamnation
- E false personation (US Code tit. 18,
chap. 43) = personation
- S falsificación (CL) CC 704, (1), CP Bk. II,
tit. IV
- E forgery* - counterfeiting** * Of documents, evidence,
money (especially paper
money)
** Of money, whether coin or
paper money
- F faux (n. m.) Cornu
- S falta Ossorio
- v. faltas y contravenciones
municipales
1. sentido general
2. (der. pen.) ES, GT, NI, PA,
PE, PY, SV, UY, VE: ES CP 1, CPN 16, Const. 25,
GT CP 1, NI CP 1, PA CP 1,
la más baja de las dos PE CP 2, PY CP 1, SV CP 496,
categorías de infracciones UY CP 2, VE CP 1
penales
3. (der. pen.) CL, HN: CL CP 3, HN CP 3
la más baja de las tres
categorías de infracciones
penales
4. (der. adm.) AR, MX: AR CPCR 28, MX CPPDF 668
infracción que no es
delito
- E 1. lack - non-existence -
fault - failing -
mistake - misdeed Not the equivalent of F faute,
which in S is culpa
2. minor offence Note 2
3. minor offence Note 2
4. petty misdemeanour Note 2
- F 1. faute - manque -
défaut - absence
- 2.
- 3.
- 4.
- S falta de méritos
- E lack of evidence
- F absence de preuve

S faltas y contravenciones municipales y de policía (AR) CPCR 28

E petty misdemeanours and contraventions of municipal and other public regulations

F

S familiar

E relative

In many Spanish-speaking countries, the term familiar is not necessarily as broad as pariente in Spanish or relative in English and means something more like member of the household; nevertheless, the term relative is in current use in human rights documents and should generally be adhered to in that context

F parent - proche - famille - membre de la famille

F famille
v. bon père de famille

S fase contradictoria (SV) CIC 62

E adversary stage

F phase contradictoire

Of legal proceedings

F fausses représentations

E misrepresentation

S

F fausses représentations dolosives

E fraudulent misrepresentation

S

F fausses représentations fraudulentes
= fausses représentations dolosives

F fausses représentations intentionnelles
= fausses représentations dolosives

F fausses représentations involontaires

E innocent misrepresentation

S

- F fausses représentations non intentionnelles
= fausses représentations involontaires
- F fausses représentations volontaires = fausses représentations dolosives
- F faute
v. par la faute de ...
1. sens général
2. (dr. civ., dr. adm.)
Capitant, Guillien, Amos 203 et seq.; BE FR CC v. 1382-1384, CH CC 26
- E 1. lack - non-existence - fault - failing - mistake
2. fault - (culpable) negligence
See E note to culpa 1.
- S 1.
2.
- F faute de service (FR)
Dr. adm.: Brown 116-117, Guillien faute
- E service-related fault
As opposed to a personal fault; Brown 116-117 service-fault
- S
- F faute grave (CH) = culpa lata
- F faute légère (FR) = culpa leve
- F faute lourde (FR, Amos 190) = culpa lata
- F faute personnelle (FR)
Dr. adm.: Brown 116-117, Guillien faute
- E personal fault
As opposed to a service-related fault
- S falta personal
- F faute très légère (FR) = culpa levisima
- F fautif
v. acte fautif
- E at fault - culpable - negligent
See faute
- S

F	faux = falsificación v. fausses représentations inscription de faux inscription en faux	
S	favorabilidad v. principio de favorabilidad de la ley penal	
S	favorable v. voto favorable	
S	fedatario (ES)	Ossorio: notario u otro oficial con fe pública (Ossorio <u>fedatario, fe pública</u>)
	E public authenticating officer F officier public	Guillien
E	Federal Court of Appeal (CA)	Alternative name for the Appeal Division of the Federal Court of Canada; FCA 4
	F Cour d'appel fédérale S	CA LCF 4
E	Federal Court of Canada	FCA 4
	F Cour fédérale du Canada S	CA LCF 4
F	Fédération suisse des avocats (CH)	
	E Swiss Bar Federation S	Has no official E name
S	fehaciente	
	E evidencing - authentic - evidentiary F probant - faisant foi	
S	fehacientemente	
	E in authentic form - duly - properly F de manière probante	

- E felony
1. (US) federal, (SC) the higher of the two categories of criminal offence US Code Title 18, 1; SC PC 5; EN obs.; note 2
 2. (PH) the sole category of criminal offence PC 3
- F 1. infraction majeure Punissable d'une peine de prison d'au moins un an
2. infraction criminelle
- S 1.
- 2.
- F fermage (BE, CH, FR)
- v. prix du fermage
1. catégorie de contrat FR CRU 790
 2. prix payé en vertu de ce contrat CH CDO 275, BE CC Tit. VIII, chap. II, sect. III, art.17(1)
- E 1. leasehold Fermage is used mainly of agricultural tenancies but can also apply to any other kind of lease governed by a bail à ferme; see E note to that and note 9; where appropriate translate as agricultural tenancy; distinguish from affermage
2. rent
- S 1.
- 2.
- F ferme
- v. bail à ferme
- F fermier (BE, CH, FR) CH CDO 275, 302; FR CC 1726, 1765, 1771, 1777-1778, 1801; BE CC 1726, 1801; EGLAT bail
- E lessee Fermier usually means the holder of an agricultural tenancy (see bail à ferme); where this is so, translate as (tenant) farmer (syn. agricultural tenant); for use of hirer instead of lessee see note 9
- S

- F fête légale
Guillien jours de fêtes légales
- E legal/statutory holiday
Use statutory where it seems appropriate to emphasize that the holiday in question exists under enacted law; note 6
- S feriado legal
- F feuille d'impôt (FR)
E notice of assessment
S
- F Feuille fédérale (CH)
Publication officielle destinée à assurer la publicité des lois, etc.
- E (leave in French and underline)
S
- S fiador (CL CPP 369 y sigs.) =
F caution 2.
- S fianza = F caution 1., cautionnement
- S fianza de carácter real (BO CPP 208)
= caution réelle 1.
- S fianza de la faz = fianza de la haz
- S fianza de la haz (BO, NI)
BO CPP 205, 214
- E recognizance
F caution (personnelle) -
?cautionnement personnel
- S fianza personal
= caution personnelle 1.
- S fianza real
= caution réelle 1.
- S ficticio (CL)
E fictitious
F fictif

S	fideicometido	Charter 75
	E trust	Adjective; Charter 75
	F sous tutelle	Charte 75
S	fideicomisario	
	v. heredero fideicomisario	
	sustitución fideicomisaria	
	1. (nombre) der. civ.; MX der. com.	Der. civ.: Ossorio, CL CC 733 y sigs., 1164, ES CC 781 y sigs.; MX der. com.: Ley del Impuesto sobre la Renta, Ley General de Instituciones de Crédito, Ley General de Títulos y Operaciones de Crédito, Rabasa cap. IX <u>passim</u> Ossorio
	2. (nombre) AR der. com.	
	3. (adjetivo)	
	E 1. beneficiary	Of a trust; EN, CA, WS; EN obs. <u>cestui que trust</u> ; RL <u>fideicommissarius</u> ; Black <u>beneficiary, fidei-</u> <u>commissary, fidei-commissarius</u> For debenture-holders Adjective * FR Petit Robert ** FR Capitant <u>fidéicommiss</u> , Guillien <u>substitution</u> <u>fidéicommissaire</u> , dans le cas d'une substitution fidéicommissaire *** CA VOCL II
	2. trustee	
	3. trust	
	F 1. fidéicommissaire*	
	- appelé**	
	- bénéficiaire***	
	2.	
	3. fidéicommissaire	
S	fideicomiso	
	v. régimen de Fideicomisos	Der. civ.: Ossorio <u>fideicomiso civil</u> , CL CC 733 y sigs., ES CC 781 y sigs.; MX der. com.: Ley del Impuesto sobre la Renta, Ley General de Instituciones de Crédito, Ley General de Títulos y Operaciones de Crédito, Rabasa cap. IX <u>passim</u>

E trust

In civil law countries, the F and S terms often denote the equivalent of the RL fideicommissum, a testamentary trust (Nicholas Roman 267), but they may also refer to the type of trust which, e.g. in CA, EN, US, is a major feature of the common law system of property ownership (discussed in E in Jowitt trust, David Sys. pp. 322-326, in F in David GS pp. 356-359 and in S in Rabasa chap. IX) and in which the trustee and the beneficiary are respectively the legal owner and the equitable owner of the property settled by the creator of the trust (the settlor); this type of trust exists, for example, in the commercial law of MX, but without the same division of ownership; Black fidei-commissum, trust, OCL fideicommissum, trust Martin trust

F fidéicommiss*
- fiducie**

* Capitant; CH CC 488
BE FR CC 1048 et s.
** CA VOCL II

S fideicomisor (CO) = ? fideicomisario 2.
?fideicomitente

S fideicomitente

Ossorio

E settlor

Creator of a trust, i.e. the person who sets it up; CA, EN, US; also called trustor (rare)

F disposant

Capitant; CA VOCL II,
CH CC 488

F fidéicommiss = fideicomiso

F fidéicommissaire = fideicomisario 1., 3.
v. substitution fidéicommissaire

F fidéjusseur = F caution 2.

F fidéjussion = cautionnement

F fiduciaire

CA VOCL II

E trustee* - trust** -
fiduciary*** -
trust company****

Fiduciary is a broader term than trustee (see e.g. OCL fiduciary, Marshall 283) and should be used in case of doubt

*Noun, sometimes adjective (e.g. trustee investments);

CA, EN, US; Black

**Adjective (e.g. trust fund)

***Noun, esp. in US, and adjective (e.g. fiduciary relationship)

****Esp. CH

*Ossorio

**?Tipo de sociedad

S fiduciario* -
fiduciaria**

S fiduciaria = fiduciaire

S fiduciario = fiduciaire
v. fiduciaria
heredero fiduciario

F fiducie

E trust

Trust as noun; RL fiducia, a non-testamentary trust (Nicholas Roman 151); OCL fiducia

S

S figura (delictiva)

Cada una de las formas de delito específicamente definidas por la ley

E conduct (constituting the offence)

The offence will often be an adequate translation

F fait délictueux - délit
(tel qu'il est défini par la loi)

F filiation

E direct descent - filiation* -
affiliation**

* US

** EN

S filiación

- E final judgement (CA, EN) CA FCA 2; EN:
v. jugement définitif
- F jugement définitif* -
jugement final** * FR
** CA LCF 2; ?CH (Habscheid
292)
- S sentencia definitiva
- F fin de non-recevoir
v. exceptions et fins de non-recevoir
opposer une fin de non-recevoir
1. sens commun CPCN 122-126, CPP 6,
Dalloz exceptions et fins
de non-recevoir, Dalloz
Proc. civ. pp. 69, 73-78,
114 et seq., Proc. pén.
pp. 741 et seq.
2. (FR proc. civ., proc. pén.)
catégorie de moyens de
défense Const. 41, Ord. 1067
7.11.1958, 27
3. (FR dr. const.) allégation
de l'irrecevabilité par
l'Assemblée nationale
d'une proposition de loi
ou d'un amendement
- E 1. objection - challenge -
refusal
2. bar to proceedings
3. executive challenge
A fin de non-recevoir is
approximately the equivalent
of a special plea in bar
(EN; Martin pleas in bar;
v. plea in bar)
An objection by the Govern-
ment to a private member's
bill on the ground that its
adoption would exceed
parliamentary authority
(Barrillon 209-210)
- S 1.
2.
3.
- F fin de non-recevoir d'ordre
public (FR) EGLAT
- E bar to proceedings imposed
by public policy
S
An automatic bar to
proceedings; see E note
to ordre public

- E fine EN: covers pecuniary penalties imposed in both criminal and civil proceedings (Supreme Court Act 1981, 140); note a fine of 100 to 200 pesos
- F amende - astreinte
S multa
- S firmar
E to sign
F signer
- S firme
v. sentencia firme
- E Finnish Vessels case
F
S
- E First International Peace Conference = ? International Peace Conference
- F fisc
E tax authorities - "the Revenue"
S fisco
- E fiscal Noun
1. (PH) prosecuting attorney RC 110
2. (SCO) = procurator-fiscal
F 1. procureur
S 1. fiscal
- S fiscal Adjetivo; Ossorio
v. abogado fiscal
bienes fiscales
ministerio fiscal
ministro fiscal
Promotor fiscal
teniente fiscal
tierra fiscal
E 1. fiscal* - financial - revenue* *Adjective
2. State - public
F 1. fiscal - du fisc
2. public

- S fiscal, Fiscal Sustantivo; Ossorio
- v. primer fiscal militar
segundo fiscal militar
teniente fiscal
tercer fiscal militar
tierra fiscal
1. (CL) en la administración pública
2. (CL) en empresas semipúblicas
3. (CL) en los tribunales ordinarios colegiados (BO, CO, CU, ES, PR) en diversos tribunales
4. (CL) en la justicia militar, con funciones de investigación y de detención
- E 1. investigator
2. lawyer - legal adviser*
3. government procurator
4. (military) prosecutor
- F 1. enquêteur
2. juriste - conseiller juridique*
3. procureur* - magistrat du ministère public - accusateur public
4. procureur (militaire) - magistrat instructeur (militaire)*
- S fiscal adjunto del crimen (UY)
- E assistant public prosecutor
F procureur adjoint
- CL COT 350-353, 1980
Const. 75, 78; BO
CPP 46, 106; ES Const. 127,
LOE 35,
Estatuto Orgánico del
Ministerio Fiscal (Ley
30.12.1981) passim;
CU CFAM 114
- *If he is jefe
In criminal matters he can be
called prosecutor or public
prosecutor;
EN Crown prosecutor;
SCO procurator-fiscal,
syn. fiscal; US, CU CFAM 114
(official translation)
district attorney; PH RC 110
fiscal; sometimes called
government attorney (Clagett
Adm. 16), public attorney,
procurator (David Sys. 348,
David Law 51-52); note 4
Note 4
*S'il est le chef du service
juridique
*CU CFMA 114 (traduction
officielle)
*Si l'on considère surtout
ses fonctions d'information
et d'enquête
- CPP 67; note 4

- S Fiscal de Corte (UY) CPP 67; note 4
E Government Procurator
F procureur
- S fiscal de distrito (ES) Note 4
E district procurator US district attorney
F procureur
- S Fiscal de la Nación (PE) Const. 251
E Attorney-General of the Nation Note 4
F Procureur de la Nation
- S Fiscal del Reino (ES) LOE 35; ?obs.; note 4
E Crown Attorney-General The head of the ministerio fiscal;
F Procureur du royaume Attorney-General may suffice
Le chef du Parquet
- S Fiscal del Tribunal Supremo (ES) Note 4
E government procurator of the Supreme Court
F avocat général
- S fiscales del Ministerio Público de la República (VE) Note 4
E government procurators
F procureurs - ministère public
- S fiscal general (ES) Note 4
E procurator-general
F procureur général
- S Fiscal General de la República (CU, SV, VE) CU LOJ ...; VE Const. 218; note 4
E Attorney-General of the Republic Attorney-General may suffice
F Procureur général de la République
- S Fiscal General del Estado (ES) Const. 124; note 4
E State Attorney-General Attorney-General may suffice
F Procureur général de l'Etat

- S fiscalía, Fiscalía Note 4
- v. Primera Fiscalía Militar
Segunda Fiscalía Militar
Tercera Fiscalía Militar
1. (CL) en empresas semipúblicas
2. (CL) en tribunales ordinarios
colegiados, (ES) en diversos
tribunales
3. (CL) en la justicia militar
- ES LOE 35, Estatuto Orgánico
del Ministerio Fiscal (Ley
30.12.1981) passim
CJM
- E 1. legal department
2. government procurator's
office/department
3. military prosecutor's
office
- Government procurator or
procurator's office/department
and in criminal matters
prosecutor, public prosecutor
or prosecution service may
suffice; see E note to
ministère public; note 4
Military prosecutor or
prosecutor may suffice; note 4
- F 1. service juridique
2. parquet - ministère public
3. parquet militaire
- S Fiscalía del Reino (ES) LOE 35; ?obs.; note 4
E Crown Attorney-General's Office Attorney-General may suffice
F
- S Fiscalía Especial de Justicia (NI) Dec. 185/79, 11(a)(1),
Dec. 186; note 4
- E Special Procurator's Office Special Procurator may
suffice
- F Ministère public auprès des
juridictions d'exception
- S Fiscalía General (CU) Note 4
- E Procurator-General's Office Procurator-General may
suffice
- F
- S Fiscalía General de la República Note 4
(CU, SV)
- E Office of the Attorney-General Attorney-General may suffice
of the Republic
- F
- S Fiscalía General del Estado (ES) Const. 124; note 4
- E State Attorney-General's Office Attorney-General may suffice
F

S	Fiscalía Militar (FIS. MIL - FISMIL) (CL)	Note 4
	E Military Prosecutor's Office	<u>Military Prosecutor or Prosecutor may suffice</u>
	F	
S	fiscalía provincial	Note 4
	E provincial procurator's office/department	<u>provincial procurator may suffice</u>
	F	
S	fiscalía superior (PE)	Note 4
	E senior procurator's office/department	<u>senior procurator may suffice</u>
	F	
S	fiscal letrado (CL)	Note 4
	E government procurator	
	F procureur professionnel	
S	fiscal letrado del crimen (UY)	CPP 67; note 4
	E public prosecutor	
	F procureur public	
S	fiscal letrado departamental (UY)	CPP 67; note 4
	E departmental government procurator	
	F	
S	fiscal militar = fiscal (<u>sustantivo</u>) 4.	
S	fiscal no letrado (CL)	Note 4
	E lay procurator	
	F procureur non professionnel	Non juriste
S	fiscal superior (PE)	Note 4
	E senior government procurator	
	F	
S	fisco	
	E 1. fisc - public treasury - exchequer	
	2. government	
	F 1. fisc - Trésor public	
	2. administration	

S FIS. MIL. - FISMIL = Fiscalía Militar

F fixer

E to fix - to determine -
to assess

S

S flagrancia (CO)

La figura tradicional del delito flagrante, esto es de sorprender al presunto responsable cometiéndolo o, en general, huyendo del lugar en el que acaba de cometerse, ha sido dividida por la legislación colombiana en flagrancia y cuasiflagrancia, respectivamente; CO CPP 301, UY CPP 111

E flagrancy

Situation of a person caught in the act of committing an offence, i.e. in flagrante delicto

F flagrance

F flagrant délit

v. en flagrant délit
hors du cas du flagrant délit,
nul ne peut ...

L flagrante delicto

E flagrante delicto

Usually written in flagrante delicto (OCL flagrante delicto)

F en flagrant délit

S en flagrante delicto

F foi

v. bonne foi

S foja(s)

Dentro de la terminología judicial, notarial y de los registros públicos es el recto de una hoja o bien todas las hojas

E sheet

F folio - feuillet

- S fojas ... vuelta
Id. anterior, referido al reverso de esa hoja
- E sheet ... (verso)
F folio ... verso
- F foncier
v. charge foncière
obligation foncière
publicité foncière
servitude foncière
- F fonction judiciaire
E judicial function
S función judicial
- F fonction juridictionnelle (FR, CJCE) CJCE RT 167
E jurisdictional function - judicial office*
See E note to acte juridictionnel; can be translated as adjudicatory function if the context makes it absolutely clear that adjudicatory is meant; note 6 * CJEC RT 167 (it is not clear whether judicial is used here lato sensu, corresponding to jurisdictional, or stricto sensu, corresponding to adjudicatory)
S función jurisdiccional
- F fonctionnaire
1. (FR) = fonctionnaire public
2. CSAJED 10
E 1. public official
2. official
S 1. funcionario público
2.
- F fonctionnaire ou officier public chargé de la police administrative ou judiciaire (LU) CP 156
E public official or officer responsible for policing or criminal investigation
S

- F fonctionnaire ou officier public
ou administrateur, agent ou préposé
du Gouvernement ou de la police (LU) CP 257
- E public official or officer or
servant* or employee of the
Government or the police *Translates both
administrateur and
agent
- S
- F fonctionnaire ou officier public
ou dépositaire ou agent de
l'autorité ou de la force publique
(BE, BI, FR, LU) BE CP 147, LU CP 147, 151
- E public official or officer or
person invested with public
authority or police officer
- S
- F fonctionnaire public (CA, FR) CA Interpretation Act
1967-68; FR Dalloz;
- E public official Distinguish from officier
public, public officer,
and agent public, public
servant; can sometimes be
translated as civil servant;
CA Interpretation Act
1967-68 public officer;
note 17
- S funcionario público
- F fonction publique (CA, FR) EGLAT service public; CA
v. agent de la fonction publique Interpretation Act 1967-68
- E the/a public service CA Interpretation Act
1967-68; loosely, the civil
service; note 17
- S función pública
- F fond CIJ
v. joindre au fond les questions
préliminaires
- E merits ICJ
- S
- F fond de l'affaire
- E merits of the case -
substance of the question
- S fondo de la causa/del
asunto

F	fondé de pouvoirs (BE, FR)	BE FR CC 1995
	E authorized/accredited representative - attorney* - procuration holder**	*Of an individual under a power of attorney **Of a bank, company, etc.
	S	
S	fondos de comercio = fonds de commerce	
F	fonds	
	E 1. fund 2. tenement 3. business	Financial term Real property law Commercial law, i.e. a business
	S 1. 2. 3.	
F	fonds de commerce	Amos 98, 343; EGLAT <u>vente à tempérament;</u>
	E business assets/concern - a business	<u>fonds de commerce</u> means the movable assets of a business, including but not confined to its goodwill
	S	
F	fonds dominant = predio dominante	
F	fonds publics	Capitant
	E public funds/stocks*	*Not confined to Government stocks
	S	
F	fonds servant = predio sirviente	
F	fongible = S fungible	
F	force v. agent de la force publique ayant force de loi par la force	
F	force de chose jugée (IACEV 1 (g)) = fuerza de cosa juzgada	

- E forced labour
F travail forcé
S
- E Forced Labour Convention
F Convention sur le travail forcé
S Convenio sobre el trabajo forzoso
- F force exécutoire (FR)
v. avoir force exécutoire
E enforceability
S ? ejecutoriedad
-? fuerza ejecutoria
- F force majeure
E force majeure
S fuerza mayor
- F force probante
E value as evidence
- evidential/probative value
S
- F force probante des actes
E value of instruments as evidence
S
- F force publique = fuerza pública
v. agent de la force publique
exécuteur des mandats ...
fonctionnaire ou officier public ...
- F forclusion
v. délai de forclusion
relever ... de la forclusion
résultant de
sous peine de forclusion
- Is not a penal law term,
whereas hard labour and
compulsory labour are; OCL
- HRC
- Dalloz Civ. intro. pp. 384
n.1, 466; CPCN 502,
Déc. 12.6.1947,1
- IL (ST/LEG/13, sect. 11),
ML
- Dr. int. SUR p. 138;
note 4; ML

E estoppel - debarment by
prescription - preclusion

All three terms relate to
the condition of a person
who is estopped,
i.e. precluded from
exercising a right, time-
barred, owing to failure to
take action within a certain
time; the terms estoppel and
preclusion have wider
connotations also; NOT
foreclosure

S

F for de poursuites (CH)

E jurisdiction for enforcement
(proceedings)/execution
(proceedings)

S

E foreign court

1. (EN) county court, situated
in a different judicial
district, to which a case is
referred by the county court
in which the case began (the
home court)
2. court of a foreign country

CCR 0.3

F 1. cour de renvoi
2. tribunal étranger

S 1.
2. tribunal extranjero

S forense

v. dictamen
Instituto Técnico Forense
médico forense

E Forests of Central Rhodopia case

F

S

F forfait

v. à forfait

1. dr. civ., dr. fisc.
2. terme non technique signifiant
crime

E 1. lump sum
2. crime - misdeed

S 1.
2.

- F forfaitaire
v. amende forfaitaire
- E ?presumptive Taxation
S
- F forfaitairement
- E arbitrarily - ?presumptively Of taxation
S
- F forfaiture (FR)
- E criminal abuse of office Dr. pén.; CP 166-168;
S Guillien
- F formalité légale
- E legal formality
S formalidad legal
- S formal prisión (MX, NI)
- E pre-trial detention Nombre que como variante
F détention préventive Note 1 recibe la privación de libertad consecuencia de la resolución de encarcelamiento
- S formar lista (CL)
- E to list De un inventario
F dresser une liste
- S formar sumario (VE)
- E to commence proceedings
F ouvrir l'instruction
- S formar un inventario (CL)
- E to (compile an) inventory CC 378
F dresser un inventaire
- F forme légale
- E form prescribed by law e.g. dans les formes
S forma legal légales, in the form/manner prescribed by law

F	former	
	E to bring/file/lodge	e.g. <u>former une demande</u> (FR CPCN 60), to bring/lodge/file a claim, <u>former (une) opposition</u> , to lodge/file an objection (see also the other meanings of <u>opposition</u>), <u>former une action</u> , to bring an action
	S	
F	former une demande en justice (FR)	CPCN 750
	E to bring/to take judicial proceedings - to institute/to begin judicial proceedings - to apply to the court	<u>Bring and take</u> apply to every kind of <u>demande en justice</u> , whereas <u>institute and begin</u> apply only to a <u>demande initiale</u> ; see E note to <u>demande en justice</u> ; non-technical renderings are <u>to take legal proceedings, to take proceedings, to sue, to go to court</u>
	S ? promover una demanda en juicio	
F	former titre exécutoire	EGLAT <u>forme titre exécutoire</u> ; RT 192
	E to be enforceable (at law)	RT 192: <u>to be enforceable</u>
	S	
S	formulación de cargos fiscales (VE)	
	E framing of charges	
	F énoncé des chefs d'accusation	
S	fórmula del presumario (UY)	Jurisdicción penal y militar; CPP..., CPPM 174
	E inquiry proceedings	
	F formalités préliminaires - procédure d'enquête préliminaire	

- F formule exécutoire (FR) EGLAT expédition, forme titre exécutoire; Dalloz Proc. Civ. pp. 710, 735-736, Dalloz Civ. intro pp. 384 n.1, 466, Dalloz Civ. obl. p. 945, Dalloz Voies pp. 42-45, Amos 25
- E writ of enforcement - executory formula* NOT exequatur (OCL exequatur), writ of execution (Martin writ of execution) *Amos 25
- S
- F formule négative
- E 1. disclaimer
2. negative formulation
- S
- S foro (ES) CC 1655; Ossorio
1. conjunto de los abogados
2. En Galicia y Asturias, contrato y derecho real análogo al censo enfitéutico Ossorio
- E 2. rent-charge Can be perpetual or for a term of years
- F 1. Barreau
2. bail emphytéotique
- L forum conveniens (EN, US) The appropriate jurisdiction, i.e. for the case; Black
- E forum conveniens
F tribunal compétent
S
- L forum non conveniens (EN, US) The wrong jurisdiction i.e. for the case; Black EN Civil Jurisdiction and Judgments Act 1982, 49
- E forum non conveniens
F tribunal non compétent
S
- F fortuit
v. cas fortuit
- S fortuito
v. caso fortuito

S	fracción (MX)	
	E section	Subdivision of a numbered article in an enactment, e.g. <u>artículo 73, fracción XVI, base primera</u> , article 73 (XVI) (I)
	F alinéa - paragraphe	
F	frais d'assistance judiciaire	FR obs.
	E legal aid costs	
	S	
F	frais de justice (FR CPP 476) = dépens	
F	frais et dépens (FR CPCN 695-725, CPP 473-477, Dalloz <u>frais et dépens</u>) = dépens	
F	frais et dépens judiciaires = frais et dépenses	
E	franchise	
	1. (EN) right conferred by the Crown	Martin 1.
	2. (EN) right to vote at a parliamentary election	Martin 2.
	3. Right to sell another's trademarked goods, broadcast sporting events etc., at a particular place or in a particular territory	Not a legal definition
	4. In an insurance contract, amount of liability to be met by the insured, not the insurer	
	5. Patent	
	F 1. privilège	
	2. droit de vote	US Const. 14e amendement; <u>direct franchise</u> , suffrage direct; <u>universal/limited franchise</u> ; suffrage universel/restreint

3. franchise* -
license exclusive -
concession exclusive

*FR: in a private
contract termed a
contrat de franchise
in which the company
giving the franchise
was called the
franchiseur and the
company receiving
it the franchisé;
Daloz Comm.
Eff. p 229

4. franchise
5. concession - brevet

.....
Cornu

S 1.
2.
3.
4.
5.

F. franchise = E franchise 3. et 4.

1. exemption, exonération

franchise douanière,
franchise postale,
franchise de bagages

2. dr. fisc.

3. dr. int.

E. 1. free import/allowance of
2. exemption
3. immunity

S. 1.
2.
3.

E Franco-Swiss Customs case

F
S

F frappé d'appel (FR)

E appealed
S apelado

F frappé d'une peine

E sentenced to a penalty/
punishment* - punishable by**
S condenada a* -

*Of a person
**Of an offence
*Persona

F frapper

v. frappé d'appel
frappé d'une peine

E to attach to/be attendant upon
S

- F fraude = S fraude
- S fraude
- E fraud - deceit - bad faith -
 fraudulent misrepresentation
- F fraude - tromperie - mauvaise
 foi
- E Freedom of Association and Protection of the Right to Organise Convention HRC
- F Convention sur la liberté
 syndicale et la protection
 du droit syndical
- S Convenio sobre la libertad
 sindical y la protección del
 derecho de sindicación
- E freedom of conscience Bahamas, Const. 32
- F liberté de conscience
- S libertad de conciencia
- E Free Zones of Upper Savoy and the District of Gex case
- F
- S
- F fréteur
- E carrier Usually the owner of the
 vessel, but under some
 charters, e.g. a demise
 charter, he is the
 charterer of the vessel as
 opposed to its real owner;
 distinguish from affréteur
- S porteador - transportista
- F frontière
- E frontier - boundary* *VCLT
- S frontera - límites
- S fs. = foja(s)
- S fs. ... vta. = fojas ... vuelta
- S fuera de la reiteración real
v. concurrencia fuera de la
reiteración (real)

S fuero

v. delito de fuero común
delito de fuero federal

1. magistrado o magistrados que ejercen la función jurisdiccional, sin. S tribunal 1.
2. jurisdicción
3. conjunto de privilegios
4. compilación
5. derecho subjetivo

Escriche

Ossorio
Ossorio; se llama frecuentemente fueros
Ossorio
Ossorio: fuero sindical

E 1. forum - court - tribunal

Alternatives to court are court of justice, court of law, law court; note 4

2. jurisdiction - authority
3. charter - privilege(s) - prerogative(s)
4. a law - body of laws - law code
5. a right - an exemption

- F
1. tribunal - jurisdiction
 2. compétence
 3. privilège(s) - immunités - prérogative(s)
 4. loi - législation - code
 5. (un) droit

S fuero atractivo (NI)

- E extrajurisdictional competence
F compétence extrajurisdictionnelle

S fuero común

v. delito de fuero común

- E ordinary jurisdiction - the ordinary courts
F compétence des tribunaux ordinaires

S fuero maternal

Derecho especial que se confiere a la madre embarazada y a la madre del recién nacido

- E maternity rights
F privilèges maternels - droits liés à la maternité

- S fuero militar
- E 1. military court(s)
 - 2. military jurisdiction - the military courts
 - 3. military privileges
- F 1. juridiction militaire
- 2. compétence des tribunaux militaires
 - 3. privilège de juridiction des militaires
- S fuero sindical
- E trade union rights - trade union privileges
 - F privilège syndical - immunité syndicale - droits syndicaux
- S fuerza (CL, ES) CL CC 1451, CP 10;
v. fuerzas ES CP 8
- recurso de fuerza
 - recurso de fuerza en conocer
- E force* - duress**
- *As a defence to criminal liability, e.g. violencia por fuerza o miedo, duress resulting from the use or threat of force
- **EN defect in consent to a contract (SCO force), the equivalent of violencia (MX, ES); Archbold sect. 17.54-17.58, OCL
- F violence* - crainte fondée** - contrainte***
- *BE, FR dr. civ. CC 1109 et seq.
**CH dr. civ. CDO 29-30
***FR dr. pén. CP 64
- S fuerza de cosa juzgada IACEV 2 (g)
- E force of res judicata
 - F force de chose jugée* - autorité de chose jugée
- *IACEV 2 (g)
- S fuerza de ley
- v. decreto con fuerza de ley
 - leyes y disposiciones
 - normativas con fuerza de ley
- E force of law e.g. tienen fuerza de ley, have the force of law
- F force de loi - force de la loi

S fuerza legislativa
v. decreto que tiene fuerza
legislativa

S fuerza pública, Fuerza Pública

Es la encargada de mantener el orden público interior y exterior, que en determinados casos auxilia en el cumplimiento de las decisiones judiciales;
Ossorio, Escriche

1. término general
2. (CR) unidad de policía

E 1. the police (and the armed forces) - the forces of law and order* - civil police**

In FR and ES the force publique, fuerza pública, comprises all the armed forces of the State, both civil and military, the former consisting of the police and the latter of the gendarmerie and the armed forces proper, i.e. the army, the navy and the air force. In CA, GB and US the term armed forces (syn. forces) excludes the police. Generally speaking, police will be an adequate translation in passages dealing with internal law and order, criminal law and judicial proceedings; in these contexts the F and S terms will primarily have the meaning of la police et la gendarmerie (David II 290) and la policía y la guardia civil respectively. In texts in which the terms have a more comprehensive meaning they should be translated in full as the police and the armed forces

*Non-technical term
**CA VOGÉ (sub police)

2. Public Constabulary

F 1. force publique

FR CPP 42, 72, 122, 123, 741, 741.1 Déc. 12.6.1947, 1; Capitant; Dalloz Civ. intro pp. 384 n.1, 443; David II 290-291
CA VOGÉ

2.

- S Fuerzas de Orden y Seguridad Pública (CL) 1980 Const. 90; they consist of Carabineros and Investigaciones
- E Forces of Order and Public Security
- F forces de l'ordre et de la sûreté publique
- S fuerzas represivas
- E ?law enforcement bodies/ agencies - ?forces of repression
- F forces de répression
- S función
- v. delito de función
- funciones ...
- E function - duty - office - post
- F fonction
- S funcionario encargado de aplicar la ley (MX) E/CN.4/Sub.2/470, para. 45
- E law enforcement official E/CN.4/Sub.2/470, para. 45
- F agent de la force publique
- S funcionario encargado de hacer cumplir la ley COD
- E law enforcement official COD
- F responsable de l'application des lois COD
- S funciones de contralor Ossorio: en América un contralor es un funcionario encargado de examinar la contabilidad oficial
- E supervisory functions
- F fonctions de contrôle de la comptabilité publique En FR exercées par la Cour des comptes
- E function A function is performed in a country or organization
- F fonction
- S función

S	fundado	Un decreto, una decisión
E	substantiated* - reasoned** - reciting the authority***	*Claim **Decision, judgement; Odgers 303 n. 79 ***In the case of an enactment, reciting the authority on which it is based
F	motivé* - spécifiant le texte en vertu duquel il est pris**	*S'il s'agit d'une décision **S'il s'agit d'un décret
S	fundamentos (de una ley) = exposición de motivos	
S	fungible (CL)	CC 575
E	fungible* - expendable**	*Technical term applied to movables, especially goods; Black <u>fungibles</u> **Non-technical term
F	fongible	
S	fusión	
E	merger* - amalgamation	Synonymous in commercial law *SS
F	fusion	

G

- S gabinete de identificaciones y pasaportes (CL) Nombre oficial de las oficinas o gabinetes que en el lenguaje corriente se denominan identificaciones o identificación
- E local identity card and passport office
- F bureau des cartes d'identité et passeports
- S gaceta
v. La Gaceta
- S Gaceta Oficial (BO, CU, PA, PY, VE) Nombre del periódico que publica los textos auténticos de las leyes, decretos, reglamentos y otros asuntos oficiales
- E (leave in Spanish and underline)
- F Gaceta Oficial (Journal officiel)
- F gage Capitant, Guillien, Dalloz, Dalloz Civ. Sûretés, Amos 239, 340, 356
- v. créancier gagiste
lettre de gage
mettre ou recevoir une personne en gage
1. sens commun
2. (dr. civ., dr. com.) sûreté réelle: (BE, FR, CH) remise d'un bien mobilier, (CH seulement) constitution d'un droit réel sur un bien immobilier, dans les deux cas par un débiteur en faveur de son créancier en garantie du paiement de la dette
3. (dr. civ., dr. com.) droit d'un tel créancier (syn. droit de gage)
4. (dr. civ., dr. com.) le bien mobilier remis en garantie
- FR CC 2093
FR dr. civ.: sûreté réelle conventionnelle: le contrat (nantissement) par lequel un débiteur ou un tiers, pour affecter un meuble au paiement de la dette, s'en dessaisit au profit du créancier ou d'un tiers qui conserve la chose pour le créancier (M. Jaquot, ONU, New York); on parle de gage en certains autres cas (Amos 128); BE FR CC 2072-2084, CH CC 793-918, CDO passim, QW CC 1968

E	1. security* - pawning	*Any interest which secures a debt (as in FR CC 2093); note 11
	2. pledge - charge	<u>Pledge</u> where the debtor parts with possession of his property, and also as the name of the contract called in CH <u>gage</u> ; <u>charge</u> where he does not; note 11
	3. right of pledge	
	4. pledge* - chattel	*syn. <u>pawn</u> if the property is a corporeal movable; note 11
S	1. garantía	
	2. prenda - empeño	v. <u>nantissement</u> 2.
	3. derecho de prenda	
	4. prenda	CL CC 2384
F	gage immobilier (CH)	CC 793-883
E	pledge* of an immovable immovables - landed security**	*Used <u>lato sensu</u> ; note 11 **Black
S		
F	gage mobilier (CH)	CC 884-918
E	pledge* of a movable/ movables	*Used <u>stricto sensu</u> ; note 11
S		
F	gain v. obtenir gain de cause	
S	gananciales (CL)	CC 1764-1785
E	acquisitions	
F	acquêts	
F	garant	CH LPFR 32, 35, CDO v. 111
E	guarantor - warrantor	For the distinction between these terms see the various meanings of <u>garantie</u> and note 11
S	caucionante* - garantizador** garante**	* En el caso de caución ** En el caso de garantía

F **garantie (BE, CH, FR)**

CH CDO 111

E **guarantee***
- **warrantee****

*En obs, US: the beneficiary of a contract of guarantee: see guarantee 2.; translate as beneficiary of the guarantee
**EN: the beneficiary of a warranty: see warranty; where the warranty is called a guarantee, translate as beneficiary of the guarantee

S **garantía = garantie**
v. **demanda de garantías**
garantías

S **garantía de habeas corpus**

E **right/safeguard of**
habeas corpus

See the E note to habeas corpus and note 7

F

S **garantía de legalidad**

E **safeguard of legality**
F **garantie du respect**
de la légalité

S **garantías de seguridad**
jurídica

E **legal guarantees/safeguards**
F **garantie hypothécaire**

S **garantía hipotecaria**

E **mortgage security**
F

F **garantie**

v. **action en garantie**

appel en garantie

contrat de garantie

demande en garantie

donner une garantie ...

droit de garantie

exception de garantie

garanties ...

recours en garantie

1. (dr. civ., dr. fisc.) synonyme

d'obligation ou de

responsabilité

(Capitant I et IV)

p. ex. **garantie :**

de l'assureur, du

transporteur, des vices,

(vente ou location:

Amos 359-361, Nicholas

54), d'éviction (vente

ou location: Amos 361-363,

Nicholas 54, 79), des

propriétaires, droit de

garantie; Dalloz

Proc. civ. p. 259;

FR CC 1603, 1625-1649,

1721, 1725, CCOM 158, 185,

Déc. 30.10.1935, 63

2. (dr. civ.) **garantie fournie**

pour l'exécution d'une

obligation (Capitant II),

appelée aussi sûreté et

caution

p. ex. **garantie réelle,**

garantie personnelle,

contrat de garantie;

CH CDO 83, FR CPCN 517;

Dalloz; Dalloz Proc. civ.

pp. 259, 751-752

3. (dr. pub.) **garantie des**

droits individuels

(Capitant III)

p. ex. **garantie des droits,**

garantie des fonctionnaires,

garanties de la défense; UDHR 11

4. (dr. int.) **engagement pris**

par un ou plusieurs Etats

de répondre de l'exécution

des obligations

internationales d'un Etat

tiers etc. (Guillien)

E

For the distinctions between the terms given here see also the specific examples of garantía and garantie given above and below respectively

1. warranty - guarantee
- indemnification -
liability

Garantie, garantía and saneamiento mean that a liability exists to indemnify a purchaser or donee of property or a user of services because a promise to do so is implied by law (an implied warranty) or expressed in a contract (an express warranty); garantie and garantía express this situation in terms of its origin, i.e. the liability or promise, saneamiento does so in terms of its result, i.e. the indemnification; translate as warranty or indemnification if those terms seem appropriate and can be used accurately, otherwise translate as liability; do not use guarantee except in the specific sense (guarantee 1.) in which it is used to mean a particular kind of warranty:

see warranty

OCL, Black, Jowitt, Martin:
warranty

2. security -
guarantee -
suretyship

For the distinction between these terms see note 11; if in doubt translate as security, used here in its legal sense and not in the commercial sense of stocks and shares etc.; OCL, Black, Jowitt, Martin: guarantee

*UDHR II

3. safeguard -
guarantee* -
right
4. guarantee

S

1. garantía - saneamiento*
2. fianza
3. garantía
- 4.

*ES CC 1461

EN el sentido estricto

UDHR 11

F	garantie de fait	Dalloz <u>garantie</u> sect. 1
	E express liability/warranty	For the distinction between <u>liability</u> and <u>warranty</u> see E note to <u>garantie</u> 1.
	S	
F	garantie de jouissance	
	E security of tenure	Of shareholder as to his rights in a joint venture, of tenant, etc.
	S	
F	garantie de la dot (FR)	CC 1440
	E warranty of dowry	
	S	
F	garantie de la solvabilité (FR)	CC 886
	E warranty of solvency	
	S	
F	garantie de l'assureur	
	E insurer's liability	
	S	
F	garantie des droits	Capitant
	E constitutional safeguard	
	S	
F	garantie des fonctionnaires (FR)	Capitant, Dalloz Proc. pén. p. 439
	E protection of public officials	Against malicious prosecution
	S	
F	garantie des propriétaires	Capitant
	E owner's liability	For certain taxes payable by tenant
	S	

- F **garantie des vices (BE, FR)** BE FR CC 1625, 1641-1649, 1721; Capitant; Amos 361-363, Nicholas 54, 79
- E **warranty against/ liability for/ indemnification for (hidden) defects** For the distinction between warranty against, liability for and indemnification for see E note to garantie 1.; the terms warranty and guarantee imply a promise to indemnify the purchaser; hidden is implied even if it is not stated; Amos warranty of quality
- S **saneamiento por vicios (ocultos)** Llamado también saneamiento por defectos (ocultos); ES CC 1461, 1484-1499
- F **garantie d'éviction (BE, FR)** BE FR CC 884, 1625-1640; Capitant; Amos 359-361, Nicholas 54
- E **warranty against/ liability for/indemnification for dispossession** For the distinction between warranty against, liability for and indemnification for see E note to garantie 1.; for the use of dispossession in preference to eviction see E note to éviction; the terms warranty and garantie imply a promise to indemnify the purchaser; Amos warranty of quiet possession; EN warranty of quiet possession (goods: Sale of Goods Act 1979, 12; Charlesworth, Mercantile Law, fourteenth edition, London 1984, 289-290) warranty of, syn. covenant for, quiet enjoyment (land and leases of land: Law of Property Act 1925, 76-77; Jowitt quiet enjoyment)
- S **saneamiento por evicción** ES CC 1461, 1475-1483; Aguilar art. 1475 com.; CL CC 1837-1838
- F **garantie du lot (FR)** CC 822
- E **warranty of share** In the petition of an estate
- S

F **garantie du transporteur**
E carrier's liability
S

F **garantie en cas d'éviction**
= garantie d'éviction

F **garantie légale (FR)**
E statutory liability/
warranty

Dalloz garantie sect. 1

With regard to warranties, usually called implied warranty, but this term (Jowitt warranty) signifies both a warranty arising at common law and one arising by statute, whereas garantie légale is of the latter kind only; for the distinction between liability and warranty see E note to garantie 1.

S

F **garantie personnelle (FR**
CPCN 517-522, Dalloz
Proc. civ. pp. 750
et seq.) = sûreté
personnelle

F **garantie réelle (FR CPCN**
517-522, Dalloz Proc. civ.
pp. 750 et seq.) = sûreté
réelle

F **garanties de la défense**
E defence/defendant's rights

Proc. pén.

In the expression droits et garanties de la défense translate garanties as safeguards

S

F **garanties individuelles**
E rights of the individual
S

- F garantir
- COV 2, Charte Préambule
- E to ensure* - to safeguard -
to guarantee - to warrant
- to indemnify -
to be liable for
- For the distinction
between these terms
see the various
meanings of garantie
and in particular the
E note to garantie l.:
e.g. garantir l'acquéreur
de l'éviction (FR CC 1627),
to indemnify the purchaser
against eviction
*COV 2, Charter Preamble
*COV 2
** Charter Preamble
- S garantizar* - asegurar**
- F garde
1. personne
2. pouvoir de fait
exercé sur une personne ou
sur une chose
- Guillien, Barraine
- E 1. guardian* - person having
custody* - custodian**
guard - warden
- warder
- *Family law: of persons,
see note 13
**Civil law: of things
2. custody
- Of persons, animals, things;
for the circumstances in
which guardianship and
wardship are used as
alternatives to custody
in regard to persons in
family law see note 13
1. guardador -
guardián
2. guarda
- Ossorio; a veces guardas
en el mismo sentido;
CH, ES CC 303-306
- F garde à vue (CM, DJ, FR, MI)
v. placement en garde à vue
placé sous le régime de
garde à vue
- FR CPP 30, 63-65, 77-78,
154; CM Loi 203 26.12.1958,
3; DJ CIC 54; Guillien;
Dalloz enquête sects. 49-50,
59; Dalloz Proc. pén.
pp. 289-291, 298-300

E police custody

e.g. of a person held for questioning, "helping the police with their enquiries" (the euphemism used in EN for a person who is neither under arrest nor free, except technically, to leave the police station); EN Police and Criminal Evidence Act 1984, Emmins 351-358; syn. police detention

S arresto - detención

F garde des sceaux, Garde des Sceaux (FR)

E Minister of Justice

Literally, Keeper of the Seals

S Ministro de Justicia

F garde des sceaux, ministre de la justice (FR Ord. 1270 22.12.1958, 5) = garde des sceaux

F gardien = garde 1.

E garnish

1.

To attach a debt by judicial process (see attachment 2.), e.g. to attach a bank balance; OCL garnish 2., Langan 252-255; note 8

2. to summon (a third party)

F 1. pratiquer une saisie-arrêt/opposition
2. Citer/appeler (un tiers) en justice

S

- E garnishee Note 8
1. verb: = garnish
 2. noun: person against whom a judicial order is made garnishing a debt in his hands
 3. adjective, e.g. garnishee order
 4. noun: a third party summoned
- F. 1. pratiquer une saisie-arrêt
2. tiers saisi;
3. de saisie-arrêt p. ex. ordonnance de saisie-arrêt
4. tiers appelé en justice
- S 1.
2.
3.
4.
- S gastos de estadía (UY) Unofficial term, sometimes used ironically, for the charges an ex-prisoner is required to pay for having been looked after in prison
- E accommodation charges
F frais d'hébergement
- F Gazette du Canada = La Gazette du Canada
- F gendarme (FR)
- E gendarme Member of the gendarmerie, a police corps which is part of the armed forces and under the control of the Minister of Defence
- S gendarme
- S gendarme de custodia
- E warder
F gardien

- S gendarmería (CL)
v. Servicio de Gendarmería
- E gendarmería
- F gendarmería
- S Gendarmería Nacional (AR)
- E Gendarmería Nacional
- F Gendarmería Nacional
- E General Act for the Pacific Settlement of International Disputes
- F Acte général (règlement pacifique des différends internationaux)
- S
- S generales (BO, CO, MX)
- E particulars
- F nom et qualités
- E General Treaty for the Renunciation of War as an Instrument of National Policy
- F Traité général de renonciation à la guerre comme instrument de politique nationale
- S
- Nombre abreviado del Servicio de Gendarmería
- Prison warders, court ushers, etc.; not gendarmerie in the FR sense; translate as prison staff where appropriate, especially for personal de gendarmería
- Désigne les gardiens de prison, les huissiers - audienciers, etc.
- Cuerpo paramilitar, encargado de vigilar las fronteras. En Chile, suele llamarse así al Servicio de Gendarmería
- As the name of a corps, leave in Spanish and do not underline
- Ne correspond pas à gendarmerie
- Geneva, 26.9.1928
- Recueil des Traités 93, No. 2123
- Datos que permiten individualizar a una persona
- Also called Peace Pact of Paris, Pact of Paris, Briand-Kellogg Treaty; Paris, 27.8.1928
- Recueil des Traités 94, No. 2137

S **généro**
v. **de género**

E **Geneva Conventions**
v. **infra**

E **Geneva Conventions for the**
protection of victims of war

UNTS 75; collective
name for:

Geneva Convention for the
Amelioration of the
Condition of the Wounded
and Sick in Armed Forces in
the Field

Geneva Convention for the
Amelioration of the
Condition of the Wounded,
Sick and Shipwrecked
Members of Armed Forces at
Sea

Geneva Convention relative to
the Treatment of Prisoners

Geneva Convention relative to
the Protection of Civilian
Persons in Time of War

F **Conventions de Genève relatives**
à la protection des victimes
des conflits armés
internationaux

Désignent les conventions
suivantes:

Convention de Genève pour
l'amélioration du sort des
blessés et des malades dans
les forces armées en campagne
(1949)

Convention de Genève pour
l'amélioration du sort des
blessés, des malades et des
naufragés des forces armées
sur mer (1949)

Convention de Genève relative au
traitement des prisonniers de
guerre (1949)

Convention de Genève relative à la
protection des personnes civiles
en temps de guerre (1949)

E **Geneva Conventions on humanitarian**
law = Geneva Conventions for the
protection of victims of war

E Geneva Conventions on negotiable instruments

RITL II; collective name for:
Convention providing a Uniform Law for Bills of Exchange and Promissory Notes. Geneva, 7 June 1930
Convention for the Settlement of Certain Conflicts of Laws in connection with Bills of Exchange and Promissory Notes. Geneva, 7 June 1930
Convention on the Stamp Laws in connection with Bills of Exchange and Promissory Notes. Geneva, 7 June 1930
Convention providing a Uniform Law for Cheques. Geneva, 19 March 1931

F Conventions de Genève sur les instruments negociables

Convention for the Settlement of Certain Conflicts of Laws in connection with Cheques. Geneva, 19 March 1931
Convention on the Stamp Laws in connection with Cheques. Geneva, 19 March 1931
Désignent les conventions suivantes:
Convention portant loi uniforme sur les lettres de change et billets à ordre, Genève, 7 juin 1930
Convention destinée à régler certains conflits de loi en matière de lettres de change et de billets à ordre, Genève, 7 juin 1930
Convention relative au droit de timbre en matière de lettres de change et de billets à ordre, Genève, 7 juin 1930
Convention portant loi uniforme sur les chèques, Genève, 19 mars 1931
Convention destinée à régler certains conflits de loi en matière de chèques, Genève, 19 mars 1931
Convention relative au droit de timbre en matière de chèques, Genève, 19 mars 1931

S

Convenio estableciendo una Ley uniforme referente a las letras de cambio y pagarés a la orden, Ginebra, 7 de junio de 1930

Convenio destinado a reglamentar ciertos conflictos de leyes en materia de letras de cambio y pagarés a la orden, Ginebra, 7 de junio de 1930

Convenio relativo al derecho de timbre en materia de letras de cambio y pagarés a la orden, Ginebra, 7 de julio de 1930

Convenio estableciendo una Ley uniforme en materia de cheques, Ginebra, 19 de marzo de 1931

Convenio destinado a reglamentar ciertos conflictos de leyes en materia de cheques, Ginebra, 19 de marzo de 1931

Convenio relativo al derecho de timbre en materia de cheques, Ginebra, 19 de marzo de 1931

E Geneva Conventions on the Law of the Sea

WILC; collective name for:
Convention on the Territorial Sea and the Contiguous Zone
Convention on the High Seas
Convention on Fishing and Conservation of the Living Resources of the High Seas
Convention on the Continental Shelf

F Conventions de Genève sur le droit de la mer

Désignent les conventions suivantes:
Convention sur la mer territoriale et la zone contiguë
Convention sur la haute mer
Convention sur la pêche et la conservation des ressources biologiques de la haute mer
Convention sur le plateau continental

S

Convención sobre el Mar
Territorial y la Zona
Contigua
Convención sobre la Alta Mar
Convención sobre Pesca y
Conservación de los Recursos
Vivos de la Alta Mar
Convención sobre la
Plataforma Continental

- E Geneva Conventions on usages
of war = Geneva Conventions
for the protection of victims
of war
- E 1930 Geneva Conventions = Geneva
Conventions on negotiable
instruments
- E 1949 Geneva Conventions = Geneva
Conventions for the protection
of victims of war
- E 1958 Geneva Conventions = Geneva
Conventions on the Law of the Sea

E George Pinson case

F

S

F gérance
v. location-gérance
mise en gérance libre
mise en location-gérance

F gérance libre (FR: dr. com.)
= location-gérance

F gérant de la tutelle

FR CC 499-500

E receiver

S

- F gestion d'affaires FR CC 1372; Amos 16,
192-194
- E spontaneous agency The performance of an act
on behalf of or in the
interest of another person
without his authority, out
of benevolence or friendship;
ZA, SCO negotiorum gestio
(Black); similar to EN
agency of necessity
(Fridman 77)
- S'
- S gobernación (CL) En cada una de las
v. Ministro de Gobernación 45 provincias
Ministro de Gobernación y
Justicia
- E Governor('s Office)
F Cabinet du Gouverneur
- S gobierno
- v. Ministro de Gobierno ...
Ministro Secretario General
de Gobierno
sala de gobierno
secretario de gobierno
- S Gobierno Supremo
- E Supreme Government
F Gouvernement suprême
- S goce (CL) CC 582
- E enjoyment
F jouissance
- F gouvernement de droit Syn. de gouvernement légal
- E lawful/de jure government
S
- F gouvernement légal Syn. de gouvernement de
droit
- E lawful government
S
- S gozar (CL) CC 582
- E to enjoy
F jouir

S GR = Guardia Republicana

S GRP = Guardia Republicana

F grâce

E pardon

S gracia - perdón

F gracieux

v. acte gracieux
décision gracieuse
matière gracieuse
recours gracieux

E discretionary -
non-contentious -
ex gratia

S

S grado del estado de sitio

E degree of the state of siege

F degré de l'état de siège

E grant

1. (noun) EN: the bestowal of a right, or of a power or office, by one person (the grantor) on another (the grantee), usually by written instrument

2. (noun) EN: the instrument referred to above

3. (verb) EN: the action referred to above

4. (verb) to allow

5. (verb) to order

F 1. ? acte constitutif*
- constitution*
- octroi** - concession**

2. ? acte constitutif
- titre constitutif -
concession - acte de
transfert

A fundamental category of juridical acts in the common law; Jowitt; Salmond passim
Grant is a generic term applicable both to the creation of a new right and to the transfer of an existing one; for transfer and its various species, see transfer; for the antonym of grant see surrender

The above applies

The above applies, namely to the verbs grant, transfer and surrender

e.g. an application

e.g. a stay of proceedings

*Terme générique; Guillien acte constitutif, Cornu constitutif
**D'un brevet, license, permis on autorisation

3. conférer* - accorder	Termes génériques *une permission, une grâce
octroyer** -	**Un brevet, license, permis
concéder**	on autorisation
4. faire droit à ...	p. ex une demande
5. ordonner	p. ex. un sursis
S 1. ? acto constitutivo* -	*Término genérico; Ossorio
constitución* -	<u>actos constitutivos</u>
otorgamiento** -	**De una patente, licencia o
concesión** -	autorización
acuerdo**	
2. ? acto constitutivo	
- título constitutivo	
- concesión -	
acuerdo	
3. ? constituer* -	*Término genérico
otorgar** -	**Una patente, licencia
conceder** -	o autorización
acordar**	
4. ? acordar	p. ej. una demanda
5. ? decretar	p. ej. una suspensión
E grant of probate (EN)	Of a will; authorization (technically an <u>order</u>) issued by the court to the executor(s) of a deceased person placing the executor(s) in legal possession of that person's estate for the purpose of executing the deceased's will (Parry 153 <u>et seq.</u> , Halsbury vol. 17, para. 775). The expression <u>grant of probate</u> is a hybrid term which conflates two notions representing two theoretically successive steps in the judicial proceeding: the approbation (<u>probate</u>) of the will and the conferring (<u>grant</u>) of power to administer the estate disposed of by the will. The first step (F <u>homologation, vérification</u>) corresponds to FR, BE <u>ouverture et dépôt du testament</u> and the second to FR, BE <u>envoi en possession</u>
F ? ordonnance d'administration testamentaire	
S ? auto de administración testamentaria	

S gratuitamente = à titre gratuit

F gratuitement = à titre gratuit

S gravamen (CL)

CC 732-733

E charge

Sometimes called encumbrance, but this term is too broad for gravamen if encumbrance is taken in the very wide sense employed by Salmond (p. 243), namely, as comprising not only servitudes and securities but also leases and trusts

F charge

S gravamen irreparable (CL)

CPP 54; Ossorio

E irreparable damage

F dommage irréparable

Cornu réparable

S gravar (CL)

CC 732-733 p. ej. con hipoteca

E to charge

Sometimes called to encumber;

See E note to gravamen

F grever

E grave crime

IL: grave crimes are delicta juris gentium, crimes against the law of nations, such as piracy on the high seas, narcotics trafficking, slavery, injury to submarine cables; see also 1980 DA 19

F crime international

S

Cornu; p. ex. piraterie

F gré

v. de gré à gré

F	greffe (FR)	CPP 242, 398.2, 510; COJ L.821.1
E	registry	Of a court of justice of a superior court (e.g. EN High Court, see RSC); in an inferior court it is often called <u>court office</u> (e.g. EN county court, see CCR) or <u>clerk's office</u> (e.g. EN magistrates' court); if in doubt translate as court office
S	oficina - ? oficina de partes	
F	greffier, Greffier	FR CPP 242, 398.2, 510 523, COJ L.821.10; CIJ Statut 21; Guillien; CJENF 25
E	registrar* - clerk (of the court)** - Registrar*** - officer of the court****	*FR: of a superior court **FR: of an inferior court ***CJEC, ICJ Statute 21 ****CJENF 25; not a precise equivalent
S	secretario* - Secretario**	*CL COT 379-389: de una corte o juzgado, auxiliar de la administración de justicia que autoriza las providencias o resoluciones que recayeren en las solicitudes de las partes y los poderes judiciales; practica además las notificaciones en su oficina, así como las del estado diario, etc. **CIJ Estatuto 21
F	greffier de chambre (FR)	COJ R.812.11
E	divisional registrar	
S		
F	greffier en chef (FR)	CPP 242, COJ L.121.1, R.812.1
E	chief registrar	
S		
F	greffier en chef adjoint (FR)	COJ R.812.7, L.121.1
E	deputy chief registrar	
S		

S gremio

E trade association/union

In Chile, usually a trade association (i.e. an association of employers)

F association professionnelle - corporation

F grief

CSAJED 4

E claim* - complaint** - objection*** - ground*

*In civil law matters generally

**In criminal law matters and questions of nuisance and other torts

***CSAJED 4

S

F grosse (FR Guillien, Dalloz Proc. civ. p. 725, Dalloz notaire sect. 13, Dalloz Civ. intro. p. 384) = copie exécutoire

F grosse exécutoire (FR Guillien expédition, Dalloz Civ. intro p. 466, Dalloz Voies p. 43) = copie exécutoire

F groupement d'Etats

A/RES/3281(XXIX), para. 12 of charter

E grouping of States

A/RES/3281(XXIX), para. 12 of charter

S

E guarantee

In US often spelt guaranty Martin 2.; see warranty

1. (EN) term used in the sale of goods, especially in the retail trade, to denote a warranty
2. (EN) where under a contract (the principal contract) a debt is owned by A (the debtor) to B (the creditor), secondary contract whereby C (the guarantor) promises to indemnify B (the guaranteee) if A defaults under the principal contract
3. generally, a safeguard or right

Martin 1., Jowitt; Black guaranty, guarantee EN contract of guarantee is synonymous with contract of suretyship, contract of surety (the latter terms are rare; in US a distinction is drawn between guaranty and suretyship: see Black guaranty); note 11 Especially in the political and social spheres

4. (IL) undertaking by a State or States to meet another State's obligations
5. (EN obs, US) the beneficiary of a contract of guarantee as described in 2. above

F 1. garantie
2. cautionnement
3. garantie
4. garantie
5. créancier

S 1. garantía
2. fianza
3. garantía
4. garantía
5. fiado

v. garantie 1.
v. garantie 2. guarantor, garant
v. garantie 3.
v. garantie 4.
Cornu cautionnement

En el sentido estricto

Aguilar com. del art. 1831

E guaranty (US) = garantie

S guarda = garde

S guardador (CL)

CC 338

E guardian* - custodian
F

See note 13; *CL CC 338

S guardar bajo llave y sello (CL)

E to keep under lock and seal
F garder sous clef et scellés

S guardia
v. oficial de guardia

E guard
F garde

At a place of detention

S Guardia Civil (ES)

E Civil Guard
F Garde civile

S Guardia de Asistencia Rural (CR)

E Rural Guard
F Garde rurale

A police body

S Guardia Metropolitana (UY)

E Metropolitan Guard
F Garde métropolitaine

An anti-riot police corps

E guardian

Adult person or authority (e.g. the High Court, or local authority) who by operation of law, court order or other nomination (usually parental nomination) is legally in charge of the person or property, or both, of a minor (EN, US, SCO) or other incompetent; EN Mental Health Act 1983, 37; Cretney 429, 445 et seq., OCL guardianship, ward of court; note 13

F tuteur

S

S guardián

E gaoler

F gardien - surveillant

E guardian ad litem

Person appointed to defend, counterclaim, intervene or appear otherwise than as plaintiff in a civil action at law on behalf of an incompetent, e.g. a minor or a mental patient; in EN, if the incompetent is a plaintiff, the person appointed to prosecute the action is called his next friend; in US the term guardian ad litem applies to both prosecuting and defending Black guardian, OCL guardian, Langan 30, EN RSC 0.80 r.2

F tuteur ad litem

S curador para pleito/
ad litem/para la litis

CL CC 257-259, 495, CPC 854

E guardianship

EN, SCO, US: general term for the status of a guardian; Cretney 429-430, OCL; note 13

F garde - tutelle

S guarda - tutela

- E guardianship order (EN) Crim. proc.: court order committing a mentally disordered defendant or convicted offender to local authority or similar care (Mental Health Act 1983, 37; Emmins 231)
- F décision portant ouverture de la tutelle
- S
- S Guardia Republicana (PE, UY) En el caso del Perú, suele citársela como GR o GRP
- E Republican Guard In Uruguay, a mounted police corps
- F Garde républicaine

H

- L habeas corpus
v. garantía de habeas corpus
invocar el derecho de habeas corpus
recurso de habeas corpus
- E habeas corpus Recourse to a court of law to challenge the validity of a person's detention by the executive or privately (Martin); note that a person brings proceedings (makes an application, files a petition for a writ of habeas corpus which is issued by the court; GB, US; A/RES/34/178; note 7
- F habeas corpus A/RES/34/178
S habeas corpus A veces no subrayado; A/RES/34/178; AR CPCR 617, SV Const. 164, PA
- S haber (CL) CC 1725; de una sociedad conyugal
- E assets
F actif F CC 1401
- F habilitation
v. loi d'habilitation
procédure d'habilitation
- F habitation (FR) Marty Civ. pers. pp. 832 et seq.; ne pas confondre avec domicile ou résidence
- E habitation Black habitancy, domicile
S habitación
- S habitualidad (BO, MX, UY) Der. pen.; BO CP 42, MX CP 21, UY CP 48-49, 55; Ossorio; sin. multirreincidencia (ES CP 10(15)). La habitualidad es la delincuencia reiterada de grado más elevado que la reincidencia; v. reincidencia

E recidivism

E note to reincidencia. Note that when habitualidad is used as in UY CP 55 to mean the commission of a series of offences by a criminal who is not yet a convict recidivist, which means the relapse of convicta, must be replaced by habitual delinquency or a paraphrase expressing the notion of habitual crime

F récidive

S habitualidad criminal = habitualidad

S habitualidad facultativa (UY)

Puede ser considerado habitual el que, habiendo sido condenado por dos delitos anteriores, cometiere un nuevo delito antes de transcurridos diez años desde la condena por el primer delito;
UY CP 48 (2)

E discretionary persistent-offender status

F régime facultatif de délinquance d'habitude

S habitualidad penal = habitualidad

S habitualidad por reincidencia (UY)

CP 48-49; el ser condenado más de dos veces

E recidivism

F récidive

E note to reincidencia

S habitualidad por reiteración (UY)

CP 55; el ser delincuente más de tres veces

E habitual delinquency

F délinquance d'habitude

NOT recidivism; see E note to habitualidad

S habitualidad preceptiva (UY)

Debe ser considerado habitual el que, además de hallarse en las condiciones especificadas en la entrada precedente, acusare a juicio del Juez una tendencia definida al delito; UY CP 48 (3)

- E mandatory persistent-offender
status
F régime obligatoire de la
délinquance d'habitude
- S hacer = faire
v. constar
respetar
valoir
- S hacer el pago (CL) CC 1569-1594
E to make payment e.g. to
perform an obligation,
to fulfil a promise
F effectuer le paiement
- E Hague Academy of International Law
= The Hague Academy of
International Law
- E Hague Conference
v. Conference for the Codification ...
The Hague Conference on Private
International Law
The Hague Peace Conference
- E Hague Conventions
= The Hague Peace Conventions
- E Hague Peace Conventions
= The Hague Peace Conventions
- E Hague Rules On carriage of goods by sea,
1921
F Règles de La Haye
S Reglas de La Haya
- E Hague - Visby Rules On carriage of goods by sea,
1968; also called Amended
Hague Rules
F
S
- E Hamburg Rules On carriage of goods by sea,
1978, i.e. the United Nations
Convention on the Carriage of
Goods by Sea
F
S

E	handling fee	
	F ?droit de service	
	S	
E	hard labour	Punishment, abolished in EN in 1948; distinguish from <u>forced labour</u> and <u>compulsory labour</u>
	F travaux forcés	Une ordonnance du 4.6.1960 les a remplacés par la réclusion criminelle en FR
	S	
E	harm	Detriment of any kind; the term embraces <u>damage</u> and <u>loss</u> ; Black; IL: A/CN.4/360 p. 17
	F tort	
	S	
F	Haute Cour (MR Const. 52) = Haute Cour de Justice	
F	Haute Cour constitutionnelle (MG)	Const. 88
	E Constitutional Court	
	S	
F	Haute Cour de Justice (CI, CM, FR, GA, MG, MI, SN)	CI Const. 63, CM Const. 34, FR Const. 67-68, Ord. 1 2.1.1959, GA Const. 62, MG Const. 87, MI Const. 68, SN Const. 85
	E Parliamentary Court of Justice	Its sole function is <u>impeachment</u> ; NOT <u>High Court of Justice</u> , which conveys a different meaning
	S	
F	Haute Cour Militaire (LU)	C. Eur 87
	E Military Appeals Court	
	S	
F	Haut tribunal permanent des forces armées (FR)	CJM 5
	E High Court of the Armed Forces	There is one such court
	S	

- S hecho
v. recurso de hecho
- E fact
F fait
- S hecho culposo
- E wrongful/culpable act -
misdeed - misconduct
F méfait
- S hecho delictivo
- E criminal/tortious/delictual act For the distinction between
these adjectives see delito
F fait illicite/délictueux
- S hecho jurídico = fait juridique
- E heirs, successors and assigns
- F ayants cause Syn. ayants droit
S
- S heredero (CL, ES) CL CC 954, 1097, 1104,
ES CC 660
- E heir EN: virtually obsolete as
a technical term (Martin)
but still used in common
parlance to denote a
beneficiary of a deceased's
estate under a will (i.e. a
legatee, in the same way as
héritier and heredero are
used instead of the
technically correct terms
légataire and legatario) or
on an intestacy
F héritier BE CC 720, 723, 724, 967, 1002,
FR CC 723, 724, 768, 967, 1002,
Amos 290 et seq., 317, 324
v. Cornu qui distingue héritier
de légataire
- S heredero fideicomisario (ES) v. CC 781
- E ultimate heir Black haeres fideicommissarius,
distinguish from Black heir
beneficiary
F

S	heredero fiduciario (ES)	v. CC 781
	E fiduciary heir	Black <u>haeres fiduciarius</u>
	F	
S	heredero forzoso (ES CC 806) = héritier réservataire	
S	herencia (CL, ES)	CL CC 954, ES CC 659
	E inheritance - succession - estate	See note to <u>héritage</u> 1.
	F héritage - succession	
F	hérédité (FR Guillien) = héritage 1.	
F	héritage (FR)	Guillien, Capitant
	1. patrimoine d'une personne au moment de son décès	
	2. immeuble par nature	obs. (CC ...)
	E 1. inheritance - succession - estate	<u>Succession</u> (SC) and <u>estate</u> (EN, SCO, VS) are used of the property left by the deceased; <u>inheritance</u> is the same property seen from the point of view of the heir and also the act of inheriting it EN obs.; SCO <u>heritage</u>
	2. hereditament	
	S herencia	
F	héritier = heredero	
F	héritier à réserve = héritier réservataire	
F	héritier pour partie	
	E co-heir	
	S coheredero	
F	héritier réservataire (FR)	BE CC 913 <u>et seq.</u> , FR <u>ibid.</u> , CH CC 477; Amos 324, 333 <u>et seq.</u>
	E compulsory heir	PH CC 886, also called <u>forced heir</u> (Black)
	S heredero forzoso* - legitimario**	*ES CC 806-807 **CL CC 1181
F	héritier universel	FR v. CC 1002
	E sole heir	
	S heredero universal	

- S hermano
v. medio hermano
- S hermano carnal (CL) CC 990
E brother/sister/sibling of the whole blood OCL blood relationship
F frère/soeur par le sang
- S hermano de doble vínculo
(ES CC 947, 951) = hermano carnal
- S hermano de padre y madre
(ES CC 949) = hermano carnal
- S hermano de vínculo sencillo (ES) v. CC 951
E half-brother/sister
F
- S hermano materno (CL) CC 990
E maternal/uterine brother/sister/sibling See note to hermano carnal
F
- S hermano paterno (CL) CC 990
E paternal/consanguinean brother/sister/sibling See note to hermano carnal
F
- F heure légale
E ?civil time
S
- F hiérarchie des normes
E hierarchy of norms
S
- F hiérarchie juridique des normes
E legal hierarchy of norms
S
- F hiérarchique
v. recours hiérarchique

- E High Court of Parliament (GB) Term used to express the jurisdictional functions of the House of Commons and the House of Lords as a whole (Halsbury vol. 10, paras. 732-766)
- F Haute Cour du Parlement
S
- S hijo Ossorio
- E child Note 10
F enfant Guillien
- S hipoteca (CL, ES, MX) = hypothèque
- S hipoteca convencional (Ossorio hipoteca) = hypothèque conventionnelle
- S hipoteca expresa (MX) non-code
- E express mortgage ZA, roughly the equivalent of conventional mortgage
- F hypothèque conventionnelle
- S hipoteca inmobiliaria (ES) non-code
- E mortgage of immovables
F hypothèque immobilière FR non-code; CH v. CC 884 n.1
- S hipoteca legal (ES; Ossorio hipoteca) = hypothèque légale
- S hipoteca mobiliaria (ES) Ley sobre Hipoteca
v. Ley de Hipoteca Mobiliaria y Mobiliaria y Prenda sin
Prenda sin Desplazamiento de Desplazamiento de Posesión
Posesión 16.12.1954
Ley sobre Hipoteca Mobiliaria y
Prenda sin Desplazamiento de
Posesión
- E mortgage of movables -
chattel mortgage* *PH CC 2140
F hypothèque mobilière FR, CH non-code;
CH v. CC 884 n.1;
Guillien nantissement
- S hipoteca naval (ES, PA) ES Ley de Hipoteca Naval
21.8.1893
- E ship's mortgage
F hypothèque maritime FR Loi 10.7.1885; Dalloz
navire sects. 18 et seq.

- S hipoteca necesaria (MX) CC 2931-2939
E obligatory mortgage
F
- S hipotecar = hypothéquer
- S hipoteca voluntaria (ES, MX)
= hypothèque conventionnelle
- E hire-purchase agreement UK agreement under which
goods are (EN) bailed, (SCO)
hired, to a person to whom
the property in the goods may
subsequently pass on certain
conditions
(Consumer Credit Act, 1974)
- F location-vente EGLAT; NOT crédit-bail
S
- S historia fidedigna (CL) CC 19
E reliable record
F histoire véridique
- F hoir (obs.) = heredero
- F hoirie (obs.) = F succession
- E home confinement Keeping convicts at home
outside their hours of
work; The Economist,
11.1.1986; see house arrest
- F (mise en) résidence surveillée
S arresto domiciliario
- E home court EN CCR 0. 3; see foreign
court 1.
F tribunal national
S
- F homicide = homicidio
- F homicide intentionnel
= homicidio intencional
- F homicide volontaire
= homicidio intencional

- S homicidio
Ossorio, Gómez; ES CP 407,
MX CP 302
- E homicide
Archbold chap. 20, sect. I;
OCL; note 20, which see for
murder and manslaughter
- F homicide
- S homicidio agravado (SV)
= homicidio calificado
- S homicidio calificado (MX)
CP 315; sin. homicidio
agravado (SV)
- E aggravated homicide
- F homicide qualifié
Homicide volontaire (meurtre)
de caractère particulièrement
grave, p. ex., le parricide
Gómez
- S homicidio culposo (ES)
- E culpable homicide
Note 20
- F homicide volontaire
- S homicidio doloso (SV)
= homicidio intencional
- S homicidio intencional (MX)
CP 307; sin. homicidio
doloso (SV)
- E murder - intentional homicide
Note 20
- F meurtre - homicide intentionnel
FR CP 295; syn. homicide
volontaire
- S homicidio por imprudencia
- E negligent homicide
Note 20
- F homicide par imprudence
FR CP 319
- F homologation
- E (official) approval
- ratification
Of an instrument; judicial
approval if by a court,
administrative approval if
by an administrative authority
- S homologación
- F hors de cause
v. mettre quelqu'un hors de cause
mise hors de cause

F huissier de justice (BE, FR)
v. acte d'huissier de justice

BE CJ 509, FR Ord. 2592
2.11.1945, CPP 123, 550,
CPCN 648-664, CPCA 585;
Guillien, Dalloz Civ. intro.
p. 228, C. Eur. 41,
de Vries 63

E (judicial) marshal

US marshal (de Vries 63, Black);
EN bailiff used in its broadest
sense (Amos 183,
Martin); note 4

The functions of the huissier de justice and the receptor are similar in important respects (service and execution of process, judicial custody of property) to those performed in CA, EN and US by sheriffs and marshals and their officers such as bailiffs and process servers; in addition they include service of extrajudicial documents and the taking of certain kinds of evidence

Translate as follows: (i) in general references, judicial marshal, or simply marshal if the context clearly implies that the marshal is a judicial and not a military officer; (ii) in connection with service of process, i.e. of judicial documents, process server; (iii) in connection with service of extrajudicial documents, enforcement of civil judgements and judicial custody of property, bailiff; (iv) in connection with execution of criminal process, i.e. of judicial documents in criminal proceedings, sheriff. In other cases, or if in doubt, translate as judicial marshal, or simply marshal in the circumstances explained in (i) above.

EN: see Martin bailiff, sheriff, OCL bailiff, marshal, sheriff; US: see Black bailiff, marshal, sheriff, FRCRP 4

- S receptor
- CL COT 390-393: auxiliar de la administración de justicia que es un ministro de fe pública encargado de hacer saber a las partes, fuera de la oficina del secretario, los decretos y resoluciones que recaen en sus solicitudes, de recibir la información de testigos, la absolución de posiciones, etc.
- F huissier ordinaire (FR)
= huissier de justice
- S hurto
1. delito
2. producto del delito
- CL CP 432
- E 1. theft - stealing
- These terms are synonymous; distinguish from burglary, which in EN is unlawfully entering a building in order to steal, commit rape, damage, etc., and robbery, which in EN is stealing by force (Osborn)
2. stolen property
- F 1. vol (simple)
2. butin - larcin*
- *Vieilli
- F hypothécaire
- v. action hypothécaire
- cédule hypothécaire
- F hypothèque (BE, CH, FR, QU)
- FR dr. civ.: sûreté réelle, et conventionnelle, légale ou judiciaire: droit réel sur un immeuble affecté à l'acquittement d'une obligation et qui, sans emporter dessaisissement actuel du propriétaire de l'immeuble hypothéqué, confère au créancier le droit de le faire saisir et vendre en quelques mains qu'il se trouve, et de se payer par préférence sur le prix; en principe, elle ne porte que sur les droits immobiliers, mais, par exception, il existe des hypothèques mobilières sur navires, bateaux et aéronefs (M. Jaquot, ONU New York); BE CC (Loi 16.12.1851), FR CC 2114-2203, CH CC 793-841, QU CC 2016; Capitant, Dalloz, Guillien, Dalloz Civ. sûretés, Amos 123-128

E mortgage	EN, PH, US; QU CC 2016 <u>hypothec</u> ; note 11
S hipoteca	CL CC 2408-2434 (inmuebles), ES CC 1857-1862, 1874-1880, Ley Hipotecaria de 8.2.1946 (inmuebles), Ley de Hipoteca Naval (buques), Ley sobre Hipoteca Mobiliaria ... 16.12.1954 (ciertos bienes muebles); MX CC 2893-2943
F hypothèque conventionnelle (BE, FR, QU)	BE CC (Loi 16.12.1851), FR CC 2116, 2124-2293, QU CC 2020
E conventional*/contractual mortgage	*ZA, sometimes called <u>express mortgage</u> ; also called <u>conventional hypothec</u> (QU CC 2020)
S hipoteca convencional*/ voluntaria**	*Ossorio <u>hipoteca</u> **MX CC 2920-2930, ES Ley Hipotecaria (8.2.1946), 138-157
F hypothèque judiciaire (FR, QU)	FR CC 2116, 2123, 2134-2203, QU CC 2020
E judicial mortgage	ZA; also called <u>judicial hypothec</u> (QU CC 2020)
S hipoteca judicial	
F hypothèque légale (BE, CH, FR, QU)	BE CC (Loi 16.12.1851), CH CC 836-841, FR CC 2116, 2121-2122, 2134-2203, QU CC 2020
E statutory mortgage* - mortgage by operation of law	Also called <u>tacit mortgage by operation of law</u> (ZA), <u>legal hypothec</u> (QU CC 2020); NOT <u>legal mortgage</u> , which has a completely different connotation in EN and in shipping law *Do not use this term for <u>hypothèque légale</u> if a ship's mortgage is involved, since in EN and elsewhere it means a contractual mortgage entered into in the statutory form, and not a mortgage by operation of law
S hipoteca legal	ES Ley Hipotecaria (8.2.1946), 158-197; Ossorio <u>hipoteca</u>

F hypothèque mobilière (CH, FR)
= hipoteca mobiliaria

F hypothéquer
v. biens saisis, hypothéqués ou
nantis

E to mortgage

Also called to hypothecate,
to pledge; note 11

S hipotecar

F hypothèque maritime = hipoteca naval

F hypothèque testamentaire (BE)

CC (Loi 16.12.1851)

E testamentary mortgage

S hipoteca testamentaria



UNITED NATIONS OFFICE AT GENEVA

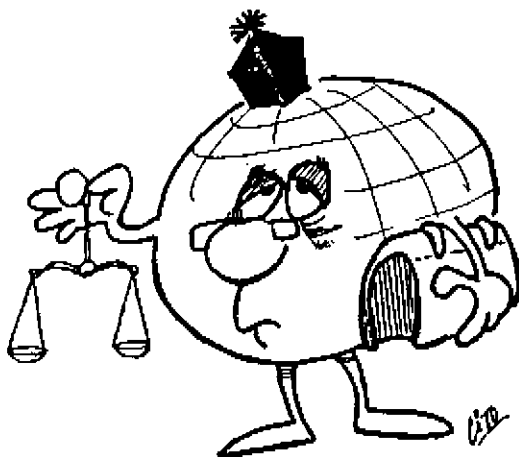
LANGUAGES SERVICE
Terminology and Technical
Documentation Section

TERM/PROV/40
April 1990
ENGLISH-FRENCH-SPANISH

LAW TERMINOLOGY

in English, French and Spanish

Volume II
I-Z



I

IAHCR = Inter-American Commission
on Human Rights

S I. Corte = Ilustrísima Corte

S identificación
v. gabinete de identificación y
pasaportes
gabinete de identificaciones y
pasaportes

F identification d'un bien

E characterization of an item
of property

S Identificación
(individualización) de
un bien

S ilegal = illégal
v. apremio ilegal
arresto ilegal
detención ilegal

S ilegalizar

E to outlaw - to proscribe
F rendre illégal

F il est allégué au moyen que ...

E it is argued that ...

Phrase in a FR Court of
Cassation judgement

S

S ilícito
v. acto ilícito
arresto ilícito
asociación ilícita
1. (adjetivo)
2. (nombre)

E 1. wrongful* - unlawful
- illicit
2. wrong - (criminal) offence*
F 1. illicite
2. illicite - infraction

For use and alternatives
see note 6

*SR

*CO ...; see wrong

- F illégal
- E illegal - unlawful
 - S ilegal
- For use and alternatives
see note 6
- F illicéité
- E wrong - wrongfulness
 - S ilicitud
- SR
- F illicite
- v. acte illicite
fait illicite
- 1. adjectif
 - 2. nom
- E 1. wrongful* - unlawful
- illicit
- 2. wrong
- S 1. ilícito
- 2. ilícito
- For use and alternatives
see note 6
*SR
See wrong
- F immeuble
- v. biens immeubles
immeubles
- E 1. item of immovable property
- immovable
- 2. building
- S inmueble
- F immeubles
- v. biens immeubles
- E immovable property* -
immovables
- S inmuebles
- FR CC 516; Amos 88-91,
95, n.5, 110
- SCO heritable property;
loosely, real estate;
NOT real property; see
immovable
*SC CC 516
- F immeubles par destination (FR)
- E immovable property
by destination
- S inmuebles por destinación
- CC 517; Amos 89
- SC CCP 235
- F immobilier
- v. biens immobiliers
droit immobilier
gage immobilier
opération immobilière

E immovable

Noun and adjective; not a term of art in the common law, which classifies property as either real or personal, whereas the civil law system classifies it as immovable or movable, the dividing line not being precisely the same in each case. The term is normally used (EN, US) in the field of private international law to denote property which is classified as immovable in the civil law system. Note that in FR a leasehold is not considered an immovable (Amos 95 n.5, 110) just as in EN it is not considered to be real property; words and phrases movable property, Dicey chap. 22, OCL; SCO immoveable

F immeuble

S inmueble

E immovable property
= biens immeubles

E immoveable = immovable

F immunité d'Etat

E State immunity

S

S impedimento (CL)

CC 113

E impediment - bar

F empêchement

F impératif

v. norme impérative

règle impérative ...

- S imperio
v. contra imperio
por contrario imperio
recurso de revocación por
contrario imperio
- E imperium* - empire - rule
- command
- F pouvoir juridictionnel
- *The right to command, which includes the right to employ the force of the State to enforce the laws (Black);
OCL
Pouvoir de juger et de faire exécuter le jugement
- S imperio del derecho
- E rule of law
F règle du droit - primauté du droit - légalité
- S impetrar (CL)
- E to seek - to apply for -
to petition for
- F requérir
- Note 3
- E impleader (US civ. proc.)
= third-party proceedings 1.
- F impossibilité d'exécution
- SR; v. VCLT 61
- E impossibility of performance
- VCLT 61
- S imposibilidad de cumplimiento
- VCLT 61
- F impossibilité matérielle
- SR
- E material impossibility
- S imposibilidad material
- F impôt anticipé (CH)
- E withholding tax
S impuesto retenido (en la fuente)
- F impôt cédulaire
- E schedular tax
- A tax on schedules, i.e. on categories of income
- S

- F imprescriptibilité
Convention on the Non-Applicability of Statutory Limitations to War (A/RES/2391 (XXIII))
- E imprescriptibility
i.e. non-applicability of prescription, of statutory limitation
- S imprescriptibilidad
- F imprescriptible
Capitant
- E imprescriptible
Of a thing or right, incapable of being acquired or lost by prescription, e.g. a public highway, the right to bring criminal proceedings; in the latter connection, offences are sometimes described as imprescriptible, e.g. the crime of genocide shall be imprescriptible, which can also be expressed as no prescription/statutory limitation shall apply to the crime of genocide. proceedings for genocide shall not be time-barred;
Black
- S imprescriptible
- E imprisonment
Means any form of deprivation of liberty, whether ordered as a preventive measure before sentence or imposed as a punishment; note the usage imprisonment for six months, for a term not exceeding six months, for (a term of) 6 to 12 months, he served two months' imprisonment
- F détention
S
- E imprisonment in default
EN: imprisonment for failure to pay a fine or other sum of money ordered by a Crown Court or (MCA 1980, 82, 92) a magistrates' court to be paid
- F incarcération pour non-paiement de dette
S

- S improcedente
E inadmissible - improper
F irrecevable
- S impugnar VCLT 42
E to challenge - to impeach* *VCLT 42: the validity of a treaty or the consent of a party to be bound by a treaty
F contester VCLT 42
- F imputable LT 1982 DA62c2
E imputable
S imputable
- F imputabilité
E imputability
S imputabilidad Ossorio
- S imputado (AR, BO, UY) Sustantivo; BO CPP 60, UY CPP 69, 164
E accused - defendant UY: after committal for trial; note 1
F inculpé - prévenu v. note F au mot acusado 1.
- S imputar
1. der. civ. y com.
2. término general;
(der. pen.) término técnico
E 1. to deduct* - *e.g. a payment or gift from an heir's portion
to charge** - **A sum to an account
to debit** - ***A sum to a fund
to appropriate*** - ****A sum to an account
? to credit**** *See E note to denuncia 2(ii)
2. to impute - **In a general or technical sense; note 1
to ascribe -
to charge* -
to accuse**
- F 1. imputer
2. imputer* - *Terme général
accuser** - **Terme général et technique; voir note F au mot acusado 1.
inculper**

- F imputation par la loi
E imputation by (virtue of the) law
S
- F imputer = imputar
- F inaliénable
UDHR Préambule,
COV Préambule
E inalienable
UDHR Preamble, COV Preamble;
the expression "inalienable rights", an accepted term in human rights language, is in fact a misnomer: see Black inalienable rights and dictionary definitions of the verb to alienate; its real meaning is "inviolable rights"
UDHR Preamble, COV Preamble
S inalienable
- F inamovibilité = inamovilidad
- S inamovilidad
Clagett Adm. 20
E irremovability
Of judges
F inamovibilité
- S inapelable
E unappealable - final
F sans appel - sans recours
- S inaplicabilidad
v. recurso de inaplicabilidad
- F inaptitude légale
E lack of legal capacity
- lack of capacity at law
S
- E in banc
Black en banc; in EN the preferred spelling is in banc
F
S
- S inc. = inciso
- F incapable = incapacitado

- S incapacitado (MX, ES) MX CC 453, ES CC 207; sin. incapaz
- E incompetent* (person) - person under a disability**
- incapaz*** Person incapable or deemed incapable by reason of youth, insanity, addiction, etc. of managing his affairs; los incapaces, the legally incompetent
*Black
**EN (RSC 0.80 r. 2);
Langan 30
***RL, SCO
- F incapable
- F incapacité (BE, FR) FR: dr. civ.; dr. pén.; CP 36, Dalloz Pén. pp. 432-434, 450, 454; EGLAT
- E (legal) disability*
- disability** *Civil and criminal law
**Insurance
- S incapacidad
- F incapacité légale Barraine incapable
- E statutory disability
- disability at law
- S incapacidad legal
- S incapaz (CL CC 1446 MX CC 449, ES CC 214, PE ...) = incapacitado
- S incautación (Ossorio)
= secuestro 3.
- S incautar Bienes; Ossario incautación
- E to seize For alternative renderings
see note 8
- F saisir
- F incident EGLAT
FR proc. civ.
1. nom
2. adjectif
- E 1. preliminary point* - interlocutory matter
2. interlocutory *?CJCE
- S 1. incidente
2. incidental
- S incidental
v. autos incidentales

- F incident d'instance (FR) CPCN 367-410
- E interlocutory matter
S
- S incidente = incidente procesal
- S incidente procesal Toda cuestión accesoria a un juicio que requiera pronunciamiento especial con audiencia de las partes (? de una parte en ciertos casos)
- E interlocutory matter
F incident
- S inciso
- E (translate according to context)
F incise - virgule - sous-alinéa
- S incolumidad personal
v. atentado contra la incolumidad personal
- F incomber à
- E to rest with
S
- F incompétence
1. (FR dr. adm.) Brown 145
2. (FR proc. civ., proc. pén.) CPCN 92-94, CPP 599, Dalloz Proc. civ. pp. 917, 924, Dalloz Proc. pén. pp. 706-707; EGLAT exception
3. (CJCE) Statut
- E 1. want of authority
2. lack of jurisdiction
3. lack of competence
S 1. incompetencia
2.
3.
- E incompetent (Black) = incapacitado

- S **incomunicación** Régimen de detención excepcional, opuesto al de libre plática; UY CPP 124
- E incommunication - holding (a person) incommunicado
- F détention au secret - mise au secret - interdiction de communiquer
- S **incomunicado**
- E incommunicado
- F (gardé) au secret - (détenu) au secret
- S **inconstitucionalidad**
v. recurso de inconstitucionalidad
- F **incrimination**
- E incrimination - accusation - indictment* *Not in the technical sense
- S
- F **incriminé**
v. comportement incriminé
Etat incriminé
- S **inculpado**
1. nombre: (proc. pen.: CL, ES, MX, PE, UY) persona que es objeto de una inculpación Ossorio; CL 1925 Const. 18, CPP 80, 109, 247, 274-275, 318-341, 380; MX CPPDF 132-134, 287-296, CFPP 146, 153-154, 161, 193-205, 305; PE CPP 27; UY CPP 71, CPFM 189; ES LECR 368
2. adjetivo
- E 1. accused - defendant
2. accused - charged*
- F 1. inculpé
2. inculpé
- S **inculpar = acusar** CL, MX, PE, UY: before committal for trial; note 1 *See E note to denuncia 2(ii) BE, FR, SN; v. note F au mot acusado 1.

- F inculpation (CA, FR) Guillien
v. chef d'inculpation
internement administratif sans
chef d'inculpation ...
- E charge* - indictment** *In the technical sense,
see E note to denuncia
2(ii); CA
**Not in the technical sense
- S
- F inculpé = inculpado
- F inculper = acusar
- F inculpé renvoyé devant une
juridiction de jugement (FR)
- E accused committed for trial
S
- S incurrir en ... (CL)
v. recayó sentencia de ...
- E to incur - to commit* *incurrir en un delito, to
commit a crime
- F encourir - commettre
- S incurrir en una pena de prisión
- E to incur imprisonment
F encourir une peine de prison
- S indagado CO CPP 437, UY CP 112, 126
- E accused - defendant UY: before committal for
trial; note 1
Voir note F au mot acusado 1.
- F la personne contre qui une
information a été ouverte -
l'inculpé
- S indagatoria
1. acción de indagar
2. nombre único (BO) o variante BO CPP 131, SV CPP 191
(CO, SV) para la relación del
presunto responsable ante el
juez
- E 1. interrogation
2. accused's statement Note 1
- F 1. enquête
2. déclaration de l'inculpé Déclaration faite lors de la
comparution devant le
magistrat instructeur

- S **indebido**
v. acción de repetición
retención indebida

E wrongful - improper
F indu
- S **indefectiblemente**

E without fail
F indéfectiblement
- S **indemnización de perjuicios (CL)**

E indemnification/indemnity
for loss
F réparation des préjudices
- indemnité à raison des
préjudices - dommages-intérêts
- F **indice** FR CPP 54
v. indices

E circumstantial evidence*
- clue** - indicium***

S indicio

*Procedural term
**General term
***Black, pl. indicia
- F **indice de rattachement** Dr. international privé

E connecting factor
S
Dicey 29-32
- F **indices = circumstantial evidence**
- S **indiciado** Nombre; VE CECR 71, NI
Dec. 52/79, 11

E the suspect
F le suspect
Note 1
v. note F à la rubrique
presunto culpable
- S **indicio = indice**
v. indicios
- S **indicio comprobado**

E (an item of) circumstantial
evidence
F
- S **indicios = circumstantial evidence**

E indict

In a general or technical sense; note 1

F accuser* -
inculper* -
? requérir**

*sens général et technique des deux mots; v. note F au mot acusado 1.

S acusar -
inculpar

**sens technique
Aceptaciones general y técnica de las dos palabras

E indictment

v. bill of indictment

1. general term: an accusation that a serious wrong has been done
2. (crim. proc.: EN, SCO, US)
technical term: a formal written accusation charging one or more persons with the commission of a criminal offence of the more serious kind, used in EN and SCO for indictable offences and in US for some felonies

The indictment is not a method of commencing criminal proceedings in EN (which is done on an information, except in the very rare instances of a voluntary bill of indictment being preferred) but it is one of two possible methods in SCO (the other being complaint for non-indictable offences) and one of three in US (the others being complaint for any offence and information for any offence except some felonies); in EN it marks the dividing-line between the pre-trial stage (committal proceedings) and the trial stage of the proceedings (note that in SCO there is no pre-trial stage and that in US, where the pre-trial stage is called preliminary hearing (syn. probable cause hearing), the indictment replaces it because it entails a grand jury hearing; an indictment is preferred before a court against a suspect by the prosecutor and is signed by the appropriate officer of the court (EN), the prosecutor (SCO), the grand jury (US); until signature it is a bill of indictment; Black, Osborn; OCL criminal procedure, indictment; EN Hampton chap. 7, Emmins 39-40, 48-68, Arguile chap. 10, Archbold 1-1 et seq., US FRCRP 7; note 1

- F 1.
2.
S 1.
2.
- F indigène ou naturalisé
E natural-born or naturalized
S
- F indignité (FR, CJCE) FR CP 42, CC 727; EGLAT
E disqualification From exercising certain
- debarment* rights
*Syn. disbarment
S indignidad CL CC 968 et seq.
- F indirect
v. responsabilité indirecte
- S individuo de civil
E person in plain/civilian
clothes
F individu en civil
- F indivis (utilisé comme nominatif:
QU CC 689) = indivision
- F indivis (utilisé comme adjectif)
= indiviso
- F indivision FR CC 815, Amos 116-118
et seq., Dalloz propriété
sects. 52-69
E undivided ownership*/
entitlement The status of an indivisum, a
thing or right held undivided
(EN in common: Curzon common,
tenancy in) by two or more
persons; indivision applies
both to pleine propriété (in
which case it is synonymous
with copropriété and is
sometimes used in that sense)
and to lesser rights, e.g.
usufruit; Amos indivision;
loosely common ownership/
entitlement; NOT joint
ownership, tenancy in common
*QU CC 689
S indivisión Ossorio

S	indiviso (CL)	CC 751(1), 362
	E in undivided ownership	
	F indivis	
S	indocumentado	
	E without papers	
	F sans papiers (d'identité)	
S	inductivo a (CL)	
	E tending/conducive to	
	F tendant à	
S	inexcusablemente	
	E obligatorily - without grounds for refusing	e.g. <u>X será inexcusablemente exonerado por Y</u> , Y shall obligatorily absolve X from liability, Y shall absolve X from liability and shall have no ground for refusing to do so
	F	
F	inexécution	
	E breach - non-performance	Of a contract, treaty, etc.
	S inejecución	
S	inexequible (CO)	
	E unenforceable	
	F inaplicable	
E	in face of the court v. <u>in facie curiae</u>	Incorrect form of <u>in the face of the court</u>
L	<u>in facie curiae</u>	Black
	E in the face of the court	e.g. <u>EN contempt in the face of the court</u>
	F	
	S	

F infamant
v. crime infamant
peine infamante

E infamous
S infamante

E infant

EN, US: the old but not
obsolete term for a minor,
i.e. a person under 18; EN
Family Law Reform Act 1969, 1, 9,
12, Langan 30, Jowitt; note 10

F mineur
S menor

E inferior court

EN any court other than a
superior court, i.e.
principally the county courts
and the magistrates' courts;
Walker EN 170, Osborn,
Martin; note 4

F ? tribunal d'instance inférieure CA
S

S infidencia

E breach of trust - disloyalty
F abus de confiance

F infirmer (CA)

E to set aside CA
S

S información de nudo hecho (VE)

E an information
F élément de (pur) fait

S informar

v. libertad de informar

E information (EN, PH, US)

An information is laid before a magistrate
Crim. proc.: procedural step: formal statement whereby proceedings are begun, consisting of an allegation, laid by a prosecutor before a magistrate, that an offence has been committed; in EN it is used to begin proceedings for all offences, and may be written or oral, and the prosecutor may be any individual, but is invariably a Crown Prosecutor (and no longer, under the Prosecution of Offences Act 1985, a police officer) in US it may be used to begin proceedings for any offence except certain felonies and must be written, and the prosecutor must be a government attorney; in PH the prosecutor must be a fiscal; EN Hampton 20-21, 71-73, Emmins 150-155, Arguile 53-58, Osborn, MCA 1, OCL criminal procedure, information; US Black, FRCRP 7; PH RC 110; see E note to indictment 2. and note 1

F information
S información

F information (FR CPP 80-81, Dalloz pén. pp. 445 et seq.; SG)
= F instruction 3.

S infracción

1. sentido general: acción de infringir
CL: CP 275, 288; Ley 7392, 157; DFL 244, 153
2. (der. pen.) CO, EC, ES, ?GT, HN, PA, PE, PY: hecho ilícito penal, infracción penal, es delito
CO CP 2, EC CP 5, ES CP 6, CPN 16 PA CP 1, PE CP 2, PY CP 1, HN CP 3
3. (der. adm.) CL, ES, MX: hecho ilícito no penal, infracción simple, no es delito
CL CPP 2 (infracciones a las ordenanzas de policía no expresadas en CP 495), MX Const. 21 (infracciones de reglamentos gubernativos y de policía), CPPDF 668

- E 1. infringement - breach
- contravention
- transgression - violation
2. (criminal) offence
3. contravention* - petty
misdemeanour**
- Of a rule, obligation, right;
note 2
Note 2
US infraction, violation; note 2
*MX
**CL, ES
- F 1.
2.
3.
- S infracción administrativa (ES) Const. 25
E administrative infraction Note 25
F
- S infracción de ley (AR, ES) AR CJM ..., ES LEC 1687,
v. recurso de casación por LEGR 847
infracción de ley ...
recurso por infracción de ley
E error of law ES ground for appeal to the
Supreme Court
F violation de la loi FR
- S infracciones a las ordenanzas
de policía (CL) CPP 2
E infringements of public
(rules and) regulations
F
- S infracciones a leyes (CL) Ley 8737
E infringements of statutes
F
- S infracciones de reglamentos
gubernativos y de policía (MX) Const. 21
E infringements of by-laws
and public regulations
F
- S infracción penal
1. (UY CPP 3, CO CPP 36(2))
= infracción 2.
2. COV art. 9(3)
E 2. criminal charge
F
- S infracción simple = infracción 3.

- F infracteur
- E wrongdoer
 - S infractor
- For other possible renderings see infraction
- E infraction
- F
 - S infracción
- Note 2
- F infraction
- v. concours ...
 - cumul ...
 - 1. sens général: action d'enfreindre
 - 2. (dr. pén.) BE, CA (matière fédérale), CH, FR, HT, LU, NE, ZR: acte défini et puni par la loi pénale
- EGLAT, Guillien
- BE CP 1; CH CP 9; FR CP 1, Loi 24.7.1966, 423 et seq., Ord. 15.12.1958, L.1 et seq.; LU CP 1; ECIVCJ 1
- E 1. infringement - breach - contravention - transgression - violation
- Of a rule, obligation, right; note 2
2. (criminal) offence
- ECIVCJ 1 offence CA (federal): offence; note 2
- S 1. infracción
2. ?delito - ?infracción penal
- F infraction commise contre ...
- E offence against ...
 - S
- F infraction contre les moeurs (CH)
- E offence against public morals
 - S
- CP 187-212
- F infraction de droit commun
- = delito común
- F infraction flagrante (RW CPP 7)
- = delito flagrante
- S infractor
- v. por infractor a la Ley de ...
- CL Ley 7392, 157, DFL 244, 153
- E wrongdoer
- CL; for possible renderings in other contexts see infracción
- F contrevenant - auteur d'une infraction

- S infraganti delicto (UY)
E in flagrante delicto Black gives the form flagrante delicto
F en flagrant délit
- E infringement Of a rule, obligation, right; used especially of an intellectual property right
F atteinte* - infraction** - violation*** - contrefaçon**** - utilisation/exploitation abusive d'un brevet***** *Aux droits de quelqu'un **à un règlement ***d'une loi, des droits ****de brevet *****LG
- S
- E infringer Used especially of a person who infringes an intellectual property right
F contrefacteur
S
- E in full session v. pleno
- S inhabilitación Der. pen.: Ossorio; UY Const. (1967) 80
E disqualification
F incapacité
- S inhabilitación absoluta (ES, UY) Pena; UY CP 75
E general disqualification
F interdiction absolue
- S inhabilitación absoluta perpetua (CL) Pena
E general disqualification for life
F incapacité générale à perpétuité
- S inhabilitación absoluta temporal (CL) Pena
E general disqualification for a limited time
F incapacité générale à temps
- S inhabilitación especial (ES, UY) Pena; UY CP 76-77
E specific disqualification
F incapacité spéciale

S	inhabilitación especial perpetua (CL)	Pena
	E specific disqualification for life	
	F incapacité spéciale à perpétuité	
S	inhabilitación especial temporal (CL)	Pena
	E specific disqualification for a limited time	
	F incapacité spéciale à temps	
S	inhabilidad (CL)	COT 215
	E disqualification - unfitness	Of a judge
	F incompetencia* - incapacité	*Du juge
S	inhibitoria (ES)	LEC 72 <u>et seq.</u> , LECR 26 <u>et seq.</u>
	E prohibition proceedings	Proceedings to challenge the jurisdiction of a court, taken in a different court from the one whose jurisdiction is being challenged; also called <u>inhibition proceedings</u> ; Blackinhibition; OCL inhibition, <u>prohibition (order of)</u>
	F	
S	inhibitoria de jurisdicción (Ossorio) = inhibitoria	
S	inhibición	Ossorio
	E inhibition	Judicial notice given to a debtor or to a third party who is indebted to the debtor, prohibiting the debtor or the third party, as the case may be, from alienating or charging his property
	F ?opposition	
S	iniciar	
	E to begin/bring/institute	Legal proceedings
	F introduire une instance	

- S iniciar trámite ley 21.449 (AR)
 E to bring proceedings under Act 21,449
 F
- F inique
v. traité inique
- E initiative
 F initiative
 S iniciativa
 Const. law: right of certain citizens to initiate legislation; OCL
- F injonction? = injunction
- F injonction avant dire droit
 E interim injunction
 S requerimiento provisional
 TD/B/RBP/15/Rev.1 art. 9(II)(ii)
 TD/B/RBP/15/Rev.1, art. 9(II)(ii)
 TD/B/RBP/15/Rev.1, art. 9(II)(ii)
- F injonction de payer (FR)
 E payment injunction
 S
 CPCN 1405-1425, Dalloz Proc. civ. pp. 654 et seq.
- E injonction
 v. interim injunction
 interlocutory injunction
 An injunction is granted; the related verb is enjoin, so an enjoined defendant is a defendant against whom an injunction has been granted;
 EN: a judicial decision requiring a person either (i) to do a particular act, called a mandatory injunction (Lawson 198-202, but the term injunction is not applied e.g. to an order to pay a debt or order for specific performance of a contract); or (ii) to refrain from doing a particular act, called a prohibitory injunction (Lawson 179-196); an injunction may be interlocutory (syn. interim, provisional, temporary), in which case it takes the form of an interlocutory order, or perpetual, in which case it takes the form of a final order; Jowitt, Osborn, Curzon, EN Supreme Court Act 1981, 37; see also note 7

- F ?injonction (judiciaire)
S ?requerimiento (judicial)
- S injuria (BO, CL, ES, GT, HN, MX) BO CP 287, CL CP 416, ES CP 457, GT CP 161, HN CP 452, MX CP 348
- E injurious behaviour* - insult** *Name of a criminal offence which in CL, ES, HN is similar to defamation; BO, GT and MX have a separate offence of difamación, defamation; RL iniuria (Nicholas Roman 215-216)
**Ordinary sense of the word
- F injure - outrage à ...
- S injuria atroz (CL) CC 1210
- E grievous insult
F injure grave
- S injurias = injuria
- E injury
v. loss or injury
Infringement of a legal right vested in a person, which may or may not be accompanied by damage; OCL
- F préjudice - tort
S
- S inmobiliario
v. bienes inmobiliarios
derecho inmobiliario
- S inmueble = immeuble
v. bienes inmuebles
- E innominate obligation
v. term
- F inobservación des formes (FR)
= violation des formes
- S inoficioso (ES) CC 636, 1036, 1044
- E unlawful* - inofficious** *Of an excessive gift
- inoperative **Of a will
F
- F inopposable à Nicholas 57
- E ineffective/inoperative against
S

L in personam

- v. action personnelle
- derecho personal 2.
- judgement in personam
- remedy in personam
- sentencia de condena 1.

S inquilino (arrendatario de un bien inmueble) = arrendatario

E inquisitorial procedure

- F ? procédure interrogatoire
- S ? procedimiento inquisitivo

See UY CPP, Informe p. 27

L in rem

- v. action réelle
- derecho real 1.
- judgement in rem
- jugement constitutif
- remedy in rem

E in right of

Through title derived from or belonging to (Webster), e.g. he holds property in his own right, property to which he himself is entitled; he claimed in right of his wife, i.e. through his wife's title; the person in right of an obligation, the person entitled to the benefit of an obligation (OCL creditor); forces of the crown in right of the Government of Malta (wording in a 1973 MT ordinance), forces of the Crown to which the Government of Malta has entitlement, i.e. is entitled to use; CA an agent of Her Majesty in right of Canada, i.e. through Her Majesty's rights in respect of Canada

- F en droit de
- du chef de*

*CA mandataire de Sa Majesté du chef du Canada

S

F inscription

EGLAT mesures conservatoires

- E entry - note -
- registration - annotation
- S inscripción - anotación -
- registro

F	inscription de nantissement	EGLAT <u>mesures conservatoires</u>
	E registration of a charge	
	S	
F	inscription d'hypothèque	EGLAT <u>mesures conservatoires</u>
	E registration of a mortgage	
	S inscripción de la hipoteca	CL CC 2410
F	inscription de faux	Guillien; EGLAT <u>incident</u> (<u>inscription en faux</u>)
	E falsification proceedings	
	S	
F	inscription en faux = inscription de faux	
F	insolvabilité	CH CC 184(1), 207(5)
	E insolvency	
	S insolvencia	
F	insolvable = insolvente	
S	insolvente (CL)	
	E insolvent	
	F insolvable	CH CC 597
S	inspección personal del juez (CL)	CC 1698
	E personal inspection by the court/the magistrate	See E note to juez 1
	F vérification personnelle du juge	
F	inspecteur de la sûreté	EGLAT <u>secret professionnel</u>
	E police inspector	
	S	
F	inspecteur de police judiciaire (RW)	CPP 1
	E detective inspector	Do not confuse with <u>agent de police judiciaire, agent judiciaire</u> or <u>officier de police judiciaire</u>
	S	

F instance

- v. acte introductif d'instance
- demande introductive d'instance
- Division de première instance
- exploit introductif d'instance
- liaison de l'instance
- renoncer à l'instance
- requête introductive d'instance
- tribunal de grande instance
- tribunal de première instance
- tribunal d'instance ...

- 1. suite d'actes de procédure
- 2. (abusivement) juridiction, autorité

Guillien, EGLAT; MRAP 8;
FR CPCN 53-54; CIJ
EGLAT, Petit Robert; v.
instance internationale

- E 1. (legal)/(judicial)
proceeding(s)/process* -
proceedings** - process
of arbitration*** -
instance****

Note 3

*Process used lato sensu
**ICJ
***MRAP 8
****e.g. High Court judges sitting alone at first instance, first instance decision, first instance judge (Walker EN 159), court of first instance; (? in Byrne) a distinction is drawn, in ecclesiastical law, between a cause of instance, one proceeded to on the solicitation of some party, from a cause of office, one proceeded to in the name of the judge; this distinction helps to explain the underlying meaning of F instance, S instancia, F d'office, S de officio

- 2. court (of law) - tribunal -
body - authority

- S 1. procedimiento* - instancia
- 2.

* MRAP 8

F instance, acte conservatoire ou
procédure d'exécution (FR)

Déc. 1.9.1972, 39

- E judicial process, protective act
or enforcement proceedings
- S

F instance internationale

- E international authority/body
- S

- F instance judiciaire CSAJED II
- E judicial proceeding CSAJED II
- S
- F instances judiciaires et arbitrales
internationales
- E international judicial and
 arbitral bodies
- S
- S instancia
- v. a instancia de parte
 condenado en primera instancia
 delito perseguible a instancia
 de parte
 juez de primera instancia en lo
 penal
 Juzgado Nacional de Primera
 Instancia ...
 recayó sentencia de primera
 instancia ...
 sentencia de primera instancia
 tribunal de primera instancia
1. cada una de las dos etapas que
 puede alcanzar un procedimiento; Ossorio
 el procedimiento mismo
2. solicitud Ossorio; UY CPP 11 et seq.
- E 1. (legal)/(judicial)
 proceeding(s) process* -
 instance** Note 3
 See E note to F instance 1.
 See E note** to
 F instance 1.
2. application
- F 1. instance
2. demande
- S instancia de parte (UY) CPP 13
- E application by an/application
 by the interested party -
 application by the party
 concerned
- F
- S instigación (der.pen.; AR CP 209,
BO CP 22) = proposición

- S institucionalidad
v. nueva institucionalidad
- E 1. institutional system CL Constitutional Act
No. 2
2. constituted authority
- F 1. institutions - structure
institutionnelle
2. pouvoir établi
- S institucionalización
v. proceso de institucionalización
- E Institute of International Law
- F
S
- S Instituto Médico Legal (CL)
- E Institute of Forensic Medicine
F Institut médico-légal
- S Instituto Técnico Forense (UY)
- E Institute of Forensic Science
F Institut médico-légal
- S instrucción
1. término general: de un expediente o proceso
2. (proc. pen.: BO, MX, PA, BO CPP 120, 166 y sigs.; PA
PE) primera fase del proceso CJ 2021; PE CPP art. I
penal y Libro II
CPCR 195
3. (proc. pen.: AR) parte de dicha fase
4. (proc. pen.: ES) (a) dicha fase en su integridad; (a) LECR 299-325
(b) una parte de dicha fase
5. (proc. pen.: UY) conjunto de CPP 112, 133 y exposición
de motivos
las primera, segunda y tercera fases del proceso penal
(llamadas respectivamente presumario, sumario y ampliación del sumario)

- E 1. examination - investigation Of a case, file
2. pre-trial proceedings EN committal proceedings
(which exist for indictable
offences only); US
preliminary hearing, probable
cause hearing; note 1
3. examination proceedings Note 1
4. (a) pre-trial proceedings See E note to 2. above
and note 1
(b) examination proceedings Note 1
5. pre-trial proceedings Note 1
- F 1.
2.
3.
4. (a)
(b)
5.
- S instrucción criminal (PA) CJ 2020
- E pre-trial proceedings
F
- S instrucción escrita = instruction
écrite
- S instrucción sumaria (ES proc. pen.,
BO CPP 46(2)) = instrucción 4.(b)
- S instrucción sumarial (ES proc. pen.)
= instrucción 4.(b)
- F instruction
- v. en matière d'instruction
juge d'instruction
juridiction d'instruction
séance d'instruction
1. ordre de service Capitant I
2. d'un dossier ou d'une affaire
3. (proc. civ., pén., adm.: FR;
BI) étape procédurale:
phase de l'instance qui en FR
(i) en proc. civ. précède
l'audience,
(ii) en proc. pén. précède
la délibération
4. CJEC
- Guillien, EGLAT. FR: en
proc. civ. c'est la phase
menée par le juge de la mise
en état; en proc. pén.
c'est la phase, obligatoire
pour certaines infractions,
constituée par l'instruction
préparatoire du juge
d'instruction et l'instruction
à l'audience du juge de
jugement

- E 1. instruction(s)
2. examination - investigation
3. examination proceedings
4. preparatory inquiry
- S 1. instrucción
2. sustanciación
3.
4. investigación inicial
- F instruction à l'audience (FR)
E trial (proceedings)
S
- F instruction écrite
E pleadings
S instrucción escrita
- F instruction préalable (FR)
= instruction préparatoire
- F instruction préparatoire (FR)
E pre-trial proceedings
S sumario - instrucción
- F Instructions générales pour les établissements pénitentiaires (BE)
E General Instructions for Penal Establishments
S Instrucciones Generales para los Establecimientos Penitenciarios
- Of a case, file Civ. proc., crim. proc.; in the former also called pre-trial proceedings; EN: the equivalent is exchange of pleadings plus summons for directions (High Court), pre-trial review (County Court); note 1
Brown & Jacobs 201
- Proc. pén.: Dalloz
- FR: the second part of the instruction, conducted by the juge de jugement
- MRAP 15
- MRAP 15
MRAP 15
- Proc. pén.: CPP 79, Dalloz
- FR: the preliminary investigation of the case, i.e. the first part of the instruction, conducted by the juge d'instruction; sometimes called preliminary investigation; see E note to instrucción 2. and note 1

- S instructiva
- 1. (BO, PE) acción de instruir BO CPP 130, PE note to Bk.I, tit. 4
 - 2. (PE) nombre que como variante recibe la relación del presunto responsable ante el juez CPP 197
- E 1. interrogation Of a party
2. accused's statement Note 1
- F 1.
2. déclaration de l'inculpé Déclaration faite lors de la comparution devant le magistrat instructeur
- E instrument
- When an instrument is signed it is said to be made (syn. executed) and the person making it is called the maker
- F
S instrumento
- E instrumentality
- F ? moyen - ?agent
S
- F instrument légal
- E legal means NOT legal instrument, which means a document
- S medio legal
- S instrumento
- E instrument See E note to escritura
F
- S instrumento auténtico
= instrumento público
- S instrumento privado AR CC 1012-1036,
CL CC 1703, COT ...
- E private instrument
F acte sous seing privé

S	instrumento público	Ossorio; ES término que no aparece en los códigos: clase de documentos públicos, dividida en dos tipos, es decir, escrituras y actas; AR CC 979-996; CL CC 1699, COT ..., el otorgado con las solemnidades legales por el competente funcionario (notario, oficial del registro civil, etc.), sin. <u>instrumento auténtico</u>
E	public instrument	If it is necessary to distinguish between <u>instrumento público</u> and <u>escritura pública</u> (see <u>escritura pública</u>), translate the former as <u>public instrument</u> and the latter as <u>public deed</u> ; syn. <u>authentic instrument</u> , v. <u>acte authentique</u>
F	acte authentique	FR CC 1317, v. <u>acte authentique</u>
E	instrument under hand	EN, SCO, US: private written instruments are of two kinds: the instrument under hand and the deed; see <u>deed</u>
F		NOT <u>acte sous seing privé</u>
S		NOT <u>escritura privada</u>
S	insubordinación (UY)	CPM 39
E	insubordination	
F	insubordination	
F	insurmontable	
E	indefeasible	
S		
F	intangibilité	
E	inviolability	e.g. of rights, frontiers
-	- inalienability*	*See E note to <u>inaliénable</u>
S		
F	intangibile	
E	inviolable - sacrosanct	*See E note to <u>inaliénable</u>
-	- inalienable*	
S		

- E "integral type" obligations 1966 DA n. 117
- F
S
- S integridad
v. atentado a la integridad física
y psíquica
delito contra la integridad
personal
delitos contra la vida y la
integridad corporal
- E integrity* - welfare *Of a treaty: VCLT 20, ILC
report 1977 n. 435
p. ex., d'un traité
- F intégrité
- S integridad física
v. atentado a la integridad física
y psíquica
- E physical integrity
- inviolability of the person
- F intégrité physique SG Const. 6
- S integridad personal
v. delito contra la integridad
personal
- F intégrité = integridad
- F intégrité physique = integridad física
v. atteinte à l'intégrité physique
atteintes à leur intégrité physique
- S inteligencia y aplicación (CL) CC 5, 1069: de una ley,
una disposición
- E interpretation and application
- F interprétation et application
- S Intendencia (CL) En cada una de las 13
regiones del país
- E (Office of the) Provincial
Governor
- F Intendance
- S Intendente (CL)
- E (Provincial) Governor
- F Intendant

- S intendente municipal (AR, UY)
E mayor
F maire
- E intensive probation
Involves seeing the criminal five times a week instead of once or twice a month; The Economist, 11.1.1986
F
S
- F intentionnel
v. fausses représentations ...
E intentional - wilful
- fraudulent
S
- E Inter-American Commission on Human Rights
Of OAS; report 1980-1981 in E/CN.4/1980/2
F
S Comisión Interamericana de Derechos Humanos
- E Inter-American Convention on Human Rights
Of OAS
F
S Convención Interamericana de Derechos Humanos
Uno de los nombres que recibió el anteproyecto que finalmente se suscribió y pasó a denominarse Pacto de San José de Costa Rica, llamado también Convención Americana sobre Derechos Humanos
- E Inter-American Institute of International Legal Studies
F
S
- E Inter-American Judicial Committee
F
S
- E "interdependent type" obligations
1966 DA n. 117
F
S

- S interdicción (PR) = F interdiction
v. juicio de interdicción
- S interdicción absoluta (CU)
E general disqualification
F
- S interdicción civil (ES)
= F interdiction civile
- S interdicción especial (CU)
E specific disqualification
F
- F interdiction (BE, CH, FR, QU) Dr. civ., dr. pén.; BE CC
489-512; CH CC 369-375;
FR dr. civ. obs., dr. pén.;
CP 9, 29, 36, 42, 175(2),
317, 335.1(2), Dalloz Pén.
passim; QU CC 325
- E prohibition - disqualification
- deprivation - (legal)
disability - interdiction* -
restriction order** - banning
order** e.g. interdiction d'exercer
des droits civiques,
prohibition from exercising
civic rights, disqualifi-
cation from exercising
civic rights; interdiction des
droits civils, deprivation of
civil rights; interdiction
used by itself can be
translated as (legal)
disability, interdiction
*Amos 46 n. 7, SCO obs.
(OCL), QU CC 325, SC CC 489,
SO PC 101
**e.g. in the case of an
interdiction de séjour
Ossorio; PR CC 191
- S interdicción
- F interdiction à temps FR CP 9
- E temporary interdiction For other renderings of
interdiction see that entry
- S
- F interdiction civile
- E deprivation of civil rights -
civil disability - civil
interdiction
- S interdicción civil ES pena: CP 28, 43

- F interdiction des droits civils
= interdiction civile
- F interdiction de séjour (FR) CP 44; SU Code pénal,
traduction art. 26
- E (local) expulsion -
externment* FR banishment from a
specified place in France;
SU Criminal Code translation
art. 26 banishment; ZA
banning
*IN
- S destierro
- F interdiction judiciaire (BE, FR) Dr. civ.: BE CC 489-512,
FR obs.
- E judicial interdiction For other renderings of
interdiction see that entry
- S interdicción judicial
- F interdiction légale (FR) CP 29, 36; Dalloz Pén.
pp. 449-450; dénommée aussi
interdiction pénale
- E statutory interdiction -
interdiction by operation
of law FR: a disqualification
attaching automatically as
an accessory penalty to any
peine afflictive et infamante;
it deprives the offender of
the right to administer his
property; SO PC 105 legal
interdiction
- S interdicción legal
- F interdiction pénale (FR) CP 29, dénommée aussi
interdiction légale
- E penal interdiction See E note to interdiction
légale
- S interdicción penal
- F interdire BE CC 489
- E to prohibit
- to place under
interdiction* *BE CC 489
- S

F interdit

- 1. nominatif
- 2. adjectif

QU CC 338, BE CC 502

- E 1. interdicted person* -
person under interdict/
(legal) disability

Person under interdict,
person under legal disability
refer to the person's legal
status; person under
disability (Black) might be
taken to refer only to his
medical status
*QU CC 338

- 2. interdicted - under
(legal) disability

S

F interdit légal (FR)

- E person under statutory
interdiction/statutory
disability

See interdiction légale

S

E interest (EN)

In land law, syn. of right;
Martin interest

F

S

F intérêt

- v. d'intérêt public
- établissement d'intérêt public

F inter-étatique

- E between States

- S interestatal

E Interhandel case

F

S

E interim injunction (EN)

- = interlocutory injunction

E interim order (EN Supreme Court

- Act 1981, 54(7)) = interlocutory
order

S interlocutoria (UY CPPM 444) = decreto
de sustanciación

- v. sentencia interlocutoria

- S interlocutorio
v. auto interlocutorio
sentencia interlocutoria
- E interlocutory injunction (EN) A judicial injunction which is not a final injunction; Walker EN 309, Langan 278-280; for the similarities and differences between this and FR ordonnance de référé, ordonnance sur requête see note 3; TD/B/RBP/15/Rev.1, art. 9(II)(ii) interim injunction
- F injonction avant dire droit TD/B/RBP/15/Rev.1, art. 9 (II)(ii)
- S requerimiento provisional TD/B/RBP/15/Rev.1, art. 9 (II)(ii)
- E interlocutory order (EN) A judicial order which is not a final order; Odgers 337 n. 21; for the similarities and differences between this and FR ordonnance de référé, ordonnance sur requête see note 3; TD/B/RBP/15/Rev.1, art. 9(II)(ii) interim order
- F décision avant dire droit TD/B/RBP/15/Rev.1, art. 9 (II)(ii)
- S apremio provisional TD/B/RBP/15/Rev.1, art. 9 (II)(ii)
- E "intermittent treaties" YB 1977 I, p. 73, para. 13
- F
- S
- S internación
- E internment* - hospitalization** *Of aliens
- admission*** - custody**** **Of medical or mental patients
*** Euphemism for imprisonment
**** e.g. in a correctional institution
- F internement - hospitalisation

S internacionalismo peruano

E Peruvian international law circles

F

S internamiento

1. (der. adm.) detención no judicial

E/CN.4/Sub.2/1985/WG.1/WP.5 denominado detención administrativa

2. (der. pen.: PE) pena

3. (der. pen.: MX) penalty impossible by the court on inimputables (e.g. mental patients) and offending drug addicts

CPDF 24(3), 67-69

E 1. internment* - executive detention** - administrative detention***

FR: the word administratif simply indicates that the measure is executive, not judicial, in origin

*GB: e.g. of enemy aliens in wartime, of suspected terrorists in Northern Ireland; in the latter case called temporary detention for the first seven days

**GB: temporary detention of other classes of persons

***E/CN.4/Sub.2/1985/WG.1/WP.5

2. rigorous imprisonment

3. detention - hospitalization

EN custodial penalty: committal by a criminal court of mentally disordered offenders of any age to a hospital for treatment under a hospitalization order (Hampton 267-269, 366, 417); detention looks to the custodial aspect of the penalty, hospitalization to its medical aspect; translate accordingly or as hospital detention; the court may make non-custodial orders for hospital or other treatment of mentally disordered offenders or drug offenders as out-patients under a guardianship order in the case of persons of any age (Hampton 268-366, 427), a probation order in the case of persons over 17 (Hampton 272, 366) and a supervision order in the case of persons under 17 (Hampton 421)

- F 1. internement (administratif) FR: dr.adm.: mesure de sûreté prise à l'égard d'une personne considérée dangereuse pour l'ordre public; Dalloz Dr.pén. sect.424, Guillien, Dalloz liberté individuelle sect. 12, Ord. ...7.10.1958; E/CN.4/Sub.2/1985/WG.1/WP.5
2. réclusion criminelle
3. internement FR: dr.adm., pén.: mesure de sûreté prise à l'égard d'un aliéné (Dalloz Dr. pén, sect. 422, Guillien), mesure éducative prise à l'égard d'un mineur délinquant (Dalloz Crim. p. 646, syn. d'internat)
- F internat (Dalloz Crim. pp. 630-642)
= internamiento 3.
- F international
v. doctrine internationale
- E International Association of Criminal Law Is it still in existence?

F
S
- E International Association of Democratic Lawyers

F
S
- E International Association of Legal Science

F
S
- E International Bar Association

F
S
- E International Bill of Human Rights HRC

F Charte internationale des droits de l'homme
S Carta Internacional de Derechos Humanos

- E International Commission of Jurists
- F
S Comisión Internacional de Juristas
- E International Convention for the Pacific Settlement of International Disputes The Hague, 1899; CTS 187
- F
S
- E International Convention on the Elimination of All Forms of Racial Discrimination HRC
- F Convention internationale sur l'élimination de toutes les formes de discrimination raciale
S Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial
- E International Convention on the Suppression and Punishment of the Crime of Apartheid HRC
- F Convention internationale sur l'élimination et la répression du crime d'apartheid
S Convención Internacional sobre la Represión y el Castigo del Crimen de Apartheid
- E International Court of Justice Chapter 7, 92-96
- F Cour internationale de Justice
S Corte Internacional de Justicia
- E International Covenant on Civil and Political Rights HRC; A/RES/2200 A (XXI)
- F Pacte international relatif aux droits civils et politiques
S Pacto Internacional de Derechos Civiles y Políticos

- E International Covenant on Economic, Social and Cultural Rights HRC; A/RES/2200 A (XXI)
- F Pacte international relatif aux droits économiques, sociaux et culturels
- S Pacto Internacional de Derechos Económicos, Sociales y Culturales
- E International Covenant on Human Rights Name formerly given to the International Covenants on Human Rights
- F
- S
- E International Covenants on Human Rights Name sometimes used to describe the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights
- F
- S
- E International Institute for the Unification of Private Law
- F
- S
- E International Institute of Human Rights
- F
- S
- F internationaliste
- E international jurist
- publicist* - commentator*
- internationalist*
- S internacionalista
- E International Law Association
- F
- S
- *Terms which are ambiguous because they have a different meaning in a non-legal context

- E International Law Commission
- F Commission du droit international
 - S Comisión de Derecho Internacional
- E International Military Tribunal for the Far East Also called Tokyo Tribunal
- F
 - S
- E international offence IL A/CN.4/SR.1642, para. 25, YB 1980 I p. 308; ? 1980 DA
- F
 - S
- E International Peace Conference The Hague, 1899; also called First International Peace Conference, The Hague Peace Conference of 1899
- F
 - S
- F interne
v. droit interne
épuiement des recours internes
- F internement = internamiento 1., 3.
- F internement administratif
= internamiento 1.
- F internement administratif sans chef d'inculpation ou jugement E/CN.4/Sub.2/1985/WG.1/WP.5
- E administrative detention without charge or trial E/CN.4/Sub.2/1985/WG.1/WP.5
 - S detención administrativa sin acusación o juicio E/CN.4/Sub.2/1985/WG.1/WP.5
- S interno
- E inmate e.g. of a correctional institution
 - F
- F interpellation
- 1. (FR: dr.const.) Capitant, Guillien
 - 2. (FR: dr.civ.) CC 2249-2250
 - 3. (proc. civ., pén.: FR) CPP 331 comm. 1, CPCN 214
action d'interroger

- E 1. parliamentary question
2. demand
3. questioning - interrogation
- examination - arrest -
holding
- S 1. interpelación (parlamentaria)
2.
3.

In matters of prescription
For the distinction between
these terms see E note to
interpeller

F interpeller (FR, GE, RW)

Proc. civ., pén.

- E to question/interrogate/
examine - to detain/hold

In crim. proc. interpeller,
when used to describe action
by the police, can mean
(i) to stop a person and
question him (EN compare stop
and search powers, Police and
Criminal Evidence Act 1984, 1)
or (ii) to take a person to the
police station and question him,
i.e. to detain him (without a
warrant), to hold him.

The meaning should be
clear from the context,
e.g. DOUZE INTERPELLATIONS ...
12 personnes sont impliquées,
dont deux sont arrêtées,
TWELVE HELD ... 12 persons are
involved, 2 of whom are under
arrest; la police a arrêté
hier X ... qui a été
interpellé pour avoir tenté
de ..., yesterday the police
arrested X... who is being
held in connection with an
attempt to...; interpellé
dans la rue, X a été conduit
au commissariat, X was
stopped and questioned in the
street, and then taken to the
police station

Note that police officers
question persons in the
street, interrogate suspects
and question other persons at
a police station; judges
question witnesses in court,
lawyers examine them; in
civil-law countries examining
magistrates and their judges
examine parties, e.g. the
accused in court

S interrogar - detener

E interpleader (EN)

Civ. proc.: Osborn;
distinguish from impleader

F
S

S interponer denuncias

E to bring charges
F porter/déposer plainte

S interrogar = interroger

F interrogatoire (FR)

v. procès-verbal d'interrogatoire

1. (proc. civ., pén.) mode
d'instruire ou d'enquêter sur
une affaire par voie de
questions posées (i) par le
juge aux parties en proc. civ.,
par le juge à l'inculpé, au
prévenu ou à l'accusé en
proc. pén., (ii) par la police
au suspect ou à toute autre
personne en proc. pén.

Capitant I; CPCN 189 et s.,
CPP 62, 64, 114 et s.,
272 et s., 328, 442, 536;
Dalloz comparution personnelle
et interrogatoire, instruction
à l'audience sect. 41,
instruction préparatoire
sects. 48 et s., preuve
sect. 45

2. (proc. civ., pén.) procès-
verbal relatant les questions
ainsi posées et les réponses
données, syn. en proc. pén.
procès-verbal d'interrogatoire

Capitant II; CPCN 194-195,
CPP 62, 64, 114, 121; Black

E 1. examination* -
interrogation**
- questioning***

* By an examining magistrate
or trial judge
** By the police of a suspect
*** By the police of someone
who is not a suspect

2. (record of) statement

NOT interrogatories, which in
EN, US has the much more
restricted meaning of a
document used in civil
proceedings that sets forth
questions put by one party to
be answered on oath by the
other; NOT deposition, which
applies to a statement made
on oath by a witness to a
magistrate

S 1. interrogatorio
2.

BO CPP 131, UY CPP 126

S interrogatorio = interrogatoire

F interroger

E to question/interrogate/
examine

S interrogar

For the distinction between
these terms see E note to
interpeller

F interruption (FR)

E interruption
S interrupción

EGLAT prescription

Of prescription; SC ...

E intertemporal law

F
S

ICJ Reports 1975, p. 168;
SR comm. to da (?18), 1976

F intervenant

1. (FR: proc. civ., adm.; CJEC)
tiers qui intervient
volontairement ou
involontairement dans un
procès déjà ouvert

2. (FR: dr. com.; GCBE) tiers
qui intervient pour accepter
ou payer une lettre de change
restée en souffrance

FR CPCN 66, 169, 325-338;
CJECRP 93

FR CCOM 166, GCBE 55

E 1. added party* - intervenor**
- party joined -
intervenient***

Translate as intervener
(EN, US) if the third party
has joined in the action
voluntarily and as party
joined if he has been
compelled to do so. If in
doubt, translate as added
party; note 19.

*LK CCP 18; EN RSC

0.15, r.6(2)

**CJECRP 93

***MU

2. person intervening

GCBE 55; if he is
intervening to accept the bill,
he is called in EN acceptor
for honour (GCBE 58 acceptor
by intervention); if he is
intervening to pay it, he is
called in EN payer for honour
(GCBE 63 person paying by
intervention)

- S 1. interventor - ?tercerista*
- ? coadyuvante** CL tercero interventor
(Anabalón pp. 72-73)
* PA
** CL CPC 23
2. interventor* -
interviniente** * GCBE 55
** CL CCOM 741
- S intervención
1. (proc. civ.) = F intervention 1.
2. (der.com.) = F intervention 2.
3. (política) UY: v. nota en Comisión
Interventora
- E 1. = F intervention 1.
2. = F intervention 2.
3. take-over (by the
government)
- F 1. = F intervention 1.
2. = F intervention 2.
3. prise de contrôle (par le
gouvernement)
- S intervenido (UY) v. nota en Comisión
Interventora
- E government-controlled
F contrôlé par le gouvernement
- F intervenir
1. (FR proc. civ., adm.; CJEC) CJEEC St. 37
prendre part volontairement
à un procès déjà ouvert
2. (FR dr. com.; GCBE) fait FR CCOM 166, GCBE 55
d'un tiers d'accepter ou de
payer une lettre de change
restée en souffrance
- E 1. to intervene In judicial proceedings
voluntarily, also called
to join in the action,
to join in the proceedings;
CJEC: CJEEC St. 37; note 19
GCBE 55; EN called to accept
for honour or to pay for
honour, as the case may be;
see E note to intervenant 2.
- S 1. intervenir
2. intervenir GCBE 55, CL CCOM 740

S intervenir

1. (proc. civ.) = F intervenir 1.
2. (der. com.) = F intervenir 2.
3. (AR) de un juez, en una causa
4. politicamente (verbo transitivo)

- E
1. = F intervenir 1.
 2. = F intervenir 2.
 3. to try* - to hear**
 4. to take over/control of

* A case

** A case, an application

- F
1. = F intervenir 1.
 2. = F intervenir 2.
 3. connaître
 4. prendre le contrôle de

D'une affaire

F intervention

- v. demande en intervention
requête en intervention

1. (FR proc. civ., pén., adm.; CJEC) introduction volontaire ou forcée d'un tiers dans un procès déjà ouvert

CPCN 63, 66, 169, 325-338, 554-555, CPP 87, 388.1, 418, 698.2, CTA R. 153-154; Dalloz; Guillien; Dalloz Proc. civ. pp. 258-259, 376-378, 806-810, 966-971, 1079-1082, Dalloz Proc. pén. (12° édition) sects. 191-197, 227; CJEC: CJECSC St. 34, CJEEC St. 37 FR CCOM 166, GCBE 55 COPSM 2(9)

2. (FR dr. com., GCBE)
3. politique

- E
1. addition of/adding a party/parties* - intervention**

FR: F intervention is the step taken in an existing lawsuit either by one or more persons who wish to join in it (intervention volontaire) or against one or more persons who are compelled to do so (intervention forcée); translate as intervention (EN, US; syn. voluntary intervention) if the intervention is voluntary and as compulsory intervention (syn. EN third-party procedure, US third-party practice, impleader) if it is compulsory; if in doubt translate as addition of a party/parties; NOT interpleader; note 19
* LK CCP 18; EN RSC 0.15, r.6(2), Langan 144
** CJEC

2. intervention (for honour) GCBE 55. Translate as acceptance for honour (GCBE 56 acceptance by intervention) or payment for honour (GCBE 62 payment by intervention), as the case may be, if this is clear from the context
3. intervention* - interference** * COPS M 2(9)
** A/CN.4/387
- S 1. intervención CL CPC 21-24; Anabalón p. 73
2. intervención CL CCOM 738, GCBE 55
3. intervención COPS M 2(9)
- F intervention forcée (FR) Proc. civ.: CPCN 325-327, 331-338; proc. pén.: CPP 388.1
- E compulsory/enforced intervention Also called EN third party procedure, US third-party practice, impleader; NOT interpleader; note 19
- S intervención forzada CL CPC 21; Anabalón p. 73
- F intervention par voie d'avis (BE, FR)
- E amicus curiae appearance Of the ministère public as partie jointe; Access II/2...; see note to partie jointe
- S
- F intervention volontaire (FR) Proc. civ., pén., adm.: CPCN 325-330, CPP 87, 388.1, 418, 698.2, CTA R.153-154
- E voluntary intervention EN, US, SC CCP 117 intervention; NOT impleader, interpleader; note 19
- S intervención voluntaria CL CPC 22-24; Anabalón p. 73
- S interventor
- v. tercero interventor
1. (proc. civ.) = intervenant 1.
2. (der. com.) = intervenant 2.
3. (político)
- v. nota en Comisión Interventora
- E 1. = intervenant 1.
2. = intervenant 2.
3. (government) nominee
- F 1. = intervenant 1.
2. = intervenant 2.
3. contrôleur-délégué (du gouvernement)

- S interventora (UY) v. nota en Comisión Interventora
- E (government) nominee body
F organe gouvernemental de contrôle
- S interviniente = intervenant 2.
- E in the face of the court
= in facie curiae
- S intimado
- E (person) served With writ, summons, notice, warrant, etc.
F personne requise
- F intimé (CA, FR) FR proc. civ., pén.: CPCN 901
- E respondent CA, FR: person against whom an appeal is brought, a petition (e.g. for divorce) filed or an application (e.g. for judicial review) made; Curzon, Martin, Odgers 340; note 3
- S
- F intimer (FR) Proc. civ., pén.: CPCN 547
- E to cite as respondent(s) In an appeal to an appeal court
- S
- F introductif
v. acte introductif d'instance
demande introductive d'instance
exploit introductif d'instance
requête introductive d'instance
- F introduire
- E to lodge* - to file* - to utter** * A claim, appeal, etc.
** Coin
- S
- S invalidar CL CC 678
- E to invalidate For usage and alternatives see note 15
- F invalider - entacher
- F invalider = invalidar

- S Investigaciones (CL)
v. Departamento de Investigaciones
Policía de Investigaciones del
Perú
Servicio de Investigaciones
- 1980 Const. 90; forma
abreviada de referirse al
Servicio de Investigaciones,
que es el nombre de la
policía civil; Investigaciones
y Carabineros forman las
Fuerzas de Orden y Seguridad
Pública
- E Police Department
F (Services de) la Sûreté
- A plain-clothes police body
Peut parfois se rendre par
services de police
- S investigación previa
- E preliminary investigation
F information
- S investigación sumaria (CO)
- Llamada mas frecuentemente
sumario
- E pre-trial proceedings
F instruction (préparatoire)
- S invocar el derecho de Habeas Corpus
(CO)
- CPP 417
- E to exercise the remedy of
habeas corpus
F invoquer le droit
d'habeas corpus
- F involontaire
v. fausses représentations
involontaires
patient involontaire
- E unintentional - innocent
S
- F invoquer
v. borner, se
- E to invoke* - to plead** -
to adduce**
- * e.g. a fact (VCLT 46),
error (VCLT 48), fraud
(VCLT 49), corruption
(VCLT 50), the international
responsibility of a State,
the benefits of a treaty, etc.
** e.g. a fact, the benefits
of a treaty
- S invocar

- F invoquer l'invalidité d'un traité
- E to impeach the validity of a treaty
 - S invocar la nulidad de un tratado
- F invoquer la nullité d'un traité
= invoquer l'invalidité d'un traité
- L ipso jure
- E ipso jure - by (mere) operation of law
 - F
 - S ipso jure - por ministerio de la ley
- F irrecevable
- E inadmissible*
- unsustainable**
 - S inadmisible
- COV Optional Protocol 3
- * e.g. of an application, claim, item of evidence;
COV Optional Protocol 3
** e.g. of an argument
COV Optional Protocol 3
- F irrecevabilité
v. opposer l'irrecevabilité ...
- S irrespetuosidad (UY)
- E disrespect
 - F disrespect
- CPM 38: en la justicia militar
- F irresponsabilité (FR)
v. cause d'irresponsabilité
- E exemption/immunity from criminal responsibility/liability - absence of criminal responsibility/
 - S exención de responsabilidad
- Dr. pén.: Dalloz
responsabilité pénale
sect. 4; CP 64, 327-328,
CPP 625
- e.g. on grounds of insanity, tender age, self-defence, etc.;
see cause d'irresponsabilité,
E note to responsabilité pénale and note 2
CL CP 10, ES CP 8
- S irrevocablement (CL)
- E irrevocably
 - F d'une manière irrévocable
- CC 633

E Island of Palmas case

F
S

E issue estoppel

Walker EN 567-568, Hampton
196-198, Archbold 4-107

F
S

E issue out of ... (EN)

e.g. a writ was issued
out of the High Court

F ? émaner de ...
S emanar de ...

F italiques ajoutés

E emphasis added/supplied
S

J

- S J (CL) Inicial que individualiza a los miembros de la rama Judicial de las FF.AA. y de Orden y que en escritos señalan entre paréntesis después de su grado
- E (Judicial)
F (Justice)
- F JAA (CH)
= Jurisprudence des autorités administratives de la Confédération
- F JAAC (CH)
= Jurisprudence des autorités administratives de la Confédération
- S jefatura
- E headquarters e.g. Jefatura de la DINA,
DINA headquarters
- F commandement
- S Jefe de la DINA
- E Head of DINA
F Chef de la DINA
- S jerarquía
v. con la jerarquía más alta
- E rank - status Of a rule of law
F
- S jerarquía constitucional (PE) Const. 105
- E constitutional rank/status e.g. los preceptos contenidos en X tienen jerarquía constitucional,
the rules (contained) in X rank as constitutional rules
- F rang (de disposition) constitutionnel (1e)
- F jeune adulte (CH, FR) Dr. pén.: CH: individu âgé de 18 ans ou plus mais de moins de 25 ans,
CP 100-100 ter; FR Guillien

E young adult
S menor adulto
S JM (UY) = Justicia Militar
F J.O. = Journal Officiel
E join (EN)

EN juvenile adult, but the age limits for this are narrower; note 10
CL CC 342

In regard to parties to judicial proceedings, a party is joined in the action if he is compelled to become a party to it, joins another party if he compels that other party to do so (i.e. join is used here as a transitive verb), joins in the action if he becomes a party to it voluntarily; in regard to causes of action a party can join more than one cause of action on one writ

F
S

E joinder

The following kinds of joinder exist:

A. Civil procedure

(i) joinder of causes of action, EN Odgers 31-37, 165-166, RSC 0.15, r.1; syn. US joinder of claims, FRCP 18;

(ii) joinder of remedies, meaning the combining of different kinds of claim, US FRCP 18;

(iii) joinder of parties, EN Langan 138-140, US FRCP ..; note 19;

(iv) joinder of actions, US FRCP 18 comm.; syn. EN consolidation of actions, Odgers 256, RSC 0.4, r.9 0.15, r.5, CCR 0.17, r.1, consolidation of proceedings;

(v) joinder of issue (NOT of issues), EN Langan 88-89. Black, Martin: joinder..., consolidation of actions.

B. Criminal procedure

(vi) joinder of offences, EN Archbold 1-75 to 1-82, Walker EN 468-473, Hampton 158-164, syn. joinder of charges, US FRCRP 8;

(vii) joinder of defendants, EN Archbold 1-70 to 1-74, Walker EN 468-473, Hampton 164-170, US FRCRP 8; note 19. Black, Martin: joinder

F
S

F joindre au fond les questions préliminaires

CIJ

E to join the preliminary issues to the merits

ICJ

S

E joint

Note 12

F conjoint - comun

S conjunto - mancomunado - común

E joint stock company

QU CC 371

F compagnie à fonds social

QU CC 371

S

F jonction

E joinder* - consolidation

For the distinction between these terms see the examples given below

* ICJ: of preliminary issues to merits

S

F	jonction de causes	Capitant
	1. (proc. civ.) jonction d'instances	FR; Cornu <u>jonction</u>
	2. (proc. civ.) jonction de demandes	
	3. (proc. pén.) jonction des procédures	
E	1. consolidation of actions	v. <u>joinder</u>
	2. joinder of causes of action	v. <u>joinder</u>
	3. consolidation of proceedings	v. <u>joinder</u>
S	1.	
	2.	
	3.	
F	jonction des procédures (FR)	Proc. pén.: Dalloz Proc. pén. p. 409
E	consolidation of proceedings	v. <u>joinder</u>
S		
F	jonction d'instance = jonction d'instances	
F	jonction d'instances (FR)	Proc. civ.: CPCN 367; Guillien; Cornu <u>jonction</u>
E	consolidation of actions	v. <u>joinder</u>
S		
F	jouissance v. action de jouissance	
E	realization* - exercise - enjoyment	Of rights * In human rights terminology
S		
F	jouissance légale (BE, FR)	BE CC 382, FR <u>ibid.</u> ,
E	legal*/statutory usufruct - usufruct by operation of law	Use <u>statutory</u> where it seems appropriate to emphasize that the usufruct in question exists under enacted law; note 6 * Black
S		

F jour-amende (FR)

? Dr. pén.: Loi 10.6.1983

E daily fine

S

F Journal Officiel

1. (BJ, CF, CG, CI, CM, DJ, DZ, FR, GA, GN, KM, MG, NE, SN, TD) publication officielle destinée à assurer la publicité des lois, etc.

FR Const. 11, 33; Barrillon 211, Guillien

2. (VU) publication officielle destinée à assurer la publicité des lois, etc.

3. (European Communities) publication officielle diffusant les textes et documents des Communautés européennes à l'intérieur des Etats membres

E 1. (leave in French and underline)

2. Gazette

3. Official Journal

S 1.

2.

3.

F jour de fête légal = fête légale

E judge = magistrate 2.

E judgement

v. consent decrees and litigated judgements

consent judgement

default judgement

final judgement

litigated judgement

EN, US, ICJ, CJEC, ECHR spelt judgment when used in the legal sense; a judgement is given (syn. pronounced, delivered, handed down and esp. in crim. proc. passed); Black judgment, OCL judgment, Odgers 303 n. 79

1. (EN: civ. and crim. proc.) process of adjudicating a dispute

EN: judgement is the generic term for this process in civil proceedings (the latter term includes judicial proceedings dealing with administrative law) and criminal proceedings

2. (EN: civ. and crim. proc.)
judicial decision which
determines the main question
or questions at issue between
the parties (Jowitt)
- EN: Such a decision is
called:
- (a) In civil proceedings,
judgement (syn. decree in
a matrimonial cause)
if the proceeding in which
it is given is an action,
order if it is not.
Every such decision is
final if it puts an end to
the proceedings, as in most
cases, interlocutory if
it does not, e.g. where
damages are awarded
(technically, adjudged) but
their amount remains to be
assessed. Judgement was the
name formerly given to the
final decision in a common
law action, as opposed to a
decree in a suit in equity,
but it now includes decree.
The term is also used for
the judicial decisions of
the House of Lords. Note 3.
- (b) In criminal proceedings,
sentence if it is given on
conviction, except in a
juvenile court, where it is
called an order (and the
conviction is called a
finding of guilt). Note 1.
- Jowitt, OCL; Halsbury 26,
para. 501, 37, para. 526; White
Book 42/1/7; Supreme Court Act
1981, 151(1).
- If the court consists of more
than one judge, each may give
such a judgement, but there
will only be one judgement of
the court
- Statute 56
CJENF 25, a provision adopted
in EN (Civil Jurisdiction and
Judgments Act 1982, 50) and
defining "judgment" as "any
judgment or order by whatever
name called ... in civil
proceedings"
3. (EN) statement of reasons
given by a judge for reaching
his decision (Jowitt)
4. (ICJ) decision of the Court
5. (European Economic Community)
a "judgment"
as broadly defined for
the purposes of civil
and commercial juris-
diction and enforcement
within the community

- F 1. jugement
2. arrêt* - jugement**
- décision***

* BE, FR: d'une cour et (FR) du Conseil d'Etat et du Tribunal des conflits: v. arrêt

** BE, FR: d'un tribunal, v. jugement 2., mais pas pour le Tribunal des conflits
*** FR: du Conseil Constitutionnel et aussi, strictement (v. arrêt), du Conseil d'Etat

3.
4. arrêt
5. décision

Statut 56
CJENF 25

- S 1.
2.
3.
4. fallo
5.

Estatuto 56

E judgement by default
= default judgement

E judgement in default (Langan 59)
= default judgement

E judgement in personam

Judgement determining the rights of persons inter se in or to any money or other property in dispute (OCL, but see Lawson 15-16 and chap. 6 as to money judgements which are not in personam); syn. judgement inter partes; Black; see sentencia de condena 1. and note 3
Quemmer

F arrêt/jugement opposable
à quiconque

S

E judgement in rem

Judgement determining the status of a person or thing (OCL, and see Lawson 15-16 and chap. 6 as to money judgements which operate in rem); see jugement constitutif and note 3

- F arrêt/jugement opposable à une personne ou personnes déterminées
S
- Quemmer
- E judgement inter partes (Black judgment in personam) = judgement in personam
- E judgement of conviction (US FRCRP 32(b)(1)) = E sentence
- E judgment (EN, US, ICJ) = judgement
- F judiciaire
v. acte judiciaire
administrateur judiciaire
agent de la police judiciaire
agent de police judiciaire
agent judiciaire
Agent judiciaire du Trésor public
aide judiciaire
arrondissement judiciaire
assistance judiciaire
autorité judiciaire
autorités judiciaires
canton judiciaire
casier judiciaire
Code de l'organisation et de la compétence judiciaires
Code de l'organisation judiciaire
Code judiciaire
conseil judiciaire
contrat judiciaire
contrôle judiciaire
corps judiciaire
curateur par voie judiciaire
décision judiciaire
expert judiciaire
extrajudiciaire
fonction judiciaire
frais et dépens judiciaires
hypothèque judiciaire
inspecteur de police judiciaire
instance judiciaire

instances judiciaires et arbitrales
internationales
interdiction judiciaire
juridiction de l'ordre administratif
ou judiciaire
juridiction de l'ordre judiciaire
juridiction judiciaire
liquidateur judiciaire
Loi fédérale d'organisation judiciaire
magistrat de l'ordre judiciaire
magistrat du corps judiciaire
magistrat du pouvoir judiciaire
mesure d'administration judiciaire
officier de la police judiciaire
officier de police judiciaire
officier judiciaire
organisation judiciaire
personnel judiciaire
pièce judiciaire
police judiciaire
poursuites judiciaires
pouvoir judiciaire
protection judiciaire
règlement judiciaire
sentence judiciaire
séparation de biens judiciaire
transaction judiciaire
tribunal de l'ordre judiciaire
tribunal judiciaire

E judicial

Distinguish from juridique and do not translate as legal except in standard phrases like legal aid (assistance judiciaire); for alternatives see note 6

S judicial

E judicial

1. lato sensu, relating to the administration of justice
2. stricto sensu, relating to adjudication, i.e. the determination of issues

F. 1.

2.

S 1. judicial

2.

S judicial = judiciaire
v. actuación judicial
asistencia judicial
auxilio judicial
circunscripción judicial
Código Judicial
costas judiciales
decreto judicial
defensor judicial
detención judicial
disposición judicial
Ley de Organización del
Sistema Judicial
Ley de Organización Judicial
Ley Orgánica del Consejo ...
Ley Orgánica del Organismo ...
Ley Orgánica del Poder Judicial
poder general judicial
poder judicial
policía judicial ...
policía técnica judicial
poner a disposición judicial
por disposición judicial
providencia judicial
resolución judicial
sentencia judicial

E judicial abstention rule

US: rule that the
judiciary must exercise
restraint, i.e. not
decide issues involving, for
example, foreign States;
equivalent to EN rule of
non-justiciable issues

F
S

E judicial custody (IN)
= ? remand in custody

E judicial decision

EN: judicial decisions
are divided into judgements
and orders (RSC O. 42);
see E order 2. and E note
to judgement 2(i).

F
S

E judicial function

A broader term than adjudicatory function since it includes, for example, the function of a public prosecutor (A/CN.4/SR.1749, Mr. Ni); judicial is therefore used here lato sensu

F
S

E judicial officer

Note 4

1. lato sensu, a public officer possessing judicial authority
2. stricto sensu, an officer of the above kind who determines issues, i.e. a judge or magistrate

Approximately the equivalent of officer of justice 1.

SC CPC 2; SCO

- F
1. ? magistrat de l'ordre judiciaire
 2. magistrat du siège - juge*

NOT auxiliaire de la justice, officier ministériel

* Ce mot utilisé lato sensu

- S
- 1.
 - 2.

E judicial remand (IN)
= ? remand in custody

E judicial remedy

1. A means of enforcing a right, or of preventing, redressing or compensating its violation, through recourse to a court
2. A means of obtaining redress against an administrative or judicial decision through recourse to a court

As opposed to remedy by act of the party injured (e.g. distress, self-defence, entry), remedy by operation of law and remedy by agreement between the parties (e.g. accord and satisfaction)

- F
1. ? recours judiciaire
 2. voie de recours
- S
- 1.
 - 2.

E judicial restraint (EN, US)

Restraint by a court in exercising jurisdiction, i.e. its refusal to decide issues involving, for example, foreign States

F
S

E judicial restraint rule (US)
= judicial abstention rule

E judicial review (EN, US)
v. application for judicial review

Review by a court of legislative, administrative or judicial acts and, in particular:

- (i) by the US Supreme Court of the constitutionality of Acts of Congress and State legislatures (OCL judicial review);
- (ii) by superior courts in US and the High Court in EN of delegated legislation and other administrative acts (US: See OCL USA law: the judicial system; EN: see Odgers Construction 423-427, Martin, Ingman 228-258, RSC 0.53, OCL judicial review of administrative action);
- (iii) by superior courts in US and the High Court in EN of judicial and quasi-judicial acts, including arbitration awards (EN: Halsbury 37, paras. 567-583, Martin, Ingman 228-258, Langan 281-284, Hampton 62-64, 383-384, Lawson 177-179, 225-227, 250-254, James 145-147, Arbitration Act 1979, 1, RSC 0.53.

In EN the relief available through the remedy of judicial review can take the form of any of the following: one of the prerogative orders - certiorari, mandamus or prohibition - an injunction or a declaration. In EN the combination of the judicial review powers of the High Court in matters of public law and the functions of the Parliamentary Commissioner for Administration (the Ombudsman) and other statutory bodies is approximately the equivalent of the machinery of administrative jurisdiction in FR. Note 7.

F
S

judicial settlement (IL)
= E adjudication

E judiciary

Note 4

1. (lato sensu) also called Judiciary, (const. law) Judicial Power: branch of government, system of courts, the body of judicial officials (using this term in its broad sense) as a whole
2. (stricto sensu) those judicial officials who determine issues, i.e. judges

e.g. US Judiciary Acts,
EN, SCO; Black

EN, SCO; OCL, Black

F 1. pouvoir judiciaire
- autorité judiciaire*

FR Guillien judiciaire (pouvoir),
BE Const. 30, 92-107, GE
Const. 130-135, LOJ 1
* FR Const. 64-66

2. ? magistrats du siège
- ? juges*
- ? corps judiciaire
- ? magistrature

* Ce mot utilisé lato sensu

S 1. poder judicial
- Poder Judicial
2. magistratura

CL COT 1-13, 1980 Const.
73-80, ES Const. 117-127

S jueces comunes (NI Dec. 185/79, 16)
= juez común

- S jueces y magistrados (ES) Const. 122(3), 127
- E judges and magistrates
- judiciary* See juez 2. and magistrado 3.
F * Used stricto sensu
- S jueces y tribunales
= cours et tribunaux
- S juego
v. juegos de envite y azar
- S juego de azar (CL) CC 2249
- E game of chance
F jeu de hasard
- S juegos de envite y azar
- E games of wager and chance
F jeux de hasard
- S juez
v. derecho al juez ordinario
jueces ...
1. (lato sensu) todo miembro
integrante del poder judicial
y encargado de juzgar, sin.
de magistrado 2. Ossorio; CL COT 13,244,
1980 Const. 74-75
2. (stricto sensu) lo mismo
cuando actúa unipersonalmente,
y por eso a nivel inferior,
por oposición al magistrado 3.
o al ministro 2. Ossorio, Escriche, ES Const.
117-127, LEC 194, LECR 52
MX LOT 16-17, CPCDF 170
- E. 1. judge - magistrate* -
member of the judiciary
- court Judge, magistrate and
justice are generic terms
for a judicial officer
(stricto sensu) of any level.
The standard generic term in
EN and US is judge; for
specific usage in EN see note 4.
The various English terms,
like their French and Spanish
counterparts, can be used to
denote both the officer and
the institution, which he
personifies, i.e. the court.
However, when terms such as
juez and juge are used in the
latter sense, the corresponding
usage in EN is to speak of court
rather than judge or magistrate.
* Used here stricto sensu

2. judge	Translate as <u>single judge</u> if it is necessary to emphasize the fact that he acts alone
F 1. juge	
2. ? juge - ? juge unique	
S juez actuante	
E officiating judge	The judge hearing the case
F juge chargé de l'affaire	
S juez ambulante (CO)	
E circuit judge	EN
F jurisdiction/juge itinérant	
S juez común (NI)	Dec. 185/79, 16
E court of general jurisdiction	Sometimes called <u>ordinary court</u>
F	
S juez de conciencia (CO CPP 521) = juez de hecho	
S juez de derecho (CO)	CPP 519 comm.
E judge	i.e. the judge of the law, as opposed to <u>juez de hecho</u> ; Walker EN 540
F	
S juez de hecho (CO)	CPP 520
E juror	i.e. the judge of the facts, as opposed to <u>juez de derecho</u> ; Walker EN 540
F juré	
S juez de instrucción	
E examining magistrate	
F juge d'instruction	
S juez del crimen (CL)	
E criminal judge	
F	
S juez de letras (CL COT 250, 252) = juez letrado	

- S juez de peligrosidad y rehabilitación social (ES)
E social welfare magistrate For juveniles; ? obs.
F
- S juez de prevención (CL) CPP 7
E judge assuming jurisdiction
F première juridiction saisie
- S juez de primera instancia en lo penal (VE) Const., fifth transitional provision
E criminal court of first instance
F
- S juez ... de primer turno El turno es el orden establecido para el conocimiento de las nuevas causas cuando existen dos o más tribunales que tienen competencia y territorio jurisdiccional comunes
E first rota ... court i.e. the court which is first on the rota to hear the case; Jowitt rota
F
- S juez ... de segundo turno Véase nota a juez ... de primer turno
E second rota ... court See note to juez ... de primer turno
F
- S juez de sentencia (AR)
E trial judge/court
F juge (de la juridiction) de jugement
- S juez ... de tercer turno Véase nota a juez ... de primer turno
E third rota ... court See note to juez ... de primer turno
F

- S juez de turno E/CN.4/Sub.2/R.41/Add.11
v. juez ... de primer turno
juez ... de segundo turno
juez ... de tercer turno
- E rota court - sitting judge
- duty magistrate See E and S notes to
juez ... de primer turno
and E note to juez 1.
- F
- S juez ejecutor (NI) Dec. 232/80,6.; en el
derecho de amparo, la
persona, no necesariamente
juez letrado, encargada de
hacer cumplir el decreto de
exhibición, esto es,
entrevistar al amparado
(favorecido o agraviado),
con facultades incluso para
ponerlo en libertad bajo
fianza
- E executing officer Relates to the writ of
habeas corpus
- F juge de l'exécution
- S juez instructor (UY CPP 14)
= juez de instrucción
- S juez letrado (CL) 1980 Const. 75, 78
- E professional judge i.e. one who is professionally
qualified; unless this
distinction needs to be made,
can be translated as judge
- F
- S juez letrado de primera instancia
en lo penal (UY) CPP 357F
- E criminal judge of first
instance
- F
- S juez militar
- E military judge
F juge militaire

- S juez militar de instrucción
E military examining magistrate
F juge d'instruction militaire
- S juez mixto
E court of combined jurisdiction
F
- S juez ordinario (ES)
v. derecho al juez ordinario
E ordinary court
F
Const. 24(2)
i.e. a court of general, not limited, jurisdiction; see note to jurisdiction de droit commun
- S juez promiscuo (CO)
E justice of the peace
F juridiction mixte
CPP 31, 48, 79, 417
Exercising mixed, i.e. civil and criminal, jurisdiction
Compétente en matières civile et pénale
- S juez singular (CO) = juge unique
- S juez sumariante (UY)
E examining magistrate
F magistrat instructeur - juge d'instruction
Jurisdicción militar
- F juge (BE, FR, CJEC, ICJ)
v. demande en règlement de juges
premier juge ...
règlement de juges
règlement des juges
Guillien; note 4
1. (lato sensu BE, FR, GE)
magistrat de l'ordre judiciaire, syn. de magistrat 2.
BE CJ 6, Const. 100, 103,
FR CC 5, GE Const. 133, LOJ 2
 2. (stricto sensu BE, FR)
magistrat de l'ordre judiciaire nommé à une juridiction appelée tribunal, par opposition au conseiller
BE Const. 99, CJ 189; FR COJ L. 311.8, L. 321.1, R. 411.1
 3. (CJEC, ICJ)
CJECECSC St.2, CJEEC St.2,
CIJ Statut 23 et seq.

- E 1. judge - magistrate* - member of the judiciary - court
2. judge
3. judge
- S 1. juez
2.
3. magistrado
- F juge administratif (FR)
- E administrative courts
S
- F juge aux affaires matrimoniales (FR)
- E matrimonial causes judge
S
- F juge - commissaire (FR)
- E supervising judge
S
- See E note to juez 1. and note 4
* Used here stricto sensu
- BE: of a court of first instance, labour court or commercial court; FR: of a court of minor jurisdiction, court of major jurisdiction or commercial court; note le Juge Ritchie, Ritchie J. (CA law reports)
* Used here stricto sensu
CJECECSC St.2, CJEEC St.2, ICJ Statute 23 et seq.
- CIJ Estatuto 23 et seq.
- Academic term
- In general
- D'un tribunal de grande instance; CC 247, CPCN 1074, COJ L. 312.1; Dalloz Proc. civ. p. 168
- CC 823, 828, 837, CPCN 225 731, 738, Loi 563 13.7.1967; Dalloz distribution par contribution no. 9, faillite ... no. 28, ordre entre créanciers no. 3 et seq., Dalloz Comm. eff. pp. 295-296, Dalloz Proc. civ. pp. 1011-1012, 1033-1034; Capitant, Guillien; Amos 313-314, 373
- Especialty in a faillite, règlement judiciaire or liquidation des biens; approximately the equivalent of EN bankruptcy registrar in a bankruptcy and the official or other receiver in a bankruptcy or compulsory winding-up

- F juge consulaire (FR) Guillien: nom donné par tradition aux magistrats des tribunaux de commerce
- E commercial judge
S
- F juge d'application
= juge de l'application des peines
- F juge d'application des peines
= juge de l'application des peines
- F juge de droit commun (FR CTA L.3)
= juridiction de droit commun
- F juge de grande instance (FR) Déc. 1277 22.12.1958, 2
- E judge of major jurisdiction
S
- F juge de la mise en état (FR) D'un tribunal de grande instance; CPCN 763 et seq., 817-819, 1074; Dalloz Proc. civ. pp. 599-614
- E pre-trial judge de Vries 200 n.1 pre-hearing judge; EN equivalent to a master or district registrar in the High Court and to a registrar in a county court
- S
- F juge de l'application des peines (FR) D'un tribunal de grande instance; CPCN 709.1, 722
- E visiting magistrate EN obs. visiting justice; NOT prison visitor; Black visiting committee
- S
- F juge délégué aux affaires matrimoniales (FR COJ L. 312.1)
= juge aux affaires matrimoniales
- F juge de l'exécution (FR) D'un tribunal de grande instance; COJ L.311.10-11; Dalloz Proc. civ. p. 167, Cornu

E	enforcement judge	Responsible for the enforcement of judgements, etc. handed down in FR, and for the recognition and enforcement of foreign judgements, etc.
S		
F	juge de l'expropriation (FR)	D'un tribunal de grande instance; COJ L. 222.1, L. 431.1, Déc. 392 28.3.1977, L. 13.1
E	expropriations judge	
S		
F	juge de paix (BE, FR, GE, VD)	BE Const. 99, CJ 59; FR obsolete
E	justice of the peace	In GE and VD his function is conciliatory, not adjudicatory
S	juez de paz	
F	juge de renvoi (FR)	CPCN 86
E	court of referral	i.e. to which a matter is transferred
S		
F	juge des enfants (FR, LU)	FR: d'un tribunal de grande instance (dr. civ. et dr. pén.); COJ L. 531.1, CC 375, CPCN 1181, Ord. 2.2.1945, 8, Ord. 1274 22.12.1958, 5, Loi 4.1.1970; Dalloz Proc. civ. p. 169, de Vries 81; LU C.Eur 87
E	juvenile magistrate	
S	juez de menores	
F	juge des loyers (FR)	D'un tribunal d'instance ou de grande instance; Guillien
E	rent judge	
S		
F	juge des mises en état (FR obsolete) = juge de la mise en état	

- F juge des référés (FR, LU) FR: d'un tribunal d'instance, tribunal de grande instance, tribunal de commerce ou cour d'appel; CC 1244; CPCN 484-492, 808-811, 848-850, 872-873, 956-957, 1074; Guillien; LU C.Eur 87
- E interim relief judge
S See E note to référé
- F juge des tutelles (FR) D'un tribunal d'instance; CC 389.2, 393; CPCN 1062, 1211; COJ R.322.1; responsible for tutelle, curatelle and sauvegarde de justice; Amos 82
- E guardianship magistrate NOT Court of Protection, which in EN deals exclusively with the property of mental patients; in EN this function is exercised by magistrates' courts and the Family Division of the High Court
- S
- F juge de tribunal (BE Const. 99)
= juge 2.
- F juge d'instance (FR) Déc. 1277 22.12.1958, 2
- E judge of minor jurisdiction i.e. of a court of minor jurisdiction
- S
- F juge d'instruction (FR) FR: d'un tribunal de grand instance; CPP 49-51, 79 et seq., COJ L. 611.1; GE: has a panel of such judges separate from the Tribunal de première instance; LOJ 1, 47
- E examining magistrate
S
- F juge directeur
v. secretario de gobierno
- F juge du livre foncier (FR Déc. 1277
22.12.1958, 2: Alsace, Lorraine)
= conservateur des hypothèques
- F juge du siège (FR) = magistrat du siège

F jugement

v. internement administratif sans chef d'inculpation ou jugement

1. (proc. gén.: BE, FR)
processus de juger un litige

2. (proc. gén.: BE, FR, RW)
décision judiciaire: (i) lato sensu toute décision rendue par une juridiction, y compris ses arrêts et ses ordonnances; (ii) stricto sensu décision rendue par toute juridiction qui ne porte pas le nom de "cour", par opposition aux arrêts de ces dernières (à cet effet, le Conseil d'Etat et le Tribunal des conflits sont assimilés à une cour: Dalloz Proc. civ. pp. 681-682, Dr. adm. p. 228)

Capitant I; FR proc. civ., proc. pén.: étape procédurale: partie de la procédure qui (i) lato sensu suit l'instruction en proc. civ. et l'instruction préparatoire en proc. pén.; (ii) stricto sensu suit le délibéré; CPCN 430-499, CPP 355-549, CTA R. 159-186; Dalloz Proc. civ. pp. 526 et seq., Proc. pén. pp. 599-673, Dr. adm. pp. 228-232

Capitant II, III; FR CPCN et seq., CCP 376-380, 462-495, 536, 544-549, Ord. 2.2.1945, 14, CTA R. 170-179, Dalloz Proc. civ. pp. 681-761, Proc. pén. pp. 640-673; BE Const. 30, CJ 19-22, 769-792; RW Const. 89, COJ 57; IACEV 1

- E 1. trial
2. (i) (judicial) decision

Decision means any kind of judicial decision, even one given on a minor point of procedure, and can also be used of an arbitral award. In EN order is sometimes used in the generic sense of judgement 2. (i) but it has a specific meaning as well. A common generic term in the plural is judgements and orders. See the E note to order 2.

- (ii) judgement - sentence
- decree - order - ruling*
- verdict**

For the distinction between the first four terms see the E note to arrêt and the specific examples below; judgement is spelt judgement in EN, US, ICJ, CJEC, ECHR
* IACEV 1, but do not use this translation in other contexts

** In the popular, not the technical sense

- S 1.
2. sentencia - resolución* * IACEV 1
- F jugement attributif (Capitant)
= jugement translatif
- F jugement au fond (CH Habscheid 292)
= jugement sur le fond
- F jugement avant dire droit (FR)
v. jugement définitif avant dire droit
Proc. civ.: CPCN 482-483, Guillien, Cornu, Dalloz Proc. civ. pp. 685-690, Dalloz jugement d'avant dire droit; jugement qui n'est pas définitif
- E interlocutory judgement
A judgement which does not put an end to the proceedings (Black judgment: interlocutory judgment, OCL judgment), as opposed to a final judgement, which does; EN RSC 0.13, r.2, 3, 0.19, r.3, Hampton 61, 82; many judgements avant dire droit would fall under the heading of interlocutory orders in EN CL CPC 158, CPP 43, MX CPCDF 79, UY CPC 75, CPP 88, CPPM 443
- S sentencia interlocutoria
- F jugement avant faire droit (FR Guillien
jugement avant dire droit, Dalloz Proc. civ. p. 686)
= jugement avant dire droit
- F jugement condemnatoire (IACEV 1)
= sentencia de condena l.
- F jugement constitutif (CH, FR)
CH Habscheid 292; FR CAV L.121.8, Dalloz Proc. civ. pp. 129-130, Capitant, Guillien
- E constitutive judgement
Lawson 12-14, 239-240; IECL XVI, 4-29, 4-70 judgement in modification of a legal relationship; Amos 65 n.1; similar to but not identical with EN judgement in rem, which is a judgement binding erga omnes in regard to a thing, person, right or status (Walker EN 565-566; Black OCL: judgment in rem); note 3
- S sentencia constitutiva
Ossorio

jugement contradictoire
v. jugement dit contradictoire
jugement réputé contradictoire

Proc. civ., pén.:
CPCN 467-470, CPP 410;
Guillien, Cornu, Dalloz
Proc. civ. pp. 540, 683, Dalloz
Proc. pén. p. 679; ne pas
confondre avec jugement dit
contradictoire ni avec
jugement réputé contradictoire

E adversary judgement

Term taken from de Vries Galston, translation of CPP p. 70, n. (in preference to de Vries Galston, translation of CPCN, p. 43a, art. 467); a judgement which follows the actual or constructive appearance of both parties, as opposed to a jugement par défaut, default judgement; sometimes called judgement after trial (Simmons, The High Court Practice Manual 130), but this is ambiguous because it can also be used as a synonym for litigated judgement, from which jugement contradictoire must be distinguished; contested judgement is also ambiguous because it could refer to (i) a litigated judgement, (ii) an appealed judgement, (iii) the present kind of judgement; in one sense it is the ordinary kind of judgement, but do not translate as ordinary judgement because this term is imprecise and also because jugement contradictoire must be distinguished from jugement ordinaire; NOT judgement on pleadings, judgement in the presence of both parties; LOU contradictory judgment (Black judgment: contradictory judgment)

S sentencia (dictada tras juicio) contradictorio -
sentencia contradictoria

- F jugement convenu (FR) Dalloz Proc. civ.
pp. 138-139, Guillien
jugement d'expédient
- E consent judgement Judgement which follows an
agreement out of court on the
issue in dispute, as opposed to
a jugement ordinaire, litigated
judgement; US; Black judgment:
consent judgment
- S
- F jugement correctionnel (FR) CPP 547; Dalloz Proc. pén.
p. 702
- E correctional court judgement
- S
- F jugement d'avant dire droit (FR)
= jugement avant dire droit
- F jugement déclaratif (CH, FR) CH Habscheid 291; FR CAV
L.121.8, CPCN 1047,
Capitant, Guillien
- E declaratory judgement Lawson 12-13, 231-238; IECL
XVI, 4-29, 4-83; Amos 65 n.1;
Black; EN Langan 272-273,
Odgers 174-175, Osborn,
RSC 0.15, r.16; note 3
Ossorio
- S sentencia declarativa
- F jugement de condamnation (FR Dalloz
chose jugée sect. 38)
= sentencia de condena 1., 2.
- F jugement de défaut = jugement par défaut
- F jugement de donné acte (FR) Dalloz Proc. civ. pp. 138-140
- E judgement as a matter of
record A judgement which records a
contrat judiciaire, a judicially
recorded settlement out of court;
distinguish from jugement convenu
(syn. jugement d'expédient),
consent judgement
- S

- F jugement définitif (FR)
Proc. civ., pén., adm.:
CPCN 480-481 (où il est
appelé inexactement jugement
sur le fond), Dalloz Proc. civ.
pp. 115, 683-685, Dalloz Dr. adm.
p. 228, Dalloz jugement d'avant
dire droit, sect. 1; les
définitions données par Capitant
(jugement définitif), Guillien
(jugement sur le fond) et Dalloz
(Proc. civ. p. 683) sont inégales
- E final judgement
A judgement which puts an end to
the proceedings (Black judgment:
final judgment, OCL judgment),
as opposed to an interlocutory
judgement, which does not; EN
RSC O.13, r.1, Hampton 59-61, 82;
CA FCA 2
- S sentencia definitiva
CL CPC 158, CPP 43, ES LEC 369,
LECR 141, MX CPCDF 79, UY CPC 75,
CPP 88, CPPM 443
- F jugement définitif avant dire droit
(FR obs.)
Capitant évocation I, terme
qui se rapporte au CPCA 473
abrogé et qui est remplacé
au CPCN 568 par "jugement
qui, statuant sur une exception
de procédure, a mis fin à
l'instance"; Cornu évocation I
- E final order
S
See order 2.
- F jugement de police (FR)
CPP 547, Dalloz Proc. pén.
p. 702
- E police court judgement
S
Of the normal kind, as opposed
to the ordonnance pénale
- F jugement d'expédient (FR CTA Dalloz
Proc. civ. pp. 138-139, 683,
Guillien)
= jugement convenu
- F jugement d'expédition ?
= jugement d'expédient

- F jugement dit contradictoire (FR) CPCN 468-469; Dalloz Proc. civ. pp. 540, 683; ne pas confondre avec jugement contradictoire ni avec jugement réputé contradictoire
- E judgement described as adversary
- S
- F jugement en exécution (CH Habscheid 291)
= jugement en prestation
- F jugement en prestation (CH) Habscheid 291; la prestation peut être pécuniaire ou non
- E coercive judgement Lawson 12-13, IECL XVI, 4-29, 4-52; NOT judgement for specific performance
- S
- F jugement en premier ressort (FR)
- E first instance judgement A judgement given at first instance, i.e. by a court of first instance
- S sentencia de primera instancia
- F jugement exécutoire (CH, FR) CH Habscheid 291; FR CPCN 501
- E enforceable/executory judgement Enforceable and executory are synonyms
- S sentencia (que causa) ejecutoria
- F jugement final (CA LCF 2, CH Habscheid 292)
= jugement définitif
- F jugement incident (CH Habscheid 292)
= jugement avant dire droit
- F jugement interlocutoire (FR obs.; Dalloz Proc. civ. p. 687)
= jugement d'avant dire droit
- F jugement irrévocable (FR)
- E irrevocable judgement
- S

F	jugement mixte (FR)	CPCN 544, 606 Dalloz Proc. civ. p. 690
	E mixed judgement	A judgement which is partly final and partly interlocutory (Hampton 59)
	S	
F	jugement ordinaire (FR)	Dalloz Proc. civ. pp. 138, 683; ne pas confondre avec <u>jugement contradictoire</u>
	E litigated judgement	A judgement pronounced after the parties have maintained their dispute up to that point, as opposed to a <u>jugement d'expédient</u> , consent judgement; in one sense it is the ordinary kind of judgement, but in a technical text it is best not to translate the term as <u>ordinary judgement</u> because this expression is imprecise; US
	S	
F	jugement par contumace (FR)	Dalloz Proc. pén. p. 679
	E contumacious judgement	<u>NOT default judgement, judgement in the defendant's absence</u> , because there may be non-contumacious reasons for default or absence (see Dalloz Proc. pén. p. 679)
	S sentencia en/sentencia por/sentencia dictada en rebeldía	
F	jugement par défaut (FR)	Proc. civ. CPCN 471-479; proc. pén. CPP 487-488, 545; Dalloz Proc. civ. pp. 540-555, Dalloz <u>jugement par défaut</u>
	E default judgement	As opposed to a <u>jugement contradictoire</u> , adversary judgement; also called <u>judgement in default, judgement by default</u> ; EN, US; Black <u>judgment: default judgement</u> ; EN Walker EN 294-296, 321, Hampton 59-64, 82, RSC 0.13, r.3, r.8, 0.19, r.4; <u>NOT judgement in the defendant's absence</u> (see Dalloz Proc. pén. p. 679)
	S	

- F jugement préparatoire (FR obs.) Dalloz Proc. civ. p. 687
E preparatory judgement
S
- F jugement provisoire (FR) Dalloz Proc. civ. p. 685
E provisional judgement Many jugements provisoires would fall in EN under the heading of interlocutory orders
S
- F jugement rendu par défaut (FR CPCN 478)
= jugement par défaut
- F jugement répressif ECIVCJ 1
E criminal judgement ECIVCJ; also called penal judgement
S
- F jugement réputé contradictoire (FR) CPCN 471-479, 923; Dalloz Proc. civ. pp. 540, 683; Cornu; ne pas confondre avec jugement contradictoire ni avec jugement dit contradictoire
E judgement deemed adversary See E note to jugement contradictoire
S
- F jugement sur le fond (FR) CPCN 480-481 (where it means jugement définitif), Dalloz Proc. civ. p. 683
E judgement on the merits Black judgment: merits, judgment on
S
- F jugement sur pièces (FR) Proc. civ.; Dalloz procédures civile et commerciale sect. 15, Dalloz Proc. civ. p. 629-630; CPCN 786

E judgement on written evidence

FR a form of judgement without trial, i.e. summary judgement, sometimes called procédure sans plaidoiries, procedure without oral arguments, in which the plaidoiries are made in a very reduced form before the juge de la mise en état, pre-trial judge, instead of being conducted in full before a trial court; similar in effect to EN summary judgement under RSC 0.14 and US judgement on (the) pleadings (Black judgment: judgment on pleadings)

S

F jugement susceptible d'appel (RW)

E appealable judgement

A judgement against which an appeal lies

S sentencia apelable

F jugement susceptible d'opposition (RW)

E judgement against which an application for retrial lies

S

F jugement translatif (FR)

CAV L. 121.8

E translative judgement

A judgement which transfers a right from one person to another; for the use of translative in this sense see Black translative fact

S ?sentencia translaticia/
traslativa

F juge prud'hommes (GE Const. 123)
= conseiller prud'hommes

F juger

E to judge - to try - to punish

S juzgar

- F juge rapporteur (FR, CJEC) FR: d'un tribunal de commerce, et parfois d'un tribunal de grande instance; CPCN 785, 862-869; Dalloz Proc. civ. pp. 441, 616, 665; Guillien, de Vries 200 n. 1, EGLAT juge rapporteur, séance plénière
- E pre-trial judge*
- reporting judge**
- judge-rapporteur*** * Of a tribunal de commerce, equivalent to EN master
** Of a tribunal de grande instance
*** CJEC: Brown & Jacobs 200-201
- S
- F juge répressif
- E criminal court/judge For the distinction between court and judge see E note to juez 1.; for alternative renderings see jurisdiction répressive
- S
- F juge unique (FR) D'un tribunal d'instance ou ou de grande instance; COJ L. 311.10, L. 321.4
- E single judge
S juez singular CO
- S juicio
- v. cabal juicio
elemento de juicio
producir obligación y acción en juicio
1. (proc. civ., pen., adm.) conocimiento, tramitación y fallo de una causa Ossorio
2. (proc. pen.: CO, MX, PE) nombre principal o único que recibe la segunda y última fase del proceso penal en su primera instancia; (UY: proc. pen. militar) el mismo CO CPC 498, ES LECR 301, PE ..., UY CPPM ...
3. (ES: proc. pen.) nombre que como variante se da a esa fase

- E 1. action - proceeding(s) - case
2. trial
3. trial
- F 1. procédure - procès
- action - instance
2. (procédure de) jugement
3.
- S juicio criminal
- E criminal proceedings
F
- S juicio de amparo (MX) Const. 103, 107
- E amparo proceedings
- action for amparo
F procédure d'amparo
- S juicio de árbitros (CL)
- E arbitration (proceedings)
F jugement d'arbitres
- S juicio declarativo (ES) El que versa sobre derechos controvertidos que debe resolver el juez por declaración; opuesto al juicio ejecutivo; Ossorio, Gómez; ES LEC 481-740; MX CPCDF 255-429 juicio ordinario NOT declaratory proceedings, which has a special meaning in EN (Langan 272-273)
- E ordinary proceedings
F
- S juicio de interdicción
- E interdiction proceedings
- proceedings for interdiction
F
- S juicio ejecutivo (CL, ES, MX) El que versa sobre derechos no controvertidos porque se trata de hacer efectivo lo que consta en un título ejecutorio; opuesto al juicio declarativo; Ossorio, Gómez; CL CPC 434-544, ES LEC 1429-1543, MX CPCDF 443-467; sin. acción ejecutiva

- E enforcement proceedings For the use of execution proceedings and action on the instrument as alternatives see E note to acción ejecutiva
- F
- S juicio escrito
- E written proceedings
- F procédure écrite
- S juicio oral
1. opuesto a juicio escrito
2. (ES) nombre principal que recibe la segunda y última fase del proceso penal en su primera instancia LECR 301
3. (PE) nombre que como variante se da a esa fase CPP ...
4. (PA) nombre único que recibe esa fase en los tribunales de bajo nivel Ley 52/1919, sect. 5
- E 1. oral proceedings
2. trial Note 1
3. trial Note 1
4. trial Note 1
- F 1. procédure orale
2. (procédure de) jugement
3. (procédure de) jugement
4. (procédure de) jugement
- S juicio ordinario (MX)
= juicio declarativo
- S juicio penal(GT) CPP 316; nombre único que recibe la segunda y última fase del proceso penal en su primera instancia
- E trial Note 1
- F
- S juicio plenario (BO, UY, VE) BO CPP 224; UY CCPM 214; nombre principal que recibe la segunda y última fase del proceso penal en su primera instancia
- E trial Note 1
- F (procédure de) jugement

- S juicio político
E impeachment proceedings
F mise en accusation
- S juicio singular (CO)
E ex parte proceedings
F
- S junta departamental (UY)
E departmental board
F conseil départemental
- S junta de vecinos
E 1. (CL) residents' association
2. (UY) board of citizens
F 1. (CL) comité de quartier
2. (UY) conseil civique local
- S Jurado Nacional de Elecciones (PE) Const. 286-294
E National Elections Tribunal
F
- S juramento = serment
v. deferir un juramento
prestar juramento
- F juré
v. liste de jurés
E juror
S jurado
- E juridical act = acte juridique
- S jurídicamente obligatorio Der. int.
E legally binding
F

- S jurídico = juridique
v. acto jurídico
capacidad jurídica
garantías de seguridad jurídica
hecho jurídico
Ley de Régimen Jurídico de las
Sociedades Anónimas
negocio jurídico
norma jurídica ...
normalidad jurídica
ordenamiento jurídico ...
orden jurídico
persona jurídica
personalidad jurídica

- F jurisdiction
v. compétence de pleine juridiction
juridictions ...
recours de pleine juridiction

1. (FR) compétences
2. (FR) magistrat ou magistrats
en exercice de la fonction
juridictionnel, syn. F
tribunal 1.
3. (FR) l'ensemble des tribunaux
d'une espèce donnée
4. RT 177

Guillien, Capitant I
Guillien, Capitant II

Guillien, Capitant II, Dalloz
tribunal administratif, sect. 1

- E 1. jurisdiction
2. court - tribunal

3. courts

Alternatives to court are court of justice, court of law, law court; note 4

In expressions such as la juridiction administrative, la juridiction civile, the administrative courts, the civil courts; but note, for example, une juridiction administrative, an administrative court, une juridiction de jugement, a trial court; note 4

4. court or tribunal

- S. 1. jurisdicción
2. ?jurisdicción
3. jurisdicción
4.

Ossorio

Moliner

- F jurisdiction administrative (FR) Dalloz compétence administrative, tribunal administratif
1. (la jurisdiction administrative) les compétences des tribunaux de l'ordre administratif administrative, tribunal administratif
2. (la jurisdiction administrative) l'ensemble des tribunaux de l'ordre administratif Le Conseil d'Etat et les tribunaux qui en relèvent: les tribunaux administratifs proprement dits, les cours administratives d'appel, la Cour des Comptes, la Commission de recours des réfugiés, etc.; Guillien
3. (une jurisdiction administrative) n'importe quel élément de cet ensemble syn. tribunal de l'ordre administratif, jurisdiction de l'ordre administratif, tribunal administratif 2.
4. (une jurisdiction administrative) un tribunal administratif proprement dit syn. tribunal administratif 1.
- E 1. administrative jurisdiction
2. the administrative courts Brown chap. 3 and p. 185; note 4
3. an administrative court note 4
4. an administrative court Brown 32-35; note 4
- S 1. jurisdicción administrativa
- 2.
- 3.
- 4.
- F jurisdiction civile de droit commun (FR) CN 124
- E civil court of general jurisdiction
- S
- F jurisdiction d'appel (FR COJ L.624.1) = tribunal d'appel
- F jurisdiction d'attribution (FR) Brown 33
- E court of assigned jurisdiction Syn. of jurisdiction d'exception, court of special jurisdiction, as opposed to jurisdiction de droit commun, court of general jurisdiction
- S

- F juridiction de deuxième degré
= juridiction du deuxième degré
- F juridiction de droit commun (FR) Guillien, Brown 33;
syn. tribunal de droit commun
- E court of general jurisdiction As opposed to juridiction d'exception, court of special jurisdiction; the juridictions de droit commun are sometimes called ordinary courts, but this term is also used to describe the juridictions de l'ordre judiciaire, a category which comprises both les juridictions de droit commun and les juridictions d'exception; OCL court
ES Const. 24(2)
- S juez ordinario
- F juridiction de jugement (FR, RW) FR CPP 231, RW CPP 18
v. juridictions d'instruction et de jugement
renvoyé devant une juridiction de jugement
- E trial court* - court of adjudication * FR CPP 231, RW CPP 18
- S
- F juridiction de l'ordre administratif (FR) CN 124; syn. tribunal de l'ordre administratif 2., juridiction administrative 3.; Dalloz tribunal administratif, compétence administrative
See note to juridiction de l'ordre judiciaire
- E administrative court
- S
- F juridiction de l'ordre administratif ou judiciaire (FR) CN 124; note 4
- E administrative or judicial court
- S
- F juridiction de l'ordre judiciaire (FR) COJ L.111.2, CPCN 749;
syn. tribunal de l'ordre judiciaire (COJ L.311.4), tribunaux judiciaires; Dalloz tribunaux judiciaires; note 4

E judicial court

The juridictions de l'ordre judiciaire are the regular courts (David Sys. 126), also called the ordinary courts (Brown 36, David Sys. 126), distinguished in FR from the juridictions de l'ordre administratif, administrative courts; the equivalent distinction in EN is between courts of justice and administrative tribunals; note 4

S

F juridiction de premier degré
= juridiction du premier degré

F juridiction d'exception (FR)

Guillien; syn. tribunal d'exception

E court of special jurisdiction

As opposed to juridiction de droit commun, court of general jurisdiction; OCL court, James 50, Ingman chap. 2; Walker EN 203 court of particular jurisdiction

S tribunal de excepción/excepcional

F juridiction d'instruction (FR, LU, MI) FR CPP 79
v. juridictions d'instruction et de jugement

E examining magistrate
S

F juridiction du deuxième degré

E court of second instance
S

i.e. an appellate court

F juridiction du premier degré

E court of first instance
S

A descriptive term, not a name

F juridiction judiciaire (FR Guillien)
= juridiction de l'ordre judiciaire

- F jurisdiction militaire
 E military court
 S
- F juridictionnel
v. acte juridictionnel
 commission juridictionnelle
 fonction juridictionnelle
 recours juridictionnel
 solution juridictionnelle
 E jurisdictional* - adjudicatory
 S
- FR Dalloz Proc. civ. pp. 101
et seq.
- See E note to acte
juridictionnel; note 6
* e.g. IL jurisdictional
immunities of States, their
immunity from jurisdiction
and hence suit
- F juridiction obligatoire (CIJ)
 E compulsory jurisdiction
 S
- F juridiction pénale (FR)
 = juridiction répressive
- F juridiction pénale internationale
compétente
 E competent international
 criminal jurisdiction
 S
- Dr. int.
- F juridiction répressive (CG, FR)
 E criminal court* - court of
 criminal jurisdiction*/
 justice* - criminal
 jurisdiction**
 S
- CG CPP 20; FR CPCN 1038
CN 124, Loi 563 13.7 1967,
136; syn. tribunal
répressif
* Generic term, not the name
of a court
** In the abstract
- F juridictions des forces armées (FR)
 E courts of military justice
 S
- CJM 4

F juridictions d'instruction et de jugement

E examining magistrate(s) and trial court(s)
S

F juridique

v. acte juridique
allégeance juridique
capacité juridique ...
conscience juridique
conseil juridique
études juridiques
fait juridique
hiérarchie juridique des normes
norme juridique
ordre juridique
personnalité juridique
personne juridique
régime juridique du traité
revue juridique
science juridique
vide juridique

E legal - juridical

These terms are synonymous; legal should not be used where it can be misconstrued as meaning lawful; NOT judicial; note 6

S jurídico

F jurisconsulte

E lawyer-jurist
S jurisconsulto

S jurisdicción = jurisdiction

S jurisdiccional = juridictionnel
v. competencia correctiva ...

S jurisdicción contenciosa (ES)

E contentious jurisdiction
F

S jurisdicción contencioso-administrativa

E administrative jurisdiction*/
court - system of
administrative challenge

* i.e. the jurisdiction of a court to review administrative decisions, a concept often referred to in Anglo-Saxon law as judicial review of administrative decisions

- F jurisdiction administrative
(contentieuse) - tribunal
administratif
- S jurisdicción voluntaria (ES)
- E non-contentious jurisdiction
F
- F jurisprudence
v. revirement de jurisprudence
1. droit interne
2. droit international
- E 1. case law - judicial
decisions/precedent(s)/
authority/practice -
practice of the courts -
decided cases*
2. jurisprudence
S 1. jurisprudencia
2.
- In EN these terms exclude
arbitration practice;
NOT jurisprudence

*David Sys.
- F jurisprudence constante
1. droit interne
2. droit international
- E 1. settled judicial practice/
practice of the court
2. constant jurisprudence
S 1.
2.
- Sinclair
- F Jurisprudence des autorités
administratives de la
Confédération (CH)
- E Law Reports of the
Administrative Authorities
of the Confederation
S
- Unofficial translation
- F jurisprudence internationale
- E international jurisprudence
S jurisprudencia internacional
- Comprises international
judicial decisions and
international arbitral awards
- E juristic act = acte juridique

- E jury EN: the use of a jury is confined (i) in criminal proceedings to trials on indictment, (ii) in civil proceedings almost exclusively to libel cases, and (iii) in coroner's proceedings to certain specified circumstances
- F S
- F jury d'accusation (FR obs.) Dalloz Proc. pén. p. 340
- E grand jury EN obs., US: an indictment jury
- S
- F jury de jugement (FR) CPP 254-267, 288-305, 356, 362; Dalloz Proc. pén. pp. 340 et seq.
- E trial jury It has powers of punishment as well as verdict, unlike the jury in EN
- S
- L ius accrescendi Black
- E ius accrescendi - right of accrual* Black, Amos 116 n.5 right of survivorship; OCL joint and common property; note 12 * Osborn
- F S derecho de supervivencia - derecho de acrecer
- L ius cogens VCLT 53, 64
- E ius cogens - peremptory law i.e. mandatory law; e.g. ius cogens rule, rule of ius cogens, peremptory rule
- F S ius cogens
- L ius commune Black; A/CN.9/90
- E ius commune - ordinary/general law
- F S ius commune - droit commun

L ius dispositivum

- E ius dispositivum - optional law Also called residuary law, dispositive law;
e.g. ius dispositivum rule, rule of ius dispositivum, dispositive rule
- F ius dispositivum - droit
dispositif
- S ius dispositivum - ?derecho a
disponer

L ius in patrimonium reipublicae

- E right to State property
- F
- S

L ius sanguinis

Black

- E ius sanguinis
- In matters of nationality, the law of the place of a person's descent, i.e. parentage, as opposed to ius soli, the law of the place of his birth
- F
- S ius sanguinis

L ius singulare

Black

- E ius singulare - special law
- As opposed to ius commune, general law
- F
- S

L ius soli

Black

- E ius soli
- In matters of nationality, the law of the place of a person's birth, as opposed to ius sanguinis, the law of the place of his descent, i.e. parentage
- F
- S ius soli

- E justice In the sense of a member of
the judiciary, not in the
abstract sense; note 4
1. (EN, US) justice of the peace
 2. (EN) title given to senior
members of the judiciary
 3. (US) senior member of the
judiciary
- F 1.
2.
3.
- S 1.
2.
3.
- F justice
- v. acte de justice
attaché de justice
auditeur de justice
en justice
Haute Cour de Justice
huissier de justice
sauvegarde de justice
traduire en justice
- E justice - judicature
S justícia
- F justice commutative
- E commutative justice
S
- F justice de paix (BE, FR, GE, LU) BE Const. 99, CJ 59; GE
LOJ 1; FR obs.; C. Eur. 15,87
- E magistrates' court BE, LU each have several such
courts; GE has one Justice de
paix, Magistrates' Court
- S
- F justice distributive
- E distributive justice OCL
S
- F justice militaire
1. en général
 2. les juridictions militaires FR CJM 150

- E 1. military justice
2. military courts
- S 1. justicia militar
2. tribunales militares
- S Justicia (AR) = Justicia Federal
- F justiciable
v. rendre un Etat justiciable d'une
jurisdiction internationale
1. adjectif
2. nom: terme technique et
non technique
- E. 1. justiciable
2. justiciable person/matter
- party* - litigant*
- citizen*
- S 1.
2.
- S justicia de paz (AR)
v. ejercer la justicia de paz
- E magistrates' court
F
- S Justicia Federal (AR)
- E Federal Judiciary
F justice fédérale -
juridictions fédérales
- S justicia militar
- E military courts - military
(system of) justice
F justice militaire
- S justicia ordinaria
- E ordinary courts - ordinary
system of justice
F justice ordinaire
- S justificar
- E to prove - to substantiate
F
- Of a person or matter:
amenable, liable, subject, to
the jurisdiction in question;
e.g. justiciable de ...,
punishable by ...
* Non-technical term, e.g. donner
aux justiciables une double
garantie, to give litigants a
double safeguard

F justificatif
v. fait justificatif

F justifier de ... = justificar

E juvenile (EN)

Welfare and criminal law term meaning a person under the age of 17; MCA 1980, 29(i)(a), Hampton 402; note 10

F
S

E juvenile adult (EN)

Criminal law term meaning a person of 17 or over but under 21; Hampton 402; note 10

F jeune adulte
S menor adulto

v. note F aux mots jeune adulte

E juvenile delinquent
= juvenile offender

E juvenile offender (EN)

Criminal law term meaning an offender under the age of 17; Martin; EN syn. (non-technical) juvenile delinquent; note 10

F délinquant mineur

FR: délinquant mineur de 18 ans; Dalloz Proc. pén. pp. 351-356

S

S justo título (CL)

CC 702

E proper/due title
F juste titre

S juzgado
v. juzgados ...

1. (ES) órgano jurisdiccional inferior, por oposición a tribunal, órgano jurisdiccional superior

Según Escriche, junta de jueces y más particularmente el tribunal de un solo juez; según Ossorio, tribunal de un solo juez; según Gómez (ES), tribunal de un solo juez; LOPJ 26; nota 4

2. lo fallado por un tribunal o por un juzgado

E 1. court

i.e. an inferior court; note 4

2. judgement

F 1. tribunal - juez

2. judgement (rendu)

- S juzgado central de instrucción (ES) Pr. pen: LOPJ 65(5), 88
E central examining court
F
- S Juzgado Civil de Mayor Cuantía
= juzgado de letras de
mayor cuantía en lo civil
- S Juzgado Civil de Menor Cuantía
= juzgado de letras de
menor cuantía en lo civil
- S juzgado de abastos (CL)
E market court
F tribunal de marché
- S juzgado de delitos monetarios (ES) RDL 4.1.1977, disposición
transitoria 1(1); ?obs.
E monetary court
F
- S juzgado de distrito (ES, CL) ES LOJ 22: civil y penal;
obs. v. LOPJ disposición
transitoria 3
E district court
F tribunal de district
- S juzgado de indios (CL)
E Indians' court
F tribunal indigène
- S juzgado de instrucción
1. (ES) LOPJ 87
2. (AR) Juzgado de Instrucción:
forma abreviada para referirse
al Juzgado Nacional de Primera
Instancia en lo Criminal
de Instrucción
E 1. examining court
2. Court of Investigation
F 1.
2. juridiction d'instruction
- S Juzgado de Instrucción Militar de
Primer Turno (UY)
E First Rota Military Examining
Court
F

- S juzgado del crimen (CL)
= juzgado de letras de mayor
cuantía en lo criminal
- S juzgado del crimen de mayor cuantía (CL)
= juzgado de letras de mayor cuantía
en lo criminal
- S juzgado del crimen de menor cuantía (CL)
= juzgado de letras de menor cuantía
en lo criminal
- S juzgado de letras de mayor cuantía (CL) Si bien es cierto que en
material civil resulta
relativamente simple
determinar el monto de un
juicio, en material penal
se ha mantenido, pese a las
dificultades técnicas, la
expresión cuantía pero
referida a la gravedad
del delito
- E court of major jurisdiction There are several courts of
this kind
- F tribunal (de droit commun)
de mayor cuantía
- S juzgado de letras de mayor cuantía Véanse las notas a juzgado de
en lo civil (CL) letras de mayor cuantía
- E civil court of major
jurisdiction
- F tribunal civil (de droit
commun) de mayor cuantía
- S juzgado de letras de mayor cuantía en Véanse las notas a juzgado de
lo criminal (CL) letras de mayor cuantía
- E criminal court of major
jurisdiction
- F tribunal criminel (de droit
commun) de mayor cuantía
- S juzgado de letras de menor cuantía (CL) Véanse las notas a juzgado de
letras de mayor cuantía
- E court of minor jurisdiction
- F tribunal (de droit commun) de
menor cuantía

- S juzgado de letras de menor cuantía (CL) Véanse las notas a juzgado de letras de mayor cuantía
en lo civil
- E civil court of minor jurisdiction
F tribunal civil (de droit commun) de menor cuantía
- S juzgado de letras de menor cuantía Véanse las notas a juzgado de letras de mayor cuantía
en lo criminal
- E criminal court of minor jurisdiction
F tribunal criminel (de droit commun) de menor cuantía
- S juzgado de partido (ES) LOJ 22 : civil y penal; ? obs.
- E regional court
F
- S juzgado de paz (ES, UY) ES LOPJ 99-103, UY CPP 30, 38
- E magistrates' court
F
- S juzgado de peligrosidad y rehabilitación social (ES) LOPJ disposición transitoria 27; obs.
- E social welfare court For juveniles
F
- S juzgado de policía local (CL)
- E police court
F tribunal de police
- S juzgado de primera instancia (ES) LOPJ 84
- E court of first instance
F
- S juzgado ... de primer turno
= juez ... de primer turno
- S juzgado ... de segundo turno
= juez ... de segundo turno
- S juzgado ... de tercer turno
= juez ... de tercer turno
- S juzgado de subdelegación (CL)
- E local court
F juge local

- S Juzgado en lo Criminal de Instrucción (AR) Forma abreviada para referirse al Juzgado Nacional de Primera Instancia en lo Criminal de Instrucción
- E Court of Criminal Investigation
F juridiction d'instruction criminelle
- S juzgado en lo penal (AR) ?provincial, no nacional
- E criminal court
F juridiction pénale
- S Juzgado Federal Criminal y Correccional N°. ... (AR) E/CN.4/GR.8/7/Add.1
- E Federal Criminal and Correctional Court No. ...
F
- S Juzgado Federal de Instrucción (AR)
- E Federal Court of Investigation
F juridiction fédérale d'instruction
- S Juzgado Federal N°. ... de Rosario (AR) E/CN.4/GR.8/7/Add.1
- E Rosario Federal Court No. ...
F
- S juzgado letrado de instrucción (UY) CPP 357B; obs.
- E examining court
F
- S juzgado letrado de primera instancia (UY) CPP 30, 35, 36
- E court of first instance There are several such courts
F
- S juzgado letrado de primera instancia en lo penal (UY) CPP 30, 35, 36
- E criminal court of first instance There are several such courts
F
- S juzgado militar (CL) CJM
- E military court
F tribunal militaire FR CJM 40-49

- S juzgado militar de primera instancia
(UY)
- E military court of first instance
 - F tribunal militaire de première instance
- S Juzgado Militar de Primera Instancia
de Cuarto Turno (UY)
- E Fourth Rota Military Court of
First Instance
 - F
- S Juzgado Nacional de Primera Instancia CPCR 28; DL 1285/88,
en lo Correccional (AR) 32(2)(f), 44
- E National Court of First Instance
for Correctional Cases
 - F Tribunal correctionnel national/
Jurisdiction correctionnelle
nationale de première instance
- S Juzgado Nacional de Primera Instancia DL 1285/88, 32(2)(f), 44
en lo Criminal de Instrucción (AR)
- E National Criminal Investigation
Court of First Instance
 - F ?Jurisdiction nationale
d'instruction criminelle du
premier degré
- S Juzgado Nacional de Primera Instancia DL 1285/88, 32(2)(g), 44
en lo Criminal de Sentencia (AR)
- E National Criminal Trial Court
of First Instance
 - F ?Tribunal national de première
instance en matière criminelle
- S Juzgado Nacional de Primera Instancia DL 1285/88, 32(2)(b), 41;
en lo Criminal y Correccional Federal E/CN.4/GR.8/7/Add.1
N°. ... (AR)
- E National Court of First Instance
for Federal Criminal and
Correctional Cases No. ...
 - F
- S juzgados y tribunales
= cours et tribunaux

K

E kangaroo court

Improperly constituted
illegal court held by
strikers, etc. (Concise
Oxford Dictionary)

F
S

E K.C. = King's Counsel

E King's Counsel

EN, CA

F conseiller du Roi
S

CA

L

F l'affaire Ringeisen c. Autriche
v. affaire

S La Gaceta (CR, HN, NI)

Nombre del periódico que publica los textos auténticos de las leyes, decretos, reglamentos y otros asuntos oficiales

E (leave in Spanish and underline)

F La Gaceta (Journal officiel)

F La Gazette du Canada

Publication officielle destinée à assurer la publicité des lois, etc.

E The Canada Gazette

S

F laisser = léguer

E land

EN, ?SCO: land in its usual sense, as well as mines, minerals, buildings and other structures, land covered with water and most intangible rights in land, e.g. easements, but not leaseholds; Martin, Jowitt; EN Law of Property Act 1925, 205, Interpretation Act 1978, Schedule 1; IL: modes of acquiring land: A/PV/1515, paras. 57 et seq.

F

S

F l'arrêt König c. La République fédérale d'Allemagne
v. arrêt

S laudemio

E laudemium - acknowledgement money

Black; pl. laudemia

F

S laudo (ES) = sentencia 2.

- S laudo arbitral IACEV I
- E arbitral award IACEV I; EN arbitration award
- F sentence arbitrale IACEV I, FR
- F LAVS (CH) = Loi fédérale sur l'assurance-vieillesse et survivants
- E law = derecho 2., loi 1., 2
v. at law
in law
rule of law
- E law enforcement officer (US)
= law officer 1.
- E law officer Distinguish from judicial officer
1. (CA, EN, US) police officer, person invested with the powers of a police officer
2. (CA, EN, SCO, US) any one of the senior legal officers of the Government
- These powers may include crime investigation as well as law enforcement; CA peace officer; EN officer of the law, police officer, (police) constable, policeman
EN law officers of the Crown: Attorney-General, Solicitor-General (Walker EN 259-261); SCO law officers of the Crown: Lord Advocate, Solicitor-General for Scotland (Marshall 47); US Attorney General, Solicitor-General (Black)
- F 1. agent de la force publique FR
2.
- S 1.
2.
- E lawyer
- F praticien (en droit)
S abogado
- S LC = libreta cívica
- S LE = libreta de enrolamiento, libreta electoral

- E leasing
EN, US : rental contract under which the hirer has the option at the expiry of the original term either to continue to rent the asset or to buy it, in both cases on predetermined and usually nominal terms (UEC 276); applies to motor vehicle fleets, aircraft, plant, etc.; note 9
- F crédit-bail
S arrendamiento financiero
FR; UEC 276
UEC 276
- S LEC = Ley de Enjuiciamiento Civil
- S LECR = Ley de Enjuiciamiento Criminal
- F lecture des questions (FR)
CPP 348-352, Dalloz Proc. pén. pp. 636-639
- E (translate according to context)
The procedural stage of questions for consideration, in which the president of an assize court invites the court and jury to consider certain questions; NOT summing-up
- S
- E legacy
A gift made by will; EN: strictly speaking a legacy (syn. bequest) is a gift of personality, a gift of realty being a devise and the corresponding beneficiaries a legatee and a devisee, but the terms legacy and legatee are commonly used lato sensu to embrace both kinds of gift and beneficiary (OCL)
- F legs
S legado

F légal

- v. administrateur légal
- administration légale
- âge légal
- annonce légale
- appellation légale
- aptitude légale
- bénéfice légal
- capacité légale
- caution légale
- communauté légale
- compétence légale
- condition légale
- cours légal
- délai légal
- dépôt légal
- disposition légale
- domicile légal
- élection de domicile légale
- émancipation légale
- en état de récidive légale
- exception légale
- excuse légale
- exigence légale
- existence légale
- fête légale
- formalité légale
- forme légale
- garantie légale
- gouvernement légal
- heure légale
- hypothèque légale
- inaptitude légale
- incapacité légale
- instrument légal
- interdiction légale
- interdit légal
- intérêt légal
- jouissance légale
- jour de fête légal
- majorité légale
- mandataire légal
- médecine légale
- monnaie légale
- moyen légal
- norme légale
- obligation légale ...
- par voie légale
- pays légal
- prescription légale
- présomption légale
- preuve légale
- prorogation légale de compétence
- qualification légale

régime légal
régime matrimonial légal
règle légale
règlement légal
réglementation légale
réhabilitation légale
représentant légal
représentation légale
réserve légale
responsabilité légale
retour légal
séparation de biens légale
servitude légale
statut légal
statut légal décrété impérativement
subrogation légale
succession légale
taux d'intérêt légal
terme légal
tutelle légale
tuteur légal
usufruit légal
voie légale

1. Ayant nature de loi ou qui résulte de la loi Capitant I
2. Conforme à la loi Capitant II

E 1. legal - statutory - Note 6
 at/in/by operation of law
2. legal - lawful - Note 6
 legitimate - licit

S 1. legal - legítimo Lo permitido o lo exigible
 en el derecho positivo
 (Ossorio legal)
2. legal - legítimo - lícito Lo ajustado a la ley y,
 por ello, lo lícito
 (Ossorio legal)

S legal = légal
v. accesorio legal
acto legal de partición
ciudadano legal
defecto legal
disposiciones legales y
 reglamentarias
domicilio legal
hipoteca legal
norma legal ...
ordenamiento legal
orden legal
pena legal

E legal act = acte juridique

- S legalidad
v. principio de ...
- E legality - lawfulness - Note 6
legitimacy
- F légalité
- F légaliser (FR)
- E to authenticate Generic term; if done by a consul, to legalize; if done by a fonctionnaire public, e.g. a notary, to attest
- S legalizar
- F légalité = legalidad
v. principe de ...
- E legal right
1. Right existing at law
2. (SCO) right of a surviving spouse or issue (in the latter case called legitim) to inherit part of the deceased's estate Marshall 111, 514, OCL legal rights; FR Amos 317, 333 reserved right
- F 1. ?droit légal
- 2.
- S 1.
- 2.
- E legal rule = rule of law 2.
- E legal transaction = acte juridique
- F légataire (BE, FR) BE CC 967, 720, 1002 et seq.
FR CC 967, 1002 et seq.,
Amos 317, 324
- E legatee - beneficiary Legatee is used here lato sensu, see E note to legacy
- S legatario CL CC 954, 1097, 1104,
ES CC 660
- F légataire à titre particulier (BE, FR)
= légataire particulier
- F légataire à titre universel (BE, FR) BE CC 1002, 1010-1013,
FR ibid., Amos 326
- E legatee/beneficiary by universal title Distinguish from légataire universel; NOT residuary legatee
- S

- F légataire particulier (BE, FR) BE CC 1002, 1014-1024,
FR ibid., Amos 327
- E specific legatee/beneficiary Amos particular legatee;
NOT special legatee
- S
- F légataire universel (BE, FR) BE CC 1002-1009, FR ibid.
Amos 324
- E universal legatee/beneficiary Distinguish from légataire
à titre universel; sometimes
called sole legatee; EN
residuary legatee
- S
- S legatario = légataire
- E legatee = légataire
- F légation
v. droit de légation
- E legation
- S
- F légiférer
- E to legislate* - to regulate (by law)**
- S
- * On a subject
** A subject
- S legislación = législation
- F législateur
- E legislator - lawgiver Le législateur, the
legislator, i.e. parliament
- S legislador
- F législatif
v. acte législatif
cadre législatif et réglementaire
disposition législative
dispositions législatives et
réglementaires
texte de forme législative
texte législatif
textes législatifs et
réglementaires
- FR utilisé pour la plupart
pour indiquer la législation
stricto sensu, c'est-à-dire
les lois votées par le
Parlement (Cornu 1.); utilisé
aussi lato sensu (Cornu 3.),
v. acte législatif sens
matériel
- E legislative EN refers to legislation
lato sensu, i.e. the entire
enacted law of the country
- S legislativo

E legislation = législation

E legislative = législatif

F législation

1. ensemble des lois d'un pays

FR: terme utilisé pour indiquer en premier lieu les lois, votées par le Parlement, et en outre les règlements, édictés par le pouvoir exécutif c'est-à-dire l'ensemble du droit écrit; Cornu 4.

2. l'acte de légiférer

Cornu 2.

E 1. legislation - enacted law

The written law of a country as opposed to its unwritten law (its case law and customary law)

GB: both E terms are used lato sensu to denote the entire enacted law of the country, namely the statutes passed by Parliament and the subordinate legislation made by the executive and other bodies duly empowered; prerogative legislation, which applies essentially to British colonies, is in a class apart, being enacted by the Sovereign and not by Parliament. Legislation is also called statute law, but this term varies in its scope. (OCL legislation, James 8, 143).

US: the term legislation is similarly used lato sensu (OCL United States of America law: sources of law).

Note: la législation française, the laws of France, more loosely French law; les législations pénales de ces pays, the criminal laws/legislation of those countries.

2. legislation

The process of law-making; its stages are preparation, enactment, promulgation and publication (OCL)

S 1. legislación

2. legislación

Ossorio

- E legislation by reference or incorporation
Odgers Construction 339,
Black reference statute
- F
S
- F législation en matière de ...
E legislation on ...
S legislación en materia de ...
- F législation et réglementation
E laws/statutes and regulations - legislation
In the F expression législation is used stricto sensu (see E note to législatif), whereas the E equivalent legislation is used lato sensu
S
- F législation intérieure d'un pays
E municipal/domestic/internal law of a country
For the distinction between these terms see E note to droit interne
S
- S legitima (nombre) = réserve
- S legitimado
1. habiéndose adquirido la calidad de legítimo
2. en los procesos, ante un tribunal
3. para interponer un recurso
E 1. legitimated
2. having locus standi/ legal standing
3. entitled
In a case, in a court
To bring an action
F 1. légitimé
2. ayant qualité pour agir
3. en droit
- S legitima efectiva (CL)
E effective reserve
F légitime effective
CC 1191
- S legitima rigorosa (CL)
E strict reserve
F légitime rigoureuse
CC 1184

S legitimario = héritier réservataire

S legítimas? = legítima (nombre)

F légitimation par mariage subséquent

E legitimization by subsequent marriage

OCL legitimacy and legitimation;
SCO legitimation per subsequens matrimonium

S legitimación por matrimonio posterior

F légitime

v. exercice légitime d'une sanction
légitime défense

1. (nom) = réserve
2. (adjectif)

E 1. = réserve
2. legitimate - lawful

Note 6

S 1. = réserve
2. legítimo

F légitime défense

E self-defence* - lawful defence**

* SR
** 1930 Hague Codification Conference

S

F légitimer

E to legitimate
S legitimizar

e.g. a child

F légitimes? = légitime 1.

S legítimo = légal

v. legítima
legítimas
tutela legítima

F legs (BE, FR)

BE CC 1002-1024, FR ibid.,
Amos 324

E legacy

Used here lato sensu, see E
note to legacy

S legado

- F legs à payer de l'actif général
E general legacy OCL legacy
S
- F legs à titre particulier (BE, FR)
= legs particulier
- F legs à titre universel (BE, FR) BE CC 1002, 1010-1013, FR
ibid., Amos 326
E legacy by universal title Distinguish from legs
universel; SC CC 1010-1013;
NOT residuary legacy
S
- F legs de libération
E legacy extinguishing a debt/
in discharge of debt
S
- F legs hors part (FR) Amos 315
E legacy additional to
entitlement
S
- F legs particulier (BE, FR) BE CC 1002, 1014-1024, FR
ibid., Amos 327
E specific legacy SC CC 1014-1024; Amos
particular legacy; NOT special
legacy (see OCL legacy)
S
- F legs universel (BE, FR) BE CC 1002-1009, FR ibid.,
Amos 324
E universal legacy Distinguish from legs à titre
universel; SC CC 1003-1009;
EN residuary legacy
S
- F léguer
E to leave Property; if realty, to
devise; if personalty, to
bequeath; see E note to
legacy
S legar

- F léonin
v. clause léonine
contrat léonin
- F le refus engage la responsabilité Dr. int: SR
E refusal entails responsibility Le refus engage la responsabilité de l'Etat,
refusal engages the
responsibility of the State/
renders the State responsible
- S
- F le refus engage sa responsabilité
E refusal renders him liable/
establishes his liability
- S
- F le refus entraîne la responsabilité
= le refus engage la responsabilité
- S lesa nación (UY)
E ~~lèse-nation~~ - offence against
the State
F lèse-nation - délit contre la
nation
- F lésé
v. Etat lésé
Etat qui s'estime lésé
personne lésée
E injured* - infringed** * Of a person, not
necessarily in the
physical sense; for the
legal meaning of injured
see note to injury
** Of a right
- S
- F lésion
v. énorme lésion
Etat auteur d'une lésion
lésion énorme
simple lésion

1. sens commun juridique
2. (FR: dr. civ.) droit des obligations, des successions, de la tutelle, etc.: préjudice matériel ou pécuniaire qu'un acte juridique cause à une personne du fait de la disproportion entre deux prestations, deux lots, etc.
3. (Dr. int.) SR
- E 1. injury* - infringement**
2. lesion
3. injury
- S 1. lesión
2. lesión
3.
- S lesión = lésion
v. lesiones ...
- E lesion enorm
= lésion énorme
- F lésion énorme
- E considerable loss
- S lesión enorme
- S lesión enorme = lésion enorme
- S lesiones corporales
- E bodily injury
- F coups et blessures - lésions corporelles
- p. ex., une vente consentie à vil prix ou à un prix excessif; CC 491.2, 510.3, 783, 887, 1118, 1305, 1306, 1313, 1674, 1675, 1683; Amos 45-46, 163-165, 316, 333, Nicholas 44, 131-132, Capitant, Guillien, Dalloz Civ. intro para. 322(4), Marty Civ. obl. para. 149
- * To a person, not necessarily in the physical sense; see note to injury
- ** Of a right
- Material or pecuniary loss or disadvantage; when used in quantitative phrases, translate as loss, e.g. une lésion de plus du quart, loss amounting to more than one fourth; Black YB 1963 I, 684th meeting, para. 45
- ES CC 1074, 1291, 1293, Castán 665-666,
- Dr. rom. laesio enormis;
Amos 163
An abnormal loss; SCO enorm lesion, lesion enorm
Marshall 266-268
- CL CP 397, 399

- S lesiones que ocasionan la muerte sin que haya intención de causarla
- E involuntary homicide by injury
 - F coups et blessures ayant entraîné la mort sans intention de la donner
- S lesión grave (CL) sin. de lesión enorme
- E gross injury See E note to lésion 1.
 - F lésion grave
- F l'Etat en tant que détenteur de la puissance publique
- E the State acting in its sovereign capacity König case, judgment of 28.6.1978, Publications of the European Court of Human Rights (Strasbourg, 1978), p. 30, para. 90
- S
- S letra (UY)
- E bill of exchange payable locally i.e. payable in the place where it was drawn; distinguish from letra de cambio
 - F
- S letra comercial = letra de cambio 1.
- S letra de cambio
- 1. (AR, BO, CL, CO, CR, CU, DO, EC, ES, GT, HN, NI, PA, PE, PY, SV, VE; GCBE 1-74) PE llamado también letra comercial; ES LCC
 - 2. (UY)
- E 1. bill of exchange CA, GB, US, GCBE 1-74
 - 2. bill of exchange payable non-locally i.e. payable elsewhere than in the place where it was drawn; distinguish from letra
 - F 1. lettre de change BE Loi 1953,1; CH CDO 991-1095; FR CCOM 110-182; HT CCOM 112; GCBE 1-74; Amos 365
 - 2.
- S letra de cambio domiciliada HCBE 4
- E domiciled bill of exchange HCBE 4
 - F lettre de change domiciliée CH CDO 1011, HCBE 4

- S letrado
- v. asesor letrado
asistencia letrada al detenido
derecho a la asistencia de letrado
fiscal letrado ...
fiscal no letrado ...
juez letrado
1. capacitado
2. abogado ES Const. 24(2)
- E 1. professional Of a judge (e.g. the opposite of a lay magistrate), procurator or lawyer; in some cases the noun alone will suffice, e.g. judge, lawyer
2. lawyer
- F 1. professionnel
2.
- E letter of request (EN) Addressed through diplomatic channels to a foreign country asking for evidence to be obtained (Osborn, RSC 0.39, 0.70; US, Black letters rogatory), or for process to be served (RSC 0.11, r.6(4)?), outside the jurisdiction
- F
- S carta rogatoria* - carta de exhorto** * PA (per Panamanian Embassy, London)
** ?ES
- E letters of request = letter of request
- E letters rogatory = letter of request
- F lettre de change = letra de cambio 1.
- F lettre de change domiciliée = letra de cambio domiciliada
- F lettre de gage (BE, CH, FR) BE? obs. CH CC 916 n., FR? obs.; Capitant
- E secured debenture
S
- F lettre de provision VCCR 11
- E (consular) commission VCCR 11
S carta patente VCCR 11
- F lettre de rescision = lettre de rescission

F	lettre de rente (CH)	CC 782, 793, 847-874
	E rent-charge	Osborn
	S	
F	lettre de rescission (FR)	?obs.; Littré <u>lettre</u> 18.
	E writ of rescission	seeking to annul a contract
	S	
S	levantamiento de embargo	
	E release from arrest	Of a ship
	F	
L	<u>lex causae</u>	Law governing the matter; Dicey 29
L	<u>lex domicilii</u>	Law of the domicile; Dicey 29
L	<u>lex fori</u>	Law of the forum; Dicey 29
L	<u>lex loci actus</u>	Law of the country where the act takes place; Dicey 30
L	<u>lex loci celebrationis</u>	Law of the country where the marriage is celebrated; Dicey 30
L	<u>lex loci delicti</u>	Law of the country where the tort is committed; Dicey 30
L	<u>lex loci disgraziae</u>	Law of the place where a bill of exchange is dishonoured (term used in jest); Dicey 30
L	<u>lex loci contractus</u>	Law of the country where the contract is made; Dicey 29
L	<u>lex loci solutionis</u>	Law of the country where the contract is to be performed or the debt paid; Dicey 30
L	<u>lex loci stabuli</u>	Law of the place where a motor car is garaged (term used in jest); Dicey 30
L	<u>lex monetae</u>	Law of the country in whose currency the debt or other legal obligation is expressed; Dicey 30

- L lex patriae Law of the nationality;
Dicey 29
- L lex situs Law of the country where the
thing is situated; Dicey 30
- S ley
v. decreto con fuerza de ley
decreto-ley
leyes ...
mandado cumplir como ley
norma con rango de ley
norma jurídica con rango de ley
por la ley
principio de favorabilidad de la
ley penal
1. la ley: una de las fuentes
del derecho
2. una ley: norma jurídica
elaborada por el Poder
legislativo
3. derecho internacional
privado: la ley de una
nación
- E 1. enacted law - legislation* i.e. written law, usually
called statute law* or
legislation* in EN and
statutory law* or legislation*
in US. Although this is only
one form of law, it is often
loosely called law or the law
(e.g. selon la loi, de acuerdo
con la ley, according to law,
in accordance with the law);
this practice can safely be
followed provided that no
distinction has to be drawn
between la loi and le droit
or between la ley and el
derecho. Salmond p. 116,
OCL law, statute law,
David Sys. pp. 354-358,
David GS pp. 388-392
- * All these terms are used here
lato sensu, as they are in EN
and US; see législation 1.
(E note), statute law

2. statute - law - legislative act
3. (system of) law
- F 1. la loi
2. une loi
3. la loi
- Law in the particular sense (OCL law, Salmond p. 48). In titles of items of legislation use Act; EN Act, syn. Act of Parliament; CA (Interpretation Act 1967-68) Act, which may be an Act of the Parliament of Canada or an Act of the legislature of a province; US Act, which may be an Act of Congress or an Act of a State legislature
e.g. English law, French law
- FR: terme utilisé pour indiquer en premier lieu les lois, votées par le Parlement, et en outre les règlements, édictés par le pouvoir exécutif, c'est-à-dire l'ensemble du droit écrit; certains auteurs considèrent toutefois que les lois et les règlements constituent la loi stricto sensu par opposition à la loi lato sensu, qui comprendrait en outre la coutume et la jurisprudence; en ce sens, synonyme de droit; Cornu I.4, I.5, David I 136, 138 et s., Brown 7-8, 147, David GS pp. 107, 112-119, 149, David Sys. pp. 94, 99-118, 139, FR Const. 34; BE Const. 28, CH Const. 4, GE Const. 2, 39
FR: acte législatif (au sens formel, Cornu acte législatif (a)): règle de droit émanant du pouvoir législatif, c'est-à-dire décision du Parlement, Const. 34, Cornu I.1, Dalloz Dr. adm. pp. 55 et seq.; BE Const. 28; CA Loi d'interprétation 1967-68; CH une loi peut être fédérale (Const. 85, 89) ou cantonale (Const. 102(13), p. ex. GE Const. 53, 116); RW Const. 47, 48, 92

- S Ley ...
E ... Act e.g. ES Ley Hipotecaria de 8 de febrero de 1946, Mortgages Act of 8 February 1946; note 5
F
- S ley básica
E fundamental law Distinguish from ley de bases
F loi fondamentale
- S Ley de ...
E ... Act Note 5
F
- S Ley de Amparo (MX)
E Amparo Act
F
- S Ley de Amparo para la Libertad y Seguridad Personal (NI)
E Personal Liberty and Security (Protection) Act
F Loi d'amparo pour la protection de la liberté et de la sûreté de la personne
- S ley de bases ES Const. 82-83
E framework law Distinguish from ley básica
F loi-cadre
- S Ley de Bases Orgánica de la Justicia (ES)
E Organization of Justice Framework Act
F
- S Ley de Código Penal (NI) Nombre oficial del código penal
E Penal Code Act Penal Code will suffice
F
- S Ley de Contrato de Trabajo (AR) No. 20744
E Employment Contracts Act
F

- S Ley de Enjuiciamiento Civil (ES, GQ)
E Civil Procedure Act
F
- S Ley de Enjuiciamiento Criminal (ES, GQ)
E Criminal Procedure Act
F Loi de procédure criminelle
- S Ley de Estado de Sitio
E State of Siege Act
F
- S ley de fuga = ley de fugas
- S ley de fugas (CL, ES, MX) Ossorio
E "fugitives' law" So-called "right" to shoot an
unwanted prisoner on the
pretext that he is trying to
escape
F "loi de la tentative d'évasion"
- S Ley de Hábeas Corpus y Amparo (PE) Ley 23306
E Habeas Corpus and Amparo Act
F
- S Ley de Hipoteca Mobiliaria y Prenda
sin Desplazamiento de Posesión (VE)
E Chattel Mortgages and
Non-Possessory Pledges Act
F
- S ley de la fuga = ley de fugas
- S Ley de la Procuraduría General de la
República (MX)
E Attorney-General of the
Republic Act
F
- S Ley de Organización del Sistema
Judicial (CU)
E Organization of Justice Act Alternatively, if a more
literal translation is
required, Judicial
Organization Act
F

- S Ley de Organización Judicial (BO)
E Organization of Justice Act Alternatively, if a more literal translation is required, Judicial Organization Act
F Loi sur l'organisation judiciaire
- S Ley de Peligrosidad y Rehabilitación Social (ES)
E Social Danger and Rehabilitation Act
F
- S Ley de Procedimiento Civil, Administrativo y Laboral (CU)
E Civil, Administrative and Labour Procedure Act
F
- S Ley de Procedimiento Penal (CU)
E Penal Procedure Act
F
- S ley de quórum calificado (CL) 1980 Const. 63
E qualified-majority law The passing, amendment or repeal of such a law requires an absolute majority of the deputies and senators in office (qualified refers to the latter requirement, i.e. of an absolute majority of those in office, not of those voting); leyes de quórum calificado, qualified-majority legislation
F
- S Ley de Régimen Jurídico de las Sociedades Anónimas (ES)
E Joint Stock Companies Act
F

- S Ley de Responsabilidades de los Funcionarios y Empleados de la Federación, del Distrito Federal y de los Altos Funcionarios de los Estados de la República (MX)
- E Federal and Federal District Officials and Employees and Senior State Officials (Responsibilities) Act
 - F
- S Ley de Seguridad del Estado y el Orden Interno (UY)
- Esta entrada incide en una ley que suele citarse en forma abreviada o incompleta y la versión que esta lista da corresponde al nombre oficial y completo
- E State Security and Internal Order Act
 - F Loi relative à la sûreté de l'Etat et à l'ordre interne
- S Ley de Seguridad Interior del Estado
- V. nota en Ley de Seguridad del Estado y el Orden Interno
- E Internal Security of the State Act
 - F Loi relative à la sécurité intérieure de l'Etat
- S leyes y disposiciones normativas con fuerza de ley (ES)
- Const. 161(1)(a)
- E statutes and other enactments having statutory force/having the force of a statute - laws and other enactments having the force of law
 - F lois et dispositions normatives ayant force de loi
- S leyes y disposiciones reglamentarias
- E statutes/laws and regulations
 - F
- S Ley Federal de Armas
- E Federal Weapons Act
 - F

- S Ley Fundamental (GQ, UY) Sinónimo de Constitución Política
- E Fundamental Law/Statute - Constitution
- F Loi fondamentale - Constitution
- S ley orgánica
1. de un país
2. de una institución
- ES Const. 81(1), p. ej. Ley Orgánica del Poder Judicial
- E 1. fundamental law
- i.e. the constitution; the term organic law is also used both in meaning 1. (Black organic law) and in meaning 2. (Brown 10; PG e.g. Organic Law on National Elections)
2. organizational law
- Use ... Organization Act in titles of statutes (but note e.g. PG Organic Law on National Elections)
- F 1. loi fondamentale
2. loi organique
- FR Const. 46, 61, 65, Brown 10
- S ley orgánica constitucional (CL) 1980 Const. 63
- E constitutional organic law
- F
- S Ley Orgánica de ...
- E ... Organization Act
- F
- S Ley Orgánica de la Procuraduría General de Justicia del Distrito Federal (MX)
- E Federal District Government Procurator's Office Organization Act
- F
- S Ley Orgánica del Consejo General del Poder Judicial (ES) Derogada
- E General Council of Justice Organization Act
- F

- S Ley Orgánica del Estado (ES)
E Organization of the State Act
F
- S Ley Orgánica del Organismo de Investigación Judicial (CR) E/CN.4/Sub.2/470
E Judicial Investigation Department (Organization) Act
F
- S Ley Orgánica del Poder Judicial (ES) Legislada en 1985
E Organization of Justice Act
F
- S Ley Orgánica de Tribunales
E Courts Organization Act
F
- S Ley Orgánica Penitenciaria (ES)
E Prisons Organization Act
F
- S Ley reguladora de ... = Ley de ...
- S Ley reglamentaria de
E ... Regulations Act Note 5
F
- S Ley sobre ... = Ley de ...
- S Ley sobre Hipoteca Mobiliaria y Prenda sin Desplazamiento de Posesión (ES) = Ley de Hipoteca Mobiliaria y Prenda sin Desplazamiento de Posesión
- S Ley sobre Jurisdicción y Competencia de los Tribunales Nacionales (AR)
E National Courts (Jurisdiction and Competence) Act
F
- S Ley sobre Régimen Nacional del Trabajo Agrario (AR) N°. 22248
E Agricultural Labour (National Provisions) Act
F

S Ley Tutelar de Menores (NI)

E Child Protection Act

F Loi de protection des mineurs

F LFOJ = Loi fédérale d'organisation judiciaire

E liability

1. (IL)

Objective liability:
A/CN.4/SR.1203, para. 19;
for the distinction between
liability and responsibility
see A/CN.4/360, p. 7, n. 27,
p. 16

2. (ML)

F 1.

2.

S 1.

2.

E liable

Both people and things can be
liable

F

S

F liaison de l'instance (FR)

Dalloz Proc. civ. p. 596

E joinder of issue

Odgers 133, Black joinder:
joinder of issue

S

S liberación condicional (PE, UY)

1. (PE CP 58-64) = libertad
condicional 1.

2. (UY CPO 102) = libertad
condicional 2.

F libéralité (Capitant, Guillien;
Amos 337 liberality) = disposition à
titre gratuit

v. successions et libéralités

- F libération (QU)
E discharge
S
- F libération conditionnelle = libertad condicional
- F libératoire
v. paiement libératoire
- S libertad
v. pena privativa de libertad
prelibertad
E liberty
F liberté
- S libertad anticipada = liberación condicional 1.
- S libertad bajo caución (AR CPCR 504, MX CPPDF 556, 557, CFPP 399) = excarcelación bajo caución
- S libertad bajo emplazamiento (UY)
E release conditioned for residence
F
- S libertad bajo fianza (GT) = excarcelación bajo caución
- S libertad bajo protesta (MX CFPP 418) = libertad provisional bajo protesta
- S libertad caucional (MX CPPDF 558, 559, CFPP 399-401) = excarcelación bajo caución
- Loi concernant les lettres de change ... de 1952, 139
Of a bill of exchange; CA, QU Federal Bills of Exchange Act 1952, 139, EN Bills of Exchange Act 1882, 59
- ES Const. 17, COV 9(4), 10, UDHR 3
- COV 9(4), 10, UDHR 3, ECHR 5(1)
COV 9(4), 10, UDHR 3, ECHR 5(1)
- Proc. pen.
i.e. a release made subject to an order to stay in a particular place, granted for example to a suspect in respect of whom it has not been decided whether to commit him for trial or discharge him

S libertad condicional

1. (AR, BO, CO, CR, CU, EC, ES, GT, AR CP 13-17; BO CP 66-69, NI, PA, PE, SV) beneficio que se concede al condenado cuando ha cumplido determinada parte de su condena y ha observada buena conducta; (MX) lo mismo, llamado libertad preparatoria; (UY) beneficio concedido al condenado que al quedar ejecutoriada la sentencia condenatoria se encuentra preso, o que hubiera sido reintegrado a la cárcel luego de aquélla, y que ha cumplido determinada parte de su condena, llamado libertad anticipada
2. (UY) Id. al condenado que al quedar ejecutoriada la sentencia condenatoria se encuentra en libertad provisional

- E 1. conditional release - (release on) parole Parole, release on parole and conditional release are synonyms; EN release on licence; Osborn parole, Hampton 3/294-296; NOT remission, which is an unconditional release
2. probation Of convicted offenders; NOT suspended sentence
- F 1. (mise en) liberté conditionnelle/anticipée - libération conditionnelle*/anticipée * FR Guillien, CPP 729-733.1, Dalloz peine sects. 31-36; FR obs. liberté conditionnelle (CP 58.1-3 et CPP 728.1-4 abrogés, Dalloz (mise à jour 1977) tutelle pénale)
2. ?(mise à l')épreuve FR

S libertad de asociación

UDHR 20

- E freedom of association
F liberté d'association

UDHR 20
UDHR 20

S libertad de cátedra

- E freedom of instruction - academic freedom
F liberté d'enseignement

- S libertad definitiva (UY) La puesta en libertad definitiva can take place at any time during the investigation, examination or trial of a criminal offence or the serving of a sentence for it, and frees the person concerned from whatever condition has been imposed on him
- E unconditional release
F (mise en) liberté définitive
- S libertad de información
- E freedom of information
F liberté d'information
- S libertad de informar
- E freedom to communicate
F liberté de l'information
- S libertad de opinión
- E freedom of thought
F
- S libertad de radicación
- E freedom of residence
F liberté de résidence - libre choix de la résidence
- S libertad de reunión y asociación (MX) MEX ..., UDHR 20
- E freedom of assembly and association UDHR 20
F liberté de réunion et d'association UDHR 20
- S libertad de tránsito
- E freedom of movement
F liberté de circulation
- S libertad incondicional (PE)
= libertad definitiva
- S libertad individual = libertad personal

- S libertad personal COV 9(1)
- E personal liberty*
- liberty of person **
- freedom of the person/
individual
- F liberté de la personne COV 9(1)
- S libertad preparatoria = libertad condicional 1.
- S libertad protestatoria (MX CPPDF 552) = libertad provisional bajo protesta
- S libertad provisional (BO, CL, CO, ES, GT, MX, PE, UY) BO CPP 91(7), CPP 196 et seq., 208, 2 trans.; CL 1980 Const. 19(7)(e), CPP 47, 94, 356-379, CO CPP 453; ES LECR 277(6), 530, 539; GT CPP 577; MX CPPDF ..., CFPP ...; PE CPP 84, 103 et seq., 111, 114; UY CPPM 193-211, 214, CPP 138
- E (release on) bail
- pre-trial release
- Bail (EN, US) and pre-trial release (US) can be regarded as synonyms (see bail). The terms bail, pre-trial release, (mise en) liberté provisoire, (puesta en) libertad provisional and excarcelación all denote the general procedure whereby an accused person is granted temporary release or immunity from police custody (EN police bail) or judicial custody (EN remand on bail) with or without security. The procedure can also apply to a convicted offender pending appeal. If the stage at which the procedure takes place is clear, expressions such as remand pending inquiries, bail pending trial, release pending sentence, bail pending appeal can be used. Do not use pre-trial release if it is clear that the trial stage has been concluded.

Note that, like bail in EN, liberté provisoire in FR and libertad provisional in ES and CL can be unconditional or conditional, i.e. in the latter case accompanied by measures of contrôle judiciaire (FR CPP 147) or by the furnishing of a fianza (ES LECR 529). Bail is therefore a correct translation of the F and S terms.

Note 1.

F (mise en) liberté provisoire

FR CPP 147 et seq., MI; Dalloz Proc. pén. pp. 522-526

S libertad provisional bajo caución
(AR CPCR 398: puede ser personal, real o juratoria; MX CPPDF 556, CFPP 399) = excarcelación bajo caución

S libertad provisional bajo protesta (MX)

CPPDF 552, CFPP 418, CFPP 420

E bail on defendant's (own) undertaking

F (mise en) liberté sous caution personnelle?

S libertad provisoria (AR CPCR 376-377, UY CPPM 511) = libertad provisional

S libertad sindical = libertad de asociación

S libertad vigilada

1. (CR)
2. (AR, CO)

CP 101
AR E/CN.4/GR.8/7/Add.1;
CO CPP 681, CP 67

E 1. probation
2. surveillance

Of convicted offenders e.g. of a person released from executive detention but kept under surveillance by the authorities

F 1.
2.

F liberté = libertad

F liberté conditionnelle = libertad
condicional l.

F liberté provisoire = libertad
provisional

F liberté surveillée (FR)

Dr. pén: mesure de sûreté
éducative prise à l'égard
d'un mineur délinquant;
Ord. 2.2.1945, 25-32,
Guillien, Marchais, Dalloz
enfance délinquante sect. 20,
Dalloz Crim. pp. 643-652,
Dalloz Pén. sect. 521,
Bouzat II ...

E (non-custodial) supervision

FR: the regime of liberté
surveillée can be imposed
by the court under the
following circumstances:

(i) as liberté surveillée
d'observation during
the instruction
préparatoire;
distinguish from
contrôle judiciaire,
which can also be
imposed on a juvenile
at this stage but is
preventive, not
remedial;

(ii) as liberté surveillée
d'épreuve, syn. liberté
surveillée préjudicielle,
pending sentence;

(iii) as liberté surveillée
d'éducation on
conviction: (a) as an
alternative to a
custodial penalty,
(b) in addition to a
custodial penalty.

Note that in the case of
(iii.b) the régime cannot be
described as non-custodial.

Sometimes known as probation or juvenile probation, liberté surveillée is comparable to EN supervision, effected by a supervisor, who may be a probation officer (Hampton 420-423). Only (ii) and (iii.a) above can be described as probationary, and in EN, but not in US, the term probation would be restricted to the latter (Martin, CJD). It can therefore be used as an alternative rendering for (iii.a) and juvenile probation can be used where (iii.a) needs to be distinguished from adult probation.

S

F liberté surveillée dans sa résidence
(? FR)

E/CN.4/Sub.2/1985/WG.1/CRP.1,
para. 21

E ? (non-custodial) residential
surveillance

S

S librar

E to issue

e.g. librar mandamiento de
prisión, to issue a warrant
of commitment; syn. to
commit to custody (before
sentence), to commit to
prison (after sentence)

F

S libre plática

Régimen de detención normal,
opuesto al de incomunicación

E normal detention

F régime (de détention) normal

S libreta cívica (AR)

Documento de identidad
personal de la mujer,
imprescindible para ejercer
el derecho de sufragio

E (female) identity card

F livret civique

S	libreta de enrolamiento (AR)	Documento de identidad personal del hombre, imprescindible para fines militares y ejercer el derecho de sufragio
	E (male) identity card	
	F livret militaire	
F	licéité	SR DA 19
	E lawfulness	SR DA 19
	S	
F	licence d'office	IP: EGLAT <u>d'office</u>
	E compulsory licence	
	S licencia de oficio/de pleno derecho	
F	licence obligatoire	IP: EGLAT <u>d'office</u>
	E licence of right	
	S licencia obligatoria	
F	licitation (FR)	Capitant, Guillien, CPCA 970
	E sale by auction	Of a thing or right held <u>indivis</u>
	S	
F	licite	
	1. (dr. interne) = <u>légal</u> 2.	
	2. (dr. international)	SR DA 4; YB 1975 II, Report ...
	E 1. = <u>légal</u> 2.	
	2. lawful - licit - rightful	For use and alternatives see note 6; SR DA 4
	S 1. = <u>légal</u> 2.	
	2. ?lícito	
S	lícito = licite	
E	lien	A lien exists <u>on</u> a thing
	F	
	S	
F	lien de droit	
	E legal relationship/nexus*	*PIL
	S	
F	lien juridique = lien de droit	

- F lieu, se
E to opt in
S
- F lieu de résidence EGLAT domicile
E place of residence
S lugar de residencia
- F lieu de séjour EGLAT domicile
E place of visit
S
- F liquidateur judiciaire (FR) Guide pratique 58
E judicial liquidator EN liquidator appointed by the court
S
- F liquidation des biens (FR) Loi 563 13.7.1967; Guillien
E (judicial) liquidation Of the assets of an insolvent commerçant, individual trader, or personne morale de droit privé, private law juridical person; in FR liquidation des biens is always judicial, i.e. administered by the court; in EN liquidation of assets is called winding-up more often than liquidation, applies only to companies and may be by the court or voluntary (for the various methods see Oliver 352); liquidation des biens can be translated as winding-up by the court where it applies to a personne morale; de Vries Galston, CCOM p. 29a (transl. of title of Loi 563) judicial liquidation
S liquidación de bienes
- F liquider les dépens
E to tax the costs
S
- F liquider les frais et dépens
= liquider les dépens

- F liste de jurés
E (jury) panel Hampton 201; panel is sufficient
S
- E litigated judgement (US)
v. consent decrees and litigated judgements
A judgement pronounced after the parties have maintained their dispute, i.e. a judgement of the ordinary kind, as opposed to a consent judgement; distinguish from jugement contradictoire, jugement sur pièces
- F jugement de pleine jurisdiction?/ordinaire*?/
non consensuel?
* Dalloz Proc. civ. p. 138
S
- S litigio (CL) CC 136, 272
E dispute - action* At law; note 3
*CL CC 136, 272
F litige
- F litispendance EGLAT
E lis alibi pendens
S litis pendencia
- F littoral
v. pays ...
- F livre de commerce (FR) Guillien
E book (of account) Amos 345; book is sufficient
S
- S locación = arrendamiento
- S locación de servicios
= arrendamiento de servicios
- S locación-venta = location-vente
- S locador = arrendador
- F locataire (BE, CH, FR): dr. civ.:
celui qui prend une chose en location en vertu d'un contrat de bail à loyer, y compris le cas d'un contrat de crédit-bail
= arrendatario

S locatario = arrendatario

F locateur

FR obs.; QU

E lessor

Locateur is sometimes used in QU to describe an ordinary lessor of land or buildings, as distinct from bailleur, a lessor who grants an emphyteutic (long-term) lease

S

F location (BE CC 1761, CH non-code, FR CC 1761) = arrendamiento
v. contrat de location
mise en location-gérance
prix de location

F location-gérance (FR)

Dr. com.; Loi 20.3.1956;
Guillien

E trading lease

Lease of a business whereby the lessee becomes the trader in place of the lessor

S

F location-vente (FR)

EGLAT vente à tempérament
GB a type of contract under which goods are (EN) bailed, (SCO) hired, to a person who, on certain conditions, later becomes the owner of the goods

E hire purchase

S locación-venta

E localized treaty
v. dispositive 2.

L locus standi (CA, EN, US)

Literally, place to stand on; legally, right of a party to appear in a given court, to sue on a particular question (Black, Jowitt, Martin); T.A. Cromwell, Locus Standi (Toronto 1986), chap. 1; syn. (CA) standing; do not confuse with right of audience

E locus standi

F ? droit à agir

S

- F loi = ley
v. ayant force de loi
ensemble des lois
lois ...
projet de loi
violation de la loi
- F Loi ...
E ... Act Note 5
S
- F loi applicable à ...
E law applicable to ... -
proper law of ...*
S ley aplicable
Law means the system of law (e.g. French, English) which applies from the private international law point of view; these renderings are synonymous, e.g. law applicable to the contract, to the tort, proper law of the contract, of the tort; applicable law of the contract, of the tort is also used; distinguish from droit propre de ...; NOT lex causae
* EN PIL (Dicey 1162)
proper law of the contract
- F loi-cadre (FR)
E framework law
S ley de bases
Obs.
- F loi cantonale (CH)
E cantonal statute -
a cantonal law
Acte législatif: Const.
102 (13), p. ex. Const. 53,
116
- F Loi concernant ... = Loi de ...
- F loi constitutionnelle (GE)
E constitutional statute
S
Acte législatif
- F loi de ...
E ... Act
S Ley de ...

- F loi de cadre (BE) = loi-cadre
- F loi de l'autonomie (de la volonté)
= principe de l'autonomie de
la volonté
- F loi de l'autonomie des parties
= principe de l'autonomie de
la volonté
- F loi de police (FR) CC 714, Amos 87
- E public order statute -
policing statute F police is used in the sense
of public control, see Black
police power; SC CC 714
regulation of public order
- S
- F loi de programme (FR) Const. 34
- E planning law
- S
- F loi d'exécution
v. lois d'exécution
- E implementing statute
- S
- F loi d'habilitation (FR) Dalloz Dr. adm. p. 65
- E empowering statute OCL delegated legislation,
Wade 748; also called
parent Act (Odgers'
Construction 425, 428); NOT
enabling Act
- S
- F loi d'orientation? = loi-cadre
- F Loi fédérale d'organisation
judiciaire (CH)
- E Federal Organization of
Justice Act
- S
- F Loi fédérale sur l'assurance-
vieillesse et survivants (CH)
- E Federal Old Age and
Survivors Insurance Act
- S

- F Loi fédérale sur la poursuite
pour dettes et la faillite (CH)
- E Federal Indebtedness
Proceedings and Bankruptcy Act
S
- F loi impérative (FR) Nicholas 32-34, de Vries
262-264, Guillien loi
- E peremptory statute NOT mandatory statute
- a peremptory law (EN, US), which has a
different meaning
- S ley imperativa
- F Loi maritime (BE)
- E Shipping Act
S
- F Loi modifiant et complétant 24.12.1971
certaines dispositions du code
de justice militaire (FR)
- E Code of Military Justice
(Amendment and Extension) Act
S
- F Loi nationale impérative CIMT 1(9)
- E mandatory national law CIMT 1(9)
S ley nacional imperativa
- F Loi ordinaire (FR) Const. 34, Brown 10,
Guillien
- E ordinary statute
S ley ordinaria
- F Loi organique = ley orgánica
v. Ordonnance no. 58-1270 du
22 décembre 1958 portant loi
organique ...
- F Loi portant statut général des 13.7.1972
militaires (FR)
- E Members of the Armed Forces
(General Regulations) Act
S
- F Loi relative à ... = Loi de ...

- F Loi relative à la détention préventive (BE) 20.4.1874
E Preventive Detention Act
S Ley sobre la Detención Preventiva
- F lois d'exécution
E implementing legislation
S leyes de ejecución
- F lois et règlements
E statutes and regulations
- laws and regulations
- legislation*
S leyes y reglamentos
EN statute law, statutes and subordinate (syn. delegated) legislation
* Used here lato sensu, see E note to legislation 1.
- F Loi sur ... = Loi de ...
- F Loi sur la détention préventive (BE)
= Loi relative à la détention préventive
- F loi supplétive (FR) Nicholas 32-34
E residuary statute
- a residuary law
S Ley supletoria
- F Loi tendant à renforcer la garantie des droits individuels des citoyens (FR) 17.7.1970
E Citizens' Personal Rights Enhancement Act
S
- S LOPJ = Ley Orgánica del Poder Judicial
- S lo principal Parte fundamental de un escrito que se presenta ante los tribunales; Ossorio

E	principal petition/item	Paragraph heading used in judicial documents, e.g. applications for <u>amparo</u> , and usually followed by <u>primer otrosí</u> , <u>segundo otrosí</u> and so on, each of which begins a new paragraph of the document; the "principal" and the various "otrosí" of these documents may be petitions, statements of fact or a mixture of the two; translate according to context
F	demande principale - conclusions principales - à titre principal ...	
E	loss	Financial damage; OCL
F	perte	
S		
E	loss or injury	IL: A/CN.4/360, p. 17
F		
S		
F	louage = arrendamiento v. contrat de louage	
F	louage à cheptel (FR)	Capitant
E	livestock* - leasing of livestock	*syn. <u>bail à cheptel</u>
S		
F	louage des choses = arrendamiento de cosas	
F	louage de services = arrendamiento de servicios	
F	louage d'industrie = arrendamiento de obra/obras v. louage d'ouvrage et d'industrie	
F	louage d'ouvrage (BE, FR) = arrendamiento de obras y servicios	
F	louage d'ouvrage et d'industrie = arrendamiento de obras y servicios	
F	louer = arrendar	

F loueur = arrendador

F loyer

Capitant

v. bail à loyer
montant du loyer
prix du loyer

1. (BE, CH, FR) prix du louage
de choses

CH CDO 253; BE CC Book VIII,
Tit. III, ch. II, sect. II bis,
art. 6; FR Loi 1360 1.9.1948,
71, Déc. 960 30.9.1953, 23-28,
Loi 526 22.6.1982, ...
BE CC 1711, FR CC 1711

2. (BE, FR) prix du louage
de services, d'ouvrage

E 1. rent* - rental**
- hire**

* If paid for use of land
or buildings or e.g. for plant
under a leasing agreement
** If paid for use of other
things, e.g. a car, taxi,
television set; also called
hire charge, hire payment;
note 9

2. wage(s) - price -
charge - fee

Wage(s) is the technical term
for payment for services,
whether rendered by
an employee or anyone else,
but is normally confined to
payment of employees, the
remaining three terms being
more appropriate in other
cases

S alquiler* - arriendo
- renta - precio
- arrendamiento*

*AR CC 1493

S lucro cesante (CL)

CC 2331

E lucrum cessans

In some cases loss of
earnings will be appropriate

F gain manqué
- ?manque à gagner

S lugar de reclusión

E place of detention
F lieu de détention

S LUVI = ULIS

M

S magistrado

1. (lato sensu) superior en el orden civil Ossorio
 2. (stricto sensu) todo miembro integrante del poder judicial y encargado de juzgar, sin. de juez 1. Ossorio, CL COT 244 (rúbrica) unlike FR magistrat, in CL, ES the term magistrado does not include the officials of the ministerio público (fiscales)
 3. (strictissimo sensu) lo mismo cuando actúa colegiadamente, y por eso a nivel superior, por oposición al juez 2. Ossorio, Escriche, ES Const. 117-127, LRJCA 19-21, LEC 194, LEJR 52, LOPJ 1, 299; ES p.ej. magistrado del Tribunal Supremo, de una Audiencia; CL Const. 78; MX LOT 11, 17, CPCDF 170
-
- E 1. magistrate Used here lato sensu
 2. judge - magistrate* - member of the judiciary - court See E note to juez 1.; los magistrados, the magistrature; note 4
 3. judge * Used here stricto sensu
Translate as judge in banc if it is necessary to emphasize the fact that he acts in a collegiate capacity
Cornu
-
- F 1. magistrat
 2. magistrat
 3. magistrat

S magistrado interviniente

- E (translate according to context) e.g. the judge who hears the application, tries the case, etc.
- F

S magistrado judicial (VE)

- E judicial officer
- F magistrat de l'ordre judiciaire - magistrat judiciaire

S magistrado ponente (CO, ES, VE)

- E reporting judge
- F juge rapporteur

F magistrat
v. magistrats

1. (lato sensu CG, FR, GE)
tout fonctionnaire public
ou officier civil investi
d'une autorité
juridictionnelle,
administrative ou politique
2. (stricto sensu FR, GE, CG)
personne ayant pour fonction
de rendre la justice ou de
la requérir au nom de l'Etat,
syn. de magistrat de l'ordre
judiciaire et de juge 1.

- E
1. magistrate
 2. judge - magistrate* -
member of the judiciary
- court

- S
1. magistrado
 2. magistrado

F magistrat assis (FR) = magistrat
du siège

F magistrat debout (FR) = magistrat
du ministère public

F magistrat de l'ordre
administratif (FR)

E administrative magistrate

S

Note 4

FR: Capitant I; CP 222-223;
dans ce sens le terme
comprend les magistrats de
l'ordre judiciaire (magistrats
du siège et magistrats du
ministère public) et les
magistrats de l'ordre
administratif; GE: p. ex.,
un conseiller d'Etat
FR: Capitant II, Guillien;
Const. 34, 64-65; COJ L.
213.1, L.311.7; Dalloz
magistrature, Dalloz Civ.
intro. pp. 225-228,
David I 48, II 268, EGLAT
magistrat, avocats généraux;
GE Const. 132

Used here lato sensu
See note to juez 1.;
les magistrats, the judiciary
(used here stricto sensu;
Brown 8), the magistrature;
note 4

v. magistrado 1.
v. magistrado 2.

Capitane magistrat I

e.g. a member of the
Conseil d'Etat, the Cour des
Comptes or an administrative
court, as opposed to magistrat
de l'ordre judiciaire,
judicial magistrate

- F magistrat de l'ordre judiciaire (FR) Ord. 1270 22.12.1958;
syn. de magistrat 2., juge 1.;
note 4
- E judicial magistrate As opposed to magistrat de l'ordre administratif, administrative magistrate, hence the E and F terms are not pleonastic, despite appearances; the magistrats de l'ordre judiciaire comprise the magistrats du siège and the magistrats du ministère public; can be translated as judge or member of the judiciary where the distinction between the ordre judiciaire and the ordre administratif does not need to be made; note 4
- S
- F magistrat du corps judiciaire (FR Ord. 1270 22.12.1958, 11.1)
= magistrat de l'ordre judiciaire
- F magistrat du ministère public (BE, FR) FR: Dalloz Civ. intro.
pp. 225-228; collectively the magistrats du ministère public are known as the Parquet, parquet; note 4
- E government procurator Sometimes called public attorney, government attorney; see E note to S fiscal 3; note 4
- S fiscal
- F magistrat du parquet (FR Ord. 1270 22.12.1958, 1, 5) = magistrat du ministère public
- F magistrat du pouvoir judiciaire (GE Const. 132, 135) = magistrat de l'ordre judiciaire
- F magistrat du siège (FR, LU, SG) FR Ord 1270 22.12.1958, 1;
SG Const. 80.3; Dalloz Civ. intro. pp. 225-226;
note 4
- E judge - magistrate* Any member of the judiciary stricto sensu; NOT sitting judge
- S

- E magistrate Note 4
1. lato sensu, a public officer possessing executive or judicial authority
 2. stricto sensu (EN, SCO), a public officer possessing judicial authority to determine causes
- F 1. magistrat v. magistrat 1.
2. magistrat du siège - juge v. magistrat 2., juge 1.
- S 1. magistrado v. magistrado 1.
2. magistrado - juez v. magistrado 2., juez 1.
- F magistrat instructeur (BI)
- E examining magistrate
S
- F magistrats et juges non professionnels
- E judges and lay magistrates In the F expression, magistrat is the term indicating a higher status than juge; in the E expression, it is necessary to invert the terms in order to convey the flavour of the original
- S
- S magistratura = F magistrature
- S magistratura de trabajo (ES) LOPJ disposición transitoria 19; obs.
- E labour court Of a province or town
F conseil de prud'hommes
- S magistratura tutelar de menores (ES) Denominada también tribunal tutelar de menores; LOPJ disposición transitoria 4; obs.
- E juvenile court
F juge des tutelles
- F magistrature (CG, FR) Utilisé pour la plupart pour correspondre au sens de magistrat 2.; FR Ord. 1270 22.12.1958, 1; Guillien
v. Conseil supérieur de la magistrature
Ecole nationale de la magistrature
Ordonnance no. 58-1270 ...

E	magistrature - magistracy	Invariably used in accordance with the meaning of magistrate 2.
S	magistratura	Ossorio; invariably used in accordance with the meaning of <u>magistrado</u> 2.; CL COT 246
F	magistrature assise (FR)	EGLAT <u>avocats généraux</u>
E	judiciary - judges	The <u>magistrats assis</u> collectively; note 4
S		
F	magistrature debout (FR)	EGLAT <u>avocats généraux</u> ; note 28
E	government procurators	The <u>magistrats du ministère public</u> collectively, i.e. the <u>Parquet</u> ; in criminal matters can be called <u>prosecutors</u> , <u>public prosecutors</u> or <u>prosecution service</u> ; OCL <u>Parquet</u> ; note 4
S		
F	magistrature du parquet (FR) = magistrature debout	
F	maison centrale (FR)	CPP 717, D.70, D.70.1
E	central prison	FR: for <u>réclusion criminelle</u> , rigorous imprisonment, in all cases and for <u>emprisonnement correctionnel</u> , ordinary imprisonment, in cases where a sentence of over one year has to be served; an alternative for a convicted offender in these categories is (CPP D.70) confinement in a <u>centre de détention</u> , detention centre, or <u>centre spécialisé</u> , specialized penal establishment; US <u>penitentiary</u>
S		

F	maison correctionnelle (FR obs.)	Capitant
	E juvenile prison	Distinguish from <u>maison de correction</u>
	S	
F	maison d'arrêt (FR, LU)	FR CPP 714, 717, D.70, D.71; LU CIC 603
	E local prison	FR: for <u>emprisonnement correctionnel</u> , ordinary imprisonment, in cases where a sentence of one year or less has to be served, for <u>emprisonnement de police</u> , light imprisonment, in all cases and for <u>détention préventive</u> , pre-trial detention; in principle each <u>maison d'arrêt</u> is divided into three separate parts, one for each of the two categories of convicted prisoners described above and one for unconvicted prisoners; an alternative for a convicted offender in the categories described is (CPP D.70, D.72.1) confinement in a <u>centre d'exécution de très courtes peines</u> , short-term imprisonment centre; US <u>jail</u>
	S	
F	maison de correction (FR)	CPP 717
	E correctional prison	FR: term which is used in CPP 717 as though it referred to a separate establishment but in fact denotes that part of a <u>maison d'arrêt</u> reserved for convicted prisoners serving sentences of <u>emprisonnement correctionnel</u> for one year or less (Daloz Pén. sect. 392); US <u>jail</u>
	S	

F	maison de dépôt (FR obs., MI)	
	E remand prison	MI: for pre-trial detention of <u>prévenus</u> , i.e. persons accused of a <u>délit</u> , ordinary offence, or <u>contravention</u> , minor offence; US <u>jail</u>
	S	
F	maison de justice (MI)	
	E remand prison	MI: for pre-trial detention of <u>accusés</u> , i.e. persons accused of a <u>crime</u> , serious offence; US <u>jail</u>
	S	
F	maison de peine (MI)	
	E (convict) prison	MI: for imprisonment of convicted offenders; US <u>penitentiary</u>
	S	
F	maison de prostitution	CSTP 2
	E brothel	CSTP 2
	S casa de prostitución	CSTP 2
F	maître des requêtes (FR)	Ord. 1708 31.7.1945, 2
	E master	Of the Council of State (the intermediate of the three grades of membership)
	S	
F	majorité absolue	
	E absolute majority	A majority of more than half the votes cast (Barrillon <u>majorité</u> , Bourdon <u>majorité</u>)
	S mayoría absoluta	

F majorité qualifiée

E qualified majority

- (i) a majority expressed in terms of a given arithmetical fraction of the votes cast, e.g. two thirds, the most frequent form of which is the absolute majority, i.e. more than half (Barrillon majorité);
- (ii) a majority expressed in terms of a given arithmetical fraction greater than one half, e.g. two thirds, and therefore excluding an absolute majority, or one expressed in terms of an arithmetical fraction of the membership of the body voting and not of the number of votes cast (Bourdon majorité);
- (iii) a combination of a simple majority of all those voting and a specified majority of all the members of a particular class among those voting

S mayoría calificada

F majorité relative

E relative majority

Synonymous with majorité simple (Barrillon majorité, Bourdon majorité)

S mayoría relativa

F majorité renforcée

E augmented majority

As defined by Bourdon (majorité), synonymous with majorité qualifiée

S

F majorité simple

E simple majority

A mere overall majority of the votes cast (e.g. where A receives 40 per cent of the votes, B 30 per cent and C 30 per cent, A wins by a simple majority), synonymous with majorité relative (Barrillon majorité, Bourdon majorité)

S simple mayoría

E malicious mischief

US Code Title 18, chap. 65

F
S

E malicious process

v. abuse of process

F
S

E malicious prosecution

v. abuse of process

F
S

S malos tratos

E ill-treatment
F sévices - mauvais traitements

S malos tratos contra la mujer

E wife battery
F mauvais traitements corporels infligés au conjoint

S malos tratos contra los hijos

E child abuse
F sévices envers des enfants

S malversación

E misappropriation
F malversation

S mandado cumplir como ley

E given the force of law - assented to
F rendu exécutoire - promulgué

S	mandamiento	Proc. pen.: Ossorio <u>mandamiento judicial</u> ; UY CPP 128
	E warrant - order	Strictly speaking, a <u>warrant</u> is a direction from the court to an officer to perform an act, e.g. arrest, imprisonment, whereas an <u>order</u> is a decision of the court that the act shall be done, but the two terms are often used interchangeably to express either meaning or both at once; if in doubt use <u>warrant</u> ; see the examples below
	F	
S	mandamiento de aprehensión (BO)	
	E arrest warrant	Note 1
	F mandat d'arrêt	
S	mandamiento de arraigo	
	E restricted residence order	
	F ?assignation à résidence	
S	mandamiento de arresto (UY)	
	E arrest warrant	Note 1
	F mandat d'arrêt	
S	mandamiento de comparendo (BO CPP 91) = citación de comparecencia	
S	mandamiento de detención	
	1. (CL, NI) resolución de privación de libertad	CL CPP 280 <u>et seq.</u> , NI Dec. 52/79, 8(1)
	2. (CO) instrucción al jefe del establecimiento carcelario	CPP 432
	E 1. arrest warrant	Note 1
	2. warrant of commitment	
	F 1. mandat d'arrêt	
	2. mandat de dépôt	
S	mandamiento de detención formal (BO)	CPP 91, 222
	E warrant of commitment	Note 1
	F mandat de dépôt	

S	mandamiento de detención preventiva (BO)	Resolución de encarcelamiento, CPP 91, 195
	E detention order	Note 1
	F ordonnance de mise en détention préventive	
S	mandamiento de hábeas corpus (VE)	Const., 5th transitional provision
	E writ of <u>habeas corpus</u>	
	F principe de l' <u>habeas corpus</u>	(Enjoint à tout fonctionnaire ayant un prisonnier à sa charge de le déférer devant un tribunal)
S	mandamiento de prisión (CL, ES)	Nombre único que recibe esta instrucción librada al jefe del establecimiento carcelario y a la policía; CL CPP 278, 280, ES LECR 505
	E warrant of commitment	Note 1
	F mandat de dépôt	
S	mandamiento de prisión preventiva (UY CPP 128) = orden de detención 2.	
F	mandant (CH, FR, QU)	CH CDO 397, FR CC 1998, QU CC 1709
	E principal* - donor**	* In the relationship of principal and agent governed by the contract of <u>mandat</u> , <u>mandato</u> , agency; see E note to <u>mandataire</u> ** Of a power of attorney
	S mandante	ES CC 1715, CL CC 2116
S	mandante = mandant	
F	mandat	
	1. (dr. civ.) contrat de représentation et document qui en fait état, souvent syn. de <u>pouvoir</u> 2., 3., <u>procuration</u> 1., 2.	CH CDO 394, FR CC 1984, CPCN 416, Déc. 236 23.3.1967, 132, QU CC 1701; Dalloz

2. (proc. pén. BE, BI, CG, FR, GE, LU, NE, RW, SN, ZR) ordre écrit concernant la personne de l'inculpé, décerné en matière de crime ou de délit, en général par le juge d'instruction mais dans certaines circonstances par d'autres magistrats, p. ex. en FR le procureur de la République

FR Dalloz Proc. pén. p. 498, CPP 70, 122-136

- E 1. agency* - appointment**
- authorization**
- proxy*** - mandate****

* Mandat, mandato are the names of the contract, called in E agency, governing the relationship of principal and agent; the use of the alternative terms appointment, authorization, mandate and proxy (see below) does not imply that the relationship in question is not technically one of agency. If in doubt, in a technical text use agency for the contract or relationship in the abstract and mandate for the name of the document, and in a non-technical one appointment or authorization

** The act in the abstract and the instrument evidencing it; the latter is also called agency appointment (academic term), authority and, if the instrument is a formal one, power of attorney (EN, US) (for which the more usual F and S terms are pouvoir, procuracion, poder, procuración)

*** Instrument appointing a person to vote at a meeting (for which the more usual F and S terms are pouvoir, procuracion, poder, procuración)

**** e.g. to a bank; QU CC 1701, in all the above senses

See E note to mandamiento ES CC 1709, CL CC 2116 Ossorio mandamiento judicial

2. warrant
S 1. mandato
2. mandamiento (judicial)

F mandataire (CH, FR, QU)

CH CDO 394, FR CC 1981,
CPCN 418, Déc. 223
17.3.1967, Déc. 236
23.3.1967, 132, QU CC 1720

E agent* - attorney** - donee**
- proxy*** - representative****

* In the relationship of principal and agent governed by the contract of mandat, mandato, agency; the use of the alternative terms attorney, donee, proxy and representative (see below) does not imply that the person in question is not technically an agent; if in doubt use agent in all technical contexts and representative in non-technical ones; QU CC 1720 mandatory; note the correlatives principal - agent, constituent - attorney, donor - donee, principal - proxy, constituent - representative

** Person appointed under a power of attorney

*** Person appointed (e.g. by a member or director or other official of a company, association, etc.) to vote at a meeting

**** Of a party in judicial proceedings

ES CC 1714, CL CC 2116

S mandatario

F mandataire conventionnel

E contractual agent

S mandatario convencional

F mandataire légal

E statutory agent - agent by operation of law

S mandatario legal

e.g. the guardian of a minor

F	mandat d'amener (BE, BI, CG, CI, FR, GE, LU, NE, RW, SN, ZR)	BE CIC 61, 91, 92; CG CPP 104; CI CPP 120; FR CPP 70, 122, 310; GE Const.15, CPP 32; NE CPP 116; RW CPP 5, 25, BI CPP 15; Dalloz <u>instruction préparatoire</u> 55-67
	E arrest warrant	EN; US FRCRP r.4
	S mandamiento de detención	
F	mandat d'arrestation provisoire (RW non-code)? = mandat d'arrêt provisoire	
F	mandat d'arrêt (BE, CG, CI, FR, GE, LU, NE, SN, ZR)	BE CIC 94, Loi 1874, 1; CG CPP 104; CI CPP 120; FR CPP 122, 131, 144, 181; GE Const.17, CPP 33; NE CPP 116; Dalloz <u>instruction préparatoire</u> 55-67
	E arrest and detention warrant	A combined arrest and detention warrant used under special circumstances
	S	
F	mandat d'arrêt provisoire (BI, RW)	BI CPP 28, RW CPP 25, 38
	E provisional detention warrant	
	S	
F	mandat de comparution (BE, BI, CG, CI, FR, GE, NE, RW, ZR)	BE CIC 91; BI CPP 15; CG CPP 104; CI CPP 120; FR CPP 122; NE CPP 116; RW CPP 25; GE Const.14, CPP 31, Dalloz <u>instruction</u> <u>préparatoire</u> 55-67
	E summons	See E note to F <u>assignation</u> 1.
	S	
F	mandat de dépôt (BE, CG, CI, FR, NE, RW, ZR)	BE CIC 61, 95; CG CPP 104; CI CPP 120; FR CPP 122, 181; NE CPP 116; RW CPP 25; Dalloz <u>instruction préparatoire</u> 55-67
	E detention warrant	EN <u>warrant of commitment</u>
	S	

- F mandat de dépôt en détention
(RW CPP 25) = mandat de dépôt
- F mandat de perquisition
E search warrant EN; US FRCRP r.41
S orden de allanamiento
- F mandat de représentation en justice CPCN 411, 322
(FR)
E appointment of judicial
representation
S
- F mandat gratuit FR CC 1986
E gratuitous agency
S mandato gratuito
- S mandato = mandat
- F mandat salarié FR CC 1999
E agency for reward
S mandato remunerado
- S mando presidencial
E presidential authority
F pouvoir présidentiel
- F mariage
E marriage
S matrimonio CL CC 102
- E marshal (US, Black) = huissier de
justice
- F matière
v. en matière de ...
- F matière contentieuse
v. demande en matière contentieuse
E contentious matter(s)/business/
proceeding(s) i.e. ordinary litigation;
matter has a technical
meaning in EN (see note 3)
but is not used in that
sense here
S asunto contencioso

F	matière correctionnelle (BE, FR, LU)	BE CP 7; FR CP 7, 40; LU CP 7
	E ordinary offences	Can be translated as <u>correctional offences</u> if the word <u>ordinary</u> is unsuitable in the context
	S	
F	matière criminelle (BE, FR, LU)	BE CP 7; FR CP 6, 11; LU CP 7
	E serious offences	
	S	
F	matière de contravention (FR CPP 9) = matière de police	
F	matière de crime (FR CPP 7) = matière criminelle	
F	matière de délit (FR CPP 8) = matière correctionnelle	
F	matière de droit	
	E subject/branch of law - legal subject	Do not use <u>subject of law</u> if it is liable to be understood as meaning <u>sujet de droit</u> ; see <u>sujet de droit</u>
	S	
F	matière de police (BE, FR, LU)	BE CP 7, LU CP 7
	E minor offences	
	S	
F	matière gracieuse (FR, RW) v. demande en matière gracieuse	FR CPCN 496, 797-800, 950-953
	E non-contentious matter(s)/ business/proceeding(s)	Personal status, minors, administration of property, etc; see E note to <u>matière contentieuse</u> regarding the use of the word <u>matter</u>
	S asunto voluntario/gracioso/ no contencioso	

- F matière pénale
 E criminal matters/offences
 S
- S mayor
 v. juzgado de letras de mayor
 cuantía ...
- S mayoría = majorité
- S medicina legal
 E forensic medicine
 F médecine légale
 OCL forensic science ...;
 also called legal medicine,
 medical jurisprudence
 FR
- F médecine légale = medicina legal
- S médico forense
 E forensic physician
 F médecin légiste
- S médico legista = médico forense
- S medida
 v. medidas ...
- S medidas cautelares (UY CPP 159, 352,
 ES ..., Ossorio) = medidas
 precautorias
- S medidas curativas (UY)
 E curative measures
 F
 Proc. pen.: CP 92, CPP 341
 See E note to medidas de
 seguridad
- S medidas de excepción (CL, UY)
 E emergency measures
 F mesures d'exception
 Administrativas, no de
 derecho penal

- S medidas de seguridad (ES, PA, UY) Proc. pen.: ES Const. 25, UY CP 92, CPP 340; Ossorio
- E protective measures
- security measures* UY: may be of four kinds: curativas (hospitalization, etc. for mental patients), educativas (borstal, etc. for minors), eliminativas (e.g. imprisonment, for recidivists and dangerous criminals), preventivas (e.g. probation or binding-over for offenders deserving leniency)
* SO PC 172: comprise commitment to a hospital, nursing home, lunatic asylum or reformatory, as well as police surveillance and expulsion of aliens
- F mesures de sûreté FR Dalloz Crim. p. 296; elles comprennent entre autres la tutelle pénale des multirécidivistes, l'interdiction de séjour, l'éducation des mineurs, l'assistance tutélaire; en ce qui concerne les mineurs délinquants, v. Ord. 2.2.1945, 15 et seq.
- S medidas educativas (UY) Proc. pen.: CP 92
- E educational/correctional measures See E note to medidas de seguridad
- F
- S medidas eliminativas (UY) Proc. pen.: CP 92, CPP 343
- E custodial measures See E note to medidas de seguridad
- F
- S medidas excepcionales de seguridad Administrativas, no de derecho penal
- E exceptional/special security measures
- F mesures exceptionnelles de sécurité

- S medidas intimidatorias Der. penal
- E threatening behaviour
- intimidation
 - F mesures d'intimidation
- S medidas para mejor resolver (CL) Proc. pen.: CPP 499
- E steps to facilitate judgement
 - F information complémentaire
- supplément d'information
- S medidas precautorias Proc. civ. y pen.: las que
v. mesures conservatoires de... tienen por objeto asegurar
el resultado de la acción,
en cualquier estado del
juicio, aun cuando no
esté contestada la demanda;
mainly judicial, unlike
mesures conservatoires;
CL CPC 290, 545
- E precautionary measures CJENF 39 preservation
measures; sometimes called
protective measures,
provisional measures; in EN
the question is normally dealt
with under the heading of
e.g. security for costs,
interim protection: Odgers
59 et seq., RSC 0.23, 0.29, r.1
* FR Guillien; ?CPCN 145
 - F mesures provisoires*
- ?mesures conservatoires
- S medidas prejudiciales Proc. civ. y pen.: las que
tienen por objeto obtener
datos necesarios para entrar
en juicio; CL CPC 273
- E preliminary steps
 - F mesures préjudicielles
- S medidas preventivas (UY) Proc. pen.: CP 92, CPP 345
- E preventive measures See E note to medidas de
seguridad
 - F mesures préventives
- S medidas prontas de seguridad (UY) Administrativas, no de
derecho penal:
Const. 168 (17)
- E (prompt) security measures
 - F mesures de sécurité
immédiates

S medio hermano (ES CC 949) = hermano de vínculo sencillo

S memoria (ICJ Estatuto 43) = mémoire

F mémoire (FR, CJEC, ICJ)

Guillien, Capitant; EGLAT mémoire, duplique, requête

1. sens général (n.m.)
2. (proc. civ., proc. pén, proc. adm.) document utilisé notamment à la Cour de cassation, aux tribunaux administratifs et au Conseil d'Etat, et aussi aux tribunaux civils dans les affaires matrimoniales (n.m.)
3. mémoire d'un défunt (n.f.)
4. CJCE (n.m.)
5. CIJ, ECHR (n.m.)

FR CPCN 978 et seq., 1009, 1129-1131, CCP 198, 567.2, 584 et seq., CTA R. 78 et seq., R. 94, R. 107, R. 110; MG proc. civ.; Brown 60, 67; Dalloz Dr. adm. p. 226; Dalloz mémoire, tribunal administratif sect. 35, compétence administrative sect. 10
FR CPP 625
CJECECSC St. 21, CJEEC St. 18
ICJ Statut 43, v. aussi Mémoires; ECHRRC 35

- E
1. memorandum
 2. statement of case
 3. reputation
 4. statement of case
 5. memorial

US brief, legal brief
(Black)
Black memory

ICJ Statute 43, ECHRRC 35

- S
- 1.
 2. ? escrito
 - 3.
 - 4.
 5. memoria

F mémoire ampliatif (FR)

Proc. civ.: syn. de mémoire 2. pour le mémoire fourni par le demandeur dans la procédure de la Cour de cassation, utilisé dans la pratique mais ne figurant pas au texte législatif, c'est-à-dire CPCN 978, qui emploie le terme mémoire; proc. adm.: le mémoire fourni par le requérant, CTA R.105, R.110; 4499 Brown 60 et seq., Dalloz tribunal administratif sect. 35

E statement of case

The mémoire is ampliatif in that it enlarges on what is stated in the requête by which proceedings are begun in the Court of Cassation or an administrative court

S

F	mémoire en défense (FR)	Proc. adm.; CTA R.110; Brown 60 <u>et seq.</u> , Dalloz <u>tribunal administratif</u> sect. 35
	E (statement in) defence	Note 3; NOT <u>statement in</u>
	S	<u>reply</u>
F	mémoire en duplique (FR)	Proc. adm.; Brown 60 <u>et seq.</u> , Dalloz <u>tribunal administratif</u> sect. 35
	E (statement in) rejoinder	Note 3
	S memoria de dúplica	
F	mémoire en réplique (FR)	Proc. adm.; Brown 60 <u>et seq.</u> , Dalloz <u>tribunal administratif</u> sect. 35
	E (statement in) replication	Note 3
	S memoria de réplica	
F	mémoire en réponse (FR: proc. adm. CTA R. 83 <u>et seq.</u> , R. 110, proc. civ. CPCN 980, 982, 991, 994, proc. pén. CPP 584; Code électoral R. 15.5) = mémoire en défense	
F	<u>Mémoires, Plaidoiries et Documents</u>	CIJ: titre d'une publication
	E Pleadings, Oral Arguments, Documents	ICJ: title of a publication; cited as <u>I.C.J. Pleadings</u>
	S	
F	menace (FR)	CP 334.1
	E threats	
	S amenazas	v. defensor de menores
S	menor (adjetivo) v. juzgado de letras de menor cuantía ...	
S	menor (nombre) = mineur	
S	menor adulto (CL)	CC 342
	E young adult	Note 10
	F jeune adulte	CH CP 100-100ter

- S menor delincuente
- E juvenile offender* - juvenile delinquent
F jeune délinquant
- Note 10
* COV 10(3)
- S menor de edad = mineur
- S menor procesado
- E accused juvenile person
F jeune prévenu
- COV 10(2)(b); note 10
- S mera interlocutoria = decreto de sustanciación
- S mere interlocutoria = decreto de sustanciación
- S mérito
v. en mérito de los antecedentes
- S mérito de la causa
- E merits of the case
F fond de l'affaire/de la demande - mérite d'une demande
- S mérito probatorio
- E evidential force - value as evidence
F valeur probante
- F mesures
v. mesures ...
- F mesure conservatoire
v. mesure provisoire ou conservatoire
mesures conservatoires
- F mesure d'administration judiciaire Guillien
- E act of judicial administration
S

F	mesure de substitution (FR)	Dr. pén.
	E alternative measure	i.e. alternative to punishment, for juvenile delinquents
	S	
F	mesure provisoire v. mesures provisoires	
F	mesure provisoire ou conservatoire	Article 17 du projet de loi modèle sur l'arbitrage commercial international adopté par la CNUDCI à Vienne en juin 1985
	E interim measure of protection	Article 17 of draft model law on international commercial arbitration adopted by UNCITRAL at Vienna in 1985
	S	
F	mesures conservatoires (FR)	?Mainly extrajudicial (apart from the <u>saisie conservatoire</u>), unlike <u>medidas precautorias</u> (syn. <u>medidas cautelares</u>); Capitant, Guillien <u>mesure conservatoire</u> , Amos 240, CPCA 48-57; CIJ Statut 41, MRAP 1(2)
	E preservation measures* - interim protection** - provisional measures***	Sometimes called <u>protective measures</u> ; EN Odgers 59 <u>et seq.</u> , RSC 0.29, r.1 * CJENF 39 ** ICJ Rules of Court 73 *** ICJ Statute 41, Rules of Court 73, MRAP 1(2) CIJ Estatuto 41
	S medidas provisionales	
F	mesures conservatoires de ...	MRAP 1(2)
	E measures to preserve ...	MRAP 1(2)
	S medidas precautorias para preservar ...	MRAP 1(2)
F	mesures de saisie conservatoire	A/CN.4/388, para. 18
	E pre-trial attachment	
	S	

- F mesures de saisie et d'exécution =
mesures de saisie et de saisie -
exécution
- F mesures de saisie et de saisie -
exécution IL: JI; A/CN.4/388, p. 2,
ibid. para. 32
- E attachment and execution* -
attachment, arrest and
execution** * A/CN.4/388, p. 2
** A/CN.4/388, para. 32
- S secuestro y ejecución* -
secuestro, embargo preventivo
y ejecución** * A/CN.4/388, p. 2
** A/CN.4/388, para. 32
- F mesures de sûreté (FR) = medidas de
seguridad
- F mesures législatives et réglementaires
- E legislative measures
- statutory measures
- S
- F mesures provisoires (FR, GE, CJEC)
v. demande de mesures provisoires
demandeur sur mesures provisoires
jugement sur mesures provisoires
- E interim measures RT 186; EGLAT mesures
conservatoires
- S
- F mesures répressives
- E measures to combat/counteract/
suppress - countermeasures
- S
- F mettre en ...
v. mise en ...
- F mettre en cause
v. mise en cause
- E to implicate - to affect See also the specific
examples below and the
renderings of mise en cause
- S

- F mettre ou recevoir une personne en gage (NE) CP 269;
v.E/CN.4/Sub.2/AC.2/1985/WP.1
E to give or take a person as a pledge Expression used in an anti-slavery provision
S
- F mettre quelqu'un en cause (FR) Proc. civ.
E to bring/institute*/take proceedings against someone * Technical term
S
- F mettre quelqu'un hors de cause (FR) Proc. civ.
E to discontinue*/withdraw**/drop*** proceedings against * EN technical term:
to discontinue an action,
RSC 0.21 r.2(1)
** Technical term suitable in all circumstances
*** Non-technical term
S
- F mettre sous séquestre = secuestrar 2.
- F mettre une obligation à la charge d'un Etat IL : SR
E to place an obligation on a State
S
- F mettre un tiers en cause (FR) CPCN 332
E to join a third party i.e. to make a third party a party to existing judicial proceedings
S
- F meuble
v. biens meubles
meubles
E 1. item of movable property - movable
2. item/piece of furniture
S 1. bienes muebles
2. mueble

- F meubles
v. biens meubles
- E movable property*
- movables
- S muebles
- S miembro nato
- E ex officio member
- ?founding member
- F membre de droit
- S miembro propietario (NI)
- E regular member
F membre titulaire/permanent
- F mineur (BE, CH, FR)
- E minor
- S menor
- F mineur délinquant (FR)
- E juvenile offender
- S
- F ministère = ministerio
- F ministère de service public
v. citoyen chargé d'un ministère
de service public
- FR CC 516; Amos 88-91,
95 n.5, 110
- SCO moveable property; NOT
personal property; see
immovable, movable
* SC CC 516
- Esto es, titular o
permanente;
Dec. 185/79, 5
- Individu âgé de moins de
21 ans (BE), 20 ans (CH),
18 ans (FR); BE CC 388,
CH CC 14, FR CC 388,
CP 66-67
- EN: person under 18, syn.
infant: Family Law Reform
Act 1969, 1, 9, 12;
Jowitt infant; note 10
El que no ha cumplido los
18 años (ES); ES CC 315,
CP 8(2); sin. menor de edad,
ES CC 324
- Délinquant âgé de moins de
18 ans; Dalloz Proc. pén.
p. 351
- EN offender under 17;
note 10

F ministère public (BE, BI, CG, FR, GE, LU, RW, SC)

BE CJ 137-156, BI CPP 1, CG CPP 19; FR CC 90, 99, 114, 116, 184, 812, CPCN passim, notamment 421-429, 431, 443, CPP passim, notamment 31-48, COJ passim notamment L.751.1, 751.2, CN 129, Dalloz Proc. pén. pp. 97-99; Dalloz Civ. intro pp. 226-228, Herzog; GE Const. 136, LOJ 1, 38-46; RW CPP 1, COJ 5, 57-64; SC CCP 60, 63; Amos 8, David I 53-55, II 268, David Sys. pp. 127, 348, de Vries 90, Merryman 498 et seq.; note 4

En proc. civ. le ministère public agit en qualité de partie jointe; en proc. pén. il agit en qualité de partie principale

E government procurator's office/
department

A department of the administration of justice whose officials operate in both the civil and criminal courts; sometimes called government attorney's office (Clagett Adm. 16), public attorney's department or, where the emphasis is on criminal prosecution, prosecution service, department of public prosecution or simply public prosecutor (SC CCP 63) or State prosecutor. Its functions extend to investigation as well as prosecution of offences and to supervision of the public interest in civil matters. In CL it is also responsible for supervising the prison service.

EN still has an officer called the Procurator-General: see note 4 (sect. 5, n.5).

The terms government procurator's office and government procurator's department, as well as their permissible shortened forms, government procurator, procurator's office (David Sys. p. 348) and procurator's department, cover all the above functions and also cater for the fact that ministère public, ministerio fiscal and ministerio público are often used (both with and without capital initials) to describe this activity in the abstract rather than a particular office by name. The terms prosecutor, public prosecutor or prosecution service will often suffice in connection with criminal matters.

See note 4, David Sys. pp. 200-204, David GS pp. 216-220.

S ministerio público* -
ministerio fiscal**

Clagett Adm. 16
* ES LOPJ 435, Estatuto Orgánico del Ministerio Fiscal (Ley 30.12.1981), Const. 124(3), Prieto-Castro 86-90; CO Const. 142; UY Const. 22, CPP 10, 67; VE Const. 218; MX LPG 1, LOP 1; CL COT 350-364 (es integrado por el fiscal de la Corte Suprema y los fiscales de las Cortes de Apelaciones); BO CPP 46; PE Const. ...

** ES Const. 124, LEC passim, LE CR passim, LOE 35, LOJ 72, LOPJ passim; AR ...

F Ministère Public = ministère public

F ministère public près ...

E government procurator's office/government procurator's department in ...

S

Note 4

A court of justice;
government procurator of ...
may suffice

- S ministerio fiscal, Ministerio Fiscal =
ministère public
- S ministerio público, Ministerio
Público = ministère public
- S Ministerio Público de la Federación
(MX LPG 2) = Ministerio Público
Federal
- S Ministerio Público de la República
(VE) Note 4
- E Office of the Attorney-
General of the Republic Attorney-General may
suffice
- F Ministère public de la
République
- S Ministerio Público de Menores (VE) Note 4
- E Juvenile Division of the
Government Procurator's Office Government Procurator for
Juveniles may suffice
- F parquet du tribunal pour enfant
- S ministerio público en lo penal (UY) CCP 67; note 4
- E public prosecutor's office Public prosecutor may
suffice
- F ministère public au pénal
- S Ministerio Público Federal (MX) LPG 1, 3, 17; note 4
- E Federal Attorney-General's
Office Federal Attorney-
General may suffice
- F ministère public fédéral
- F Ministre de la Justice (BE, BI, DJ,
FR, LU, RW)
- E Minister of Justice
- S Ministro de la Justicia
- F ministre-juge (FR) Obsolete; Guillien
- E adjudicating minister
- S

S ministro

- E 1. minister
- 2. judge

Used only of a judge of a collegiate tribunal: AR: of the Supreme Court of Justice; CR: of the Supreme Court or the Court of Appeal

- F 1. ministre
- 2. juge - magistrat - conseiller (juge d'une juridiction supérieure)

S ministro de fe = ministro de fe pública

S ministro de fe pública (CL)

- E public authenticating officer - proper officer
- F officier public

S Ministro de Gobernación (GT, HN)

- E Minister of the Interior
- F Ministre de l'intérieur

S Ministro de Gobernación y Justicia (PA)

- E Minister of the Interior and Justice
- F Ministre de l'intérieur et de la justice

S ministro de gobierno (CR)

Const. 141; término general

- E cabinet minister
- F ministre du gouvernement

S Ministro de Gobierno (CO, PE)

- E Minister of the Interior
- F Ministre de l'intérieur

S Ministro de Gobierno, Policía, Municipalidades y Culto (EC)

- E Minister of the Interior, Police, Local Government and Worship
- F Ministre de l'intérieur, de la police, des municipalités et du culte

S Ministro de Interior, Migración y Justicia (BO)

- E Minister of the Interior, Migration and Justice
- F Ministre de l'intérieur, des migrations et de la justice

S Ministro de la Corte de Apelaciones (CL)

- E judge of the Court of Appeal - appeal judge
- F juge à la cour d'appel

S Ministro de la Corte Suprema (CL)

- E judge of the Supreme Court - Supreme Court judge
- F juge à la Cour suprême

S Ministro del Interior (AR, CL, CR, CU, SV, ES, UY)

- E Minister of the Interior
- F Ministre de l'intérieur

S Ministro de Relaciones Interiores (VE)

- E Minister of Internal Affairs
- F Ministre des relations intérieures

S ministro de tribunal = ministro 2.

S ministro en visita

- E ?inspecting magistrate
- F magistrat enquêteur - magistrat instructeur spécial*

* A/37/594, para. 77

S ministro en visita extraordinaria

- E special inspecting magistrate
- F magistrat enquêteur spécial

S ministro fiscal, Ministro Fiscal = fiscal 3.

S ministro público, Ministro Público = fiscal 3.

- S Ministro Secretario General de
Gobierno (CL)
- E Minister Secretary General of
the Government
- F Ministre-Secrétaire général du
gouvernement
- S ministro subrogante (CL)
- E alternate judge
- F juge suppléant
- E minor
- EN, US: modern term for
an infant, i.e. a person
under 18; Jowitt infant;
SCO: a person under 18
but not under 12 if a girl
or 14 if a boy;
note 10
- F mineur
- S menor
- F minute (FR)
- CPCN 456, CPP 462, 377;
Guillien, Dalloz notaire
sect. 12, Dalloz Proc. civ.
p. 704
- E original
- Of an authentic act or
judgement; it remains in
the custody of the public
officer or court which
issued it; NOT minute,
minutes of judgement, top
copy
- S minuta
- E misdemeanour
- US (spelt misdemeanor) the
lower of the two categories
of federal criminal offence
(Code Title 18, 1), SC the
the lower of the two
categories of criminal
offence (PC 5); EN abs.;
note 2
- F infraction - délit
- Entraînant une peine de
prison inférieure à un an
- S
- F mise au secret
- E holding ... comunicado
- S incomunicación
- An individual

F mise en accusation (FR)

CPP 214, Const. 68

E committal for trial

* FR: by the indictment division of an appeal court in committing a person accused of a serious offence (crime) to an assize court for trial; equivalent also to indictment in the sense in which that term is used in EN; note 1

** FR: of the President of the Republic or a member of the Government

S

F mise en application

EGLAT

E implementation - giving effect - putting into operation - introduction

S

F mise en cause

1. terme de procédure: fait de soulever un moyen, etc.
2. terme de procédure: demande d'intervention faite à un tiers dans un procès déjà pendant (Capitant, Guillien), appelé aussi intervention forcée

EGLAT

FR CPCN 331-338, 555; CPP 388.1; Dalloz, EGLAT; Dalloz Proc. civ. pp. 258-259, 376-378, 806-810, 966-971, 1079-1082, Dalloz Proc. pén. (12e. édition) sects. 191-197, 227; FR sa forme principale est l'appel en garantie; CJEC: CJECSC St. 35

3. sens commun

- E
1. putting/placing ... in issue
 2. citation - summonsing* - joinder

e.g. putting a point in issue
Of a third party; Osborn citation; also called third party procedure (EN), third-party practice (US); note 19
* CJEC: CJECSC St. 35 ('summoned')

3. (translate according to context)

Mettre en cause can mean to raise an issue, engage liability, invoke liability, implicate a person, involve, affect a person, thing, raise the question of, etc.; e.g. ... dans quelle mesure ces infractions mettent en cause des gouvernements, ... the extent to which those offences implicate governments, ... à partir du moment où l'infraction met en cause la politique de l'Etat, ... at the point at which the offence becomes a matter of public policy

S 1.
2.

3. intervención forzada

Anabalón

F mise en délibéré

E adjournment for consideration

Adjournment of proceedings for the court or jury or both to retire and consider their findings

S

F mise en demeure (FR)

Proc. civ.: CC 1138, 1139, 1145, 1146; Amos 182-184, 242 n. 10, 356, EGLAT, de Vries 414-415, Nicholas 232-236

E notice of default

FR: a formal notice to comply with an obligation, e.g. to pay a debt; it is given by a creditor to his debtor when the latter has exceeded the time stipulated for meeting the obligation and is therefore en demeure, in arrears, in default; also called requisition (e.g. in SCO), Amos formal requisition, formal request. Depending on the matter involved, it can take the form of an exploit (somation, commandement or assignation) or of a letter or telegram. If it is clear that the obligation is a money one, translate as notice to pay or notice of arrears. Mis en demeure, given notice of default, notice to pay

S

- F mise en état (FR) Proc. civ.
E pre-trial review EN: before a master in the High Court, before a registrar in the County Court
S
- F mise en gérance libre (FR)
= mise en location-gérance
- F mise en liberté provisoire
= libertad provisional
- F mise en location-gérance (FR) Dr. com.; Loi 20.3.1956, 2
See E note to location-gérance
E grant of a trading lease
S
- F mise en oeuvre (EGLAT mise en oeuvre, mise en vigueur)
= mise en application
- F mise en prévention (FR) Littré prévention, Petit Robert prévention
E (preventive) imprisonment Of a defendant pending trial, i.e. pre-trial detention, remand in custody
S
- F mise en question
E challenging - questioning
S
- F mise en vigueur EGLAT
E bringing/entry into force
S
- F mis en accusation (FR) CPP 214, Const. 68
E committed for trial
- impeached See mise en accusation;
note 1
S
- F mis en demeure
v. mise en demeure
- F mise sous séquestre = secuestro 2.

F	mixte v. société d'économie mixte	
S	mobiliario v. bienes mobiliarios derecho mobiliario	Nombre
	E furniture - movables*	Used <u>stricto sensu</u> : v. <u>movable</u> *SCO <u>moveables</u>
	F mobilier	Nom
F	mobilier (nom) = mobiliario v. biens mobiliers droit mobilier gage mobilier hypothèque mobilière	
F	modalité (CH, FR) v. modalités	
F	modalités (CH, FR)	D'une obligation, d'un contrat; elles sont soit des <u>conditions</u> , soit des <u>termes</u> ; CH CDO 143, FR CC 1168-1196; Nicholas 150-163
	E conditions and terms	NOT <u>terms and conditions</u> , which is a non-technical expression and does not bring out the technical difference between F <u>terme</u> and F <u>condition</u> ; see <u>terme</u>
	S modalidades	
F	moeurs v. bonnes moeurs	
F	<u>Moniteur</u> (HT)	Publication officielle destinée à assurer la publicité des lois, etc.
	E (leave in French and underline) S	
F	<u>Moniteur belge</u> (BE)	Publication officielle destinée à assurer la publicité des lois, etc.
	E (leave in French and underline) S	

F	monnaie légale	FR
	E lawful money*	* Money which is legal tender
	- lawful currency**	** Of a given country
	S moneda (de curso) legal	
F	montant du loyer	
	E rent - rental	For the distinction between
	- hire (charge)	these terms see E note to
	- wages - price	<u>loyer</u> 1., 2.
	- charge - fee	
	S renta	
F	mort civile	BE obs. Const. 13, FR obs. CC 1892
	E civil death	Black
	S muerte civil	
F	motif (FR)	Soutien rationnel de
v.	motifs	l'argumentation développée
	par ces motifs	par les plaideurs dans les
		conclusions (Guillien), par
		les magistrats dans les
		jugements et arrêts
		(Capitant, Guillien, Samyn)
	E argument* - finding** -	*Technical term applicable
	ground*** - point**** -	to a pleading
	reason	**Technical term applicable
		to a judgement
		***Technical term applicable
		to a judgement or pleading;
		<u>le motif</u> or <u>les motifs</u> (see
		<u>motifs</u>), the grounds, i.e. the
		part of a judgement in which
		the court gives the reasons
		for its decision
		****Technical term applicable
		to a judgement or pleading,
		especially in the expressions
		<u>motif de pur droit</u> , point of
		law, finding of law, <u>motif de</u>
		<u>pur fait</u> , point of fact,
		finding of fact
	S motivos	
F	motifs (FR)	D'un jugement ou d'un arrêt; CPCN 445, CPP 485; Dalloz Proc. civ. pp. 707-709, Proc. pén. pp. 652-653, Dr. adm. p. 228

- E grounds
Approximately the equivalent of EN statement of facts and ratio decidendi combined (Walker EN 131-135)
- S
- E motion
v. of its own motion ...
- S motín (UY) CPM 40
- E mutiny
F mutinerie
- S motivado = fundado
- F motivé = fundado
v. conclusions motivées
- S motivo
v. por motivos comunes
- E movable
Noun and adjective; not a term of art in the common law (see immovable) although in EN it is sometimes used to mean a tangible thing which cannot be moved, also called a chattel personal or choses in possession, and on other occasions with a broader meaning which includes intangible property such as shares and patents. Normally, however, it is used (EN, US) in the field of private international law to denote property which is classified as movable in the civil law system; Words and Phrases movable property; SCO moveable
- F meuble
S mueble
- E movable property
= biens meubles
- E moveable = movable

F moyen (FR, CJEC)

v. exposé des moyens

il est allégué au moyen que ...
moyens ...

1. sens commun
2. (proc. civ., pén., adm.)
raison de droit ou de fait
invoquée par une partie
à l'appui d'une prétention

Proc. civ., pén., adm.;
Capitant moyen, Guillien
moyens, Samyn moyens; Dalloz
Proc. civ. pp. 70, 400,
512-513, 517; Brown 58;
CPCN 56, 57, 71, 765, 954,
978, 1004, CPP 347, 584,
CTA R.77
CJECECSC St. 22, CJEEC St. 19

3. CJCE

E 1. means - instrument

2. argument(s)* - plea**

*An alternative rendering
is legal argument (Brown 58)
**If the moyen is one put
forward in defence (moyen de
défense); also as the name of
a portion of a pleading, e.g.
moyen unique de cassation,
single plea for quashing
of/single plea to quash
judgement, put forward by an
appellant in the Court of
Cassation in FR in his mémoire
ampliatif (statement of claim)
under the heading moyen de
cassation, plea for quashing
of/plea to quash judgement,
and consisting of (1) the moyen
itself, i.e. the point of law,
in this case the only one,
raised by the appellant and (2)
his various arguments in support
of the moyen

3. ground

- S
- 1.
 - 2.
 - 3.

- F moyen de cassation (FR) CPCN 989, CPP 590, Dalloz Proc. civ. p. 938
- E argument for quashing i.e. for the quashing of the decision attacked in the cassation proceedings; argument may suffice; distinguish from cas d'ouverture, which is the ground for judicial review (e.g. violation de la loi) set out by the applicant in his moyens de cassation
- S
- F moyen de défense (FR) v. moyens de la défense CPCN 71-126, Dalloz action en justice sect. 8; syn. défense 2.
- E defence - plea For the extent to which defence and plea are interchangeable see E defence 3.
- S
- F moyen de droit (FR) v. moyen de pur droit Par opposition au moyen de fait; CPCN 978, Dalloz Proc. civ. p. 400
- E argument of law - legal argument Distinguish from moyen légal
- S
- F moyen de fait (FR) Par opposition au moyen de droit; Dalloz Proc. civ. p. 400
- E argument of fact - factual argument
- S
- F moyen de preuve EGLAT acte de procédure, ICJ R 58
- E evidence* - form of proof * ICJ R 58
- S medio de prueba
- F moyen de pur droit Guillien moyens
- E purely legal argument
- S

F	moyen d'ordre public	Guillien <u>moyens</u> , Brown 143
	E public policy argument - argument based on public policy	See E note to <u>ordre public</u>
	S	
F	moyen légal	
	E legal means/instrument - means provided by law	Translate according to context, e.g. <u>les moyens légaux qui s'offrent à X</u> , the possibilities which the law offers X; distinguish from <u>moyen de droit</u>
	S medio legal	
F	moyens	CIJ Statut 53
	E arguments - case*	* ICJ Statute 53
	S	CIJ Estatuto 53
F	moyens de l'accusation (FR)	CPP 347
	E arguments/case for the prosecution - prosecution('s) case	
	S	
F	moyens de la défense (FR)	CPP 347
	E arguments/case for the defence - defence case	
	S	
S	m.p.s., MPS = medidas prontas de seguridad	
S	mueble = meuble v. bienes muebles	
S	multirreincidencia = habitualidad	

N

F nantir
v. biens saisis, hypothéqués ou nantis

F nantissement (BE, CH, FR, QU)

1. sens commun

2. sûreté réelle: dr. civ.:
remise d'un bien mobilier
ou immobilier par un
débiteur à son créancier
en garantie du paiement de
la dette; dr. com. (BE, FR):
forme de sûreté analogue, mais
sans dessaisissement

FR dr. civ.: sûreté réelle
conventionnelle: contrat par
lequel un débiteur remet
une chose à son créancier
pour sûreté de la dette
(CC 2071); on parle de
nantissement en certains
autres cas (Amos 128); le
nantissement mobilier
s'appelle gage en BE, FR,
gage mobilier en CH; le
nantissement immobilier
s'appelle antichrèse en BE,
FR, gage immobilier en CH;
BE FR CC 2071-2094, CH
CC 884-894, QU CC 1966;
Capitant, Guillien, Amos
128, 240, 343, 354, Dalloz
Civ. sûretés, EGLAT
mesures conservatoires

E 1.

2. pledge - charge

Pledge (QU CC 1966) where the
debtor parts with possession
of his property, and also as
the name of the contract
called in BE, FR nantissement;
charge where he does not;
note 11

S 1.

2. prenda* - empeño**

Ossorio
*CL CC 2384, ES CC 1857,
1863-1873, MX CC 2856-2892
**CL CC 2384

- F nantissement d'un fonds de commerce (FR) Guillien, Amos 240, 343, 354
- E charge on a business/the business A charge on the goodwill and movable assets of a business, roughly equivalent to EN floating charge (Oliver 24-25), but the latter can cover immovables too; a form of chattel mortgage; note 11
- S
- S nato
v. miembro nato
- S natural
v. ciudadano natural
- F nature de la sanction Dr. pén.
- E form of punishment
S
- L nec bis in idem (?Incorrect) form of non bis in idem
- S necesidad
v. estado de necesidad
- F ne connaissent pas de prescription
- E are imprescriptible
S
- E negative pledge clause
1. international loans Wood pp. 146-155
2. ship finance
- F 1.
2. ?privilège de créance Accord par lequel aucun autre créancier ne bénéficie d'un traitement préférentiel dans le service de la dette contractée pour l'achat du navire (TERM/PROV/17)
ES; v. ECON 203
- S 1. ?cláusula negativa de pignoración
2.

E	negligence	OCL
	1. negligent conduct	
	2. branch of law	
F	1. négligence - faute*	BE CC 1383, FR CC 1383, Dalloz <u>responsabilité civile</u> sect. 2; see E note to <u>négligence</u> * S'il s'agit de <u>culpable négligence</u>
	2. ?responsabilité civile pour négligence	
S	1. negligencia	
	2.	
F	négligence	BE CC 1383, FR CC 1383, Dalloz <u>responsabilité civile</u> sect. 2
E	negligence	In the sense of mere negligence, not culpable negligence (which is F <u>faute</u> , S <u>culpa</u>); the FR doctrine of <u>négligence</u> is not the same as the EN doctrine of <u>negligence</u>
S	negligencia	
S	negocio jurídico (ES)	Ossorio; <u>sin acto jurídico</u>
E	juridical transaction - legal transaction	Note 6
F	acte juridique	
E	next friend	EN RSC O. 80r. 2; v. E note to <u>guardian ad litem</u>
F	plus proche ami	CA; VOCL 3
S	niño	Ossorio
E	young child	
F	enfant	
S	no acumulación de procesos (UY)	CPP 48
E	non-consolidation of proceedings	Also called non-joinder of proceedings
F		

- S no acumulación (MX) CP 19 obs.
E non-concurrence of offences
F non-cumul
- S no devolución
E non-refoulement
F non-refoulement
- L non bis in idem i.e. not twice for the same (Black); the civil law equivalent of the EN notion of autrefois acquit and the US rule of double jeopardy (Hampton 188, Black double jeopardy)
E non bis in idem
F non bis in idem Maxime signifiant "pas deux fois sur la même chose"
S non bis in idem
- E non-consensual order (EN: in divorce proceedings, Langan 3/269) = litigated judgement
- F non-cumul (FR) Dr. civ.
E non-plurality The principle that a delictual action is not allowed if a remedy for the wrong is available in contract (Nicholas 53 n. 19)
S
- F non-cumul des peines (FR) FR non-code v. CP 5
E non-accumulation of penalties The approximate equivalent of EN concurrent sentences (sentences running concurrently); Hampton 263
S
- E non-justiciable IL, ML: not capable of being adjudicated upon;
v. rule of non-justiciable issues OCL
- F non-lieu
v. sobreseimiento ...

S norma
v. normas

E rule - principle -
enactment - provision

The terms rule and principle
apply to all kinds of law;
if in doubt prefer rule.

The terms enactment and
provision apply to written
law only; if in doubt
prefer provision, although
enactment, according to
Jowitt, can mean not only a
statute, etc. but any part
thereof.

Norm is also used in academic
works and is a useful
substitute for rule, e.g. if
a distinction has to be drawn
between norme juridique and
règle de droit

F norme

S norma con rango de ley (ES
Const. 82.1)
= norma jurídica con rango de ley

S norma constitucional

E provision of the constitution
- rule of constitutional law
- constitutional rule

F norme constitutionnelle

S norma de rango constitucional (PE)

E rule/provision having
constitutional rank/status

F norme de rang constitutionnel

S norma jurídica

Ossorio

E a rule of law

i.e. a specific element
of the law, not rule of
law in the sense of a
constitutional system

F norme juridique

S norma jurídica con rango de ley (ES)

Const. 161.1 (a)

E enactment ranking as a
statute

F norme juridique ayant rang
de loi

S norma legal

E rule of enacted law -
enactment* - statute* -
regulations(s)* - set of
regulations*

F norme légale

Ossorio

* If, as is sometimes the
case, the French and
Spanish terms refer to an
entire loi/ley or
règlement/reglamento;
enactment is widely understood
as referring to a whole
instrument but can also mean
any part of one

S norma legal de menor jerarquía

E rule of enacted law of
inferior rank

F norme légale de rang
inférieur

For alternatives to
rule of enacted law see
norma legal

S normalidad jurídica

E legal normality - legally
normal situation - normal
legal conditions

F situation normale du point
de vue juridique - "normalité"
juridique

S norma regional de carácter
general (PE)

E general regional enactment

F norme régionale de caractère
général

S normas sustantivas y adjetivas

E substantive and adjectival
rules of law

F

e.g. normas sustantivas y
adjetivas de excepción,
substantive and adjectival
rules of emergency law,
normas sustantivas y
adjetivas penales,
substantive and adjectival
rules of criminal law

F normatif

v. règle normative

E normative - law-making -
prescriptive - enacted

S normativo

S	normativa (VE)	Nombre
	E enactment	
	F	
S	normativista	
	E normativist	The adjective derived from <u>normativism</u> , the name of a theory concerning the subjects of international law (Paenson 28); <u>la corriente normativista</u> , normativism, the normative doctrine
	F	
S	normativo = normatif v. leyes y disposiciones normativas con fuerza de ley normativa	
F	norme = norma v. normes	
F	norme impérative	
	E mandatory*/peremptory** rule	* ML ** IL
	S	
F	norme juridique = norma jurídica	
F	norme légale = norma legal	
F	normes qui sont de simples dispositions	IL
	E purely dispositive norms	
	S	

F notaire

FR Ord. 2.11.1945,1

E notary

In FR, ES, etc. the notaire/ notario/escribano is the professional lawyer who gives public form to juridical acts such as contracts, conveyances and wills; through the advice which he gives his clients on these subjects, he deals with the vast bulk of routine non-contentious legal business and thus corresponds to the solicitor in his non-contentious capacity in EN

S notario* - escribano**

* ES Ley Orgánica del Notariado del 28.5.1862,1;
CL COT 399-445
** AR

S notario = notaire

E notary public

EN, US

F notaire public

Corresponds only in part to the notaire in French-speaking countries

S notario público

Corresponds only in part to the notario and the escribano in Spanish-speaking countries; US Texas: a literal translation of notary public into Spanish as notario público is prohibited as a description of a Texas notary public

E notice

1. the action of formally giving information; the document in which it is given
2. period of time
3. (civ. proc.) knowledge

In the ordinary sense, not in the technical sense of what constitutes knowledge for the purpose of knowingly committing a criminal act

- | | | |
|---|---|--|
| F | 1. avis | CA; VOCL 3 |
| | 2. préavis | CA; VOCL 3 |
| | 3. connaissance | CA; VOCL 3 |
| S | 1. notificación | |
| | 2. preaviso | |
| | 3. conocimiento | |
| S | notificación = F notification | |
| | v. acta de notificación | |
| | notificaciones | |
| S | notificación en el domicilio | |
| | E service at place of abode | |
| | F signification à domicile | |
| S | notificaciones = F notification 3. | |
| S | notificación personal | La que se efectúa personalmente a quien haya de afectar la resolución judicial, entregándole copia íntegra de la resolución y de la solicitud |
| | E personal service | |
| | F signification? à personne | |
| S | notificación por cédula | La que se efectúa, en el domicilio del interesado, por medio de cédulas que contienen copia íntegra de la resolución y los datos necesarios para su acertada inteligencia |
| | E scheduler service | |
| | F signification? par exploit (signification à domicile) | |
| S | notificación por el estado | La que se efectúa incluyéndola en un estado (lista) que deberá formarse y fijarse diariamente en la secretaría del tribunal y por el envío, además, de una carta certificada |
| | E service by publication at court | |
| | F signification? par publication au tribunal (par voie d'affichage) | |

S notificación por el estado diario
= notificación por el estado

S notificar

IACEV 2(e)

E to notify* - to serve*
- to summon**

* For the distinction
between these terms, see
the various meanings of F
notification

** IACEV 2(e)

F notifier

IACEV 2(e)

F notification

v. signification ou notification
d'un acte

1. (dr. civ. : BE, FR) action de
notifier : formalité par
laquelle un acte juridique
est porté à la connaissance
d'une personne intéressée

Capitant I; BE Loi
16.12.1851, 110, 112, 115,
FR CC 2183, 2185

2. (dr. pub.) action de notifier :
formalité par laquelle une
décision est portée à la
connaissance d'un administré

Capitant II, Guillien

3. (proc. civ.: BE, FR) action
de notifier : formalité par
laquelle un acte
extrajudiciaire, un acte
judiciaire ou un jugement est
porté à la connaissance d'une
personne intéressée; cette
formalité s'appelle
signification si elle est
faite par exploit
(c.-à-d. par acte d'huissier)

Guillien; BE CJ 32, FR CPCN
651-694; Dalloz Proc. civ.
p. 454, EGLAT notification,
signification

4. (dr. civ., dr. pub.) document
par lequel on notifie

E 1.2.3. notification* - notice**
- service***

* Especially in senses 1.
and 2.

** Especially in senses 1.
and 2., meaning giving or
servicing notice, not taking
or having notice

*** e.g. service of notice,
and especially in sense 3.,
i.e. service of process in
judicial proceedings

4. notification - notice

- S 1.)
- 2.) notificación
- 3.)

Las resoluciones judiciales sólo producen efecto en virtud de notificación hecha con arreglo a la ley, salvo los casos expresamente exceptuados por ella; Ossorio; CL CPC 38-58, CL CPP 43, ES LEC 6, ES LECR 166-182, MX CPC 110-128, MX CPPDF 80-93

4. notificación

F notifier = notificar

F nouveau code de procédure civile (FR)

E new Code of Civil Procedure
S nuevo código de procedimiento civil

E nuisance (EN, US)

- 1. the harm caused
- 2. branch of law

EN: the notion comprises the tort of private nuisance and the criminal offence of public nuisance; some acts may be both; OCL nuisance, public nuisance, Osborn

- F 1. nuisances*
- ?trouble**
- 2. ?responsabilité civile pour nuisances
- ?abus de droit

* Guillien; FR CURB R.111.3.1, R.123.10(3)
** CH CC 641 comm., 926, 932 Capitant, Amos 219 and n. 6, IECL XI/1, sect. 2-230 et seq.

- S 1.
- 2.

F nuisance

Fréquemment nuisances

E nuisance
S

EN, US; PH CC 694; OCL

F nul = void

F nul de droit (BE, FR)

BE FR CC 1117; syn. nul de plein droit
BE FR CC 502

E void ab initio
S nulo de pleno derecho

v. void

F nul de plein droit
= nul de droit

F nul et sans effet
= void

S nulidad = nullité
v. acción de nulidad
recurso de nulidad

S nulidad relativa
= nullité relative

S nulidad absoluta
= nullité absolue

E null = void

E null and void = void

L nulla poena sine lege

E nulla poena sine lege

F nulla poena sine lege

Maxime signifiant "Il n'y a pas de peine sans loi (sans texte)"

S nulla poena sine lege

E nullify
= annuler

F nullité (FR)
v. action en nullité
couvrir la nullité
demande en nullité
demande en nullité d'une société
recours en nullité
voie de nullité

F nullité absolue (FR)

D'un acte juridique;
Guillien nullité,
Nicholas 74-75

E absolute nullity

An act which in ES, FR is null absolutely is not unlike one which in EN is void and not voidable; see Martin, Jowitt void, voidable

S nulidad absoluta

F	nullité relative (FR)	D'un acte juridique; Guillien <u>nullité</u> , Nicholas 74-75
	E relative nullity	An act which in ES, FR is null relatively is not unlike one which in EN is voidable but not void; see Martin, Jowitt <u>void</u> , <u>voidable</u>
	S nulidad relativa	
E	nullity = nullité	
	E nullity - invalidity	Of a juridical act or judicial decision
	S nulidad	
L	<u>nullum crimen sine lege</u>	No crime except as provided in law
	E <u>nullum crimen sine lege</u>	
	F <u>nullum crimen sine lege</u>	Maxime signifiant "Il n'y a pas de crime (d'infraction) sans loi (sans texte)"
	S <u>nullum crimen sine lege</u>	
S	nulo = void	
S	nulo de pleno derecho = nul de droit	
S	nulo y sin efecto = void	
S	nulo y sin valor = void	

Q

F objet

1. terme général
2. d'un contrat

FR CC 1108, 1126-1130

- E 1. object - purpose
2. object

- S 1. objeto
2. objeto

ES CC 1261, 1271-1273

S OAB = Orden de Abogados de Brasil

E oath

v. Commissioner for Oaths

F serment

S juramento

S obligación

- v. producir obligación y acción en juicio
1. (der. civ.) deber jurídico normativamente establecido de realizar u omitir determinado acto
 2. (der. com.) ...

Ossorio

E 1. obligation

Strictly speaking, obligation is the name of a legal relationship which can arise in various ways - not only from a contract - and which consists of a right and a correlative duty, but often it simply means the latter; loosely, duty, liability; in case of doubt translate as obligation; the law of obligations is a separate branch of Roman law and consequently of the civil law systems derived from it, but in the common law it falls under various headings, i.e. contract, tort, quasi-contract (restitution), trust, etc.; OCL obligation and obligations, law of; Salmond p. 446, Nicholas Roman chap. IV, Nicholas, 28-30, Amos 20-21, Martin obligation 1.

2. bond	Written promise (EN in the form of an acknowledgement under seal) to pay a sum of money or perform or abstain from some other act (Odgers 177), sometimes called obligation (Martin <u>obligation 2</u>); if given to secure a loan of money, especially if issued for that purpose by a company or public body, called <u>debenture</u> (OCL, Jowitt, Martin <u>debenture</u> ; a debenture is not necessarily under seal)
F 1. obligation	Capitant I, Guillien,
2. obligation	Nicholas 28-30, Amos 20-21 Capitant II, III, Guillien
S obligación alimentaria (VE)	
E maintenance obligations	Also called <u>alimony obligations</u>
F obligation alimentaire	
S obligación facultativa	CL CC 1505; ES Aguilar art. 1131 com.
E facultative obligation	
F obligation facultative	FR Amos 141
F obligation = obligación	
F obligation à la charge d'un Etat	SR
E obligation incumbent on a State - obligation of a State	
S	
F obligation découlant d'un traité	
E treaty obligation	
S	
F obligation de diligence	Dr. int.
E duty of care	
S	
F obligation de garantie (FR)	Nicholas 54
E obligation of guarantee	
S	

- F obligation de moyen
= obligation de moyens
- F obligation de moyens
Dr. int.; FR dr. civ.:
Nicholas 48 et seq.
- E obligation of means -
obligation of conduct*
S * IL
- F obligation de résultat
Dr. int.; FR dr. civ.:
Nicholas 48 et seq.
- E obligation of result
S
- F obligation légale (FR)
Barraine
- E statutory obligation
S
- F obligation légale, réglementaire
ou conventionnelle (FR)
CC 1383 comm. 14
- E obligation imposed by a
statute, regulation or
contract - legislative or
contractual obligation
S
- S obligatoriedad (GT)
CPP 25
- E obligatory jurisdiction
Expresses the principle
that the court has an
obligation to exercise its
judicial function
Cornu
- F obligatorietà
- S obrados (BO CPP 86) = autos
- F observations en réponse (FR)
Proc. adm.; CTA R.83 et
seq., R.110
- E (observations in) defence
S
- E obstruction of justice
US Code Title 18, chap. 73
- F ?entrave au bon
fonctionnement de la justice
- S obstrucción de la justicia

F	obtenir gain de cause	CA; VOCL 3
	E to win the case* - to recover judgement**	* Non-technical expression ** CA technical expression; VOCL 3
	S	
F	occasion v. à l'occasion de	
E	occupation = F occupation	
F	occupation	
	1. (dr. civ.: FR) mode d'acquisition de la propriété	Guillien, Marty Civ. biens p. 517, Dalloz Civ. biens pp. 368-378, Amos 104
	2. (FR) fait d'habiter un lieu ou d'y rester (Petit Robert)	Loi 1360 1.9.1948, 1
	3. (dr. int.)	
E	1. occupation - appropriation*	Occupation in the sense of taking possession with a view to ownership; RL <u>occupatio</u> ; Nicholas Roman 130, Amos 104, Salmond pp. 433-434, Black, OCL; FR applies to ownerless or abandoned property * Prefer this term in the case of movables
	2. occupation	Occupation in the sense of being in possession without reference to ownership, e.g. occupation of premises in the ordinary sense
	3. occupation	Of territory
S	1. ocupación	Ossorio; CL CC 606-642
	2. ocupación	
	3. ocupación	Ossorio
F	octroi (CA)	D'une pension
	E award	CA: of a pension
	S	
S	ocupación = F occupation	
F	oeuvre v. mise en oeuvre	
S	ofendido (UY)	CPP 11
	E the aggrieved party	
	F partie lésée - victime	

E	offence	An act punishable by law;
	v. international offence	CA CC 2; EN non-code;
	offences	IN PC 3; SC PC 5; SCO
	petty offence	Criminal Procedure (Scotland) Act 1975, 462; SG PC 40; SO PC 15; US Code Title 18, 1; ZA Criminal Procedure Act 1955, 1; CA, EN, IN, NZ, SC, SCO, SO, US (spelt <u>offense</u>), ZA: general technical term for such acts and (except in SO) synonymous with <u>crime</u> ; not a category of criminal acts; IL: COPSM; note 2
	F infraction* - crime**	* CA CC 2, FR
	S infracción* - delito**	** COPSM * CO ** COPSM, CL
E	offender	A person who has committed
	v. petty offender	a criminal offence
	F délinquant	
	S delincuente	
E	offences affecting ... decency and morals (IN)	PC ...
	F outrages publics à la pudeur et aux bonnes moeurs	
	S	
E	offences against public justice (IN)	PC ...
	F outrages à la magistrature	
	S	
E	offences against public order (SC)	PC ...
	F violations de l'ordre public	
	S delitos contra el orden público	
E	offences against the administration of lawful authority (SC)	PC ...
	F outrages à l'administration de l'autorité légale	
	S	
E	offences against the State (?SC)	PC 121
	F crimes contre l'Etat	
	S	

E	offences by or relating to public servants (IN)	PC ...
	F outrages à fonctionnaire	
	S	
E	offences relating to the Army, Navy and Air Force (IN)	PC ...
	F outrages à l'armée, aux forces navales et aériennes	
	S	
F	office v. d'office ...	
F	office des faillites (CH)	LP 3
	E bankruptcy office	One or more per canton
	S	
F	office des poursuites (CH)	LP 2
	E debt recovery office	One or more per canton
	S	
F	Office fédéral de la police (CH)	Fait partie du Département fédéral de justice et police; pour les fonctions de l'Office, v. l' <u>Annuaire Suisse</u> ; appelé autrefois <u>Division de Police</u> Unofficial translation
	E Federal Service of the Interior	
	S	
E	officer v. judicial officer law enforcement officer law officer peace officer	
	F fonctionnaire - agent	
	S funcionario - oficial	
E	officer of justice 1. (<u>lato sensu</u> : EN, IN, US) any official engaged in the administration of justice	Note 4 Approximately the equivalent of <u>judicial officer</u> 1.; EN includes barristers, constables

2. (stricto sensu: EN, US)
officials of the above kind
appointed by the executive
but also subject to the
authority of the court, i.e.
sheriffs, marshals, sheriff's
officers, bailiffs and
constables

- F 1. fonctionnaire de la justice
2. officier de justice

NOT auxiliaire de la
justice, officier
ministériel

- S 1.
2.

E officer of the court

EN, US: those judicial
officers who are under the
authority of a judge or
magistrate; they fall into
two groups: officers of the
court stricto sensu, i.e.
masters, registrars (EN),
referees, secretaries,
clerks, ushers and
messengers; and officers of
the court lato sensu, i.e.
the above plus solicitors
(EN), plus attorneys-at-law
(US), and those officers of
the executive who discharge
judicial functions, such as
sheriffs, marshals,
sheriff's officers, bailiffs
and constables; CJENF 25;
note 4

- F auxiliaire de la justice
- greffier*

This term includes avocats
but the corresponding
English term excludes
barristers
* CJENF 25; not a precise
equivalent

S

E officer of the law (EN)
= law officer 1.

F officier
v. officiers

E officer - official
S oficial

- F officier chargé du ministère public
(BE CIC 616, LU CIC 616) = officier
du ministère public
- F officier de la police judiciaire
= officier de police judiciaire
- F officier de police judiciaire
(BE, CG, BI, FR, NE, RW) BE CJ 148, Loi 7.4.1919, 8;
BI CPP 1; CG CPP 16;
FR CPP 16-19; NE CPP 16-19;
RW CPP 1; Dalloz police
judiciaire
- E criminal investigation
officer - detective* Do not confuse with agent
de police judiciaire, agent
judiciaire or inspecteur de
police judiciaire
* Loosely; police, not
private detective
- S
- F officier de santé EGLAT secret professionnel
- E ?medical practitioner
- health official
- S
- F officier du ministère public
(BE, LU, RW) BE Const. 101, CP 159,
LU CP 159, RW CPP 9
- E (government) law officer
S
- F officier judiciaire
(BE Loi 7.4.1919, 1) = officier
de police judiciaire
- F officier ministériel (FR)
1. lato sensu Dalloz, Capitant, EGLAT,
Dalloz Civ. intro.
pp. 228-229, Guillien
CSAJED 1
2. stricto sensu
- E 1. ministerial officer Note 17; Black ministerial
officer; NOT judicial officer,
officer of the court, officer of
justice
2. judicial officer CSAJED 1; judicial officer
is used here rather loosely
to mean officer of justice 2.
- S

- F officier public (FR) Capitant, Guillien; EGLAT
officiers ministériels
- E public officer Do not confuse with
fonctionnaire public,
public official, or agent
public, public servant;
note 17
- S
- F officiers publics et ministériels (FR) Loi 28.4.1816;
Loi 29.11.1966;
Déc. 30.12.1953, 1
- E public and ministerial
officers
- S
- F offre de paiement (FR) CC 1257-1264, Amos
- E tender of payment A formal offer of payment;
SC CC 1257-1264
- S
- S oficial
- v. Boletín Oficial ...
Diario Oficial
Gaceta Oficial
Recopilación Oficial
Registro Oficial
1. nombre
2. adjetivo
- E 1. officer - official
2. official
- F 1. officier - fonctionnaire -
agent - officiel
2. officiel
- S oficial de guardia
- E duty officer
F officier de garde/de service
- S oficial policial (CL)
- E police officer
F agent de police
- S oficina = greffe

- S Oficina de Registro Civil (CL)
E Civil Registry Office
F Bureau de l'état civil
- S oficina de partes? = greffe
- S oficio Comunicación escrita
v. declarar por oficio
defensor de oficio
delito perseguible de oficio
delito que debe perseguirse
de oficio
de oficio
perseguir de oficio
proceder de oficio
procedimiento de oficio
proseguir de oficio

E document - official
communication -
memorandum -
memorial
F note - communication
- E of its own motion (EN) RSC 0.15, r. 6(2)
F d'office
S de oficio
- E of its own motion or on the
application of the parties

F soit d'office soit sur FR CTA R.117
la demande des parties
S de oficio o a petición
de parte
- S omisión de denuncia de delito

E failure to report an offence
F non-dénonciation de délit
- S omisiones o delitos Forma elíptica de referirse
a los delitos de acción u
omisión

E offences of commission or
omission
F délits par commission ou
omission
- F onéreux
v. à titre onéreux

E	on the strength of (CA)	
	F se prévalant de	CA; p. ex., <u>on the strength of article 64</u> , se prévalant de l'article 64
	S	
F	opération immobilière	
	E real estate transaction	
	S	
S	opinión v. delito de opinión	
S	opinión contraria	
	E concurring opinion	One in which a judge concurs with the decision of the majority of the court but expresses different grounds for the decision from those stated by the majority; distinguish from <u>dissenting opinion</u> , which follows a dissenting vote (see <u>voto disidente</u>) and from the <u>separate opinion</u> of a judge of the International Court of Justice; OCL <u>dissenting opinion</u>
	F	
S	opinión disidente	CIJ Estatuto 57
	E separate opinion	ICJ Statute 57
	F opinion individuelle	CIJ Statut 57
S	opinión en contra = opinión contraria	
S	oposición (AR, CL) v. recurso de oposición	CL CPC 823
	E formal objection	
	F opposition	
F	opposable à	Nicholas 165
	E effective*/enforceable*/available** against	* Of a right (also <u>available</u> , <u>invokable</u>), claim (also <u>maintainable</u>), clause (also <u>invokable</u>), contract, patent ** Of a plea, defence
	S	

- F opposer
- E (translate according to context)
- S
- See the specific examples below; distinguish from s'opposer à, to oppose: e.g. opposer un droit, to assert a right, NOT to contest a right
- F opposer une clause à une partie
- E to set up a clause against a party
- S
- F opposer l'irrecevabilité d'une proposition (FR)
- E to challenge the admissibility of a private member's bill
- S
- Const. 41; Barrillon 209-210
- The Government has power to do this on the ground that parliament would be exceeding its authority if it passed the bill
- F opposer un droit sur ...
- E to claim (an) interest in ...
- S
- CA: VOCL 3
- CA: VOCL 3
- F opposer une exception (FR)
- E to set up/raise a procedural plea
- S
- oponer una excepción
- CC 1208
- For the use of plea (syn. defence) as an alternative to procedural plea see E note to F exception 3.; opposer des exceptions à quelqu'un, to set up defences against someone (GCBE 17)
- F opposer une fin de non-recevoir
- E to refuse/reject
- S
- Cornu fin de non-recevoir
- Non-technical expression
- F opposition (FR, RW, CJEC)
v. jugement susceptible d'opposition
tierce opposition

1. (proc. civ., pén., adm.: FR) voie de recours ouverte contre un jugement rendu par défaut
Capitant II A; CPCN 481, 527, 571-578, 1412-1416, 1481; Déc. 1120 22.12.1967, 15; CPP 465, 489-495, 527, 545; Dalloz Proc. civ. pp. 124, 764, 774-785; Dalloz Proc. pén. pp. 677, 679-685; Dalloz Dr. adm. p. 236; Guillien, EGLAT, Brown 72
 2. (proc. civ.: FR) voie de recours ouverte contre certaines ordonnances du juge
Capitant II B; CPCA 608, 767
 3. (dr. civ., com.: FR) manifestation de volonté destinée à empêcher ou conditionner l'accomplissement d'un acte juridique
Capitant I; CC 172-179, 882, 1242, CPCA 557-582, 820, Dalloz Voies pp. 188-271, Amos 240 n.1
 4. (dr. fin.: FR) voie de recours ouverte contre une contrainte décernée par l'Administration en matière d'impôts
Capitant III
 5. (CJEC)
CJECSC St. 35, CJEEC St. 38
- E
- In cases of doubt as to which of the above categories the term opposition falls into, translate as notice of opposition; SC CCP 171, 276 opposition
1. application to vacate judgement
In civil, criminal or Council of State proceedings, to the same body as gave the judgement; also called motion to vacate (de Vries Galston: CPCN translation into E, p. 50, art. 571), motion in arrest of judgement (*ibid.*: CPP translation into E, p. 76, art. 489; incorrect use of this term - see Martin arrest of judgement);
 2. formal objection
To various steps in proceedings for seizure of a debtor's movables (saisie-exécution) and for ranking of creditors (ordre)

- 3. formal objection*
 - stop notice**
 - attachment notice***

* To change of name, to marriage

** Formal notice given to a third party to block funds in his hands, e.g. in the case of a lost or stolen cheque or bond, by the drawer or holder to a banker; see Martin stop notice

*** Formal notice of the same kind given in recovery of debt proceedings, by the creditor to a person who is indebted to the creditor's debtor and who may, for instance, be the debtor's employer and therefore indebted to him for accrued earnings; syn. saisie-arrêt; where the creditor is the State or a public legal entity, also called opposition administrative

- 4. appeal

Against an enforcement order (contrainte) for the payment of tax; also called opposition à contrainte
CJECSC St. 35, CJEEC St. 38

- 5. objection

- S 1. interposición (de un recurso)
- 2.
- 3.
- 4.
- 5.

F opposition à contrainte (FR)

v. opposition 4.

E enforcement order appeal
S

F opposition administrative (FR)

v. opposition 3.; Dalloz Voies pp. 270-271

E (public) attachment notice
S

E option

A right which is either exercised, i.e. taken up, or abandoned; it has a holder
Cornu

F option
S

- E Optional Protocol to the International Covenant on Civil and Political Rights HRC
- F Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques
- S Protocolo Facultativo del Pacto Internacional de Derechos Civiles y Políticos
- S orden
- E (court) order - warrant - summons - subpoena For the distinction between these terms see order, warrant, summons, subpoena and the specific examples below
- F mandat - arrêté
- S orden ...
- E ... Order Note 5
- F Arrêté ...
- S ordenamiento
1. ley o conjunto de ellas Ossorio
2. disposición legal
3. organización jurídica Ossorio
4. acción y efecto de graduar
- E 1. (code of/body of) laws - legislation* - edict * i.e. the legislation on a particular topic
2. provision Of an enactment
3. order e.g. the international legal order
4. marshalling* * US
- ranking** ** EN
- F 1.
2. ordonnance
3. ordonnancement
- 4.
- S ordenamiento jurídico = ordre juridique
- S ordenamiento jurídico interno
- E internal/domestic legal order Of a country
- F ordre juridique interne

S ordenamiento legal

- 1. = ordenamiento 1., 2.
- 2. = ordre juridique

S orden amplia de investigación

Lo que dispone el juez a fin de esclarecer un hecho que presenta caracteres de delito

E general warrant of investigation

F

S orden amplia de investigar = orden amplia de investigación

S ordenanza

v. infracciones a las ordenanzas de policía

E ordinance

F ordonnance - règlement

S ordenanza municipal (PE)

E municipal ordinance - local by-laws

F règlement municipal

S ordenanzas de policía (CL)

E public (rules and) regulations

F règlement de police

S Orden de Abogados de Brasil

E Bar Association of Brazil

F Ordre des avocats du Brésil

S orden de aprehensión (MX, VE)

MX CFPP 199, 201, Const. 16;
VE CECR 182

E arrest warrant

F mandat d'arrêt

S orden de arraigo

E restricted residence order

F assignation à résidence

S orden de arresto (CL) = orden de aprehensión

- S orden de captura (CO CPP 426)
= orden de aprehensión
- S orden de comparecencia = citación de comparecencia
- S orden de comparecer = citación de comparecencia
- S orden de detención
1. (CL, ES, MX, PE, UY, VE) resolución de privación de libertad
CL CPP 248 et seq., 1980
Const. 19 (7) (d);
ES LEGR 487; MX CPPDF 132,
Const. 16; PE CPP 79;
VE CEGR 182, 189;
UY CPP 119
 2. (VE) resolución de encarcelamiento
 3. (CO, NI) instrucción al jefe del establecimiento carcelario
CO CPP 438, NI Dec. 232/80, 31
 4. Proyecto de un conjunto de principios para la protección de todas las personas sometidas a cualquier forma de detención o prisión
- E 1. arrest warrant
Note 1; in the case of VE there is no clear-cut distinction between meanings 1. and 2.
2. detention order
 3. warrant of commitment
 4. order of detention
BOD
- F 1. mandat d'arrêt
2. ordonnance de mise en détention préventive
3. mandat de dépôt
4. ordre de détention
- S orden de detención definitiva (PE)
Pese a la forma categórica, es la resolución de encarcelamiento; CPP 84
- E detention order
F ordonnance de mise en détention préventive
Note 1
- S orden de detención provisional (PE)
= orden de aprehensión

S orden de prisión

1. (UY) = orden de aprehensión
2. (AR CPCR 373, CL CPP 250, 278, 280, NI Dec. 232/80, 31, UY CPPM 174, 185, CPP 130)
= orden de detención 2.

S orden de prisión preventiva

- (AR, UY CPP 128)
= orden de detención 2.

S orden de procesamiento (UY) = auto de procesamiento

S orden jurídico = ordre juridique

S orden legal = ordre juridique

S orden público = public order 2.

E order

- v. access order
committal order
consent order
guardianship order
hospital order
non-consensual order
presidential commitment order
protection order

1. class of legislation

2. (EN: civ. and crim. proc.)
judicial decision of which
there are two kinds:
(i) that which determines
the main question or questions
at issue between the parties;
(ii) that which does not
(Jowitt)

A legislative order is made
by a minister, issued by a
department.

CA Interpretation Act 1967-68
EN: Order (in full
order of the court, loosely
court order) is sometimes used in
the singular as a generic term
for all judicial decisions, and
thus as including judgement, but
in the plural the generic
term most commonly used is
judgements and orders. In
practice, therefore, order
is opposed to judgement and
used as the name of the
decisions described opposite:

(a) In civil proceedings (a term which in EN includes judicial proceedings dealing with administrative law) a decision of kind (i) is called order if the proceeding in which it is given is one other than an action, and judgement (syn. decree in a matrimonial cause) if the proceeding is an action. A decision of kind (ii) can only be called order. Every order is either final if it puts an end to the proceedings or interlocutory if it does not. In the latter case it can be made either before or after judgements and in either case may take the form of an injunction.

(b) In criminal proceedings an order of kind (i) is an order which is made on conviction and imposes a measure less severe than punishment; in the case of juveniles it is in addition the equivalent of sentence; an order of kind (ii), called an ancillary order, is an order which is made on conviction in addition to sentence and imposes a measure additional to punishment.

Jowitt, OCL; Halsburg 26, para. 501, 37, para. 526; White Book 42/1/7; notes 1, 3.

F 1. arrêté* - ordonnance**

2. ?jugement

S 1.
2.

* BE, CH, FR

** CA Loi d'interprétation 1967-68; parfois ordre ou arrêté

v. jugement 2 (i)

- E order for attachment (EN)
= order of committal
- E order for committal (EN)
= order of committal
- E order in council
CA Interpretation Act
1967-68
- F décret du conseil
CA Interpretation Act
1967-68
- S
- E order of commitment (EN)
= order of committal
- E order of committal
EN civ. proc.: order made
by a court committing a
person to prison for contempt
of court (High Court, Court
of Appeal RSC o. 52, 1 (1);
county courts); also
called committal order;
both names are used for
the order which affects
a committal in criminal
proceedings; for further
details and alternative
names see note 1
- F
- S
- E order of court = order 2.
- E order of the court = order 2.
- E ordinance
CA
- F ordonnance
CA
- S
- F ordinaire
v. voie de recours ordinaire
voie ordinaire de recours
- S ordinario
v. recurso ordinario ...

F ordonnance

1. (CA, CH, FR) acte législatif

CA Loi d'interprétation 1967-68; CH peut être fédérale (prise par le Conseil fédéral) ou (Const. 102 (13)) cantonale; FR: acte législatif au sens matériel (Cornu acte législatif (b) obs.): décision prise selon l'art. 38 de la Constitution, ayant valeur de règlement avant sa ratification par le Parlement et de loi après celle-ci (Guillien), et ayant remplacé l'ancien décret-loi, Const. 13, 38, 47, 92; EGLAT, Guillien, Cornu 1.

David I 21, Brown 7-8

2. (FR proc. civ., pén., adm.) acte judiciaire: décision rendue par le chef d'une juridiction, par un juge d'instruction ou par un juge de la mise en état; (BE proc. civ., pén., ?adm.); CA

FR Dalloz Proc. civ. p. 682; it may take the form of a separate document or be contained in another judicial document, e.g. in a procès-verbal

3. CIJ Statut 48

E 1. ordonnance

CA ordonnance of the legislative of a province, in some other cases order (Interpretation Act 1967-68); generally speaking, do not translate as order otherwise (see E note to arrêté)

See E order 2.; EN, CA

2. (court) order

3. order

S 1. ordenanza

2. orden judicial

3. providencia

F ordonnance autorisant la (mise en état de) détention préventive (RW)

= ordonnance statuant sur la (mise en état de) détention préventive

F ordonnance cantonale (CH)

Acte législatif: Const. 102 (3)

E cantonal order

S ordenanza cantonal

- F ordonnance de clôture
1. (proc. civ.: FR) ordonnance qui constate l'achèvement de l'instruction CPCN 782, Dalloz Proc. civ. pp. 623-627
 2. (proc. pén.: FR) = ordonnance qui constate l'achèvement de l'instruction, dite ordonnance de règlement Dalloz Proc. pén. p. 570
- E 1. trial order EN: equivalent to directions by the master
2. terminating order Order terminating pre-trial proceedings; note 1
- S 1.
2.
- F ordonnance d'exécution (CH)
- E implementing order
- S
- F ordonnance de non-lieu (FR)
- Proc. pén.: CP 177, Dalloz instruction préparatoire sect. 94
- E dismissal order Order dismissing criminal proceedings
- S
- F ordonnance de prise de corps (BE, FR)
- Proc. pén.: FR CPP 215, Dalloz Proc. pén. p. 592
- E warrant of commitment Note 1
- S
- F ordonnance de règlement (FR)
- Proc. pén.: CPP 175-184, Dalloz Proc. pén. pp. 569-577
- E terminating order Order terminating pre-trial proceedings; note 1
- S
- F ordonnance de référé (FR)
- Proc. civ.: CPCN 484-492, 808-811, 848-850, 872-873, 956-957; Dalloz Proc. civ. pp. 145, 176-189, 191-192, 563-567; Dalloz Dr. adm. p. 225

- E interim relief order
S
See E note to référé; for the similarities and differences between ordonnance de référé, ordonnance sur requête and EN ex parte injunction, interim injunction, see note 3
- F ordonnance de renvoi (FR)
S
Proc. pén.: CPP 178 et seq., Dalloz Proc. pén. pp. 574, 602
- E committal order
S
By an examining magistrate committing a person accused of an ordinary offence (délit) or minor offence (contravention) to a correctional or police court, respectively, for trial; note 1
- F ordonnance de taxe (FR)
S
CPCN 708
- E order for taxation
S
Of court costs; Langan 307
- F ordonnance de transmission des pièces (FR)
S
Proc. pén.: CPP 181, Dalloz Proc. pén. pp. 575, 591
- E transmittal order
S
- F ordonnance d'injonction de payer (FR)
S
Dalloz Proc. civ. pp. 654 et seq.
- E payment injunction
S
- F ordonnance d'envoi en possession (FR)
S
CC 1008; v. envoi en possession
- E vesting order
S
v. envoi en possession

- F ordonnance pénale (FR, ?CH) FR CPP 525, ECIVCJ 1
E summary judgement Replaces the jugement de police in simplified police court proceedings for disposing of petty offences; ECIVCJ 1 "ordonnance pénale"
S
- F Ordonnance no. 58-1270 du 22 décembre 1958 portant loi organique relative au statut de la magistrature (FR)
E Judicial Service (Organization Act) Ordinance
S
- F ordonnance prescrivant la détention provisoire (FR) Proc. pén.: CPP 145
E detention order Note 1
S
- F ordonnance statuant sur la (mise en état de) détention préventive (RW) Proc. pén.: CPP 40-41
E detention order Note 1
S
- F ordonnance sur requête (FR) Proc. civ.: CPCN 493-498, 812-813, 851-852, 874-876, 958-959; Dalloz Proc. civ. pp. 145, 189-192, 561-562
E interim ex parte order For the similarities and differences between ordonnance sur requête, ordonnance de référé and EN ex parte injunction, interim injunction, see note 3
S
- F ordonner le huis clos (FR) CP 400
E to order the court to be cleared and closed i.e. to order that the proceedings continue in camera
S

F ordre

1. (FR dr. civ.) des héritiers CC 731-767, Capitant I, Amos 296 et seq., Guillien ordre des héritiers
2. (FR proc. civ.) entre créanciers CPCA 749-779, Déc. 167 1.3.1967, Guillien
3. association professionnelle
4. (CA dr. const.) ordonnance d'un ministre

- E
1. order of succession* - class (of heirs) Ordre is sometimes used alone to denote ordre de succession * Amos
 2. ranking (of creditors) Ordre is sometimes used alone to indicate ordre entre créanciers
 3. association Of doctors, lawyers, etc.
 4. order CA

- S
- 1.
 - 2.
 - 3.
 - 4.

F ordre administratif (FR)

Brown 13

- E administrative branch - administrative hierarchy Of the French system of justice, as opposed to the ordre judiciaire, judicial branch; note 4

S

F ordre de juridiction (FR)

Const. 34; Guillien ordre des juridictions

- E class of courts - branch of justice ordre de juridiction judiciaire, the judicial courts, the judicial branch of justice; ordre de juridiction administratif, the administrative courts, the administrative branch of justice

S

F ordre des avocats (FR)

Guillien

- E bar association
S Colegio de Abogados

F ordre des héritiers = ordre 1.

F ordre d'héritiers = ordre 1.

F ordre entre créanciers = ordre 2.

F ordre judiciaire

Brown 13

v. juridiction de l'ordre
administratif ou judiciaire
juridiction de l'ordre judiciaire
magistrat de l'ordre judiciaire

E judicial branch
- judicial hierarchy

Of the French system of
justice, as opposed to
the Ordre administratif,
administrative branch; note 4

S

F ordre juridique

E legal system*/order**

* Of a country
** e.g. the international
legal order, the legal order
of the European Community,
the internal legal order
of Peru; in academic texts
legal order is often preferred
to legal system
sin. orden jurídico

S ordenamiento jurídico

F ordre public

v. délit contre l'ordre public
disposition d'ordre public
fin de non-recevoir d'ordre public
moyen d'ordre public
troubler l'ordre public

1. stricto sensu
2. lato sensu

EGLAT
Capitant A, B; EGLAT,
Guillien, de Vries 262-264,
271-272; COV 22, IACEV 2 (h);
FR CRU 925, Nicholas 123-126;
QU

E 1. law and order - public
order*

* E term used here stricto
sensu; OCL, Archbold
pp. 2287-2288

2. public policy* - public order**

* IACEV 2 (h), SC CCP 209
** E term used here lato sensu;
COV 22

The expression d'ordre public should be translated according to context; a thing which is d'ordre public is one involving public policy, and a rule or requirement falling into this category is mandatory, i.e. it applies automatically and will override and nullify any agreement to the contrary made between private parties (FR CC 6); possible renderings are of/a matter of/imposed by/involving public policy, compulsory, mandatory, of automatic application, paramount; in QU it is sometimes equated with justice naturelle, natural justice, in matters involving fairness in judicial proceedings

S 1. orden público
2. orden público

F ordre public procédural (CH)

E fair procedure
S

In judicial proceedings

L ore tenus

E ore tenus - orally
F verbalement
S

S orgánico
v. ley orgánica ...

F organisation judiciaire
v. Code de l'organisation
et de la compétence
judiciaires
Code de l'organisation
judiciaire

E judicial organization
- organisation of justice
S

- S Organismo Contralor (CL) Variante para referirse a la Contraloría General de la República
- E Office of the Controller
F Contrôlerie générale de la République
- S Organismo de Control (CL) Variante para referirse a la Contraloría General de la República
- E Office of the Controller
F Contrôlerie générale de la République
- S Organismo de Investigación Judicial (CR)
- E Judicial Investigation Department i.e. the criminal investigation department; it is part of the Supreme Court of Justice
- F Services d'enquête judiciaire
- S Organismo Fiscalizador (CL) Variante para referirse a la Contraloría General de la República
- E Office of the Controller
F Contrôlerie générale de la République
- S organismos de contralor = órganos de contralor
- S órganos de contralor (UY)
- E supervisory authorities
F autorités de contrôle
- S órganos sumariantes
- E investigating bodies
F organes d'instruction - organes chargés de l'instruction - organes chargés de l'information
- E original writ
v. summons

- E originating process
= acte introductif d'instance
- E originating summons (EN) One of the two principal means whereby civil proceedings may be begun in the High Court, the other being by writ of summons (Martin originating summons, writ of summons; Langan passim)
- F
S
- S otrosí Punto(s) complementario(s) a la parte "principal" de un escrito que se presenta ante los tribunales;
v. lo principal
- E subpetition - subitem See E note to lo principal and translate according to context
- F demande accessoire
- conclusions accessoires
- demande additionnelle
- conclusions additionnelles
- accessoirement
- F ouvert à l'adhésion LT
- E open for accession There may be cases in which the E text of the treaty uses adherence not accession
- S
- F ouverture des successions (FR) CC 718; Amos 289-290
- E opening of succession In the abstract; SC CC 718
S apertura de las sucesiones
- F ouverture d'une succession (FR) CC 718; Amos 289-290
- E opening of a succession SC CC 718
S apertura de la sucesión

F	ouverture et dépôt du testament (BE, FR)	CC 1007, 1008; Marty Succ. no. 551; acte judiciaire en BE et notarié en FR qui correspond à l'élément <u>probate</u> du <u>grant of probate</u> anglais (v. <u>grant of probate</u>), mais à la différence de celui-ci, qui est obligatoire pour tout testament, l'ouverture et dépôt a lieu pour les seuls testaments olographes ou mystiques
E	opening and deposit of the will	
S		v. ES CC 689-693
F	ouvrages de doctrine	IL
E	writings of jurists	
S		
E	own	Black
F	posséder - détenir - être en possession de	
S		
E	owner	Black
F	propriétaire	
S	propietario	
E	ownership = propiedad	

P

- F pacte commissoire (Guillien pacte commissoire 1.; Buffelan 2, 252)
= clause résolutoire
- S pacto comisorio (Ossorio)
= clause résolutoire
- S Pacto de San José de Costa Rica
Nombre oficial de la Convención Americana sobre Derechos Humanos
- E Pact of San José, Costa Rica
F Pacte de San José de Costa Rica
- S padre de familia
- E paterfamilias
F père de famille
- S pago
Ossorio
- E payment* - discharge**
* Of a debt, i.e. a money obligation
** Of an obligation in general
FR CC 1234
(payement), Capitant
(payement I), Amos 143-144
- F paiement
- S pago de lo indebido
v. acción de repetición
- S pago de lo no debido
v. acción de repetición
- F paiement = pago
- F paiement de l'indu
v. acción de repetición
- F paiement libératoire
- E payment in discharge of debt
S
- F palais
v. acte du palais

- F papiers-valeurs (CH) CC 395, 637, 760, 773,
895, 901, 902, 925
- E securities Security is used in the
financial not the legal sense
- S
- S paraestatal
v. administración pública paraestatal
- F parents ou alliés
- E relations by blood or marriage
- S
- S pariente
- E relative v. note to familiar
- F parent - proche
- F par la faute de ... FR CC 1382
- E by the fault of ...
- S
- F par la force
- E forcibly
- S
- E parole = libertad condicional 1.
- F parquet, Parquet (BE, FR) BE Loi 7.4.1919, 1; FR
v. secrétariat du parquet Ord. 1270 22.12.1958, 1,
COJ R.811.2; note 4
- E government procurator's office The magistrats du ministère
public as a whole constitute
the Parquet, and those of a
given court constitute the
parquet of that court;
government procurator or
procurator's office, and in
criminal matters prosecutor,
prosecution service, may
suffice
- S
- S párrafo operativo
- E operative paragraph Of Human Rights Committee
decisions
- F paragraphe du dispositif

F	par son fait	FR CC 1383, 1384
	E by his act	
	S	
F	partage	FR CC 815, QU CC 689; Amos 116-117
	E partition	PH CC 1078, QU CC 689
	S partición	ES CC 1051, PR CC 1005, CL CC 1317
S	parte	
	v. a petición de parte de oficio o a petición de parte	
	1. comunicación policial, generalmente en formulario, por la cual se informa de un hecho constitutivo de falta o delito	
	2. de un contrato o de un juicio	
	E 1. report - police report	
	2. party	
	F 1. rapport de police	
	2. partie	
S	parte civil = partie civile	
S	parte demandada = défendeur 1.	
S	parte demandante = demandeur 1.	
S	parte dispositiva = dispositif 1., 2.	
S	parte en un procedimiento	Proc. gen.
	E party to proceedings - procedural actor*	* Term used in questionnaire transmitted under Commission on Human Rights resolution 18 (XXXVII)
	F	
S	parte expositiva	
	E preamble - explanatory statement	
	F préambule - exposé des motifs	

S	partición = F partition	
E	participation	LT: covers both ratification and accession
	F ? adhésion	Cornu
	S	
F	partie	
	v. à la demande de ...	
	à la demande des parties	
	ou d'office	
	héritier pour partie	
	prise à partie	
F	partie civile (FR)	Proc. pén.
	v. se constituer partie civile	
	E claimant for criminal indemnification	<u>Partie civile</u> is the party who brings an <u>action civile</u> ; see <u>action civile</u>
	S parte civil	
F	partie défenderesse	
	= défendeur l.	
F	partie demanderesse	
	= demandeur l.	
F	partie intervenante (FR CPCN 325-338)	
	= intervenant	
F	partie jointe (FR)	Proc. civ.: CPCN 424-429, Capitant, Guillien, Dalloz <u>ministère public</u> sects. 16-17
	E accessory party	Status of the <u>ministère public</u> in civil cases in which it is required by law or the judge to submit observations to the court in proceedings concerning affiliation, minors, mental patients, missing persons, insolvent companies, etc.
	S	
E	partie principale (FR)	Proc. civ.: CPCN 422-423, Capitant, Guillien, Dalloz <u>ministère public</u> sects. 14-15

E principal party

Status of the ministère public in civil cases in which it is required by law to bring or defend proceedings (including doing so as co-plaintiff or co-defendant, see Dalloz Proc. civ. p. 62) in proceedings concerning nationality, family law, lunacy, missing persons, etc.

S

F par voie légale (FR)

E by legal/lawful means
- by statute*

Note 6

* e.g. mesures adoptées par voie légale, measures adopted by statute, statutory measures

S

S pasante de derecho

Estudiante de derecho de uno de los dos últimos años o egresado reciente que está autorizado para ejercer su futura profesión

E pupil/trainee lawyer

EN, as regards the Bar, pupil (barrister); US trainee attorney

F avocat stagiaire

F passage d'un acte

E execution of an act

Meaning a written act; for alternatives to act in this sense, see acte

S

F passer en force de chose jugée

E to become res judicata

S

E passive servitude (SCO)

F servitude passive

CA: VOCL 3

S servidumbre pasiva

- F patient involontaire E/CN.4/Sub.2/1983/17
E involuntary patient
S
- F patient volontaire E/CN.4/Sub.2/1983/17
E voluntary patient
S
- S patria potestad ES CC 154-180, MX CC 411
E parental authority*/power** RL: OCL patria potestas
* PH CC 311
** Paton p. 487
F puissance/autorité* * FR CC 371-387,
paternelle CPCN 1179-1180
- L patria potestas (RL: OCL, Paton)
= patria potestad
- F patrimonial
v. derechos patrimoniales
- S patrimonial
v. derechos patrimoniales
- L patrimonium respublicae publicum
E public property of the State
F domaine public de l'Etat
S
- S patrocinio
1. defensa y asesoramiento que presta el abogado, especialmente en un juicio
2. forma abreviada que se utiliza en el resumen de un escrito para decir abogado patrocinante
E 1. legal assistance
2. lawyer
F 1. représentation en justice (par un avocat)
2. avocat

- S pautas constitucionales (UY) Son los principios, bases y condiciones para la preparación del anteproyecto de Constitución establecidos en el Acto Institucional N°. 2
- E constitutional directives
F principes constitutionnels
- bases constitutionnelles
- F payement = pago
- F payement de l'indu v. acción de repetición.
- F pays légal GDEL
- E enfranchised population
S
- E PCO = presidential commitment order
- E PDA = preventive detention action
- E peace officer US, CA
- F agent de la force publique* * FR
- agent de la paix** ** CA
S
- E Peace Pact of Paris Alternative name of the General Treaty for the Renunciation of War
- F Pacte de paix de Paris
S
- S pedido (nombre) petición
- S pedir
- E to apply for/petition for/request Note 3
F ester en justice
- S pedir habeas corpus
- E to apply for (a writ of) habeas corpus - to take habeas corpus proceedings
F invoquer le bénéfice de l'habeas corpus

F peine
v. cumul ...
non-cumul des peines
prescription de la peine

E penalty - punishment
- sanction - sentence

These terms are synonymous, but sanction tends to be reserved for academic use, EN: in connection with crime, the term most commonly used in the practice of criminal justice is sentence; both punishment and penalty are also used as generic terms, but where a distinction is drawn the tendency is to use punishment for heavy sentences and penalty for lesser ones, e.g. fines; penalty is also used in a pecuniary sense in the law of contract; US: in connection with crime, penalty is the generic term IN, SO: in connection with crime, punishment is the generic term

S pena

F peine accessoire

FR BE; Dalloz Pén.
pp. 432-434

E accessory penalty

SO PC 90; distinguish from peine complémentaire; see note to peine
CL

S pena accesoria

F peine afflictive (FR, HT)

FR CP 1, 6, HT CP 1

E afflictive punishment

OCL; see note to peine

S pena afflictiva

CL; DO CP 1

F peine civile (FR)

E civil penalty

Often means EN exemplary (also called punitive) damages; does not mean a contractual penalty

S pena civil

- F peine complémentaire FR; Dalloz Pén. pp. 427-432
E complementary penalty See note to peine
S pena complementaria
- F peine correctionnelle (BE, FR, HT) BE CP 1, FR CP 1, HT CP 1
E correctional penalty The penalty for a délit;
see note to peine
S pena correccional DO CP 1
- F peine criminelle (BE) CP 1
E serious penalty The penalty for a crime;
see note to peine
S
- F peine délictuelle = peine correctionnelle
- F peine de police (BE, FR, HT) BE CP 1, FR CP 1, HT CP 1
E minor penalty The penalty for a
contravention; see note to
peine
S pena de policía DO CP 1
- F peine infamante (FR, HT) FR CP 1, 6, HT CP 1
E infamous punishment OCL infamy; see note to
peine
S pena infamante DO CP 1
- F peine pécuniaire Capitant; Dalloz Crim.
p. 291
E pecuniary penalty See note to peine
S
- F peine privative de droits (FR) Dalloz Crim. p. 295
E disabling penalty See note to peine
S
- F peine privative de liberté (FR: Dalloz Crim. p. 285) = pena privativa de la libertad
- F peine privée (FR) = peine civile
- F peine restrictive de liberté (FR) Dalloz Crim. p. 290
E restrictive penalty See note to peine
S

- S peligro de perturbación de la paz interior (CL) 1980 Const., 24th trans. prov.
- E threat to (internal) law and order
- F menace contre la paix interieure
- S peligrosidad
- v. juez de peligrosidad ... Ley de Peligrosidad ...
- S PEN = Poder Ejecutivo Nacional
- S pena = peine
- v. condenado a la pena de 16 años de prisión prescripción de la pena
- S pena accesoria (CL) = peine accessoire
- S pena aflictiva (CL; DO CP 1) = peine afflictive
- S pena arbitraria Escriche legal
- E discretionary penalty See note to peine
- F peine arbitraire
- S pena correccional (DO CP 1) = peine correctionnelle
- S pena de policía (DO CP 1) = peine de police
- S pena divisible
- E graded penalty See note to peine
- F peine variable La peine est fixée par le juge entre un minimum et un maximum légaux
- S penado
1. nombre COV 10 (3), ES LOGP 1
2. adjetivo
- E 1. convict* - prisoner** Note 1
- * Stricto sensu convicted offender, lato sensu (ES LOGP) prisoner serving a sentence
- ** COV 10 (3)
2. punished - sentenced
- F 1. condamné COV 10 (3)
2. condamné

S pena indivisible

E ungraded penalty
F peine fixe

See note to peine

S pena infamante (DO CP 1) = peine infamante

E penal

As far as criminal law is concerned, penal and criminal can be taken as synonymous, the difference between them being simply one of usage; the tendency in CA, EN, US, ZA is to use criminal, while the titles of the codes of English-speaking countries as a whole show a balance between the two (see note 2). Penal carries the connotation of punitive. Accordingly, in a criminal law context, translate F pénal and S penal as criminal, except in the title of a code or other enactment, where they should be translated literally, and except where the context emphasizes punishment, where they should be translated as penal; in a civil law context translate them as penal. See also specific terms cross-referred to under F pénal and S penal. If in doubt use penal.

F pénal
S penal

F pénal

v. clause pénale
interdiction pénale
ordonnance pénale

E criminal - penal

See note to E penal and note 2

S criminal - penal

- S penal
v. sala de lo penal
1. (substantivo) establecimiento penal
 2. (substantivo) materia penal, lo penal
 3. (adjetivo)
- E 1. prison
2. criminal matters/cases See note to E penal and note 2
3. criminal See note to E penal and note 2
- F 1. prison - établissement pénitenciar
2. matière pénale
3. pénal
- E penal Act (EN) Odgers Construction 365
1. statute which creates a criminal offence
 2. statute which provides for a penalty enforceable in civil proceedings
- F 1. loi pénale
2.
- S 1. ley penal ES CC 8
2. ?ley de policía ES CC 8
- E penal action (EN obs.) OCL; EN abolished 1951
- F NOT action pénale
S acción penal
- S pena legal Escriche legal
- E statutory penalty See note to peine
F
- E penal servitude EN criminal penalty consisting of imprisonment with compulsory labour, abolished 1948 and replaced by imprisonment
- F servitude pénale
S
- E penal statute (EN: Martin)
= penal Act

- S pena privativa de libertad (ES) Const. 25
E custodial penalty See E note to peine
F peine privative de liberté FR Dalloz Crim. p. 285
- S pena remitida condicionalmente (CL)
E ?suspended sentence
F remise conditionnelle de peine
- S penitenciaría
1. establecimiento penal
2. pena
E 1. prison - penitentiary
2. long-term imprisonment* * PE
- rigorous imprisonment** ** UY
F 1. maison centrale - prison
- pénitencier
2. détention criminelle* * PE
- réclusion criminelle** ** UY
- S penitenciario
v. administración penitenciaria
penitenciaría
personal penitenciario
- S pérdida o comiso de los instrumentos
o efectos del delito (CL)
E loss or seizure of property
instrumental to or resulting
from the offence
F confiscation du corps du délit,
des choses produites par le délit
ou de celles qui ont servi ou
étaient destinées à le commettre
- S perdón judicial (CO) A iniciativa de la propia
instancia judicial se
prescinde de aplicar la
sanción establecida en la
sentencia
E judicial pardon
F grâce
- F perdre toute valeur
E to be of no effect Of wording
- to be/to become
(null and) void
S

- F père de famille = padre de familia
v. bon père de famille
en bon père de famille
- S perfeccionar
E to perfect
F conclure
A legal instrument; loosely to conclude a treaty, contract, etc.
Cornu conclusion, formation d'un acte juridique; on parle de perfection d'un accord
- S permanencia obligada (CL 1980 Const., 24° trans. prov., (d))
= relegación
- F période de sûreté (FR)
E period of close supervision
S
At the beginning of a prisoner's sentence
- S perjuicios = dommage l.
- F perquisition (BI, FR, RW)
E search
S allanamiento
RW CPP 5, 22, 32; FR CPP 56-59, 92-96, Dalloz Proc. pén. pp. 286-287, 491 et seq.
Of premises for proof of an offence
- S perseguible
v. delito perseguible ...
- S perseguir de oficio = proseguir de oficio
v. delito que debe perseguirse de oficio
- S persona
v. personas
- S persona artificial = persona jurídica
- S persona de arraigo (AR, GT, UY)
E person of substance
F ?notable
AR CPCR 381, GT CPP 588, UY CPPM 199

S persona desaparecida
v. personas desaparecidas o cuyo
paradero se desconoce

S persona detenida

1. SMR
2. BOD

E 1. person under arrest
2. detained person

F 1. personne en état
d'arrestation
2. personne détenue

S persona en prisión preventiva

E untried prisoner - prisoner
awaiting trial*

F personne en détention
préventive - prévenu*

* SMR

* v. note F au mot acusado l.

S persona jurídica (CL, MX)

MX CC 25, CL CC 54, 545-564
persona no natural, syn.
persona moral, persona
artificial; Ossorio

E juridical/legal/artificial*
person

As opposed to a natural
person; of these three
renderings, the most
commonly used seems to be
juridical person; the most
logical, however, and the
one to be preferred in cases
of doubt, is artificial
person, since, as Ossorio
points out, every person,
whether natural or not, is
a legal or juridical person
in the sense of being the
subject of rights and
obligations; this is
brought out in Eddey, The
English Legal System,
chap. 13, where a distinction
is drawn between natural
legal persons and artificial
legal persons

* Gordon; EN Halsbury vol.37,
para. 215

* CH CC 52-89 his; FR
Loi 563 13.7.1967, l,
EGLAT, Guillien

F personne morale*/juridique

- S personal de custodia
- E custodial staff - warders
 - F personnel de surveillance (surveillants - gardiens)
- E personal estate (EN) Property left by a person on his or her death; does not mean personal property
- F succession Cornu
 - S
- S personalidad artificial = personalidad jurídica
- S personalidad jurídica v. cancelación de la personalidad jurídica Syn. personalidad moral, personalidad artificial
- E juridical/legal/artificial personality For the distinction between these terms see E note to persona jurídica
 - F personnalité juridique/morale - (parfois) capacité juridique
- S personalidad moral = personalidad jurídica
- E personal law
- 1. The system or systems of law attaching to a person by virtue of his nationality, domicile, residence, religion or member of a tribe or other such group OCL; e.g. English law, Aragonese local law, Hindu law, the law of any tribe or group recognized by the legal order of the country in question
 - 2. (loosely) the branch of law dealing with persons as opposed to things, sometimes called family law
- F 1. droit personnel
 - 2. droit des personnes
 - S 1. derecho personal
 - 2. derecho de las personas
- S personal penitenciario
- E institutional personnel* * SMR
- prison staff
 - F personnel pénitentiaire

- E personal property
EN: all property which is not real property, e.g. money, goods, cattle, chattels, securities, debts, etc. and also leaseholds; Jowitt, Martin; is not synonymous with movable property, movables: v. immovable, movable; CA: VOCL 1
- F biens personnels
S bienes personales
CA: VOCL 1
- E personality = personal property
- S persona moral = persona jurídica
- S persona natural
CL CC 54
- E natural person - individual
F personne physique
CH CC 11-51
- S persona presa
BOD
- E imprisoned person* - prisoner
F personne emprisonnée
* BOD
- S persona privada de derecho público
E quasi-public corporation
F société d'économie mixte - (parfois) entreprise publique
Entreprise industrielle ou commerciale ayant la forme d'une société par actions mais dans laquelle l'Etat a une participation majoritaire
- S persona pública
E public corporation
F personne morale de droit public
- S personas desaparecidas o cuyo paradero se desconoce
E missing or disappeared persons
F personnes disparues ou dont l'arrestation n'est pas connue
E/CN.4/Sub.2/L.756

F	personne morale de droit public	ECICA II
	E legal person of public law	ECICA II
	S persona jurídica de derecho público	
F	personne physique = persona natural	
F	personne physique ou morale	EGLAT
	E natural or artificial person	EN: Halsbury vol. 37, para. 215
	S persona física o moral	
F	personne soupçonnée	
	E suspect	
	S	
E	person under disability (EN)	An infant, i.e. a minor, or a patient, i.e. a mentally disordered person as defined in the Mental Health Act 1983, 1(2); RSC 0.80, r.1 FR; Guillien; Amos 42-47 * ES CC 32 (Aguilar, com. del art. 32), 215, 289 ** ES CC 199
	F incapable	
	S incapacitado* - incapaz**	
S	petición	
	v. a petición de ...	
	a petición de parte	
	de oficio o a petición de parte	
	1. documento judicial	ES LECR 855-857; ACHR 44; Ossorio
	2. pregunta	CL CPC 254 (5), 309 (4); Ossorio
	E 1. application - petition* - request	For the distinction and the alternative <u>motion</u> see note 3 * ACHR 44
	2. petition	
F	1. recours	
	2. demande - requête	

E	petty offence (US)	Spelt petty offense; name given to federal misdemeanours carrying a penalty below a certain level; also, in State legislations, a third category of criminal offence, also called <u>petty misdemeanour,</u> <u>violation, infraction;</u> EN obs., but still used non-technically to denote a <u>summary,</u> i.e. relatively minor, <u>offence;</u> note 2
	F	contravention
	S	
F	pièce v. jugement sur pièces	FR GPP 56
	E	document
	S	
F	pièce à conviction (CA, FR)	Proc. pén.; Capitant; Dalloz Proc. pén. <u>passim</u>
	E	exhibit* - (useful) piece of evidence**
	S	pieza de convicción
F	pièce à l'appui (CA) v. pièces et documents à l'appui	Proc. civ.; VOCL 3
	E	exhibit
	S	
F	pièce de plaidoirie	CA
	E	pleading
	S	

F	pièce de procédure	ICJ R52
	E pleading	ICJ R52
	S	
F	pièce judiciaire	
	1. (proc. civ., proc. pén.) pièce produite par un plaideur	
	2. (proc. pén.) ?document de la police	
	E 1. document (relating to the case)	
	2. ?police report - charge sheet	
	S 1.	
	2.	
F	pièces et documents à l'appui	CIJ Statut 43
	E papers and documents in support	ICJ Statute 43
	S piezas y documentos en apoyo	CIJ Estatuto 43
F	pièce versée aux débats (FR) = pièce à l'appui	
S	pieza de convicción = pièce à conviction	
S	PIP = Policía de Investigaciones del Perú	
S	pirámide v. con la jerarquía más alta en la pirámide ...	
F	placement en garde à vue (DJ)	CIC 54.3
	E placing under police custody	
	S	
F	placé sous le régime de la garde à vue	
	E in police custody - held without a warrant	
	S	

S plagio

- 1.
- 2.

sin. de secuestro

- E
1. plagiarism
 2. kidnapping - abduction
- F
1. plagiat
 2. enlèvement

RL plagium (Black)

F plaider

- E to plead

FR used of an avocat,
advocate, or avoué, judicial
attorney

S

F plaideur (FR)

CPCN 53

- E party - litigant
- S

F plaidoirie (CA, FR, ICJ)

v. audience des plaidoiries
rôle des plaidoiries

1. (proc. civ., pén., adm.: FR)
exposition orale

Guillien, Capitant;
FR CPCN 440, 786, 869;
CPP 346, 460; Dalloz
procédures civile et
commerciale sect. 16,
Dalloz Proc. civ. pp. 526-536,
627-629, Dalloz Proc. pén.
pp. 618, 629-631, Dalloz
Dr. adm. p. 227

2. (proc. civ.: CA)
exposition écrite
3. ICJ

Syn. FR conclusions 2.;
VOCL 3
Statut 39 (2): écrite et
orale; R70: orale

- E
1. oral pleading - address
to the court

NOT pleading, which in the
non-abstract sense in EN,
US is a written document;
in crim. proc. la plaidoirie
du défendeur is the
equivalent of EN closing
speech for the defence

2. pleading
3. pleading* - speech**

A written document: VOCL 3
* Statute 39 (2)
** R70

- S
- 1.
 - 2.
 3. alegato

Estatuto 39 (2)

F plaidoirie orale = plaidoirie 1.

F plaidoyer

1. syn. de plaidoirie 1.,
utilisé notamment pour
se référer à la plaidoirie
de la défense
2. (CA) proc. pén.

VOCL 3

- E 1. address to the court
2. plea

If given by the defence,
translate as speech for
the defence
e.g. plaidoyer de
culpabilité, plea of
guilty; VOCL 3

- S 1.
2.

F plaignant (CH, FR)

Proc. pén.: celui qui
porte plainte

E complainant

In criminal proceedings;
see plainte; note 3

S

E plaint (EN, IN, LK, SC) = demande
initiale

F plainte (FR)

Proc. pén.: CPP 40, 51,
80, 85-86; Dalloz Proc.
pén. p. 449

E (criminal) complaint

FR: an accusation which
charges a person with a
criminal offence, initiates
proceedings and is made to
a magistrate or public
prosecutor by the victim
or his legal representative;
it may or may not be
accompanied (FR CPP 85)
by a constitution de partie
civile, the bringing of
criminal indemnification
proceedings; use criminal
where it is necessary to
emphasize the criminal
nature of the complaint;
note 1

S

F plainte pénale (GE) = plainte

- S planilla de control de causas penales (VE)
- E (control) list of criminal cases
- F liste des affaires pénales
- Liste mensuelle soumise par le juge ou procureur pour contrôle
- S plantear
- E to lodge/file/bring/make
- e.g. an appeal, application, complaint, proceedings, proposal; in some cases an expression such as to appeal will suffice
- F présenter* - former**
- porter*** - déposer***
- interjeter**** - faire*****
- * Une proposition
** Un recours
*** Une plainte
**** Un appel
***** Une demande
- S plazo
1. término general
2. término técnico = terme 2.
- E 1. period - duration
- time-limit
- F 1. délai - terme
- E plea
- Osborn, Black, OCL; a plea is pleaded, brought, put forward
1. (civ. proc.; crim. proc.: EN) an argument available to or put forward by a party, particularly (syn. defence) one put forward in answer to an allegation
- Langan passim, Odgers passim; for the extent to which defence and plea are interchangeable see defence 3.; note 2
2. (crim. proc.: EN) procedural step: formal statement made by or on behalf of an accused person in answer to the charge against him
- e.g. plea of guilty, plea of not guilty, plea of autrefois acquit; Hampton 183-200; note 2
3. (civ. proc.: EN obs., US obs.) procedural step: formal statement made by the defendant in answer to the plaintiff's allegation
- EN now statement of defence; US now answer
4. (EN obs.) any legal proceeding
- e.g. by plea, meaning by means of adversary proceedings

- F 1. moyen (de défense)
2. conclusions en défense
3. conclusions en défense
4. action en justice

- S 1.
2.
3.
4.

E plead

F plaider - invoquer

S

E pleading

Noun; Osborn, Black, OCL

1. (civ. proc.: EN, CA, US)
the pleadings are the
formal written statements
made by the parties alleging
their respective claims or
defences and delivered by
them alternately to one
another until issue is
joined
2. the art of presenting a
case in legal proceedings

Odgers, Langan passim;
they are exchanged between
the parties; EN pleading
does not generally include
process, from which it
must be distinguished
(RSC 0.1, r.4), but a
pleading and a process
are sometimes combined
in a single document;
pleading is seldom used
in the singular; note 3;
in EN the term pleadings
is not applicable to
criminal proceedings, but
technically the information
and plea in a summary trial,
and the indictment, plea
and replication in a trial
on indictment, are pleadings;
pleading as the present
participle of the verb
to plead, however, is of
course a term applicable
to criminal trials

F 1. conclusions - plaidoiries
(écrites)*

* CA VOCL 1

2.

S 1.

2.

E plead

Verb; to put forward
an argument in court
proceedings, either
orally or in writing

F plaider

S ?alegar

- E plea in bar
- EN civ. proc., crim. proc.:
a plea which bars the
opponent's right of
action altogether; the
same as (obs.)
peremptory plea; pleas in
bar may be general or
special; a traverse in a
civil action and a plea
of not guilty in a
criminal action are both
general pleas in bar;
special pleas in bar,
usually simply called
pleas in bar, are met
with mainly in crim.
proc. (Odgers 129,
Hampton 188, Martin pleas
in bar); note 2
- F exception péremptoire
S excepción perentoria
- F pleine juridiction (FR)
v. compétence de pleine juridiction
contentieux de pleine juridiction
recours de pleine juridiction
- Dr. adm.
- E full jurisdiction
- Distinguish from
plénitude de juridiction
- S
- S pleito
= acción
- S plenario
1. (proc. pen.: AR, CL, PA)
nombre único que recibe
la segunda y última fase
del proceso penal de primera
instancia (en el caso de PA,
en los tribunales de alto
nivel); (proc. pen.: UY)
nombre único que recibe
la tercera y última fase
del mismo
- AR GPCR Libro III; CL
CPP 401, Libro III Parte II;
PA CJ 2146
2. (proc. pen.: BO, VE;
proc. pen. militar: UY)
nombre que como variante
recibe esa fase
- BO CPP 224
UY GPPM 280
VE ...
- E 1. trial
2. trial
- F 1. (procédure de jugement)
2. (procédure de jugement)
- Note 1

- F plénitude de juridiction (FR) Des juridictions de droit
commun; Guillien
- E unlimited jurisdiction
S
- F plénier
v. pleno
- S pleno De un tribunal colegiado
v. de pleno derecho
- E (sitting) in banc/in full
session/in full - the full
court bench/panel of judges
F (en) audience plénière
- (tribunal) plénier -
(Cour) plénière
- S pliego de peticiones
- E petitions
F pétitions
- F plunitif (FR Dalloz Proc. civ.
p. 523) = registre d'audience
- F pluralité de parties CPCN 323-324
- E multiple parties - co-parties
S pluralidad de partes
- S poder = pouvoir
- S poder constituyente
- E constituent power
F pouvoir constituant
- S poder de seguridad
- E security power
F pouvoir de sécurité
- S Poder Ejecutivo Der. const.
- E the Executive (Power)
F pouvoir exécutif - l'exécutif
- S Poder Ejecutivo Nacional (AR)
- E the National Executive Power -
the (National) Executive
F Pouvoir exécutif national

- S poder general judicial (SV) LPPS 16
- E general power of attorney to act in litigation Such powers of attorney are normally referred to by practitioners by this name, or simply as litigation powers, but they usually include power to take non-contentious proceedings as well
- F
- S poder general para pleitos (ES LEC 3, Gómez)
= poder general judicial
- S poder judicial, Poder Judicial
= judiciary 1.
- S Poder Legislativo Der. const.
- E the Legislature - the Legislative Power - the legislator
- F pouvoir législatif
- S poder procesal (ES)
- E power of attorney to act in litigation See E note to poder general judicial
- F
- L poenae sint restringendae Punishments should be restrained; Black
- E poenae sint restringendae
- F les lois pénales sont d'interprétation stricte
- S
- L poenalia sunt restringenda ?Alternative form of poenae sint restringendae, expressed in the indicative instead of the subjunctive
- E poenalia sunt restringenda
- F les lois pénales sont d'interprétation stricte
- S
- F point (CA, FR) CA VOCL 3; FR CPCN 57
CA VOCL 3
- E issue
- S punto

- F point de rattachement Dr. int. privé
- E connecting factor Dicey 29-32
- S
- F points de fait et de droit
- E issues of fact and law
- S puntos de hecho y de derecho
- E points of claim (EN) Civ. proc.: corresponds in a commercial action to the statement of claim in an ordinary civil action
- F ?demande introductive d'instance
- S
- F police
- v. agent de la police judiciaire
- agent de police
- agent de police judiciaire
- commissaire de police
- discipline et police de la salle
- Division de Police
- fonctionnaire ou officier public chargé de la police administrative ou judiciaire
- inspecteur de police judiciaire
- loi de police
- matière de police
- officier de la police judiciaire
- officier de police judiciaire
- E police - policing - control - public order*
- Police is used in US (Black police power, Brown 24) but not in EN to convey the notion of public control *FR CC 714, Amos 87 and n.l; the expressions de police, de policia can sometimes be translated as regulatory or, where appropriate, local
- S policia
- F police administrative (FR)
- v. fonctionnaire ou officier public chargé de la police administrative ou judiciaire
- Dalloz, Guillien police,
Dalloz Dr. adm. pp. 425-426

- E administrative police
S
Not a separate police force but a category of police belonging to various forces who perform the function of administrative policing, i.e. the maintenance of law and order and the prevention of crime; police may suffice
- F police communale
E municipal police
S
- E police constable (EN)
F
S
The term denotes a rank in a police force, unlike constable (syn. police officer), which denotes a class of public officers
- F police de la salle
E court policing - policing of proceedings - order in court
S
EGLAT discipline et police de la salle
- F police de l'audience (FR CPP 309, 401, 535) = police de la salle
- F police d'Etat (FR) = police nationale
- F police féminine
E women police
S
E/CN.4/Sub.2/AC.2/33/Add.1
- F police judiciaire (BE, FR, NE)
v. fonctionnaire ou officier public chargé de la police administrative ou judiciaire
BE Loi 7.4.1919; FR CPP 12-30, NE CPP 12-30; Dalloz, Guillien police, Dalloz Dr. adm. pp. 425-426

E	judicial police* - criminal investigation service	Not a separate police force but a category of police consisting of public officials of various kinds (some are members of police forces) who perform the function of investigating crime; they are under the authority of the government attorney's department or the courts or both; EN <u>Criminal Investigation Department</u> ; O'Rooney <u>criminal police</u>	
	S	policía judicial	*MT CR; ES LOPJ 443-446; MX LOP 37
F	police municipale (FR)		
	E	municipal police	A police force
	S	policía municipal	SV
F	police nationale (FR)		Loi 492 9.7.1966
	E	national police	The police forces of the country as a whole, whether acting as <u>police administrative</u> or <u>police judiciaire</u> ; under the control of the Minister of the Interior, subject to the authority of the government attorney's department or the courts as regards <u>police judiciaire</u>
	S	policía nacional	
F	police sanitaire		EGLAT
	E	public health control/ authority	
	S		
F	police urbaine (FR)		
	E	urban police	A police force
	S		

- S policía = F police.
- v. contravención de policía
faltas y contravenciones
municipales y de policía
infracciones a las ordenanzas de
policía
infracciones de reglamentos
gubernativos y de policía
- S policía civil, Policía Civil (CL)
- E plain-clothes police
- F police secrète
- May refer either to the
Central Nacional de
Informaciones or to the
Servicio de Investigaciones
FR Petit Robert: policiers en
civil dépendant de la Sûreté
nationale (brigade des moeurs, des
jeux, brigade financière, etc.)
- S policía civil de Investigaciones (CL)
- E plain-clothes police department
- F police secrète
- A way of referring to the
Servicio de Investigaciones
- S policía de hacienda, Policía de
Hacienda (SV)
- E treasury police - Treasury
Police
- F police du fisc
- Dependencia del Ministerio de
Defensa, rama de la Seguridad
Nacional; una de las diversas
organizaciones paramilitares que
colaboran con las fuerzas armadas,
cuyo nombre procede de estar a
cargo del control fiscal de
fronteras, puertos y aeropuertos
y que, en la práctica, se destaca
más por el aspecto anotado
precedentemente (Camino)
- S Policía de Investigaciones del Perú
(PE)
- E Peruvian Investigatory Police
- F Sûreté péruvienne
- S policía de seguridad (Ossorio) = police
administrative
- S policía judicial = police judiciaire
v. policía técnica judicial

- S policía judicial federal (MX) LPG 45
E federal judicial police/
criminal investigation service
F police judiciaire fédérale
- S policía municipal (SV) = police
municipale
- S Policía Nacional (SV) Dependencia del Ministerio
de Defensa, rama de la
Seguridad Nacional
E National Police
F police nationale
- S policía represiva Ossorio
E criminal police police may suffice
F police
- S policía técnica judicial = police
judiciaire
- F policier Terme du langage commun
E policeman
S policía
- S poner a disposición del tribunal
= poner a disposición judicial
- S poner a disposición judicial
E to bring before a/the court
- to place at the disposal of
the court
F mettre à la disposition de la
justice
- S poner los autos de manifiesto en la
oficina (UY) CPP 163
E to lodge the file in the
registry* for inspection * For alternatives to registry
see E note to greffe
F
- S por ante = ante
- S por coacción VCLT 51
E under duress - by the
coercion* * VCLT 51
F par*/sous la contrainte * VCLT 51

- S por contrario imperio (AR, UY) AR CPCR 498; contrario imperio significa la facultad de los jueces para revocar sus propias decisiones cuando dan lugar al recurso de reposición
- E by reversing its/his decision - in the exercise of its/his prerogative
F en vertu du pouvoir (dont le tribunal dispose) de revenir sur sa décision - pouvoir de rétractation
- S por disposición del Ministerio de ... basándose en el artículo ... (CL)
E by order of the Ministry of ... (made) under article ...
F par décision du Ministre de ... en vertu de l'article ...
- S por disposición del tribunal = por disposición judicial
- S por disposición judicial
E by order of the court
F
- S por infractor a la ley de ... E/CN.4/GR.8/7/Add.1
E for an offence/for offences under the ... Act - for contravening the ... Act
F
- S por la ley (NI) Forma que se emplea como pie de firma para indicar que quien firma una comunicación oficial no es titular del cargo
E acting ...
F par délégation
- S por ministerio de la ley
E by operation of law
F
- S por motivos comunes (CL)
E for reasons of general law
F pour des motifs de droit commun

F portant
v. Arrêté Royal du 21 mai 1965
portant ...
Loi portant ...
Ordonnance no 58-1270 du
22 décembre 1958 portant ...

S Por tanto (CL)

Enunciado que precede a las
peticiones concretas de un
escrito presentado a los
tribunales

E Consequently

F En conséquence - Par ces motifs

F portée

E ambit - scope
- reach

Of a provision, right, notion

S

F porter
v. portant

E porter atteinte à ...

E (translate according to
context)

Possible renderings are to
abuse, affect, breach,
compromise, damage, harm,
impair, impugn, infringe,
injure, interfere with, invade,
prejudice, restrict, trespass
against, undermine, violate;
to be/commit a crime/offence
against; some examples are
given below

S

F porter atteinte à la paix ou à la
sécurité

A/CN.4/387, para. 37

E to impair peace or security

A/CN.4/387, para. 37

S

F porter atteinte à la vie privée (FR)

CP 368

E to invade (the) privacy

S

F porter atteinte à l'honneur ou à la
considération de la personne (FR)

Loi 29.7.1881, 32

E to damage/impugn a person's
honour or consideration

S

- F porter atteinte à l'intégrité du territoire national (FR) CP 86, 88
E to violate the integrity of the national/nation's territory
S
- F porter atteinte à sa souveraineté, à sa sécurité ou à l'ordre public
E to compromise its sovereignty or security or public order
S
- F porter atteinte au libre exercice de l'industrie et du travail (FR) CP 414
E to impair/restrict the freedom of industry and labour
S
- S poseedor Ossorio
E possessor See E note to posesión; Black
F possesseur Capitant
- S poseedor de buena fe Ossorio
E possessor in good faith
F possesseur de bonne foi
- S poseedor de mala fe = detentador
- S poseer Ossorio
E to possess See E note to posesión; Black
F posséder
- S posesión Ossorio: CL CC 700, 889
E (legal) possession RL possessio: Black, Nicholas Roman 107-114; the second most extensive of the three forms of relationship between a person and a thing, the other two being detention (mere possession) and ownership; also called possession in law; Salmond chap. 9, especially p. 267, OCL, Black Capitant, Guillien, Amos 100-104, 112-115
F possession
- S posesor (Ossorio) = poseedor

- E action*
proceedings* -
prosecution**
- S
- F poursuite pour dettes (CH)
- E proceedings for debt
- S
- F poursuites = poursuite
- S
- F poursuites judiciaires
- E legal proceedings
- judicial proceedings
- S
- F poursuivre
- E to sue* - to prosecute**
- S
- F pourvoi (FR)
1. terme général
2. (proc. civ., pén., adm.)
3. (dr. fin.)
- E 1. appeal
2. application
- S
- F pourvoi en cassation (FR, GE)
- Court action taken against a wrongdoer; in civ. proc., term used especially of proceedings taken against a debtor or bankrupt; engager des poursuites contre quelqu'un, (civ.) to sue someone, (crim.) to prosecute someone
*Civ. proc.; note 3
**Crim. proc.; note 1
- LP
- In Switzerland these are undertaken administratively, not judicially
- Note 6
- *Civ. proc.
**Crim. proc.
- To the Court of Cassation; also (see requête) to the Council of State or a tribunal administratif; note 3
e.g. a tax appeal
- FR CPCN 527, 604-639, 1481;
CPP 567-621; Dalloz Proc. civ. pp. 764, 906-962;
Dalloz Proc. pén. pp. 677, 705-732; GE LOJ 52

E	application for judicial review	FR: in civil or criminal proceedings to the Court of Cassation, for illegality or error of law or form; similar in some respects to EN application for <u>certiorari</u> ; note 3
S	recurso de casación	
F	pourvoi en révision (FR ?obs., GE LOJ 52) = demande en révision	
F	pourvoi incident (FR)	CPCN 614, 1010, Dalloz Proc. civ. p. 914
E	cross-application	In civil proceedings in the Court of Cassation; note 3
S		
F	pourvoi principal (FR)	CPCN 914, Dalloz Proc. civ. p. 914
E	(principal) application	In civil proceedings in the Court of Cassation; note 3
S		
F	pourvoi provoqué (FR)	Dalloz Proc. civ. p. 914
E	third-party application	In civil proceedings in the Court of Cassation; note 3
S		
F	pourvoir	
E	to provide (for/with)	<u>Se pourvoir</u> , to appeal to apply, to make application, e.g. to a court (FR CPCA 966); note 3
S		
F	pouvoir	
v.	fondé de pouvoirs	
	pouvoirs ...	
1.	(dr. const.) fonction d'Etat, p. ex. <u>pouvoir judiciaire</u>	Capitant II
2.	(dr. civ.) capacité d'exercer les droits d'une autre personne, souvent syn. de <u>mandat</u> 1. (contrat), <u>procuration</u> 1.	Capitant I A
3.	(dr. civ.) document par lequel une personne confère à une autre la faculté de la représenter, syn. de <u>mandat</u> 1. (document), <u>procuration</u> 2.	Capitant I B; FR CPCN 306, 322 CPCA 673

- E 1. power
2. power(s) - authority
3. written authorization
- See pouvoir judiciaire, etc.
- Also called agency appointment (academic term), authority; if the instrument is a formal one, power of attorney (EN, US); if it is for the purpose of voting at a meeting, proxy (EN, US); if in doubt translate as written authorization
- S 1. poder
2. poder
3. poder - procuración
- Ossorio
Ossorio
Ossorio
- F pouvoir de contrainte (FR)
E power to compel appearance
S
- Dalloz enquête sect. 48
e.g. of a suspect, witness;
with regard to such a person the term compellability is used,
e.g. compellability of witnesses
- F pouvoir de décision
E discretion - decision-making capacity
S
- F pouvoir judiciaire = judiciary 1.
- F pouvoir réglementaire (FR)
E regulatory power
S
- Const. 13, 21, 22, 37, 38, 41, 61, 69; Dalloz Dr. adm. pp. 69 et seq.
i.e. the power to enact rèlements, regulations
- F pouvoir réglementaire autonome (FR)
E autonomous regulatory power
S
- Dalloz Dr. adm. p. 57
- F pouvoirs de décision = pouvoir de décision
- F pouvoirs de référé (FR)
E interim relief jurisdiction
S
- Proc. civ.
A form of summary jurisdiction (Black); see E note to référé

- F précaire
v. détention précaire
- S precepto Ossorio
E rule - provision* - precept *Of an item of legislation
F
- S precio
E price - sum - rent* - rental** *Payment, usually
- hire** - charge*** - fee*** periodical, for use of land
or buildings; note 9
**Payment, sometimes
periodical, for use of other
things, e.g. a car, taxi,
television set; also called
hire charge, hire payment; note 9
***Payment for services; note 9
- F prix
- E preclusión (IL)
v. estoppel
- F pré-délibéré (FR) Dr. adm.; Brown 73
E preliminary consideration
S
- S predio dominante CL CC 821
E dominant tenement
F fonds dominant
- S predio sirviente CL CC 821
E servient tenement
F fonds servant
- S prefectura (CL) Servicio policial (de
Carabineros o de
Investigaciones),
correspondiente a una división
administrativa o territorial,
colocado bajo la autoridad de
un Prefecto (Carabineros) o de
un Comisario Jefe
(Investigaciones)

E prefecture
F préfecture (de police) -
prefectura

S Prefectura Naval (AR)

E Coastguard Station
F

F. préjudice (FR dr. civ., Nicholas
220-226) = *dommage l.*

S prejudicial
v. con carácter prejudicial
cuestión prejudicial
enjuiciamiento prejudicial
medidas prejudiciales

F préjudiciel
v. décision à titre préjudiciel
statuer à titre préjudiciel

S prelibertad (BO)

E/CN.4/Sub.2/1984/12

E early release

Probably a form of libertad
condicional

F

E preliminary examination (US)
= probable cause hearing

E preliminary hearing (US)
= probable cause hearing

F premier avocat général (FR)

COJ L.121.1; note 4

E senior advocate-general
S

Of the Court of Cassation

F premier juge (FR)

Ord. 1277 22.12.1958, 2

E senior judge

Of a tribunal de grande
instance, court of major
jurisdiction

S

F	premier juge des enfants (FR)	Ord. 1277 22.12.1958, 2
	E senior juvenile magistrate	Of a <u>tribunal de grande instance</u> , court of major jurisdiction
	S	
F	premier juge d'instruction (FR)	Ord. 1277 22.12.1958, 2
	E senior examining magistrate	Of a <u>tribunal de grande instance</u> , court of major jurisdiction
	S	
F	premier président (FR)	COJ L.121.1, L.212.1; Loi 6.5.1982, 44
	E senior president	Of the Court of Cassation or a court of appeal
	S	
F	premier substitut (FR)	Guillien <u>procureur de la République</u> ; note 4
	E senior deputy procurator	Of the <u>procureur de la République</u> in a <u>tribunal de grande instance</u> , court of major jurisdiction; in criminal matters he can be called <u>senior deputy prosecutor</u> or <u>senior deputy public prosecutor</u>
	S	
S	prenda (CL, ES, MX) = nantissement 2.	
S	prenda sin desplazamiento de posesión (ES, VE) v. Ley de Hipoteca Mobiliaria y Prenda sin Desplazamiento de Posesión Ley sobre Hipoteca Mobiliaria y Prenda sin Desplazamiento de Posesión	
	E non-dispossessory pledge - charge	i.e. one in which the property pledged remains in the possession of the debtor instead of being delivered to the creditor; note 11
	F	

- S prenda sobre bienes muebles (VE)
E pledge of movables
F
- F prendre acte
E to (take) note
S tomar nota
- F prendre communication de ...
E to examine/inspect*/sight ... e.g. a document
*Procedural term
S
- F prendre connaissance de ...
E to take cognizance of ...* - *In the case of a judge or
to discover ...** court
**In the case of a party
S tomar conocimiento
- F prendre des réquisitions
E to make submissions
Can sometimes be translated
as to lay an information, to
bring/file a charge/charges/
an indictment: see E note to
réquisition 3.
S
- F preneur (BE, CH, FR: dr. civ.:
celui qui prend en location en
vertu d'un contrat de bail)
= arrendatario
- F préposé
E employee - servant
S
- E prerogative legislation
v. législation 1.

E prerogative order (EN)

A prerogative order is one of the remedies obtainable in EN in judicial review proceedings and is issued by the High Court for the supervision of inferior courts and tribunals. The orders concerned are certiorari, mandamus and prohibition. Until 1938 they were called prerogative writs (and still are in US); since then the only prerogative writ in EN has been habeas corpus. The other prerogative writs now obsolete in EN are quo warranto, ne exeat regno and procedendo (quo warranto still exists in US). The word "prerogative" refers to the fact that these writs were granted to an applicant in exceptional circumstances, not as a matter of right but because it was considered part of the royal prerogative to assure full justice to the King's subjects. EN see: Martin prerogative order, Osborn prerogative writs, certiorari etc.; US see: Attorney's Pocket Dictionary judicial review, Black certiorari etc.

F ordonnance de prérogative

Destinée à exercer un contrôle sur les tribunaux administratifs et les autres organismes publics dotés de pouvoirs judiciaires ou quasi judiciaires - Il existe trois types d'ordonnances de prérogative: mandamus, ordonnance d'exécution prohibition, défense de statuer certiorari, ordonnance en Haute Cour pour évoquer une affaire dont un tribunal inférieur est dessaisi.

S

E prerogative writ (CA, EN, US)

See note to prerogative order; OCL prerogative writs and orders

F bref de prérogative

CA

S

S prescripción = F prescription 1., 2.

- S prescripción adquisitiva
= prescription acquisitive
- S prescripción de acciones
E limitation of actions
F prescription
Ossorio
See E note to F
prescription 1.
- S prescripción de la pena
= prescription de la peine
- S prescripción del delito
= prescription de l'action publique
- S prescripción extintiva
= prescription extinctive
- F prescription
v. ne connaissent pas de prescription
1. moyen d'acquérir (dr. civ.:
prescription acquisitive) ou de
se libérer (dr. civ., pén.:
prescription extinctive) par
écoulement d'un certain laps
de temps
FR CC 2219, Capitant, Guillien
prescription civile; FR
CPP 6-9, 763-765, Capitant
prescription criminelle,
Guillien prescription de
l'action publique,
prescription de la peine
2. ordre expressément formulé
(Petit Robert)
- E 1. prescription-limitation*
-extinction
The effect of the passage of
time in creating or destroying
rights (Salmond p. 435); it
applies to rights (especially
rights in land and rights of
action), claims, obligations,
liabilities; Jowitt
limitations, prescription;
OCL limitation of actions,
prescription; Nicholas Roman
pp. 120-122; if in doubt
translate as prescription;
see also prescribe and specific
examples below.
- * In EN prescription of rights,
meaning the acquisition or loss
of rights in property through
passage of time, is often
contrasted with limitation of
actions, meaning the loss of a
right of action through passage
of time (Salmond p. 463); the
corresponding verb is to be
extinguished, to be time-barred

	2. requirement - instruction	
S	1. prescripción	Ossorio; CL CC 2492-2524
	2. prescripción	
F	prescription acquisitive	Capitant
	E acquisitive prescription	<u>Syn. positive prescription, creative prescription</u>
	S prescripción adquisitiva	Ossorio
F	prescription de l'action publique (FR)	Proc. pén.: CPP 6-9, Dalloz Proc. pén. pp. 122-140
	E prescription of the public right of action	Loosely, <u>extinction of the public right of action</u> , but prescription is merely one method by which this right is extinguishable
	S prescripción del delito	Ossorio
F	prescription de la peine (FR)	Proc. pén.: CPP 763-765, Dalloz Pén. sect. 575
	E prescription of (the) punishment	Loosely, <u>extinction of (the) punishment</u> , but prescription is merely one method by which punishment is extinguishable
	S prescripción de la pena	Ossorio
F	prescription extinctive	Capitant
	E extinctive prescription	<u>Syn. negative prescription</u>
	S prescripción extintiva	Ossorio
F	prescription légale (FR)	
	E legal requirement	
	S prescripción legal	
F	prescrire	
	1. soumettre à la prescription (Petit Robert)	
	2. ordonner ou recommander expressément (Petit Robert)	

- E 1. (translate according to context)
- e.g. prescrire la propriété, to acquire ownership by prescription; prescrire contre X, to enforce a prescriptive claim against X; l'action est prescrite, se prescrit, par ... ans (FR CC 2262, 2271 et seq., CPP 7 et seq.), the (right of) action is time-barred (loosely, the action is unmaintainable) after ... years; la peine se prescrit par ... ans (FR CPP 763-765), the punishment is time-barred (loosely, unenforceable) after ... years
2. to prescribe
- S 1. prescribir
- 2.
- F présenter
- E (translate according to context)
- S
- e.g. to raise/set up a defence, plea bar; to lodge/file/submit a document, claim; to present a case; to invoke/put forward an argument
- F président (FR)
- D'un tribunal, p. ex. d'un tribunal de grande instance
- v. premier président
- E president
- Of a court of justice; EN of a division of the Court of Appeal or the High Court; EN presiding judge is somewhat different, there being several presiding judges in each of the six judicial circuits into which the country is divided
- S presidente
- F président de chambre (FR)
- E divisional president
- COJ L.121.1, L.212.1
- S presidente de sala
- Of the Court of Cassation or an appeal court
- F président de la cour
- E president of the court -presiding judge
- S presidente de la Corte
- F président du tribunal = président de la cour

- S presidente = président
- S Presidente de la Corte de Apelaciones de Santiago (CL)
E President of the Santiago Court of Appeal
F Président de la Cour d'appel de Santiago
- S Presidente de la Corte Suprema (CL)
E President of the Supreme Court
F Président de la Cour suprême
- S presidente municipal (MX)
E mayor
F maire
- E presidential commitment order (PH) E/CN.4/1985/R.1/Add.16
F décret présidentiel d'incarcération E/CN.4/1985/R.1/Add.16
S
- S presidio
1. establecimiento penal
2. (BO, CO, CL, ES, VE) pena
E 1. prison
2. rigorous imprisonment
F 1. prison - maison centrale
2. (BO, CO, CL, VE) réclusion criminelle - (ES) réclusion
- S presidio mayor Pena
E (CL) long-term rigorous imprisonment - (ES) medium-term rigorous imprisonment
F réclusion criminelle à temps
- S presidio menor Pena
E (CL) medium-term rigorous imprisonment - (ES) short-term rigorous imprisonment
F réclusion correctionnelle
- S presidio perpetuo (CL) Pena
E rigorous imprisonment for life
F réclusion criminelle à perpétuité

- S preso
- v. detenido o preso
detenido, procesado o preso
detenido, sujeto a prisión
preventiva o preso
persona presa
presos procesados
1. nombre
2. adjetivo
- E 1. person under arrest/
arrested - detainee
- prisoner - untried
prisoner* - prisoner
awaiting trial*/sentence
2. arrested* - detained**
- imprisoned - gaoled
- F 1.2. détenu - (personne)
emprisonné(e) - (personne
placée) en détention
préventive - personne
arrêtée
- UY CPP 129, ES LOGP1
COV 9(3)
For the distinction between
these terms see note 1 and
the various meanings of
prisión
* UY CPP 129, ES LOGP 1;
EN remand prisoner,
IN undertrial
* UY CPP 118
** COV 9(3)
- S preso común
- E ordinary prisoner
F détenu de droit commun
- S preso político
- E political prisoner
F détenu politique
- F présomption absolue = presunción
de derecho
- F présomption d'absence
- E presumption of absence
S
- FR CC 112; Dalloz
succession sec. 85
SC CC 112
- F présomption de fait = presunción
de hecho
- F présomption de l'homme = presunción
de hecho
- F présomption irréfragable = presunción
de derecho
- F présomption légale (FR)
- E statutory presumption
S presunción legal
- CC 1350; Guillien présomption
CL CC 47: la determinada por
la ley

- S presos procesados
E 1. prisoners awaiting sentence
- unconvicted prisoners
2. prisoners who have had benefit
of trial
F 1. détenus en cours de jugement - prévenus* * v. note F au mot acusado 1.
2. détenus qui ont été jugés
- S presumarial
v. prueba presumarial
- S presumariante
v. capitán presumariante
- S presumario (UY)
v. fórmula del presumario
Primera fase del proceso penal; CPP 112-117, CPPM 174; V. instrucción 5.
- E inquiry proceedings
F enquête préliminaire
- procès-verbal d'enquête
Note 1
- S presunción absoluta = presunción de derecho
- S presunción de derecho (CL)
E irrebuttable presumption
F présomption irréfragable - présomption juris et de jure - présomption absolue - ? présomption de plein droit
Aquella que no admite prueba en contrario; CC 47
Also called irrebuttable presumption of law, praesumptio juris et de jure (OCL presumption)
- S presunción de hecho (CL)
E presumption of fact
F présomption de fait - présomption de l'homme
Aquella que es deducida por el juez o la ley pero que admite prueba en contrario
Also called praesumptio facti (OCL presumption)
- S presunción legal (CL) = présomption légale

S presunta desaparición (AR)

v. denuncia de presunta desaparición

E presumed disappearance
- presumption of disappearance*

The denuncia de presunta desaparición, notice of presumed disappearance, is similar to the denuncia de presunta desgracia (see note to presunta desgracia)

* As an abstract notion of law

F

S presunta desgracia (CL)

v. causa de presunta desgracia

causa por presunta desgracia
denuncia de presunta desgracia
denuncia por presunta desgracia
proceso de presunta desgracia
proceso por presunta desgracia

E presumed misadventure -
presumption of misadventure*

A denuncia de/por presunta desgracia, notice of presumed misadventure, may be filed in court by the relatives of a missing person in an attempt to establish his whereabouts. Although called a denuncia, this document makes no allegation, but merely gives notice of certain facts and requests information; the act of filing it is nevertheless analogous to the exercise of a legal remedy and frequently follows the rejection of an application for amparo

* As an abstract notice of law

F accident présumé -
présomption d'accident

S presunto autor = presunto culpable

S presunto culpable (AR, CL)

E the accused*/defendant*/
suspect**/alleged culprit***

AR CPCR 6, CL CPP 257

Note 1

* If criminal proceedings
have been commenced

** If criminal proceedings
have not been commenced

*** Non-technical term

F le coupable présumé - le
prévenu*/suspect**

* v. note F au mot acusado 1.

** Individu contre lequel
pèsent des indices ou des
soupçons de culpabilité
(Guillien)

- S presunto delincuente (AR)
E the accused*/defendant*/
suspect*/alleged culprit*/
suspected offender**
F le délinquant présumé
- le prévenu*/suspect**
- S presunto reo (AR CPCR 373) = presunto culpable
- E pre-trial conference (US, Black) = pre-trial review
- E pre-trial detention
F détention provisoire*/
préventive**
S detención*/prisión**
preventiva - prisión
provisional***
* FR, GE
** BE, CH; FR obs.; MI, RW
* CO, ES
** AR, CL, ES, MX, UY
*** ES
- E pre-trial hearing (US, Black) = pre-trial review
- E pre-trial review (EN)
Civ. proc.: procedural step (technically known as summons for directions in the High Court and pre-trial review in the County Court) lying between close of pleadings and trial and consisting of a hearing for the preliminary review of the case by the master in the High Court and by the registrar in a county court (Curzon, Martin, Langan 185-190, 354-356, RSC 0.25, Odgers chap. 18, Walker EN 340-348, 381-381);
crim. proc.: similar preliminary hearing in the Crown Court (Hampton 178)
- F mise en état
S
FR proc. civ.

- F preuve (CA, FR)
v. administration de la
preuve ...
administration des preuves
administrer la preuve
commencement de preuve par
écrit
preuves
1. établissement de la réalité
d'un fait ou de l'existence
d'un acte juridique
2. moyen utilisé à cette fin
- E 1. proof
2. evidence
- S 1. prueba
2. prueba
- F preuve légale (FR)
- E statutory proof
- S (medio) legal de prueba
- F preuve littérale = prueba instrumental
- F preuve par écrit = prueba instrumental
- F preuve par témoins = prueba testimonial
- F preuves à charge = pruebas de cargo
- F preuve testimoniale = prueba testimonial
- F prévaloir
- E (translate according to
context)
- S
- Guillien (sens large),
Capitant I, VOCL 3 p. 155
- Guillien (sens étroit),
Capitant II, VOCL 3 p. 70
The process of providing
evidence (Salmond p. 468,
para. 128), that which is
derived from evidence
(Salmon p. 468, para. 129;
Martin proof)
That which tends towards proof
(Salmond p. 468, para. 129;
Martin evidence)
Ossorio
Ossorio
- Guillien; Dalloz preuve
sect. 14
NOT legal evidence
(Black legal evidence)
- e.g. se prévaloir du
recours en cassation, to
exercise the remedy of
judicial review, to bring
judicial review proceedings;
CA: se prévalent de
l'article 64, on the strength
of article 64; CA: se
prévaloir du recours en
revision, to seek judicial
review

S prevención

- v. conocer a prevención
diligencias de prevención
juez de prevención
1. (der. pen.) acción y efecto de impedir por parte de las autoridades el desarrollo de la delincuencia
 2. (proc. gen.) acción y efecto de medidas preventivas tomadas por un juez; (proc. pen.) lo mismo hecho por la policía
 3. (proc. gen.) anticipación que en el conocimiento de una causa toma un juez con relación a otros competentes también
 4. (proc. pen.) condición del prevenido
 5. disposición de un texto
- E 1. prevention* - combating
2. interim measures* - preliminary steps**

3. prevention

4. (translate according to context)

5. provision

F 1. prévention

2. prévention

3. prévention

4. prévention

5. disposition

v. también los significados de prevenir

Ossorio, UTEHA; COPP

Pueden ser las diligencias iniciales o preparatorias de un juicio, particularmente las de carácter urgente; Real Ac. prevención, prevenir; Ossorio prevención policial, AR CPCR 179(3)

Ossorio, Escriche; AR CPCR 35-38; ES LECR 12-13, 303 et seq., CJM 523 et seq.

UY

MX CP 22

Of crime; * COPP

* Civ. proc., e.g. prevención del abintestato, prevención del juicio de abintestato (Ossorio prevención del abintestato, UTEHA prevención, ES LEC 959-976), interim intestacy measures

** Crim. proc.; AR CPCR 179(3) por prevención, on prior initiative, i.e. through the police having taken preliminary steps

Black: the right of a judge to take cognizance of a case over which he has concurrent jurisdiction with another judge; loosely, assignment of jurisdiction

v. prevenido

Dalloz Pén. sects. 347-349, Proc. pén. p. 258; COPP

FR obs.; Littré

Capitant

S prevenido

1. nombre

UY: un imputado, sea
procesado o no (Grab);
CPP 72, CPPM 191

2. adjetivo

v. prevenir

E 1. the accused/defendant

Note 1

2. v. prevenir

F 1. le prévenu

v. note F au mot acusado 1.

2. v. prevenir

S prevenir

E to advise/warn -

to prescribe/provide for -

to prevent - to act in

advance* - to provide **

*See prevención 2., 3.: e.g.
el juicio de abintestato
se prevendrá (ES LEC 959),
interim measures shall be
taken on intestacy

** See prevención 5.: e.g.

en toda sentencia
condenatoria se prevendrá
que ... (MX CPPDF 577),
every sentence shall provide
that ...

F prévenir

F prévenir = prevenir

F préventif

v. détention préventive

en détention préventive

F prévention (FR)

v. détenu en prévention

mise en prévention

1. (dr. pén.)...

A distinguer de la
répression; Dalloz Pén.
sects. 347-349, Proc. pén.
p. 258; COPP
Capitant, Gr. Lar.

2. (proc. pén.) état du
prévenu; terme souvent
utilisé en ce sens comme
syn. de détention provisoire
(anciennement détention
préventive)

3. (dr. pén.) traitement
de l'enfance délinquante

Ord. 2.2.1945, 15-18

- E 1. prevention* - combating Of crime
*COPP
2. (translate according to Often used in the sense of
context) (preventive) imprisonment,
i.e. pre-trial detention,
remand in custody;
en prévention, awaiting
trial, on remand
3. (preventive) treatment
- S 1. prevención COPP
2.
3.
- F prévention criminelle
- E crime prevention
- prevention of crime
- S
- E preventive detention See E detention and
E note to détention
préventive
IN Preventive Detention Act
1950
Black, Merryman;
EN remand in custody
1. (EN, IN) executive
detention
2. (US) pre-trial
detention
3. (EN obs.) penalty
for persistent
offenders, replaced
in 1969 by the
extended sentence
- F 1.? internement administratif
2. détention provisoire
3. détention préventive pour
récidive
- S 1.
2.
3.
- E preventive detention action (PH) E/CN.4/1985/R.1/Add.16
- F ? action en détention
préventive
- S

S preventivo (ES)
v. auto de detención preventiva
auto de prisión preventiva
detención preventiva
detenido en prisión preventiva
detenido, sujeto a prisión
preventiva o preso
embargo preventivo
en prisión preventiva
medida de seguridad preventiva
medida preventiva
orden de prisión preventiva
persona en prisión preventiva
prisión preventiva
recluso en prisión preventiva
recurso de amparo preventivo

E untried/unconvicted
prisoner - prisoner
awaiting trial

F personne en détention
provisoire

F prévenu (BE, DJ, FR, HT, SN)

E the accused*/defendant*
- untried/unconvicted
prisoner**

LOGP 1: persona en
prisión preventiva

EN remand prisoner,
IN undertrial

Capitant, Guillien, Dalloz
Proc. pén. pp. 292-293;
COV. 10(2)(a)
SMR 84(1); v. note F
au mot acusado 1.

FR: name given to an inculpé
after committal for trial for
a délit, ordinary offence, or
contravention, minor offence;
COV 10 (2)(a) accused person,
SMR 84 (1) untried prisoner
* Use either of these terms if
the context is that of criminal
proceedings as such; in this
context prévenu used as an
adjective can be translated as
untried, (EN) on remand; note 1
** Use either of these terms
(syn. EN remand prisoner)
if the context is that of
pre-trial detention; in this
context prévenu used as an
adjective can be translated
as untried, (EN) remanded in
custody

- S prevenido COV 10(2)(a) procesado,
SMR 84(1) acusado
- S previo pronunciamiento
v. artículo de previo ...
excepción de previo ...
- S primera deserción calificada
E aggravated first desertion
F première désertion qualifiée
- S Primera Fiscalía Militar (CL) Note 4
E First Military Prosecutor's Office First Military Prosecutor
or First Prosecutor may
suffice
F Premier parquet militaire
- S primeras diligencias (proc. pen.) =
primeras diligencias del sumario
- S primeras diligencias del sumario Las que debe practicar la
policía o el juez al tener
conocimiento de un hecho
que presenta caracteres de
delito, denominadas también
diligencias de prevención
E preliminary steps
F premiers actes de l'instruction
- S primero
v. fracción
juez ... de primer turno
juzgado ... de primer turno
primera ...
primeras ...
- S Primer Fiscal Militar (CL) Note 4
E First Military Prosecutor First Prosecutor may
suffice
F Procureur de la première
circonscription militaire
- F principio de la légalité
criminelle (SG)
E principle of legality
of the crime
Another formulation
of the principle
nullum crimen
sine lege; see
principio de
legalidad 2.
- S

- F principe de l'autonomie de la volonté (FR) Nicholas 31-35
- E rule that the will of the parties prevails Nicholas theory of the autonomy of the will
- S principio de la autonomía de la voluntad (de las partes)
- F principe de la légalité = principio de legalidad
- F principes généraux du droit (FR) David Sys. p. 137, David I 174 et seq.
- E supereminent principles of law
- S principios generales del derecho
- F principes supérieurs = principes généraux
- S principio de favorabilidad de la ley penal .../C/R.11/46/Add.1
- E principle of benefit of penal law See COV 15(1), third sentence; ? syn. of principio pro reo
- F principe du bénéfice des lois pénales favorables
- S principio de la doble instancia (CL) Proc. pen.: A/38/385 (1983 annual report on Chile by Special Rapporteur on Chile), para. 37
- E double-hearing principle - second hearing principle Principle that a party, including in criminal proceedings the accused, has a right to be heard both at first instance, i.e. on trial, and at second instance, i.e. on appeal; A/38/385, para. 37: principle of two hearings
- F principe du double degré de juridiction Buffelan 1, p. 73
- S principio de la legalidad del delito y de la pena (CL) Der. pen.: A/38/385 (1983 annual report on Chile by Special Rapporteur on Chile), para. 37

- E principle of legality of the offence and the punishment
- Sometimes expressed by the maxim nullum crimen nulla poena sine lege (Osborn); A/38/385, para. 37: principle that both the offence and the penalty must be recognized in law see COV 15 (1)
- F principe de la légalité des délits et des peines
- Cornu, parfois énoncé sous la forme nullum crimen, nulla poena sine lege
- S principio de legalidad
1. der. const.
2. der. pen.
- E 1. (idea of/principle of) the rule of law
2. principle of legality
- The principle that there is no crime except as provided by law, sometimes expressed by the maximum nullum crimen sine lege (Curzon Criminal 6) David II 377; Cornu
- F 1. principe de la légalité
2. principe de la légalité
- S principio de reserva y legalidad del delito y de la pena (CL; der. pen.: A/38 ...) = ? principio de la legalidad del delito y de la pena
- S principio pro reo (CL)
- Der. pen.: A/38/385 (1983 annual report on Chile by Special Rapporteur on Chile), para. 37; Ossorio pro reo
- E (translate according to context)
- Principle that in cases of uncertainty or conflict between two rules of law, the rule more favourable to the accused must be followed; A/38/385, para. 37: principle that the law shall be interpreted in favour of the accused;
- ? syn. of principio de favorabilidad de la ley penal
- F principe du bénéfice des lois pénales favorables

- E principle of equality of arms Crim. proc.: principle that both prosecutor and accused should have equal weapons
- F principe de l'égalité des armes
- S
- F prise à partie (FR, RW) FR obs.; Capitant, Guillien
- E appeal against judicial misconduct
- S
- S prisión Ossorio
- v. auto de formal prisión
- auto de prisión ...
- en prisión preventiva
- detenido en prisión preventiva
- detenido, sujeto a prisión preventiva o preso
- mandamiento de prisión
- orden de prisión ...
- persona en prisión preventiva
- prisiones
- recluso en prisión preventiva
1. establecimiento
2. (UY) hecho de privación de libertad del presunto responsable para presentarlo al juez
3. (AR, CL, ES, NI, UY) privación de libertad como consecuencia de la resolución de encarcelamiento
4. pena
5. COV 9
- E 1. prison
2. arrest
3. pre-trial detention
4. ordinary imprisonment*
- imprisonment** -
- short-term imprisonment***
5. detention
- F 1. prison
2. arrestation
3. détention préventive provisoire
- AR CPCr 374; ES LECr 497; NI Dec. 52/79, 8, Const. 45 (repealed); UY CPP ..., CPPM 179, 184, Ley 12688, 5 UY Const. 80(5); CO CPP 3, 4, Const. 23
- Note 1
- See E note to détention préventive and note 1
- *AR, CO, ES CP 27, GT, MX CPPDF 31, PE, UY, VE
- **CR, ES CPN 34, 35, 65, MX CPDF 24, SMR, BOD
- *** CL

4. emprisonnement
correctionnel*
- emprisonnement**
- emprisonnement
de police***
5. détention
- S prisión arbitraria
- E arbitrary detention*/
imprisonment - unlawful
detention/imprisonment
- false imprisonment**
- F détention arbitraire
- S prisión civil = prison civile
- S prisionero de derecho común
- E ordinary prisoner - common
convict
- F détenu de droit commun
- S prisiones
- E fetters
- F entraves
- S prisión ilegal
- E unlawful detention*
- false imprisonment**
- F détention illégale
- S prisión indebida (UY)
- E unlawful arrest - false
imprisonment*
- F arrestation arbitraire -
détention arbitraire
- S prisión in fraganti delicto (UY)
- E arrest flagrante delicto
- F arrestation en flagrant délit -
détention d'un prévenu arrêté
en flagrant délit
- *AR, CO, ES, GT, MX (CPPDF),
PE, UY, VE
** CR, MX (CPDF)
*** CL
- COV 9(1), NI Dec. 52/79, 8
- For the distinction between
detention and imprisonment
see note 1
* COV 9(1), NI
** EN: name of an offence
COV 9(1)
- Grillos, cadenas o cualquier
otra cosa con que se sujeta
a los presos o prisioneros;
CL CPP 196
- Menottes, chaînes, etc.
- COV 9(5)
- * COV 9(5)
** EN: name of an offence
COV 9(5)
- Const. 17
- *EN: name of an offence
- CPPM 180

- S prisión mayor (ES) Pena
- E medium-term ordinary imprisonment
 - F emprisonnement correctionnel majeur
- S prisión menor (ES) Pena
- E short-term ordinary imprisonment
 - F emprisonnement correctionnel mineur
- S prisión preventiva
v. auto de prisión preventiva
detenido en prisión preventiva
detenido, sujeto
a prisión preventiva o preso en prisión preventiva
orden de prisión preventiva
persona en prisión preventiva
recluso en prisión preventiva
- 1. (AR, CL, ES, MX, UY) privación de la libertad como consecuencia de la resolución de encarcelamiento
 - 2. término utilizado, fuera del proceso penal, para referirse a formas de privación de libertad, como el "arresto domiciliario"
- E 1. pre-trial detention AR CPR 2, 6; CL 274, 1980 Const. 19(7)(d)(e); MX Const. 18, CFPP 198; ES CF 26(1); UY CPP 71, 127, CPPM 179, 189
 - 2. preventive detention See E note to détention préventive and note 1
See E note to détention préventive and note 1
- F 1. détention préventive
 - 2. détention administrative
- S prisión preventiva atenuada (ES) non-Const., non-code
- E house arrest
 - F détention préventive atténuée - arrêts à domicile
- S prisión provisional (ES: nombre principal para la privación de libertad como consecuencia de la resolución de encarcelamiento; Const. 17(4), LECR 502) = prisión preventiva 1.

- F prison
v. condamné à deux ans de
prison avec sursis
1. établissement
2. peine
FR: terme générique,
Guillien prisons
GE: non-code, syn.
d'emprisonnement
- E 1. prison
2. ordinary imprisonment
S 1. prisión - cárcel
2. prisión
- F prison civile
SMR 94
E civil imprisonment
SMR 94; see note to
contrainte par corps
SMR 94
S prisión civil
- E prison officer
EN: term in standard
usage but not defined
F fonctionnaire de
l'administration pénitentiaire
S funcionario de (servicio de)
prisiones
- S privación de libertad
1. término penal
2. (UY) delito
CP 291
E 1. imprisonment -
deprivation of liberty
2. false imprisonment
Note 1
EN: name of an offence
F 1. privation de liberté
2. séquestration
- L privati juris = de droit privé
- F privation de liberté = privación
de libertad 1.
- F privation de liberté préalablement
à une condamnation (BE) =
détention préventive
- S privativo
v. pena privativa de libertad

F privilège (BE, FR)

1. sens commun
2. (dr. civ.) sûreté
réelle affectant
des biens mobiliers
ou immobiliers

Capitant
FR dr. civ.: sûreté
réelle légale: droit
de préférence sur certains
biens ou sur l'ensemble
des biens du débiteur,
droit conféré par la loi
à un créancier en raison
de la nature de sa créance
(M. Jaquot, ONU New York);
BE CC (Loi 16.12.1851),
FR CC 2093-2113, 2146-
2203; Capitant, Dalloz,
Guillien, Amos 247-252,
Dalloz Civ. sûretés

- E 1. privilege - immunity
2. prior charge - lien

For the distinction
between these terms
see note 11; Amos liens
and priorities, privileges;
SCO hypothec

- S 1. privilegio-inmunidad
2. privilegio

VE CCOM 616 (11)

F privilégié
v. créance privilégiée
créancier privilégié

S privilegio (VE) = privilège

F prix = precio

F prix de location

E hire - price - fare
- admission

Note 9

S

F prix du bail (FR CC 1728, CRU 812)
= loyer 1.

F prix du fermage (FR CRU 812)
= fermage 2.

F prix du loyer (FR CC 1745, Loi 1360
1.9.1948, 26) = loyer 1.

- E probable cause finding (PH, US) Crim. proc.: a finding that there is probable cause to believe that an offence has been committed by the defendant charged with it (US FRCRP 5.1(a)); E/CN.4/1985/R.1/Add.16
- F résultat de l'instruction
 S
- E probable cause hearing (US) Crim. proc.: non-code term for preliminary examination (FRCRP 5.1), also called preliminary hearing; Black; the equivalent of EN committal proceedings; E/CN.4/1985/R.1/Add.16
- F ?instruction préparatoire
 S
- F probant (CA)
v. valeur probante VOCL 3
- E evidentiary CA, syn. CA evidential;
 S probatorio VOCL 3
- E probate (EN, QU)
v. grant of probate Of a will; QU CC 919, CPC 896; v. grant of probate
- F homologation* *FR
 - vérification** **QU CC 919, CPC 896
 S homologación *ES Aguilar art.
 - comprobación* 693 com.
- S probatorio = probant
v. elemento probatorio
sistema probatorio
valor probatorio
- S procedencia
v. causal
- E origin - justification *e.g. according to law,
 - correctness* lawfulness
 F bien-fondé - recevabilité
- S proceder breve y sumariamente
- E to try (a case) by summary
 procedure
 F juzgar en procédure sommaire

S proceder de oficio (UY)

CPP 23

E to take proceedings
ex officio/officially

In connection with criminal proceedings, if something is to be done de oficio, the meaning is that it is the duty of a public official, such as a government procurator or police officer, to do it; offences which are prosecutable de oficio are those which the official concerned has a duty to prosecute, as opposed to those which may not be prosecuted unless a private individual brings proceedings. The correct flavour of de oficio in this context may sometimes be brought out by using wording such as ... must prosecute, it is compulsory to prosecute ...

F procéder d'office/ex officio

S procedimiento

v. parte en un procedimiento
procedimientos ...
se siga el procedimiento

1.
2.

E 1. procedure - proceeding(s)-
process*
(separate) operation

As to proceeding(s) and process, see note 3
*In the abstract sense,
v. process 1.

F 1. procédure
2. opération

S procedimiento legal

E legal proceeding(s) - process*

As to proceeding(s) and process, see note 3
*In the abstract sense,
v. process 1.

F

S procedimiento breve y sumario

E summary procedure
F procédure sommaire

- S procedimiento declarativo
E declaratory proceedings
F procédure déclaratoire
- S procedimiento de oficio (ES) LECR 106
E ex officio/official
proceedings See note to proceder
de oficio
F procédure d'office
- S procedimientos legislativos
E legislative/law-making
procedures
F procédures législatives
- S procedural actor = parte en un
procedimiento
- F procédure = procedimiento 1.
v. procédures
- F procédure de jugement E/CN.4/Sub.2/471
E trial procedure
S
- F procédure d'exécution (FR) Déc. 1.9.1972, 39
E enforcement proceedings
S juicio ejecutivo -
procedimiento ejecutivo
- F procédure d'habilitation E/CN.4/Sub.2/1982/15,
para.75(b)
E empowerment procedure E/CN.4/Sub.2/1982/15,
para.75(b); sometimes
called special powers
procedure, procedure for
taking special powers
S procedimiento de habilitación
- F procédure écrite CIJ Statute 43(2)
E written proceedings ICJ Statute 43(2)
S procedimiento escrito CIJ Estatuto 43(2)

F	procédure par défaut (FR)	CPCN 467-479, Dalloz Proc. civ. pp. 537 <u>et seq.</u> , 661-662
	F default procedure	In a <u>tribunal d'instance</u> ; NOT <u>proceedings in absence</u> (i.e. of a party; see Dalloz Proc. pén. p. 679)
	S	
F	procédures	CA
	E proceedings	CA, EN
	S	
F	procédure sommaire (CJEC)	CJECSC St.33, CJEEC St.36
	E summary procedure	CJECSC St.33, CJEEC St.36
	S <u>sumario - juicio sumario - procedimiento sumario</u>	
F	procédure sur assignation à toutes fins (FR)	CPCN 836-844, Dalloz Proc. civ. p. 651
	E general-purpose summons procedure	In a <u>tribunal d'instance</u>
	S	
F	procès	Litige soumis à un tribunal; FR CPCN 53; Capitant, Guillien
	E action - proceeding(s) - case - process*	Note 3 *IN the abstract sense, v. <u>process</u> 1.
	S juicio - proceso	
S	procesado	
	v. presos procesados procesados y penados	
	1. (proc. pen.) substantivo: persona contra la cual se ha dictado un auto de procesamiento o auto similar	Ossorio; AR CPCR 9; CL CPP 79, 274, 356-379, 400 <u>et seq.</u> ; CO CPP 112, 435; ES CP 26 (1), LECR 368, 385-409, 528-544; 528-544; MX CFPP 165; NI Dec. 185/79, 11 (e), Dec. 232/80,24; VE CECR 73; COV 10(2)(a)
	2. adjetivo: respecto a un asunto	
	3. adjetivo: respecto a una persona	

2. file - record
- F 1. procès - instance
2. compte rendu - minute
- S proceso de institucionalización (CL)
- E process of institutional reform
- F processus de réforme des institutions
- S proceso de presunta desgracia (CL)
- E presumed-misadventure proceedings
- F procédure d'accident présumé
- See note to presunta desgracia
- E process
1. lato sensu, judicial proceeding e.g. due process, legal process, abuse of process;
OCL
2. stricto sensu, (EN) document issued by a court e.g. writ, summons, judgement, order; used in particular of the first document issued by a court in civil or criminal proceedings, e.g. summons, arrest warrant, writ of summons; the term is invariably used in the singular; distinguish from pleading, see pleading 1.; OCL, Martin 1., Osborn, RSC 0.65.r.10; note 3
- F 1. instance
- p.ex. first process, introduction d'instance
due process, légalité, abuse of process
abus de procédure
2. exploit* - convocation** - sommation de comparaître Ensemble des moyens de contrainte dont disposent les tribunaux
- *v. note en anglais au mot F exploit
- **p.ex. jury process
convocation des jurés
- S 1. ?instancia - ?juicio
2.

- F procès-verbal (FR) Guillien, Dalloz, Capitant;
Dalloz Proc. civ. p. 454
For alternative renderings
see specific examples below;
if in doubt translate as
record or report
- E record - report - certificate*
- minute** - memorandum *** *Of service of a judicial
document
**Of a meeting, frequently
minutes
***FR: technical term for
that class of actes authentiques
drawn up, e.g. by a magistrate,
police officer, notary or
huissier de justice, with the
object of recording a fact
or statement for legal
purposes
- S acta
- F procès-verbal d'audition
1. (proc. civ., pén: FR) CPCN 219-220, CPP 102-107;
d'un témoin par le juge, Dalloz Proc. civ. pp. 1039-
syn. en proc. civ. procès- 1040, Proc. pén pp. 481-482
verbal d'enquête
2. (proc. pén.: FR) CPP 64
d'une personne par la
police
E 1. deposition Statement made on oath by
a witness to a magistrate;
Martin
2. (record of) statement
- S 1.
2.
- F procès-verbal de constat (FR)
Dalloz procès-verbal sect. 3) =
constat
- F procès-verbal d'enquête =
procès-verbal d'audition 1.
- F procès-verbal de perquisition (FR) CPP 57
E search report
S acta de(1) allanamiento
- F procès-verbal de saisie
E memorandum of seizure SC CCP 262
S acta del embargo

F procès-verbal de vente

E memorandum of sale
S acta de venta

SC CCP 270

F procès-verbal d'interrogatoire =
interrogatoire 2.

F procès-verbal d'ouverture et
de description d'un testament (FR)

E memorandum of opening and
description of a will

Memorandum issued by the
president of a court of
major jurisdiction in
the case of a holograph
will

S

S procuración = procuration

S procurador

1. (der. civ.: CL, ES)
representante legal
nombrado para actuar,
judicial o
extrajudicialmente
 2. (CO, EC) sin. de fiscal 3.
- E 1. lawyer - attorney* -
judicial attorney**

Escriche, procurador,
procurador judicial,
Ossorio; sin. de
mandatario; CL CC 2116

2. government procurator

*Especially if acting under
a poder, procuración
**If acting in litigation;
EN solicitor, obs. proctor,
SCO procurator, CA solicitor
In criminal matters he can be
called prosecutor or public
prosecutor; EN Crown Prosecutor;
SCO procurator-fiscal, syn.
fiscal; US, CU CFAM 114
(official translation)
district attorney; sometimes
called government attorney
(Clagett Adm. 16), public
attorney, procurator
(David Sys. 348, David Law
51-52); note 4

F 1. ?mandataire* - ?avoué**

* Extrajudiciaire
** En justice

2. procureur - magistrat
du ministère public

S Procurador de Justicia (MX LOP 19)
= Procurador General de Justicia

- S procurador de menores (VE)
- E government procurator for juveniles
 - F représentant du ministère public auprès du tribunal pour enfant
- Note 4
- S procurador del número (CL)
- E judicial attorney
 - F ?avoué
- COT 394-398: auxiliar de la administración de justicia que, ante la Corte Suprema y las de Apelaciones, está encargado de representar a las partes en juicio, de comparecer en nombre de ellas ante estos tribunales y de comunicarles el estado de los asuntos a su cargo, etc.
CL: he both represents parties in litigation and may appear in court on their behalf, thus combining the functions of EN solicitor and barrister
- S procurador general, Procurador General
- E procurator-general
 - F procureur général
- Note 4
- S Procurador General de Justicia
- 1. (NI)
 - 2. (MX, distrito federal)
 - E 1. Attorney-General
 - 2. Government Procurator
 - F ?Procureur général
- LOP 3
Note 4
- S procurador general de la Nación, Procurador General de la Nación, (AR, CO)
- E Attorney-General of the Nation
 - F Procureur général de la Nation
- Attorney-General
may suffice; note 4

- S Procurador General de la República (MX) Federal: LPG 1,2
- E Attorney-General of the Republic Attorney-General may suffice; note 4
- F Procureur général de la République
- S procurador judicial Escriche
- E judicial attorney
- F avoué
- S procuraduría = fiscalía 2.
- S Procuraduría Federal del Consumidor (MX) .
- E Federal Office of Fair Trading
- F Bureau fédéral du consommateur
- S procuraduría general, Procuraduría General
- E procurator-general's office/ department Procurator-general may suffice; note 4
- F (Bureau/Services du) Procureur général
- S Procuraduría General de Justicia
1. (NI) Dec.232/80,9
2. (MX, distrito federal) LOP 3
- E 1. Attorney-General's Office Attorney-General may suffice; note 4
2. Government Procurator's Office Government Procurator may suffice; note 4
- F (Bureau/Services du) Procureur général
- S Procuraduría General de la Nación (AR, CO)
- E Office of the Attorney-General of the Nation Attorney-General may suffice; note 4
- F (Bureau/Services du) Procureur général de la Nation
- S Procuraduría General de la República (CR, MX) MX federal: LPG 1

- E Office of the Attorney-General of the Republic
F (Bureau/Services du) Procureur général de la République
- S Procuraduría General de Pobres (SV)
- E Office of the Public Counsel-General
F (Bureau/Services du) Procureur général des pauvres
- F procuration
1. (FR dr. civ.) pouvoir qu'une personne donne à une autre pour agir en son nom, souvent syn. de mandat 1. (contrat), pouvoir 2.
2. (FR dr. civ.) document constatant ce pouvoir, syn. de mandat 1. (document), pouvoir 3.
E. 1. power - authority - procuration*
2. written authorization
- S 1. procuración
2. procuración-poder
- E procurator-fiscal
F procureur
S fiscal - procurador
- F procureur
1. (dr. civ.: CA) représentant légal en justice
- Attorney-General
may suffice; note 4
- Public Counsel-General
may suffice
- Capitant II, Guillien,
CC 1984
- Capitant I, Guillien,
CC 1984, Déc. 236
23.3.1967, 132 Dalloz
Proc. civ. p. 1086
*Term confined to banks and
business associations
(companies)
Also called agency appointment
(academic term), authority;
if the instrument is a formal
one, power of attorney (EN,US)
if it is for the purpose of
voting at a meeting, proxy
(EN,US); if in doubt translate
as written authorization
Ossorio
Ossorio
- SCO: junior category of
criminal prosecution
officials
- CC 2

2. magistrat du ministère public
- E 1. solicitor
2. government procurator
- S 1. procurador
2. fiscal* - procurador
- F procureur adjoint (FR)
- E deputy procurator
- S
- F procureur de la République (CG, DJ, FR, MI, RW)
- E government procurator
- S
- F procureur de la République adjoint (DJ; FR Ord.1270 22.12.1958, 3) = procureur adjoint
- FR Dalloz
ministère public; CU CFAM 114 (traduction officielle); note 4
CA CC 2, EN; EN obs.
proctor, SCO procurator
In criminal matters he can be called prosecutor or public prosecutor;
EN Crown Prosecutor;
SCO procurator-fiscal, syn. fiscal; US, CU CFAM 114 (official translation)
district attorney;
sometimes called government attorney (Clagett Adm. 16), public attorney, procurator (David Sys. 348, David Law 51-52); note 4
- *CL, ES, CU CFAM 114
- Of a tribunal de grande instance, court of major jurisdiction; in criminal matters he can be called deputy prosecutor or deputy public prosecutor; note 4
- CG CPP 27; DJ CIC 54.5; FR CPP 39, COJ L.311.14-15; RW CPP 10; il n'est pas à la tête du ministère public en FR: v. note E au mot procureur général
Of a tribunal de grande instance, court of major jurisdiction, or tribunal d'instance, court of minor jurisdiction; in criminal matters he can be called prosecutor or public prosecutor; note 4
- Ord.1270 22.12.1958

- F procureur de la République près le tribunal de grande instance (FR) CPP 45
- E government procurator of the court of major jurisdiction In criminal matters he can be called public prosecutor of the court of major jurisdiction
- S
- F procureur de l'Etat (LU)
- E government procurator In criminal matters he can be called prosecutor or public prosecutor; note 4
- S
- F procureur du Roi (BE, BI, FR)
- E crown procurator BE: one per arrondissement, CJ 150 BI ? obsolete; FR obsolete CC 1057, 812
- In criminal matters he can be called prosecutor or public prosecutor; note 4
- S
- F procureur général (BE, CG, DJ, FR, GE, MG)
- E procurator-general BE CJ 142-143; CG CPP 22; FR CPP 34, COJ L.121.1, L.132.1, L.213.4; DJ CIC 54(5); GE Const. 136, LOJ 38; EGLAT séance plénière
- FR: of the Court of Cassation, the Court of Audit or an appeal court; BE of the Court of Cassation or an appeal court; in criminal matters he can be called public prosecutor. Note 4.
- FR: the procureur général près la Cour de cassation is the senior member of the ministère public, followed by the procureur général of each cour d'appel; the ministère public is headed by the Minister of Justice (Herzog; there is no official in FR called Procureur Général de la République). Note 4.
- S

- F Procureur Général (CA, GE) CA CC 2
E Attorney-General* - *CA CC 2; of Canada
Procureur-General** or of a province
** GE
S
- F procureur général d'Etat (LU)
E procurator-general In criminal matters he can
be called public
prosecutor; note 4
S
- F procureur général près la cour CPP 34; v. procureur
d'appel (FR) général
E procurator-general of In criminal matters he can
the appeal court be called public prosecutor
of the appeal court; note 4
S
- F procureur général près la Cour BE CJ 141, FR CPC 618.1;
de cassation (BE, FR) v. procureur général
E procurator-general of the Note 4
Court of Cassation
S
- L pro deo, pro Deo
E pro deo For God, i.e. gratuitously;
name given in ZA to the
conduct of a case by a lawyer
on behalf of an indigent
litigant
F bénéficiant de l'aide
judiciaire
S
- S producir obligación CCOM 51
y acción en juicio
(ES)
E to be a source of
duties and rights at law
F produire des obligations
et des droits en justice
S producto del delito
E proceeds of the offence
F produit du délit

- F produire une demande
- E to present a claim
S presentar una demanda -
demandar
- F profiter à ...
- E to inure to the benefit of ... A person
- to benefit ...
S
- F projet d'arrêté (CH) Const. 102(2)
- E draft order Note that while a draft
statute is called a bill
(OCL), a draft of an item
of subordinate legislation
is called a draft ...
(Odgers Construction 419)
S
- F projet de loi (BE, CH, FR, GE) CH Const. 102(4), BE Const.
41, Graulich 8 n.11, FR
Const. 39, Guillien, GE
Const. 88-89
- E (parliamentary) bill A proposal for a loi, for a
ley; in the case of BE, FR,
ES, one which emanates from
the government, as opposed to
a proposition de loi,
proposición de ley,
which emanates from the
Parliament. Consequently
translate as
government bill where this
distinction needs to be made;
in the case of CH, GE,
translate respectively as
federal bill, cantonal bill
where such a distinction
needs to be made
- S proyecto de ley ES Const. 87-90, CL 1980
Const. 62-72, CR
- F promesse de vente
- E promise of sale -
undertaking to sell
S promesa de venta

- F promettant
E promisor
S promitente
- S Promotor Fiscal (ES LEC 48, 1815,
1829) = Ministerio Fiscal
- F prononcé
v. suspension du prononcé de la
condamnation
E pronouncement Of judgement or sentence
S
- F prononcer Syn. se prononcer
E to rule - to pronounce See also the following
S entries
- F prononcer la faillite de ...
E to adjudge ... bankrupt
S
- F prononcer le divorce des époux ...
E to dissolve the marriage of
Mr. and Mrs. ...
S
- F prononcer par voie de disposition
générale et réglementaire (FR) CC 5
E to make pronouncements/
rulings of a general and
normative kind Nicholas 12; Walker EN 222
S
- F prononcer une condamnation
E to (pass/pronounce)
sentence/a sentence -
to make an order/award For the distinction between
S these renderings see E note
to condamnation 1., 2.
- F prononcer un jugement
E to give/pronounce/deliver
hand down a judgement - to
pass a judgement*
S dictar un fallo - fallar -
sentenciar - dictar sentencia * Especially in crim. proc.

- F prononcer un non-lieu en faveur de ...
E to dismiss the proceedings/
charges against ...
S dictar sobreseimiento sin
inculpación de ...
- S prontas de seguridad = medidas
prontas de seguridad
- S prontuario (CL) DL 26 7.10.1924, 4(4)
E judicial record
F casier judiciaire
- S prontuarial (CL)
v. anotación prontuarial
- S pronunciamiento ciudadano
E popular vote
F plébiscite - référendum -
élection
- E proper law of the contract (EN) System of law governing the
contract (Dicey 1162)
F loi applicable au contrat
S
- S propiedad Ossorio
E ownership RL dominium: Black, Nicholas
Roman 153-157; the most
extensive of the three forms
of relationship between a
person and a thing, the other
two being detention (mere
possession) and
possession (in the sense of
legal possession); Salmond
chap. 8; OCL, Black
F propriété Capitant; Guillien droit de
propriété; Amos 98-100
- S propietario Ossorio
E owner See E note to propiedad
F propriétaire
- F proposer
E to raise/set up A defence, plea, bar
S

- S proposición (CL, ES, UY) Der. pen.; Ossorio; CL CP
8, ES CP 4, UY CP 7, CPM
42, 44, 60 (XII); en ES
se distingue de la
provocación
- E incitement EN (syn. solicitation); see
E note to provocación
F incitation
- S proposición de ley = proposition de loi
- F proposition de loi (BE, FR) BE Graulich 8 n.11; FR
Const. 40, Guillien
- E private (parliamentary) bill A proposal for a loi, for a
ley, which emanates from one
or more members of
Parliament, as opposed to a
projet de loi, proyecto de
ley
- S proposición de ley ES Const. 87, 89
- E propositus Person whose relationship
with a particular system
of law it is sought to
determine, syn. subject
bis
- F sujet
S
- F propriétaire = propietario
- F propriété = propiedad
v. accession à la propriété
régime de propriété
statut de propriété
- L pro reo
v. principio pro reo
- F prorogation légale de compétence (FR)
- E statutory extension of
jurisdiction
S
- S proscrito
- E proscribed
- outlawed - outlaw
F proscrit

S Protocolo para modificar la
Convención sobre la Esclavitud
firmada en Ginebra el
25 de septiembre de 1926

F Protocole amendant la Convention HRC
relative à l'esclavage signée à
Genève le 25 septembre 1926

E Protocol amending the Slavery
Convention signed at Geneva on
25 September 1926

S Protocolo para modificar la
Convención sobre la Esclavitud
firmada en Ginebra el
25 de septiembre de 1926

F Protocole facultatif se rapportant au HRC
Pacte international relatif aux droits
civils et politiques

E Optional Protocol to the
International Covenant on Civil
and Political Rights

S Protocolo Facultativo del Pacto
Internacional de Derechos
Civiles y Políticos

F Protocole instituant une Commission HRC
de conciliation et de bons offices
chargée de rechercher la solution
des différends qui naîtraient
entre Etats parties à la Convention
concernant la lutte contre la
discrimination dans le domaine de
l'enseignement

E Protocol Instituting a
Conciliation and Good Offices
Commission to be responsible
for seeking a settlement of any
disputes which may arise
between States Parties to the
Convention against
Discrimination in Education

S Protocolo para instituir una
Comisión de Conciliación y
Buenos Oficios facultada para
resolver las controversias a
que pueda dar lugar la
Convención relativa a la lucha
contra las discriminaciones en
la esfera de la enseñanza

S protocolo

E protocol

a form of international agreement supplementary to a treaty; a record of the proceedings of a diplomatic conference; diplomatic ceremonial; an original record kept by a notary

In all senses, including

F protocole

S Protocolo Facultativo del Pacto Internacional de Derechos Civiles y Políticos

HRC

E Optional Protocol to the International Covenant on Civil and Political Rights

F Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques

S Protocolo para instituir una Comisión de Conciliación y Buenos Oficios facultada para resolver las controversias a que pueda dar lugar la Convención relativa a la lucha contra las discriminaciones en la esfera de la enseñanza

HRC

E Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education

F Protocole instituant une Commission de conciliation et de bons offices chargée de rechercher la solution des différends qui naîtraient entre Etats parties à la Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement

- S Protocolo para modificar la Convención sobre la Esclavitud firmada en Ginebra el 25 de septiembre de 1926 HRC
- E Protocol amending the Slavery Convention signed at Geneva on 25 September 1926
 - F Protocole amendant la Convention relative à l'esclavage signée à Genève le 25 septembre 1926
- S Protocolo sobre el Estatuto de los Refugiados HRC
- E Protocol relating to the Status of Refugees
 - F Protocole relatif au statut des réfugiés
- E Protocol relating to the Status of Refugees HRC
- F Protocole relatif au statut des réfugiés
 - S Protocolo sobre el Estatuto de los Refugiados
- E Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air The Hague, 1955; UNTS 478
- F Protocole portant modification de la Convention pour l'unification de certaines règles relatives au transport aérien international (signé à Varsovie le 12 octobre 1929) La Haye, le 28 septembre 1955, No. 6943
- S
- S protutor = subrogé tuteur
- S proveído (CL CPC 158, CPP 43) = providencia 2.
- S providencia
- 1. nombre genérico de las resoluciones judiciales CO CPP 169, CPC 302, UY CPC 83, 459-461
 - 2. clase de resoluciones judiciales CL CPC 158, CPP 43, ES LEC 369, LECR 141

- E 1. order - decision
of the court, judicial decision; see E order 2.
2. procedural order
- F 1. arrêt - décision judiciaire
2. ordonnance
- S providencia de trámite (UY) CPC 75
- E procedural order
F ?ordonnance
- S providencia judicial (UY CPP 88)
= providencia 1.
- S provisional
v. apremio provisional
detención provisional
libertad provisional ...
- F provisoire
v. détention provisoire
liberté provisoire
mesure provisoire ou conservatoire
mise en liberté provisoire
- S provocación (ES) Der. pen.; CP 4; Ossorio;
se distingue de la
proposición
- E incitement EN (syn. solicitation): can
include incitement by
published means, e.g. in a
newspaper article (Archbold
20-83, 28-43) or by an agent
provocateur (Archbold 15-74;
in the latter case it is
called entrapment, especially
in US; agent provocateur is
used here in a juridical
sense and not in the political
sense (see Black) of an
infiltrator); if it is
necessary to distinguish
between ES proposición and
provocación, translate as
incitement with mens rea
and mere incitement NOT
provocation (see OCL
provocation)
- F incitation - instigation -
provocation

- S proyecto de ley = projet de loi
- F proxénète (BE, FR)
- E procurer
S proxeneta
- F proxénétisme (BE, FR) BE CP 379-382, FR CP
334-335.7
- E procuring See E note to prostitution
S proxenetismo CO CP 308-312
- S proxenetismo = proxénétisme
- E proxy
1. person appointed to vote at a
meeting, e.g. of members of a
company
2. instrument appointing that
person
- F 1. mandataire
2. procuration
- S 1.? apoderado - ? mandatario
2. poder
- S prueba = preuve
v. pruebas
- S prueba de testigos (CL CC 1698, UY)
= prueba testimonial
- S prueba documental = prueba
instrumental
- S prueba instrumental La que se obtiene mediante
los documentos; Ossorio
prueba documental
- E documentary evidence EN, CA; OCL, Martin
F preuve littérale*/par écrit* Capitant, Dalloz Proc. civ.
- preuve documentaire** ..., Proc. pén. ..., Dalloz
preuve sects. 15-23, 43
*FR
**CA
- S prueba por testigos (UY) = prueba
testimonial
- S prueba presumarial (UY) CPPM 176
- E evidence obtained from
inquiries i.e. during the presumario,
inquiry proceedings
- F ?preuve indiciare

S	pruebas de cargo	
	E evidence for the prosecution	
	F preuves à charge	
S	prueba testifical = prueba testimonial	
S	prueba testimonial	La que se obtiene mediante la declaración de testigos; Ossorio <u>prueba testifical</u> EN, CA; OCL, Martin <u>parol evidence</u>
	E parol*/personal evidence - testimony	* Technical term of classification Capitant, Dalloz Proc. civ. ..., proc. pén. ..., Dalloz <u>preuve sects. 24-28, 45</u>
	F preuve testimoniale*/ par témoins**	* CA, FR ** FR
F	publication	
	E publication	e.g. of an enactment; NOT
	<u>promulgation</u> ; EGLAT	
	S publicación	
L	<u>publici juris</u> (Black) = de droit public	
E	public interest	Access II/2, 769; US
	F intérêt général/public	
	S	
F	publicité foncière (FR)	Guillien; Amos 106-109, Nicholas 57
	E land registration	
	S ?inscripción inmobiliaria	Ossorio <u>inscripción</u>
E	public mischief	OCL
	F entrave à l'action de la justice/de la police	
	S	
E	public morals	OCL
	F ? bonnes moeurs	
	S	
E	public nuisance	OCL
	F atteinte aux droits du public	
	S	

- E public officer CA Interpretation Act
1967-68; note 17
- F ?officier public -
fonctionnaire public* -
fonctionnaire * CA Interpretation Act
1967-68
- S funcionario público
- E public official Note 17
- F haut fonctionnaire
- S funcionario/empleado público
- E public order
1. (stricto sensu) law and order OCL, Archbold pp. 2287-2288;
2. (lato sensu) public policy EN Public Order Act 1986
COV 22
- F 1. ordre public EGLAT
2. ordre public COV 22, IACEV 2(h); FR CRU
925; EGLAT
- S 1. orden público
2. orden público COV 22, IACEV 2(h)
- E public policy (OCL, IACEV 2(h)
= public order 2.
- E public servant Note 17
- F employé de l'Etat - fonctionnaire
- S funcionario público
- E public service CA Interpretation Act
1967-68
- F fonction publique CA Interpretation Act
1967-68
- S servicio público
- E puesta en libertad definitiva
- v. libertad definitiva
- F puissance paternelle = patria
potestad
- F puissance publique Guillien, Capitant
- v. l'Etat en tant que détenteur ...
- E the authorities -
the Government* * In the broadest sense
- S

E pupil

1. (SCO) an impubes, i.e. girl under 12 or a boy under 14 OCL
2. (EN) status, analogous to that of an apprentice, of a person undergoing training in a practising barrister's chambers OCL barrister; distinguish from junior barrister, which means a barrister who is not a Queen's Counsel

F 1. impubère* - mineur

* Cornu: enfant qui n'a pas encore atteint l'âge auquel la loi autorise le mariage (15 ans pour les filles, 18 ans pour les garçons)

2. avocat stagiaire

S 1. impúber
2.

F pupille (BE, FR, CH)

BE (sub CC 475) Loi 21.3.1969,3; FR CC 394: denotes minors only; CH CC 364, 398-416: denotes both minors and adult incompetents
RL pupillus; NOT pupil
CL CC 346, MX CC 606: denotes both minors and adult incompetents

E ward

S pupilo

E purchase
v. by purchase

E purchaser for valuable consideration
(EN)

F acquéreur à titre onéreux
S

F purement et simplement

E outright - altogether - simply
S pura y simplemente

F purge (FR)

E discharge - satisfaction - redemption - serving - purging
S

For the distinction between these terms see E note to purger

F purger

- | | |
|---|--|
| 1. (dr. civ.) un immeuble, une hypothèque | FR CC 2181 <u>et seq.</u> , CPCA 717, 777, 838; Dalloz <u>purge</u> , Guillien <u>purge</u> , Black <u>purge des hypothèques</u> |
| 2. (dr. pén.) une peine, une condamnation | Capitant; CSTP 10 |
| 3. (dr. pén.) de la contumace | Capitant; Dalloz Proc. pén. pp. 679, 685-686 |
| E 1. to redeem*
- to discharge**/satisfy** | * A piece of property
** A mortgage encumbering a piece of property |
| 2. to serve | A sentence; CSTP 10 |
| 3. to purge | A contempt; Langan 263 |
| S 1. | |
| 2. cumplir | Una condena; CSTP 10 |
| 3. | |

Q

- E Q.C. = Queen's Counsel
- F qualification légale (FR) Guillien concourse de
qualification; FR CC 1116
comm.
- E characterization*/
classification at law e.g. of an act as fraudulent,
as a criminal offence
* Technical term
- S calificación legal
- F qualifier = calificar
- F qualifier un acte d'acte
d'agression A/RES/3314(XXIX), annexe, 4
- E to determine that an act
constitutes aggression A/RES/3314(XXIX), annex, 4
- S determinar que un acto
constituye agresión A/RES/3314(XXIX), anexo, 4
- E quash (EN) Civ. and crim. proc.:
of a superior court:
to annul a judgement or
order of a lower court;
crim. proc.: of the
Crown Court: to annul
an indictment; note 15
FR
- F ?annuler* - casser
- S ?anular - casar
- F quasi-contrat = cuasicontrato
- F quasi-délit = cuasidelito
- E quasi-delict (OCL; SC CC 1382-1386)
= cuasidelito
- E quasi-tort (MT CC ...) = cuasidelito
- E Queen's Counsel (EN, CA)
- F conseiller de la Reine CA
- S

- S queja
v. recurso de queja
1. (proc. civ. y pen.) querrella Ossorio; CU ...
o acusación, por lo más en el
fuero penal
2. (proc. civ. y pen.) nombre de
algunos recursos Ossorio
- E 1. (criminal) complaint - claim Queja in civ. proc. has the
meaning of querrella 2., in
crim. proc. the meaning of
querrella 1.; translate
accordingly; note 3
2. complaint See the specific examples
below
- F 1. plainte
2. plainte
- S queja de violación ACHR 44
- E complaint of violation ACHR 44
F plainte pour violation
- S queja directa por denegación de
apelación (UY)
- E direct complaint for refusal
of leave to appeal Direct means that the
complaint is lodged with the
superior court without notice
being given to the inferior
court
- F plainte directe pour refus
d'autoriser l'appel
- S queja directa por retardo de justicia
(UY)
- E direct complaint for delay of
justice See note to queja directa por
denegación de apelación;
F plainte directe pour retard
dans l'administration de la
justice Similar to an application for
a writ of procedendo (EN obs.)
- S quejoso Nombre
- E complainant Note 3
F plaignant

S querella

v. denuncia, acusación o querella

1. (proc. pen.) forma activa que tiene una persona para iniciar el proceso penal

Ossorio; AR CRCR 179, BO CPP 48, CL CPP 81, 554, ES LECR 270, MX CPPDF 264, CFPP 114, UY CPP 13 obs. Ossorio

2. (proc. civ.) queja, por ej. por testamento nulo o inoficioso

E 1. (criminal) complaint

Querella in crim. proc. is an accusation which charges a person with a criminal offence, initiates proceedings and is made by the victim or his legal representative; use criminal where it is necessary to emphasize the criminal nature of the complaint

2. complaint - claim

Querella in civ. proc. is a claim by an aggrieved person which initiates proceedings against another person for relief from the consequences of an unlawful act which is not a criminal offence; note 3

F 1. plainte

De la victime d'un crime ou délit mettant en mouvement l'action pénale

2. plainte - dénonciation

S querellante

1. proc. pen.
2. proc. civ.

BO CPP 48-55, 106, CL CPP 30

E 1. complainant

In criminal proceedings; note 3

2. complainant

In civil proceedings; note 3

F 1. plaignant

2. plaignant

F question accessoire (FR)

Proc. adm., Dalloz Dr. adm. pp. 183 et seq.

E accessory issue

S cuestión accesoria

- F question préalable (FR) Proc. adm., Dalloz Dr. adm. pp. 183 et seq.
- E prior issue FR: one decided by the court in which the action lies, as opposed to question préjudicielle, one decided by another court; translate appropriately if the distinction needs to be drawn BO CPP 186
- S cuestión previa
- F question préjudicielle (FR) Proc. adm., proc. pén.; Dalloz Dr. adm. pp. 183 et seq. Proc. pén. pp. 398 et seq. See note to question préalable BO CPP 175, CL
- E preliminary issue
- S cuestión prejudicial
- F question préjudicielle à l'action (FR) Dalloz Dr. adm. p. 183, Proc. pén. p. 398
- E issue preliminary to action
- S cuestión prejudicial a la acción
- F question préjudicielle au jugement (FR) Dalloz Dr. adm. p. 183, Proc. pén. p. 398; syn. exception préjudicielle
- E issue preliminary to trial
- S
- F question préliminaire CIJ
- E preliminary issue ICJ
- S cuestión previa
- S quiebra = faillite
- F qui de droit
- E the person entitled - the proper person/quarters/authority
- S (A) quien conforme a la ley corresponda
- F ..., qui statue.
- E ..., who/which shall decide e.g. the appeal, application, matter, as the case may be; clause sometimes found at the end of a legal provision
- S

F qui statue en dernier ressort

E whose decision/ruling shall be
be final

S

F quotité disponible (BE, CH, FR)

BE CC 913 et seq., CH CC
470 et seq., FR CC 913
et seq.; Guillien

E disposable portion

Of a person's estate;
sometimes called free estate

S

R

- S RA = recurso de amparo
- S Rama Ejecutiva (AR)
E Executive Branch
- ?the Executive
F Administration - Etat-major
- S rango
v. norma de rango constitucional
norma jurídica con rango de ley
E rank - status Of a rule of law
F rang
- S rango constitucional = jerarquía
constitucional
v. norma de rango constitucional
- S rapiña (UY)
E robbery
F vol qualifié
- F rapport (FR CC 815) = colación
- F rapporter
E to rescind - to revoke - For usage and alternatives
to withdraw see note 15
S
- F rapporteur (FR, CJEC) FR CTA R. 105, R. 107,
R. 115; Brown 45-46, 60-65,
73, 93; EGLAT juge
rapporteur

E reporting judge*
- rapporteur**

* FR: in the contentious
business of the Council of
State and the administrative
courts; CJEC
** FR: in the non-contentious
(administrative) business of
the Council of State

S

F rapt = secuestro l.

L ratione loci

E ratione loci
F ratione loci

En considération de lieu
(résidence du défendeur, p. ex.)

S

L ratione materiae

By reason of the matter
involved; Black

E ratione materiae - as to the
subject-matter
F ratione materiae

En considération de matière
(divorce, p. ex.)

S

L ratione personae

By reason of the person
involved; Black

E ratione personae - as to the
person
F ratione personae

En considération de personne
(qualité de commerçant, p. ex.)

S

F rattaché à la loi d'un Etat

E connected with the law of a
State

S

F rattacher
v. rattaché à la loi d'un Etat

S RE = Rama Ejecutiva

E real estate = real property

E real property

EN: land, a term which for the purposes of land law includes mines, minerals, buildings and most intangible rights in land; e.g. easements, but not leaseholds; is not synonymous with immovable property, immovables: v. immovable; Martin hereditament, land, real property; Jowitt hereditament, land, real estate, real property; Law of Property Act 1925, 205
Interpretation Act 1978
Schedule 1; CA: VOCL 1
CA: VOCL 1

F biens réels
S

E realty - real property

S rebelde

v. Registro Central de Penados y
Rebeldes

Proc. civ., pen.: MX CPCDF
638, ES LEC 762 et seq., LECR
834 et seq., sin. reo ausente;
Ossorio rebeldía

E contumax - defaulter

One who commits contumacy; when rebelde is used as an adjective, translate as contumacious or in default; for the distinction between the alternatives given here see E note to rebeldía; a rebelde who has been sentenced is an offender sentenced in his absence; Black contumax; distinguish from contemnor, which is a wider term meaning a person who commits any contempt of court;

F contumax* - ?absent**

* FR proc. pén.: CPP 628, 641,
Daloz proc. pén. pp. 38,
685-686
** ?FR proc. civ.

S rebeldía

- v. juicio en rebeldía
sentencia dictada en rebeldía
1. término general
2. término procedural civil y penal

Ossorio
Ossorio; MX CPCDF 637-651,
ES LEC 762 et seq., LECR 834
et seq.; Anabalón secc.
1258-1263

- E 1. contempt of authority -
disobedience - resistance
2. contumacy - default

Contumacy, a form of contempt of court, is the intentional failure of a person to comply with a court order (e.g. a summons) directing him to appear before the court or perform some other act during the course of judicial proceedings; default is failure, not necessarily intentional, to perform any legal or contractual duty; although therefore a broader term, it is generally preferred to contumacy in EN and US to denote the situations described above; Black

- F 1. outrage à l'autorité -
désobéissance - résistance
2. défaut* - contumace**

* FR: proc. civ. et proc. pén. en matières correctionnelle et de police: faute de comparaître: Dalloz Proc. pén. p. 679

** FR: proc. pén. en matière criminelle: faute de comparaître; CPP 627-641, Guillien, Dalloz Proc. pén. pp. 38, 679, 685-686

S rebelión (UY)

CPM 43

- E rebellion
F rébellion

S recaer
v. recayó

S recaudos sumariales (VE)

Const. 60

- E pre-trial safeguards
F garanties de l'instruction

- S recayó sentencia de primera instancia con una condena de ... por haber sido hallado incurso en el delito de ... (UY)
- E was sentenced at first instance to ... on conviction of the offence of .../on conviction for ...
- F fut condamné en première instance à une peine de ... pour avoir été reconnu coupable du délit de ...
- S recepción de la prueba (CL) COT 390
- E taking of evidence
- F réception de la preuve
- F récépissé - warrant (FR) Guillien, Amos 128
- E warehouse receipt Osborn; in the case of goods in a dock warehouse, EN dock warrant
- S
- S receptor (CL) = huissier de justice
- F recevable COV Opt. Proc. 3
- E admissible COV Opt. Proc. 3
- S admisible COV Opt. Proc. 3
- F recevoir v. acte reçu
- F recevoir des témoignages = recueillir des témoignages
- F recevoir le serment de quelqu'un
- E to swear someone To take someone's oath is used with this meaning but incorrectly
- S
- F recevoir un serment
- E to receive an oath NOT to take an oath; see E note to faire prêter un serment
- S

- S rechazar Al rechazar un recurso, el tribunal lo niega después de haber efectuado su estudio de acuerdo al procedimiento respectivo; v. denegar
- E to dismiss*/reject** *Procedural term; e.g. an appeal, application (to the court), information, charge
** General term; e.g. an argument, claim application (to an administrative authority)
- F rejeter* - débouter** * Un recours, une demand
** Un appellant
- S rechazar una acción (CL) CC 280 (5)
- E to dismiss an action
F repousser
- F récidive = ?habitualidad; ?habitualidad por reincidencia; reincidencia
- E recidivism = habitualidad, habitualidad por reincidencia, reincidencia
- F récidiviste = reincidente
- S reclamación internacional Der. int.
- E international claim
F réclamation internationale
- F réclamation
- E claim FR: term sometimes used (Auby I, 12) as a synonym of the requête made by a private person to a tribunal administratif, in which case, if a more formal word than claim seems appropriate, translate as application
- S reclamación
- S reclamo
- E complaint - claim
F réclamation

- F réclusion (BE, CH; FR obs.) Peine: BE CP 7, 13-14,
CH CP 9,35
- E rigorous imprisonment
S presidio ES
- F réclusion criminelle (FR) Peine: CP 7
- E rigorous imprisonment * AR, ES,
S reclusión* - presidio** ** BO, CL, CO, VE
- F réclusion criminelle à perpétuité (FR) Peine: CP 7, CPP 717
et seq.; Dalloz peine
sect. 40
- E rigorous imprisonment for life
S presidio perpetuo CL
- F réclusion criminelle à temps (FR) Peine: CP 7, CPP 717
et seq.; Dalloz peine
sect. 40
- E long-term rigorous imprisonment
S presidio mayor CL, ES
- F réclusion criminelle temporaire (FR Dalloz peine sect. 40)
réclusion criminelle à temps
- S reclusión
v. Establecimiento de Reclusión
Militar N°. 1
Establecimiento Militar de
Reclusión
lugar de reclusión
1. pena
2. (UY) término general y no pena
específica
- E 1. rigorous*/ordinary** * AR, ES
imprisonment - detention*** ** BO, CL
*** MX obs., replaced by
internamiento: penalty
imposable on mentally
disordered and other special
classes of persons
2. imprisonment
- F 1. réclusion criminelle* * AR, ES
- emprisonnement
correctionnel** ** BO
- détention*** *** CL, MX
2. emprisonnement

S	reclusión mayor	Pena
	1. (CL) De 5 a 20 años	
	2. (ES) De 20 a 30 años	
E	1. long-term ordinary imprisonment	
	2. maximum-term rigorous imprisonment	
F	1. détention criminelle à temps	De 5 à 20 ans
	2. réclusion criminelle majeure	De très longue durée (20 à 30 ans)
S	reclusión menor	Pena
	1. (CL) De 61 días a 5 años	
	2. (ES) De 12 a 20 años	
E	1. medium-term ordinary imprisonment	
	2. long-term rigorous imprisonment	
F	1. emprisonnement correctionnel	De 61 jours à 5 ans
	2. réclusion correctionnelle	De longue durée (12 à 20 ans)
S	reclusión perpetua (CL)	Pena
E	ordinary imprisonment for life	
F	détention criminelle à perpétuité	
S	recluso	SMR
E	prisoner* - (prison) inmate	Note 1 * SMR
F	détenu	SMR
S	recluso condenado	SMR
E	convicted prisoner	SMR
F	détenu condamné	SMR
S	recluso en prisión preventiva	SMR 4(2)
E	untried prisoner* - unconvicted prisoner	* SMR 4(2)
F	détenu en prévention	SMR 4(2)

E recognizance (EN)

Acknowledgement of a debt or other obligation made before a magistrate or a court and enrolled; nowadays the term is confined to the money debt owed to the Crown by a surety who stands bail for an accused person or an offender or by an offender who is bound over; a recognizance is entered into by the person from whom it is taken by the court or magistrate, and can be conditioned for the appearance of the accused or for the performance by the offender of the specified obligation (e.g. to keep the peace); Hampton 99, 277-278, Emmins 190, 243, 268, 409, MCA 117, Bail Act 1976, Morrish Magistrates 'Bail', 'Binding Over'

F engagement formel

Obligation conditionnelle antérieure, constatée et enregistrée par un tribunal et qui devient exécutoire si le débiteur ne satisfait pas à la condition stipulée, p. ex. celle de comparaître devant le tribunal, d'exécuter certaines prestations, de ne pas molester certaine personne, etc. (sorte de cautionnement)

S reconocimiento

- F reconduction tacite
E implied renewal Of a lease; Black relocatio,
OCL relocation; SCO tacit
relocation
S tácita reconducción
- F reconnaissance (FR) CC 1337, syn. acte recognitif
E acknowledgement* NOT recognizance
- recognition * Technical term
S
- F reconnaître Un droit
E to grant/confer/
establish/afford A right; translate according
set forth/recognize* to context
S reconocer *CA Bill of Rights 2
- F reconnaître la personnalité
juridique à ...
E to accord/grant juridical
personality to ... For alternatives to juridical
S see E note to persona jurídica
- S reconsideración
v. recurso de reconsideración
- S reconvencción
= demande reconventionnelle
- S Recopilación Oficial (CL) Publicación anual de la
Contraloría General de la
República
E (leave in Spanish and
underline)
F Recopilación Oficial (recueil
officiel)
- E Record
v. court of record
superior court of record

F recourir

E to apply*/appeal*/petition* -
to invoke** - to resort***/
have recourse***

* Procedural terms, e.g.
recourir au tribunal, to
apply to the court, recourir
contre une décision, to
appeal against a decision;
for the distinction between
apply, appeal and petition
see the various meanings
of recours and recurso and
the specific examples of
each, as well as note 3

** A provision of a text, e.g.
recourir à l'article 2 de
la loi..., to invoke
article 2 of the ... Act
*** Non-procedural terms, e.g.
recourir à l'emploi de la
force, to resort to force,
recourir à la justice, to
resort/have recourse to
litigation/the courts

S recurrir

F recours

- v. délai de recours
- droit de recours
- épuisement des recours internes
- épuiser les recours internes
- prévaloir
- voie de recours ...
- voie extraordinaire de recours
- voie ordinaire de recours
- 1. terme général: action de
recourir
- 2. (FR: dr. adm., proc. civ.,
proc. pén.) voie de droit:
moyen légal et droit de
l'exercer
- 3. (FR: dr. adm., proc. civ.
proc. pén.) acte ou procédé
utilisé pour recourir
- 4. (ONU) procédure
administrative
- 5. (CJEC) RT 173

Charter 33

Dalloz Dr. adm. pp. 209-268,
Proc. civ. pp. 763-961, Proc.
pén. pp. 676-759; CCOM 147;
GCBE 25, 43, 44, 50, 51;
v. action recursoire,
acción cambiaria
Capitant; Dalloz loc. cit.;
CPCN 1215 et seq., CPP 567, CTA
R. 37, R. 72-75, CCOM 147;
Conseil d'Etat et tribunaux
administratifs: v. requête

- E. 1. resort* - recourse
2. (legal) remedy* -
(right of) action -
(right of) recourse** -
right of appeal

3. (legal) action/proceedings/
case - application
- appeal - petition
4. recourse proceedings
5. action - proceedings

S 1. recurso

2. recurso

3. recurso

4.

5.

F recours abusif (FR)

E improper/abusive action -
abuse of process*

S

F recours accordé par l'article 28

E right/remedy under article* 28

S

* Charter 33

e.g. recours à X, remedy
against X, right of recourse/
appeal to X

* Remedy in the sense of the
means available (see remedy 1.)
not the relief given

** EN Bills of Exchange
Act 1882, 47 (2); GCEB 25, 43, 44,
50, 51; v. action récursoire,
acción cambiaria

*** Non-technical term
See the specific examples of
recours and recurso below
and note 3

CJEC RT 173

Término general: acción de
recurrir; Charter 33

Medio legal y derecho de
ejercerlo; Ossorio

Acto o procedimiento utilizado para
ejercerlo: solicitud, petición;
Ossorio; ES LEC 376, LSA 70(4),
LRJCA 37, CLCPC 200

ONU; procedimiento administrativo
CJEC RT 173

CPCN 32.1, Dalloz Proc. civ.
p. 43

EN RSC o.18, r.19, Odgers
passim, Hampton 33, 195;
EN abuse of process covers both
the civil and the criminal
sphere; in the former it means
bringing a frivolous, vexatious
or other improper action; in the
latter it is often called
wrongful process, which means
wrongful arrest, malicious
prosecution, wrongful search
or entry, etc.; US; Black
abuse, malicious prosecution

* For use of section instead
of article see E note to
F article

- F recours administratif (FR) Dr. adm.: Guillien recours,
Dalloz Dr. adm. pp. 209-211
- E administrative remedy* - non-
contentious remedy* -
administrative proceedings The words administratif and
administrative refer to the
form in which the remedy is
exercised, rather than to
the branch of law
concerned; note 3
* FR: a remedy consisting
of application to the
administration which took
the decision complained of,
as opposed to a recours
contentieux
- S recurso administrativo
- F recours contentieux (FR) Dr. adm.: Capitant, Dalloz Dr.
adm. pp. 209-216
- E contentious remedy* - judicial
remedy* - judicial proceedings
- administrative law appeal The word administrative refers
to the branch of law concerned;
note 3
* FR: a remedy consisting of
application to a court, as opposed
to a recours administratif
- S
- F recours de droit administratif (GE) Const. 131
- E administrative-law action
- S
- F recours de pleine juridiction
(FR, CJEC) FR Dr. adm.: Dalloz Dr. adm.
pp. 212-215, Guillien
recours; CJEC; EGLAT pleine
juridiction; also called
recours en indemnité
- E remedy of full jurisdiction
- full jurisdiction proceedings Brown 110; sometimes called,
in respect of FR, remedy of
damages/full relief, for
proceedings damages/full relief
- S recurso de plena jurisdicción PA
- F recours de révision (CA)
= recours en révision
- F recours direct (FR) Dr. adm.: Brown 58
- E direct application FR: to the Council of State
- S

- E recourse
= recours 2
- F recours en annulation (FR)
1. (dr. adm.) Dalloz Dr. adm. pp. 212-215;
EGLAT pleine juridiction;
CPCN 1479, 1483 et seq.;
Dalloz Proc. civ. pp. 1176
et seq.
2. (proc. civ.) en matière
d'arbitrage RT 173, Isaac 235-247
Brown 58, 110, 132-133
FR: an appeal to set aside
an arbitration award;
notes 3, 15
3. CJEC RT 173, Brown & Jacobs
93-110
- E 1. annulment proceedings
2. annulment appeal
3. action to annul
- S. 1.
2.
3.
- F recours en annulation pour excès de
pouvoir (FR) Dr. adm. also called recours
pour excès de pouvoir;
note 9
- E proceedings to quash an
administrative act for
illegality Brown 31, 58-59, 110, 133;
note 15
- S
- F recours en carence CJEC: RT 175,
Isaac 247-250
E action for inactivity CJEC: RT 175,
Brown & Jacobs 110-112
- S
- F recours en cassation (FR) Proc. civ. et (CPP 573)
proc. pén.: syn.
de pourvoi en cassation;
dr. adm.: Brown 58, 151-153,
Dalloz Dr. adm. pp. 234-235
- E remedy of/application for
judicial review - judicial
review proceedings FR: in the Court of
Cassation or the Council
of State; note 3
- S recurso de casación
- F recours en garantie (FR; Capitant,
Nicholas 79) = action en garantie
- F recours en grâce (FR, ZR)
- E mercy petition - petition of
clemency Distinguish from recours
gracieux
- S

F recours en indemnité (FR)

- 1. (dr. adm.)
- 2. (dr. pén.)

CPP 706.3-15

- E 1. proceedings for damages
- 2. compensation claim

Brown 132; also called recours de pleine juridiction
In criminal injuries compensation

S

F recours en nullité

- E remedy of annulment

e.g., in law of contract;
note 15

S

F recours en rectification d'erreur matérielle (FR)

Dr. adm.: Brown 72, Dalloz
Dr. adm. p. 236

- E application to correct a material error

S

F recours en révision (CA, FR)

FR: CPCN 481, 527, 593-603;
Dalloz Proc. civ. pp. 124,
764, 899-905, Dr. adm. p. 236;
EGLAT révision, Brown 72; CA
e.g. under Federal Court
Act 1970, 28

- E remedy of/application for reconsideration of the facts - judicial review* - review proceedings*

FR: in civil or Council of State proceedings to the same court as took the decision complained of, for error of fact; note 3
* CA

S recurso de revisión

F recours gracieux (FR)

Dr. adm.: Guillien recours,
Dalloz Dr. adm. pp. 209-210

- E discretionary remedy

FR: a form of non-contentious remedy consisting of application (petition to the official who took the decision complained of) as opposed to a recours hiérarchique; note 3

S

- F recours hiérarchique (FR) Dr. adm.: Guillien recours;
Daloz Dr. adm. pp. 209-210
- E hierarchical remedy FR: a form of non-contentious
remedy consisting of application
(appeal) to the hierarchical
superior of the official who
took the decision complained of,
as opposed to a recours gracieux;
note 3
- S recurso jerárquico Ossorio recurso administrativo,
Clagett Adm. 71
- F recours juridictionnel (FR dr. adm.:
Guillien recours)
= recours contentieux
- F recours pour excès de pouvoir
(FR) Dr. adm.: Daloz Dr. adm.
pp. 237-268, Guillien recours;
also called recours en
annulation pour excès de pouvoir
- E remedy of illegality -
illegality proceedings Brown 31, 58-59, 110, 132-133
- S
- S rectificación
- v. recurso de rectificación
- S recurrente
- E applicant - appellant -
petitioner - plaintiff For the distinction between
these terms see the various
meanings of recurso and its
specific examples and also
note 3
- F auteur de recours - requérant
- appellant* *S'il s'agit d'un appel
- S recurrido
1. ministro - juez - tribunal Aquel contra el cual se ha
interpuesto un recurso procesal
2. decisión recurrida La que ha sido objeto de ese
recurso
- E 1. appealed against
2. appealed
- F 1. contre qui est dirigé le
recours - a quo
2. faisant l'objet du recours

- S recurrir
v. recurrido
1. intransitivo: p. ej.
recurrir a ...,
recurrir contra ...
2. transitivo: p. ej.
recurrir una sentencia,
recurrir un juez
- E 1. = recourir
2. appeal (against) e.g. to appeal a judgement, order, decision (non-technical language: to appeal against a judgement, order, decision), to appeal against a court; note 3
- F 1. recurrir - se pourvoir (en)* * Cornu: Exercer un recours devant une juridiction supérieure et, plus spécifiquement, devant la cour de cassation
2. former un recours pour ... - recurrir contre ...
- S recurrirse = recurrir
- S recurso
= recours 1., 2., 3., 4., 5.
v. recurso de casación por infracción de ley ...
- S recurso administrativo
= recours administratif
- S recurso contencioso/administrativo (ES, PA) LRJCA 37 et seq., 57-62
- E contentious remedy* - judicial remedy* - judicial administrative proceedings - administrative law appeal** Note 3
* As opposed to recurso ordinario en vía administrativa
** Clagett Adm. 70
- F recours contentieux/ juridictionnel/administratif FR
- S recurso de alzada
= recurso de apelación
- S recurso de amparo (AR, ES, CL, MX) ES Const. 53(2), 161(1)(b); CL 1980 Const. 21; AR CPR 617; MX Const. ..., Ley de Amparo

- E remedy of amparo - amparo proceedings/application/action
CL closely akin to a remedy of habeas corpus; similar to EN rarely used petition of right (Walker EN 168, 281-282) and to EN judicial review; Clagett 38 writ of amparo; note 3 (section 3(vi)), note 7
- F recours en amparo/d'amparo
- S recurso de amparo preventivo (CL)
E preventive amparo application
F recours en amparo préventif
- S recurso de apelación (CL, ES, MX, PA, UY)
Der. adm., proc. civ., proc. pen.: ES LEC passim, LECR 216 et seq.; LRJCA 94 et seq.; MX CPCDF 688-716, CPPDF 414-434, CFPP 363-391; CL CPC 186-230, CPP 510-532; UY CPP 132, 251-261, CPC 656
- E remedy of appeal - appeal (proceedings)
Exercised in the court above the one which gave the judgement complained of; note 3
- F appel - recours en appel
- S recurso de apelación extraordinario (ES)
LRJCA 101
- E special appeal (proceedings)
F voie extraordinaire de recours en appel
- S recurso de audiencia = recurso de audiencia en Justicia
- S recurso de audiencia en Justicia (ES)
Proc. civ.: LEC 773
- E application for rehearing
Of a case where judgement has been given in default, also called EN application for retrial
- F opposition
v. F opposition l.
- S recurso de avocamiento (PA)
Ossorio avocación
- E remedy of removal (of proceedings)
v. E note to avocamiento
- F ?saisine d'une juridiction supérieure

- S recurso de casación (CL, ES, PA, UY) Proc. civ., proc. pen.: CL CPC 764-809, CPP 535-549; ES LEC 403-404, 1686-1795, LEGR 847-954; UY CPP 269-282; Anabalón pp. 222, 292-331
- E remedy of/application for judicial review - judicial review proceedings In civil or criminal proceedings (ES in/to the Supreme Court), for error of law or form; note 3
- F pourvoi en cassation
- S recurso de casación en el fondo (CL) CPC 765, 767
- E appeal to vacate a judgement for error of law
- F pourvoi en cassation sur le fond
- S recurso de casación en la forma (CL) CPC 765, 768
- E appeal to vacate a judgement for error of form
- F pourvoi en cassation pour vice de forme
- S recurso de casación por infracción de ley (ES proc. civ., proc. pen., LEC 1687-1688, 1692)
= recurso de casación en el fondo
- S recurso de casación por infracción de ley en el fondo (UY CPP 269)
= recurso de casación en el fondo
- S recurso de casación por infracción de ley en la forma (UY CPP 269)
= recurso de casación en la forma
- S recurso de casación por infracción de ley o de doctrina legal (ES proc. civ., proc. pen., LEC 1687-1688, 1692)
= recurso de casación en el fondo
- S recurso de casación por quebrantamiento de forma (ES proc. civ., proc. pen., LEC 1688, 1693)
= recurso de casación en la forma
- S recurso de casación por quebrantamiento de las formas esenciales del juicio (ES LEC 1693)
= recurso de casación en la forma

- S recurso de denegada apelación (MX) CFPP 392-398, CPPDF 435
- E remedy of/proceedings for review of leave to appeal Available not only to a party whose application for leave to appeal has been refused but also, despite its name, to an opponent who considers that such an application has been wrongly granted; translate according to the circumstances if the context makes them clear; CL the equivalent recurso de hecho is made to the court above where leave has been refused and to the court below where leave has been granted
- F recours pour déni d'appel
- S recurso de enmienda = ?recurso de rectificación
- S recurso de exhibición = recurso de exhibición personal
- S recurso de exhibición personal (NI Dec. 52/79, 8(2)(c)) = recurso de habeas corpus
- S recurso de fuerza (ES) = recurso de fuerza en conocer
- S recurso de fuerza en conocer (ES) LEC 125
- E remedy of abuse of jurisdiction - abuse-of-jurisdiction proceedings
- F ?recours pour excès de pouvoir
- S recurso de habeas corpus AR CPCR 617, PE CPP 349, UY Const. 17, ?A/RES/34/178
- E remedy of habeas corpus* - habeas corpus proceedings/ application - application for a writ of habeas corpus See the E note to habeas corpus, note 3 (section 3(vi)), note 7 * A/RES/34/178
- F
- S recurso de hecho (CL CPC 196, 203, Anabalón pp. 238-242) = recurso de denegada apelación
- S recurso de inaplicabilidad (CL) = recurso de inconstitucionalidad

- S recurso de inconstitucionalidad (CL, ES, PA) CL: se interpone para que, en un caso concreto del que están conociendo los tribunales, no se aplique una ley que se estima inconstitucional; 1925 Const. 86 ES: Const. 161(1)(a) se interpone en contra de leyes y disposiciones normativas con fuerza de ley que se estiman inconstitucionales
- E action of unconstitutionality
F recours pour inconstitutionnalité
- S recurso de la apelación extraordinaria (MX CPCDF 717-722)
= recurso de apelación extraordinario
- S recurso de no reelección (UY)
E appeal against non-renewal of appointment
F recours pour non-renouvellement de contrat
- S recurso de nulidad (ES, PA, UY) ES LEC 495, 703, Ap. 5(30); PA der. adm.; UY CPP 267-268, CPC 670
E remedy of annulment - annulment appeal/proceedings For setting aside a judicial decision or arbitration award, in particular on the ground that it suffers from a formal defect; note 15
F ?recours en nullité
- S recurso de oposición (CL) Anabalón pp. 225, 358-359
E remedy of objection - (formal) objection
F opposition
- S recurso de plena jurisdicción (PA der. adm.)
= recours de pleine juridiction
- S recurso de protección (CL) Acta Constitucional 3, 1980 Const. 20; para proteger las libertades individuales no comprendidas en el recurso de amparo

- E remedy of/application for protection
F recours en protection
- S recurso de queja (AR, CL, ES, MX, PA, UY)
E remedy of complaint - complaint proceedings
F recours de plainte
- S recurso de queja por denegación de apelación (UY)
E (remedy of) complaint for refusal of leave to appeal
F recours pour déni d'appel
- S recurso de reconsideración
1. (der. adm.) recurso administrativo que se interpone ante la autoridad que haya dictado la resolución impugnada
2. (proc. civ., pen.) recurso judicial que se interpone ante el mismo juez que haya dictado la providencia impugnada
- See A/37/594, para. 92
- MX CPCDF 723-727; ES LEC 398-400, 1702-1705, 1755-1757, LECR 787, 216 et seq., LRJCA 49(4); CL COT 544 et seq.
- The recurso de queja is available in various circumstances for breaches of judicial procedure, in particular in the court above against refusal by the court below of leave to appeal and against delay of justice (e.g. delay in pronouncing judgement); in CL the remedy is available against judicial officials and advocates for breach of duty; translate according to the circumstances if the context makes them clear, e.g. application for review of leave to appeal, application to compel jurisdiction
- CPC 665, CPC 262-266
- CL 1980 Const. vigesimacuarta disposición transitoria; Ossorio recurso administrativo; denominado también recurso de reposición (ES LRJCA 52-54) PA...; Ossorio recurso de reposición, Anabalón p. 223; denominado también recurso de reposición (CL CPC 181, ES LEC 376, NI?, UY CPP 74, 250, TD/B/RBP/15/Rev.1 art. 10(1)) y recurso de reforma (AR proc. pen., ES LECR 216-217, 787)

E 1. discretionary remedy*
- application for
reconsideration **

* In general: a form of non-contentious remedy consisting of application (petition) to the official who took the decision complained of, as opposed to recurso jerárquico

** Specific process: application to an administrative authority for reconsideration of an administrative act

2. remedy of reconsideration
- reconsideration proceedings - application for reconsideration - request for review*

These terms relate to interlocutory measures, not final ones, in an inferior court; note 3

*TD/B/RBP/15/Rev.1 art. 10(1)

F 1. recours gracieux
2. recours en révision

S recurso de rectificación (CL)

E proceedings/application to correct the record

F recours en rectification

S recurso de reforma
= recurso de reconsideración 2.

S recurso de reposición
= recurso de reconsideración 1., 2.

S recurso de rescisión (ES)
= recurso de audiencia en Justicia

S recurso de responsabilidad (MX CPCDF 728)
= recurso de responsabilidad civil

S recurso de responsabilidad civil
(ES, MX)

ES LEC 903-918, MX CPCDF 728-737

E remedy of judicial liability
- judicial liability proceedings/application

F recours en responsabilité

S recurso de revisión (AR, CL, ES, MX, PA, UY)

AR DL 1285/58, 24(3); CL CPC 810-816, CPP 657-667; ES LEC 1796-1810, LECDR 954-961, LRJCA 102; UY CPP 283-290, CPC 590; MX CPCDF 716; Anabalón pp. 222, 332-339

- E remedy of/application for
judicial review of the facts
- In civil, criminal or
administrative law proceedings,
for error of fact; note 3
- F pourvoi en révision
- S recurso de revocación (MX CPPDF 412-413,
CFPP 361-362, CPCDF 683-685)
= recurso de reconsideración 2.
- S recurso de revocación por contrario
imperio (CL Anabalón p. 223)
= recurso de reconsideración 2.
- S recurso de revocatoria (PA)
= recurso de reconsideración 2.
- S recurso de súplica (ES)
- Der. adm., proc. civ., proc.
pen.; LEC 402, LECR 236, 238,
LRJCA 92
- E remedy of reconsideration
- reconsideration proceedings
- application for
reconsideration
- This is the same remedy as the
recurso de reconsideración but
as a matter of courtesy has this
title when exercised in a
superior court; note 3
- F recours en révision
- S recurso de urgencia
- E
F référé
- S recurso extraordinario
(CL Anabalón, p. 222; ES)
= voie extraordinaire de recours
- S recurso extraordinario de apelación (ES)
= recurso de apelación
extraordinario
- F récursoire
- v. note F aux mots action
récursoire
- E of recourse
S
- S recurso jerárquico (ES der. adm.,
Ossorio recurso administrativo)
= recours hiérarchique
- S recurso ordinario
(CL Anabalón, p. 222; ES)
= voie ordinaire de recours

- S recurso ordinario en vía administrativa (ES) Der. adm., LRJCA 37
- E ordinary administrative remedy As opposed to recurso contencioso-administrativo
- F recours administratif FR
- S recurso por infracción de ley (AR CJM) = recurso de casación en el fondo
v. recurso de casación por infracción de ley...
- F récusation (FR, RW) Proc. civ., pén.: FR CPCN
v. demande de récusation 234, 341-355, 1463, CPP
297-301, 668-674.2, COJ L.731.1;
Dalloz
- E challenge FR: party's objection to a judge, juror, witness or arbitrator; term used in EN especially of jurors; Black challenge, recusal, recusation; recusal, recusation are rarely used; according to Black recusation includes the process whereby a judge spontaneously declines to hear a case because he has some personal connection with it, but this is generally called declinature in E (OCL; SCO)
- S recusación Ossorio
- F redevance (FR)
- E rent* - royalty** - fee*** * Paid for occupation of land or buildings, e.g. (i) FR under a bail emphytéotique or for a droit de superficie or concession immobilière, but if the concession immobilière is a grant of mining rights, translate as royalty; (ii) AR, CL, ES, PR under a censo (see censo 3.)
** Paid for the use of intellectual property or mining rights
*** Paid for a service
- S canon
- F rédhibitoire
v. vice rédhibitoire

- S redhibitorio
v. vicio redhibitorio
- F réel
v. action réelle
biens réels
droit réel
- S reelección
v. recurso de no reelección
- F référé (FR, CJEC)
v. juge des référés
ordonnance de référé
pouvoirs de référé
- E interim relief procedure*/
proceedings
- S
- F référé administratif (FR)
E summary administrative
jurisdiction
S
- F référendaire
v. conseiller référendaire
E legal secretary
S
- F référer (FR)
E to apply for interim relief
S
- S reforma
v. acción de reforma
recurso de reforma
réformation
- FR CPCN 484-492, 496, CTA
R.102-103; Dalloz Proc. civ.
pp. 145, 177, 765; Dalloz Dr.
adm. pp. 225-226; CJEC:
CJECSC St. 33, Isaac 228, 278
- Procedure whereby a judge sitting
in chambers hears interlocutory
applications, usually of an
urgent nature, for interim
relief; as an abstract concept
can be translated interim
relief;
* CJECSC St. 33, Brown & Jacobs
209-210
- Dalloz Dr. adm. p. 225
- CJEC: Isaac 224
- CJEC: Brown & Jacobs 24
- CPCN 496
- See E note to référé

S reformar

E to amend*/vary**/alter***/
correct***/modify***

* Technical term: an
enactment
** Technical term: a judicial
decision
*** Non-technical term

F réformer

F réformation (FR)
v. appel réformation
voie de réformation

Proc. civ.: CPCN 542;
Dalloz Proc. civ. p. 764

E reformation

Black; in procedural law, the
partial or total correction (in
the former case the varying,
in the latter case the
annulment) by a superior court
of a judicial decision taken by
an inferior court

S

Reforma, término utilizado
(CL CC 1216-1221) con respecto a
la modificación de un testamento,
parece no ser aplicable a la
modificación de una sentencia

F refoulement

E/CN.4/Sub.2/AC.2/1984/5,
annexe I, p. 5

E exclusion
S devolución

Of prostitutes, procurers, etc.

F régime

E régime - system
S régimen

See the specific examples below

F régime conventionnel

Dr. civ.; p. ex. FR régime
matrimonial du CC 1497-1535;
EGLAT régimes matrimoniaux,
Amos chap. XII and appendix

E contractual régime
S régimen convencional/contractual

F régime de communauté
= régime en communauté

F régime de participation aux
acquêts (FR)

Dr. civ.: CC 1569-1581;
EGLAT régimes matrimoniaux,
Amos chap. XII and appendix

E régime of participation in
acquisitions

S

- F régime de propriété RT 222
E form of ownership - system of property ownership* - tenure ** * RT 222
S régimen de propiedad ** EN: of realty
- F régime de séparation de biens (FR) Dr. civ.: CC 1536-1568;
EGLAT régimes matrimoniaux,
Amos chap. XII and appendix
E régime of separate property
S régimen de separación de bienes
- F régime dotal (FR) Dr. civ.: CC 1540-1581
anciens; EGLAT régimes
matrimoniaux, Amos chap. XII
and appendix
E dotal régime FR obs.
S
- F régime en communauté (FR) Dr. civ.: CC 1400-1535;
EGLAT régimes matrimoniaux,
Amos chap. XII and appendix
E régime of community of property
S régimen de comunidad
- F régime juridique du traité
E régime of the treaty
S
- F régime légal Dr. civ.; p. ex. FR régime
matrimonial du CC 1400-1496;
EGLAT régimes matrimoniaux,
Amos chap. XII and appendix
E statutory régime
S régimen legal
- F régime matrimonial (FR) Dr. civ.: CC 1387-1581;
EGLAT régimes matrimoniaux,
Amos chap. XII and appendix
E matrimonial régime
S régimen matrimonial
- F régime matrimonial légal (FR) Dr. civ.; Guillien
communauté entre époux
E statutory matrimonial régime
S

- S régime = régime
v. Ley sobre Régimen Nacional del Trabajo Agrario
- S régime de amparo de ... (CL) CCPR/C/32/Add.1 S p. 23
E regulations/conditions governing ... e.g. régimen de amparo de una concesión minera, regulations/conditions governing a mining concession
F régime de ...
- S régime de cumplimiento de arresto (AR)
E ?state of detention
F régime d'arrestation
- S régime de fideicomisos Misnomer for régimen de administración fiduciaria (Charter 76)
E Trusteeship System
F régime de la fiducie
- S régime de emergencia v. estado de emergencia
1.
2.
E 1. state of emergency
2. emergency regulations
F 1. état d'urgence
2. régime applicable à l'état d'urgence
- S régime de excepción v. estado de excepción
E state of exception
F régime d'exception
Loosely, state of emergency
- S régime institucional (CL) Acta Constitucional N°. 4
E institutional system
F régime institutionnel
- F régime sans communauté (FR) Dr. civ.: CC 1530-1535 anciens; EGLAT régimes matrimoniaux, Amos chap. XII and appendix
E régime without community (of property) FR obs.
S

- F registre d'audience (FR) Proc. civ.: CPCN 728, Dalloz
Proc. civ. p. 522; Barraine,
Guillien
- E register of hearings
S
- F registre du rôle (FR obs.; Guillien,
Dalloz Proc. civ. p. 522)
= répertoire général des affaires
- S Registro Central de Penados
y Rebeldes (ES) CP 10 (14), (15)
- E Central Register of Convicted
Offenders
F Registre central des condamnés
et rebelles
- S Registro Oficial (EC) Nombre del periódico que
publica los textos auténticos
de las leyes, decretos,
reglamentos y otros asuntos
oficiales
- E (leave in Spanish and underline)
F Registro Oficial (journal
officiel)
- S reglamento
1. (der. adm.) acta legislativa
= règlement 1.
2. conjunto de reglas =
règlement 2.
3. sin. de reglamento interno
- E 1. = règlement 1.
2. = règlement 2.
3. rules of procedure*
- standing orders**
- F 1. = règlement 1.
2. = règlement 2.
3. règlement intérieur
- * e.g. of the functional
commissions of ECOSOC
** e.g. of a military corps
- S Reglamento ... p. ej. ES Reglamento Notarial
- E ... Regulations e.g. ES Notarial Regulations;
note 5
- F règlement ...

S	reglamento interno = reglamento 3.	
S	reglamento orgánico (CL)	
	E (general) regulations	Governing an institution
	F règlement organique	
F	règle (CA)	Espèce de disposition réglementaire (Interpretation Act 1967-68)
	E rule	CA: Interpretation Act 1967-68
	S	
F	règle constitutive	Dr. int.
	E formative rule	
	S	
F	règle constitutive de droit	Dr. int.
	E law-making rule	
	S	
F	règle conventionnelle	
	E conventional rule*	* IL
	- contractual rule**	** ML
	S	
F	règle déclaratoire	Dr. int.
	E declaratory rule	
	S	
F	règle de droit (CA, FR)	CA Loi constitutionnelle de 1982, 1, Loi sur les pensions de 1970, 69(1)(d); FR Capitant A., Guillien, David GS pp. 98-106, 366-368, 399, David Sys. pp. 86-93, 332-334, 365

E rule of law - legal rule/
principle - law*

Rule of law and legal rule are synonymous; the former is normally preferred in a text dealing with the law of a particular country, e.g. a rule of English law, and the latter in texts dealing with jurisprudence or comparative law, e.g. legal rules as opposed to rules of morality; for the distinction between the règle de droit of civil-law countries and the rule of law of EN see David Sys. pp. 332-334, 365, David GS pp. 366-368, 399; for the distinction between legal rule and legal principle see David Sys. p. 334

* In the sense of derecho objetivo, droit objectif: CA Constitution Act 1982, 1, Pension Act 1970, 69(1)(d)

S regla de derecho

F règle de fond

E substantive rule
S regla de fondo

F règle impérative

E peremptory norm
S regla/norma imperativa

Dr. int.

F règle impérative absolue
= règle impérative

F règle juridique (Guillien règle de droit) = règle de droit

F règle légale (FR)

E statutory rule
S

NOT rule of law

F règlement

- v. arrêt de règlement
demande en règlement des juges
lois et règlements
1. (dr. adm.: BE, CA,
FR, GE, RW) acte législatif

FR règle de droit émanant du pouvoir exécutif, c'est-à-dire décision administrative, catégorie normative qui comprend les décrets et les arrêtés et à laquelle appartiennent, avant leur ratification par le Parlement (Guillien), les ordonnances; Const. 21, 37, CP 127; Dalloz Dr. adm. pp. 55 et seq., Brown 7-8; BE Const. 107, GE Const. 116, RW Const. 47, 90, 92, CA Loi d'interprétation 1967-68 (le règlement comprend l'ordonnance, order, le règlement, regulation, le décret du conseil, order in council, la règle, rule, etc.)
p. ex. de la CIJ = Statut 30, du personnel de l'ONU

2. ensemble de règles
3. ensemble de mesures

E 1. regulation

FR: de Vries 92 rule of general application; CA Interpretation Act 1967-68

2. regulation - rules* - (set of) regulations/rules
3. arrangement - settlement

* ICJ Statute 30, UN Staff Rules

S 1. reglamento

Ossorio: texto dictado por un Poder administrativo a falta de ley o para completarla
Ossorio; CIJ Estatuto 30;

2. reglamento
3.

F réglementaire

- v. acte réglementaire
cadre législatif et réglementaire
dispositions législatives et réglementaires
pouvoir réglementaire
prononcer par voie de disposition générale et réglementaire
texte réglementaire
textes législatifs et réglementaires

E regulatory* - normative

* Especially where a règlement is concerned

S reglamentario

- F réglementation légale (FR)
E legal régime
S
- F règlement autonome (FR) Dalloz Dr. adm. p. 57
E autonomic regulation Walker EN 93
S
- F règlement d'application de la loi concernant/de/relative à/sur ...
E regulations implementing the ... Act - regulations issued under the ... Act A more concise form is ... Act (Implementation) Regulations
S
- F règlement d'arbitrage ECULA 2
E arbitration rules/procedure* *ECULA 2
S
- F règlement de juges (FR, RW) FR CPP 657-661, obs. en proc. civ.
E conflict-of-jurisdiction procedure Brown 92 et seq.
S
- F Règlement de la Cour ICJ
E Rules of Court ICJ
S ?Reglamento de la Corte ICJ
- F règlement des juges (RW)
= règlement de juges
v. demande en règlement des juges
- F règlement d'exécution
E implementing regulations
S
- F Règlement du personnel ONU
v. disposition ... du Règlement du personnel
E Staff Rules UN
S Reglamento del Personal

- F règlement judiciaire (FR)
v. administrateur au règlement
judiciaire
- E judicial receivership
- Loi 563 13.7.1967; Amos
370-378 obs.; Guillien
- Judicial administration of the
business of an insolvent
commerçant, trader or
personne morale de droit privé,
private-law juridical person;
Amos 371; de Vries Galston,
CCOM p. 29a (transl. of title
of Loi 563) receivership, but
this term (see Osborn receiver)
is too wide in scope here and
needs to be qualified by
judicial; de Vries 211 judicial
arrangement
- S
- F règlement légal (FR)
- E lawful regulation
- S
- Capitant légal II
- F règle normative
- E prescriptive rule
- S
- Dr. int.
- F règle supplétive
- E residual rule
- S
- Dr. int., dr. privé
- S regulación
- E regulation* - ordering
- rules
- F
- * In the abstract sense
- S regularidad
- E lawfulness - correctness
- F régularité
- E regulation
1. enactment = règlement 1.
2. set of rules = règlement 2.
3. process of ordering
- F 3. ?règlémentation
- S 3. regulación

E regulations = règlement 2.

F réhabilitation (FR)

E statutory rehabilitation
S rehabilitaci6n

Of an offender

E Rehabilitation of offenders

EN: Archbold 4-372 to 4-381

F réadaptation des délinquants
S

S reincidencia (BO, CL, ES, MX, UY)

Der. pen.: BO CP 41, CL CP 12(16), ES CP 10(15), MX CP 20, UY CP 48-49, CSTP 7, Ossorio, Escriche.
La reincidencia (BO, CL, ES, MX, UY: el ser condenado más de una vez) es la delincuencia reiterada de grado menos elevado que la habitualidad o multirreincidencia (BO, ES, MX: el ser condenado más de dos veces). Puede ser específica, sin. especial, si el delito es de la misma naturaleza del que ya dio lugar a una condena, o genérica, sin. general, si es de distinta naturaleza.

E recidivism*

Alternative renderings are relapse into crime, repetition of crime (neither of which are technical terms), commission of a further offence/of further offences and perhaps reoffending (by analogy with reoffender, see below).

Recidivism is the technical term for the relapse of discharged convicts into crime, but it is not defined by law in EN or US and there appear to be no technical terms in E to express the different degrees or categories of it as there are in F and S. It tends to correspond to habitualidad, multirreincidencia and récidive rather than to reincidencia, reiteraci6n and réitération, but it is used in all these senses. In the same way recidivist generally has the

meaning of persistent offender (EN: a person with more than two convictions) or habitual criminal (US; EN obs. as a legal term), but it too is used very broadly. In social rather than legal language reoffender seems to have been coined to describe a person who has committed at least one further offence (Le Petit Termophile No. 75, September 1985, quoting The Guardian).

Recidivism is therefore a correct translation of habitualidad, multirreincidencia and récidive but can also be used to translate reincidencia, reiteración (in senses 1. and 2.) and réitération unless distinctions have to be drawn between the more serious and less serious forms of the phenomenon (more serious, that is, from the penal point of view). If they do, use recidivism for the former and a paraphrase for the latter, or translate as serious recidivism and petty recidivism, respectively. Paraphrases based on the above explanations can also be used to distinguish between the "specific" and "generic" forms. With regard to FR, récidive can be distinguished from réitération by translating as statutory recidivism and petty recidivism, respectively.

As far as récidiviste/reincidente is concerned, it would seem best to use recidivist in a legal text and reoffender in a social one. OCL, Beckman, CJD recidivism; Black recidivist; Martin extended sentence; Curzon habitual criminal.
* CSTP 7

F récidive* - réitération

FR: la récidive est le fait pour un condamné de commettre une autre infraction dont les conditions sont définies par la loi et qui entraîne des conséquences pénales; la réitération est le fait pour un condamné de commettre une autre infraction ne remplissant pas lesdites conditions et n'entraînant pas de telles conséquences; FR CP 56-58, Dalloz Dr. pén. sects. 472-473, 475-497. La récidive spéciale et la récidive générale correspondent respectivement à la reincidencia específica et la reincidencia genérica.

* CSTP 7

S reincidente

E recidivist - reoffender

F récidiviste

See E note to reincidencia

S reiteración

Der. pen.

1. en el caso de un condenado, sin. de reincidencia
2. en el caso de un condenado, sin. de reincidencia genérica
3. en el caso de un no condenado, el ser delincuente más de una vez

?Escriche

Ossorio; ES CP 10(14)

UY CP 54-55; término utilizado en UY como sinónimo de curso real de delitos

- E
1. recidivism
 2. (translate according to context)
 3. repetition of crime - repeated delinquency

E note to reincidencia
e.g. commission of a further offence of a different kind;
v. E note to reincidencia
Or use a paraphrase such as committing a second offence, breaking the law again

- F
1. récidive
 2. récidive générale
 3. récidive - délinquance chronique

S reiteración real (UY CP 54)
= reiteración 3.

F réitération = reincidencia

F rejeter
v. dismiss

S relación

E report - relation(ship)
- statement*

* Note 18

F déclaration - récit

S relator (CL)

COT 372-378: auxiliar de la administración de justicia que, en los tribunales colegiados, hace la relación (presentación) de los procesos, etc.

E reporting clerk

No equivalent in EN

F rapporteur

E release

1. (EN) noun: the conveying of an estate to one already in possession of it, and the instrument whereby this is effected
2. (EN) noun: the renunciation of a right of legal action or other claim, e.g. a debt, against another person, and the instrument whereby this is effected
3. (criminal law) noun: the freeing of an accused, prisoner or other detainee
4. (EN) verb: to effect a release as in 1. above
5. (EN) verb: to effect a release as in 2. above
6. (EN) verb: to effect a release as in 3. above

Jowitt; rare

Jowitt; Martin 1., 2.;
see surrender 1., 2.

- F 1.
2. mainlevée*
libération
3. mise en liberté -
libération*
4.
5. libérer
6. libérer

p. ex. d'hypothèque

*CA (?QU, NB)

- S 1.
2. ?cancelación
3.
4.
5.
6.
- S relegación (CL) Medida administrativa (DL 31068 of 20.1.1980) y pena (CP 35), llamada también residencia forzosa y permanencia obligada
- E internal exile* CL banishment to a specified place in Chile without deprivation of liberty; SU Criminal Code translation art. 25 exile; ZA banning; also called internal banishment (A/38/385, para. 193), enforced residence (A/38/385, para. 195), restricted residence; loosely exile
* ?Amnesty International term
SU Code pénal traduction art. 25 résidence forcée
- F assignation à résidence
- S relegación mayor (CL) Pena
- E long-term internal exile
F assignation à résidence criminelle (à temps)
- S relegación menor (CL) Pena
- E medium-term internal exile
F assignation à résidence correctionnelle
- S relegación perpetua (CL) Pena
- E internal exile for life
F assignation à résidence (criminelle) à perpétuité
- S relegado (CL)
- E (internal) exile
- exiled For other possibilities, e.g. (person) subject to a restricted residence order, see the various renderings given in the E note to relegación
- F assigné à résidence

- F relégation (FR) Criminal penalty consisting (1885-1942) in the perpetual internment of an incorrigible offender in a French penal settlement overseas, similar to the English criminal penalty of transportation, and (1942-1970) in his rigorous imprisonment in a special penal establishment in France; abolished 1970 and replaced by tutelle pénale; Capitant, O'Rooney
- E penal relegation - transportation*
S * If (as in FR 1885-1942) it actually involves transportation
- F relevant de la juridiction
E amenable to the jurisdiction of ... - justiciable by ...
S
- F relever
v. il est établi ... bureau relevant du Ministre ...
relevant de la juridiction de ...
- F relever quelqu'un de la forclusion résultant de son acte CSAJED 16
E to relieve someone from the effects of his act CSAJED 16 (the effect being that the person in question, by doing the act, debars himself from exercising a right)
S
- E relief Satisfaction for a past injury, prevention of a threatened injury, enforcement or protection of a right (Jowitt); see remedy
- F réparation
S
- F rémanence
v. clause de rémanence
- E remand
1. (EN) temporary disposal of an unsentenced prisoner by a court in custody or on bail A form of committal; note 1

2. (US) sending a case back to an inferior court
- F 1. détention provisoire
2. renvoi d'une affaire devant une instance inférieure par une juridiction supérieure
- S 1.
2.
- E remand in bail (EN)
= remand on bail
- E remand in custody (EN) Temporary judicial custody, i.e. pre-trial detention; note 1; syn. US preventive detention; ?syn. IN judicial custody, judicial remand
- F détention préventive
S prisión/detención preventiva
- E remand on bail (EN) Release from temporary judicial custody; note 1; syn. EN remand in bail (Archbold); see bail
- F mise en liberté sous caution
S
- E remand prison (EN) Prison used only for persons remanded in custody, i.e. unsentenced prisoners; note 1
- F centre de détention préventive
S
- E remedy Remedies usually involve resort to a court, e.g. action for damages, but not necessarily, e.g. self-defence, re-entry; Jowitt, OCL, Black e.g. pecuniary damages, specific performance; US FRCP 18(b)
1. (EN, US) a means provided by law to recover rights or obtain redress or compensation for a wrong (Curzon)
2. (EN, US) the relief or redress given by a court
- F 1. voie de recours
2. réparation (légale)
- S 1.
2.

E remedy in personam

Lawson 15-16, 49-147,
161-227

F
S

E remedy in rem

Lawson 15-16, 148-160,
231-240

F réparation matérielle
S

F remettre
v. remise d'une cause

F remise = remisión 3., 4.

F remise d'une cause

E adjournment of a case
S

S remisión

1. envío de una persona a un lugar de detención
2. envío de un documento o cosa a alguien
3. disminución de la intensidad de una pena
4. abandono de una deuda

- E
1. committal
 2. transmittal - transmission
 3. remission* - reduction
 4. remission

EN Hampton 294
Relinquishment of an unsatisfied
debt; see surrender 1., 3.

- F
1. mise en détention -
(parfois) transfèrement
 2. transmission
 3. remise
 4. remise

S remisión condicional
= condena condicional

S remisión condicional de la pena
= condena condicional

E remission = remisión 3., 4

F	remplaçant (FR)	
	E deputy	Person who replaces the government procurator in a court of minor jurisdiction; note 4
	S	
F	rendre une décision	CA Loi de 1970 sur les pensions, 74(1)
	E to make*/give** a decision	* CA Pension Act 1970, 74(1) ** EN: term generally used of judicial and administrative bodies; a court is also said to <u>hand down</u> a decision
	S	
F	rendre un Etat justiciable d'une juridiction internationale	
	E to make a State amenable to (an) international jurisdiction	
	S	
F	renoncer	
	E to renounce - to surrender - to discontinue* - to withdraw** - to waive***	For these and alternative renderings, see E note to <u>surrender</u> l. * A judicial action; Langan 120 ** A claim, defence; Langan 120 *** A right (<u>waive the right to . . .</u>)
	S renunciar	
F	renonciation	Guillien; Rép. 'Acte' paras. 75-78; FR CPP 2
	E renunciation - surrender - discontinuance - withdrawal - waiver	For these and alternative renderings, see E note to <u>surrender</u> l.
	S renuncia	CL CC 763 (4)
F	renonciation à une succession (FR)	CC 784, Amos 305-307; syn. FR CC 718 <u>répudiation d'une succession</u>
	E renunciation of a succession	In the particular; EN <u>disclaimer of an estate</u> ; see <u>renonciation aux successions</u>
	S repudiación de una herencia	Ossorio <u>repudiación</u> ; ES CC 988-1009, MX CC 1653-1678

F	renonciation aux successions (FR, QU)	FR CC 784, QU CC 651, Amos 305-307; syn. FR CC 718 <u>répudiation des successions</u>
E	renunciation of succession	In the abstract; EN <u>disclaimer of estate</u> ; see <u>renonciation à une succession</u> ; SC CC 774 <u>repudiation of succession</u> , CC 784 <u>renunciation of succession</u> ; PH CC 1014 <u>repudiation of succession</u> ; QU CC 651 <u>renunciation of successions</u>
S	repudiación de la herencia	
S	renta	
	1. ingreso regular	Ossorio
	2. título que representa la deuda pública	Ossorio
	3. suma que por obligación o liberalidad se pasa periódicamente a una persona	Ossorio
	4. precio que paga periódicamente el arrendatario	Ossorio
E	1. income - revenue 2. government bond 3. annuity* - pension**	* Sum payable periodically but not necessarily annually, e.g. by an insurance company or charitable fund; MT CC 1783 ** Sum payable periodically by the State or a former employer
	4. rent	Sum payable, usually periodically, for occupying land or buildings; for alternative renderings (<u>rental, hire</u>) see E note to <u>loyer</u> 1. and note 9
F	1. rente(s) - revenu 2. dette 3. rente 4. loyer	p. ex. <u>renta pública</u> , dette publique p. ex. <u>renta vitalicia</u> , rente viagère
S	renta vitalicia (ES, CL)	ES CC 1802-1808, CL CC 2264-2278, PR CC 1702, MX CC 2774; Ossorio
E	life annuity	Sum payable periodically for life; distinguish from CL <u>censo vitalicio</u> ; PH CC 2021-2027, SC CC 1968
F	rente viagère	FR CC 1968-1983
F	rente = renta	

- F rentes = renta
- F rente viagère = renta vitalicia
- S renuncia = renonciation
- S renunciar
= renoncer
- F renvoi (FR)
v. cour de renvoi
demande de renvoi
juge de renvoi
- E transfer
- S
- F renvoyé devant une juridiction de jugement
- E committed for trial
- S
- F renvoyé à la cour d'assises pour être jugé
- E committed to the assize court for trial
- S
- S reo
- v. auto declaratorio de reo
auto encargatorio de reo
declarado reo
presunto reo
1. término general = delincuente
2. (proc. pen.: CL, ES, MX, NI, VE) el acusado o presunto responsable de un delito
3. (proc. pen.) el condenado criminalmente
4. (proc. civ.) el demandado
- E 1. = delincuente
2. accused - defendant
3. convict - convicted offender
4. defendant
- CPCN 356-366, CPP 662-667, COJ L.731.2
- Of a case from one court to another or from one division to another; distinguish from évocation, removal; see E notes to évoquer, avocamiento
- Substantivo, usado también como adjetivo en las acepciones 2. y 3.
- Ossorio; ES LEGR 834-846, MX CPPDF 295, 297, 385, 427; CL CPP 247, 274-279, 340-341, 358, 376-377, 380-400, 411, 426 et seq.; VE CEGR 42; AR; NI Dec. 185/79, 17
- Ossorio
- MX before or after committal for trial; CL after committal for trial; note 1

- F 1. = delincuente
2. inculpé - prévenu - accusé
3. criminel
4. défendeur
- v. note F au mot acusado 1.
p. ex. reo de Estado, criminel
politique
- S reo ausente = rebelde
- S reo de orden común = delincuente común
- E reoffender = réincidente
- S reo in fraganti (VE) CECR 186
- E criminal caught red-handed
- criminal found/arrested in
flagrante delicto
- F prévenu arrêté en flagrant délit
- S reo presunto (CL) CPP 7
- E suspect
F suspect
- F répartition
- E distribution* - appropriation** - * Of a dividend
apportionment*** - division**** ** e.g. of profit to
reserves
*** e.g. of profit among
partners, of costs, of capital
**** e.g. of the debts of a
succession among co-heirs;
Capitant I
- S repartición
- F répertoire général = répertoire
général des affaires
- F répertoire général des affaires (FR) Proc. civ.: CPCN 726, Dalloz
Proc. civ. p. 522
- E general cause list Martin cause list
S
- S réplica = réplique
- F réplique (CA, FR, CIJ) FR proc. civ., pén., adm.;
EGLAT réplique, requête;
Brown 60, Dalloz tribunal
administratif sect. 35,
Guillien; FR CPCN 346, 460,
513, 536; CIJ Statut 43

E replication* - reply**	* EN civ. proc. obs., crim. proc. rare; CA; OCL ** EN civ. proc; US civ. proc.; the term is confusing because it does not mean the defendant's reply to the plaintiff but the plaintiff's reply to the defendant; note 3; ICJ Statute 43
S réplica	ES LEC 540, CIJ Estatuto 43, CL CPC 312
F réponse v. mémoire en réponse	
S reposición (CL, ES, MX, UY) v. recurso de reposición	MX CFPP 386-388, CPPDF 431, CPCDF 686
E reconsideration	Of a case; see E notes to <u>recurso de reconsideración</u>
F reconsidération	
F représentant légal (FR)	EGLAT
E legal representative - representative at law	These terms are synonymous; use either, unless <u>représentant légal</u> is contrasted with <u>représentant judiciaire</u> or <u>représentant contractuel</u> , in which case translate as <u>statutory representative</u>
S representante legal	
F représentation légale (FR)	EGLAT, Guillien <u>représentation</u>
E legal representation - representation at law	These terms are synonymous; use either, unless <u>représentation légale</u> is contrasted with <u>représentation judiciaire</u> or <u>représentation contractuelle</u> , in which case translate as <u>statutory representation</u>
S representación legal	
F représentation dolosive	
E fraudulent misrepresentation	
S	
S represión = répression v. cuerpos de represión	

S represivo = répressif
v. agente represivo
fuerzas represivas
policía represiva
servicios represivos

F répressif
v. jugement répressif
juge répressif
jurisdiction répressive
tribunal répressif

E criminal - (law) enforcement* * Adjective
- coercive - deterrent
- punitive
S represivo

F répression
v. contentieux de la répression
services de répression

A distinguer de la
prévention; COPP, CSTP

E punishment* - prosecution * COPP
and punishment - repression** ** e.g. OCL 315 control and
- suppression*** repression of crime
- combating *** CSTP
S represión* - sanción** * CSTP
** COPP

F réprimer

E to (prosecute and) punish
- to repress - to suppress
- to combat - to put down
- to subdue

See répression; certaines
faits sont réprimés par le
Code pénal, certain acts are
punishable under the
Penal Code

S reprimir

S reprimir = réprimer

E repudiation

EN, US: refusal, express or
implicit, to perform a
contract, also called
disclaimer; in regard to
unvested rights, e.g. estates,
successions, normally called
renunciation; refusal by a
minor to perform a voidable
contract is also called
repudiation or disclaimer,
but, since he has the right
to refuse performance, it is
technically a form of
rescission

F répudiation* - renonciation** - * p. ex. d'une succession,
rentement*** de nationalité

** p. ex. à une succession

*** p. ex. de dette

S repudiación

F répudiation des successions
= renonciation aux successions

F répudiation d'une succession
= renonciation à une succession

F requérant

1. (FR: proc. civ., proc. adm.) CPCN 25, 57, Brown 58 et n.1,
celui qui dépose une requête, Dalloz Proc. civ. passim,
un recours ou une demande (dans Dr. adm. p. 245; Dalloz
ce dernier cas, appelé aussi compétence administrative
demandeur) sect. 63, tribunal
administratif sect. 81

2. Comité des droits de l'homme

E 1. applicant - petitioner - Note 3
plaintiff

2. petitioner

S 1. solicitante

2.

S requerido por la justicia

E wanted in connection with
judicial proceedings

- sought by the law

F recherché par la justice

S requerimiento

1. (proc. civ., pen.) acto
judicial (?quiere decir,
orden del juez en un pleito,
o acto de una parte en un
pleito, o uno y otro) por el
que se intima a alguien
para que haga o deje de hacer
una cosa

Ossorio, Escriche, Anabalón
p. 107; ES LEC 6, 270,
275-276, MX CPCDF 114

2. (?der. civ.) acto
extrajudicial por el que se
intima a alguien para que haga
o deje de hacer una cosa

Ossorio, Escriche, Anabalón
p. 107

3. (proc. pen.) acto judicial
por el que el ministerio
público pide algo al juez

CL CPP 81(3), 103; BO CPP
121(4), 128, 166-167, 219

- E 1. order* - injunction **
- summons***
2. notice
3. application
- F 1. assignation
2. ?mise en demeure
- ?sommation
3. réquisition
- S requerimiento fiscal (BO)
- E application by the public prosecutor/for the prosecution
- F requisition du ministère public
- S requerimiento provisional
- E interim injunction
- F injonction avant dire droit
- F requérir = requerir
- S requerir
- v. requerido por la justicia
1. término general
2. (proc. gen.) intimar a alguien por requerimiento judicial (?por orden del juez)
3. (?der. civ.) intimar a alguien por requerimiento extrajudicial
- * If emanating from the court
** If emanating from the court and ordering a person to do or refrain from doing a particular act; in cases of doubt use order
*** If emanating from a party; sometimes called requisition e.g. from a creditor to a debtor demanding payment of a debt; sometimes called requisition, e.g. in SCO Also called requisition; can sometimes be translated as an information, charge(s), indictment: see E note to réquisition 3.
- CPP 121(4), 128, 166-167, 219: requerimiento del representante del ministerio público en el sentido de que se inicie la instrucción, etc.
- Can sometimes be translated as an information, charge(s) indictment: see E note to réquisition 3.
- TD/B/RBP/15/Rev.1, art. 9 (II) (ii)
TD/B/RBP/15/Rev.1, art. 9 (II) (ii)
TD/B/RBP/15/Rev.1, art. 9 (II) (ii)
- v. requerimiento 1.
- v. requerimiento 2.

4. (proc. pen.) pedir algo al juez
5. (proc. gen.) pedir un juez algo a otro juez
6. investigar
- E 1. to call for/call on the services of/demand/require/seek
2. to order
3. to notify*/require**
4. to apply for/petition
5. ?to requisition
6. to investigate/examine
- F 1. demander - exiger
2. ?intimer - ?requérir
3. intimer - ?sommer
4. requérir
5. ?requérir
6. faire des recherches - enquêter
- S requérir en conclusiones (BO)
- E to make/present submissions to the court* - to apply to the court
F former une requête
- Dícese especialmente del ministerio público:
v. requerimiento 3., requisición 1.
v. requisitoria
- See the specific examples of requérir and requerir
- In the case of an injunction, to enjoin is sometimes used as an alternative
* A person that he should do or refrain from doing something
** A person to do or refrain from doing something; to require that something be done
- Both terms are used of a party other than the ministerio público or ministère public; for the distinction between them see note 3; in the case of the ministerio público or ministère public use to apply for. See also the specific examples of requérir and requerir, as well as requerimiento, requête, requisición, réquisition, requisitoria and their examples
- v. réquisition 4.
- Se dit d'une partie:
v. requête, et du ministère public: v. réquisition 2., réquisitoire
- CPP 46(8)
- * BO CPP 46(8)

- F requérir information
= requérir l'ouverture d'une information
- F requérir la force publique (FR) CPP 42, 72; Dalloz huissier de justice sect. 11
- E to call on (the services of) the police and the armed forces - to make use of the police and the armed forces
S requerir/pedir la fuerza pública See E note to fuerza pública
- S requerir la instrucción sumaria
= requérir l'ouverture d'une information
- F requérir l'application de la loi (FR) Proc. pén.: formule de réquisitoire prononcée par le ministère public; Dalloz Proc. pén. p. 631; CPP 31
- E to demand the enforcement of the law* - to see to the enforcement of the law**
S requerir la aplicación de la ley * Formule de réquisitoire
** CPP 31
- F requérir l'instruction préparatoire
= requérir l'ouverture d'une information
- F requérir l'ouverture d'une information (FR) Proc. pén.: CPP 44; syn. requérir information CPP 74, requérir l'instruction préparatoire CPP 79
- E to apply for examination proceedings (to be begun) The application is by the public prosecutor and takes the form of a réquisitoire introductif, one of the means by which criminal proceedings are begun in FR; loosely to file charges; the equivalent of EN to lay an information, which is a suitable alternative rendering
- S requerir la instrucción sumaria BO CPP 46(2)

- F requérir toutes les mesures propres à ... (FR) CPCN 311
- E to demand (call for any measures necessary to ...)
- S
- F requérir tout juge, tout officier de police judiciaire (FR) CPP 682
- E to call on/to require/to make use of the services of any magistrate or criminal investigation officer
- S
- F requérir une peine de ... (FR) Proc. pén.; formule de réquisitoire prononcée par le ministère public
- E to demand/call for a sentence of ...
- S pedir una pena de ...
- F requête
- v. ordonnance sur requête
1. (FR: proc. civ., proc. adm.) acte motivé, adressé par écrit à un magistrat (Capitant)
- CPCN 60, 461, 462, 494, 1051, 1063, 1089 et s., 1106, 1123 et s., 1160, 1168, 1212, 1216, 1286, 1301, 1475, CTA R.77, R.105; Dalloz Proc. civ. pp. 126, 177, 561, Brown 58, Dalloz nationalité sect. 41; dans la procédure contentieuse du Conseil d'Etat et dans la procédure des tribunaux administratifs cet acte s'appelle requête pour un particulier et recours pour un ministre, mais dans la pratique les deux termes et aussi pourvoi s'utilisent indifféremment dans les deux cas (Auby I, 871, II, 12)
2. (CJCE) Statut
3. (CIJ) Statut 40

- E 1. application - petition ES, FR: used in particular to commence non-contentious proceedings; for the distinction and the alternative term motion see note 3
2. application
3. written application
- S 1. sollicitud ES LEC 1815
- 2.
3. sollicitud escrita
- F requête civile (FR obs., Dalloz Proc. civ. pp. 764, 899)
= recours en révision
- F requête conjointe (FR) CPCN 54, 57, 750, 793-796, 845-847, 854, 859-860, 900, 926-930
- E joint motion FR: a means alternative to assignation of commencing contentious proceedings; SCO joint motion; as to application see note 3
- S
- F requête en intervention FR CTA R.154; CJEC
- E motion to intervene CJEC; as to motion see note 3
- S
- F requête initiale (FR) CPCN 1092, v. CPCN 1139
- E originating petition In divorce or separation proceedings
- S
- F requête introductive d'instance (FR) AL: CTA R.77, R.91, R.105
- E originating motion As to motion see note 3
- S
- F requête unique (FR) CPCN 1089
- E joint petition For divorce filed by husband and wife
- S

S requisia

- 1.
- 2.

Ossorio

- E 1. inspection
2. requisition(ing)
- F 1. revue - inspection
2. réquisition

See E note to requisar 2.

S requisar

- 1.
- 2.

UY

Ossorio requisa

- E 1. to inspect
2. to requisition

To demand necessaries, usually property but sometimes services, for military or other emergency purposes; Jowitt requisitioning, Martin 3, Words and Phrases; does not normally imply expropriation

- F 1. inspecter - ?visiter
2. réquisitionner

S requisición

1. = requisia 2.
2. = réquisition 2.

F réquisition

v. prendre des réquisitions
réquisitions ...

1. opération par laquelle (dr. adm.: FR) l'Administration ou (dr. int.) l'occupant militaire exige d'une personne un bien ou une prestation; appelée souvent réquisitions
2. (proc. civ.: FR) avis ou demande du ministère public, présenté verbalement ou par écrit devant une juridiction civile; appelée le plus souvent conclusions et aussi réquisitions

Capitant III, V; Dalloz réquisitions, Guillien

Guillien réquisitions

3. (proc. pén.: FR) demande du ministère public, présenté verbalement ou par écrit devant une juridiction pénale; appelée pour la plupart réquisitoire ou réquisitions
4. (proc. pén: FR) ordre donné par un juge (sans être un mandat ou une ordonnance) ou par une autorité civile, notamment à la police

- E
1. requisition(ing)
 2. submission(s)* - application** - argument(s)*** - case ***

3. submission(s)* - application** - argument(s)*** - case***

Capitant I, Capitant réquisitoire I, Guillien réquisitions, réquisitoire.
CPP 51, 74, 80, 82, 86, 109, 148, 175, 196.1, 313-314, 326, 346, 421, 458, 460, 463, 593 602, 675, 741.2; Dalloz Proc. pén. pp. 113, 321, 447
CPP 30, 110, 134, 741;
Dalloz Proc. pén. p. 482

See E note to requisar 2.

* Technical term appropriate in all circumstances

** Technical term appropriate as a translation of réquisition in the singular
*** Non-technical term appropriate as a translation of réquisitions

The public prosecutor can make submissions to the examining magistrate (i) to commence criminal proceedings, (ii) at any time after they have begun. In the case of (i) his action is equivalent to laying an information (EN technical term), bringing a charge, charges (EN non-technical term), filing a charge, charges (US non-technical term), bringing/filing an indictment (non-technical term when used in this sense, see note 1). An information, charge(s), indictment can therefore be used where appropriate.

* Technical term appropriate in all circumstances

** Technical term appropriate as a translation of requisición, requerimiento fiscal and réquisition in the singular

*** Non-technical term appropriate as a translation of réquisitions and réquisitoire

4. order* - warrant** -
rogatory commission***

* If addressed e.g. to the
police
** If used to compel
appearance in criminal
proceedings, e.g. of a
defaulting witness
(FR CPP 110: witness warrant)
or a defaulting defendant
(ES LECR 511-515, 784(4),
835-839: arrest warrant)
*** If addressed by one
judge to another

S 1. requisita
2.
3. requisición* -
requerimiento fiscal**
4. requisitoria

* CL CPP 81
** BO CPP 121(4), 128,
166-167, 219
Ossorio, Escriche; puede
ser dirigida por un juez
a otro juez o a un
funcionario de grado
inferior; ES LECR 511-515,
784(4), 835-839, MX CPPDF 38,
CFPP 46

F réquisitions (FR)
v. prendre des réquisitions
1. = réquisition 1., 2., 3.
2. = réquisitoire 2.

F réquisitions de non informer (FR)

CPP 86, Dalloz Proc. pén.
p. 450

E submission of no prosecution
S

Made by the ministère public

F réquisitoire

1. = réquisition 3.
2. (proc. pén.: FR) plaidoirie
du ministère public,
prononcée devant une
juridiction de jugement
à la fin d'un procès;
appelée aussi
réquisitions

Capitant II, Dalloz Proc.
pén. p. 629, Dalloz
instruction à l'audience
sect. 55; CPP 313

E 1. = réquisition 3.
2. summing-up (for the
prosecution)

EN closing speech for the
prosecution; Merryman 703
summation; note 1

S 1. = réquisition 3.
2.

- F réquisitoire à fin d'informer =
réquisitoire introductif = réquisitoire
- F réquisitoire définitif (FR) CPP 175, Dalloz Proc. pén.
p. 570, Guillien réquisitoire
- E final application
S
- F réquisitoire de soit-informé
= réquisitoire introductif
- F réquisitoire introductif (FR) CPP 80, 82; Guillien
réquisitoire, Capitant
réquisitoire introductif
d'instance, Dalloz Proc.
pén. pp. 113, 447; syn.
réquisitoire à fin d'informer
(Capitant), réquisitoire de
soit-informé
- E originating application
- an information* FR: a means of commencing
criminal proceedings and,
where an instruction
préparatoire is required, the
only one; can sometimes be
translated as charge(s),
indictment; see E note to
réquisition 3.
* EN, US
- S
- F réquisitoire supplétif (FR) CPP 82; Guillien réquisitoire
- E supplementary application
S
- S requisitoria = réquisition 4.
- E rescind = rescinder
- F rescinder (BE, FR)
- E to rescind BE, ES, FR: to nullify a
juridical act for lesion; EN
to nullify a juridical act or
judicial decision; V. E and S
notes to F rescision and
note 15
ES
- S rescindir
- S rescindir = rescinder

- F rescision (BE, FR)
v. action en rescision
- BE CC 783, 887-892, 1117,
1304-1314, 1674-1685, 2054;
FR CC 491.2, 510.3, 783,
887-892, 1117, 1304-1314,
1674-1685, 2054; Amos 163-165,
316, Nicholas 131-137, Dalloz
Civ. obl. pp. 238-240, 321-322
- E rescission
- SC CC 887; BE, ES, FR:
nullification of a juridical
act for lesion; EN
nullification of a juridical
act or judicial decision; in
the case of a contract, its
nullification for fraud; in
ES the term rescisión is
sometimes confused with
resolución; note 15; see also
E note to repudiation
- S rescisión
- ES CC 1073-1081, 1290-1299,
1454, 1469, 1483, 1486, 1556
1819, CCOM 329, 330; CL CC
1348, 1691; Ossorio rescisión,
rescisión de los contratos,
Gómez, rescisión; término
confundido con resolución:
Gómez resolución de los
contratos, Aguilar, Colex
(varios de los artículos del
CC arriba mencionados)
- S rescisión = rescision
v. acción de rescisión
- F rescisoire
v. action rescisoire
- S rescisorio
v. acción rescisoria
- E rescission = rescision
- L res communes
- Things common to all,
e.g. light and air
- E res communes
- F chose commune - res communes
- S Cosa común - res communes
- Marty Civ. biens p. 517
- L res derelicta
- Abandoned thing; Black
- E res derelicta
- F res derelicta
- S cosa abandonada - res derelicta
- Marty Civ. biens p. 517

S reserva

1. (der. civ.) = réserve
2. (proc. gen)

CL: CCPR/C/32/Add.1, S p. 55

- E 2. (translate according to context)

e.g. el juez puede disponer una mayor reserva, the judge may direct that the subsequent stage of the proceedings also be held in camera, the implication being that the requirement of secrecy attaching by law to the sumario, pre-trial proceedings, will be extended to the plenario, trial, which would otherwise take place in open court

- F 1. réserve
2. réserve

F réservataire = héritier réservataire

F réserve (BE, CH, FR)

Dr. civ.: BE CC 913
et seq., CH CC 470-480,
FR CC 913 et seq.; Amos
317, 333; syn. BE, CH, FR
réserve héréditaire, légitime

E reserve - legitim*

Portion of a person's estate which is reserved for certain of his relatives, especially his children, and which he cannot therefore dispose of by will or gift; also called reserved estate, inheritable reserve

* SCO, MT CC 652, OCL; Black,
PH CC 886 legitime

S reserva - legitima

F réserve héréditaire = réserve

F réserve légale (FR)

Dr. com.: Loi 24.7.1966,
345; Guillien réserves

E	legal/statutory reserve	Portion of its profits which a company is required to set aside by law; use <u>statutory</u> where it seems appropriate to emphasize that the requirement in question is one of enacted law but do not allow this to lead to confusion with <u>réserve statutaire</u> ; note 6
S	reserva legal	
F	réserve statutaire (FR)	Dr. com.; Guillien <u>réserves</u>
E	reserve prescribed by the statutes	Portion of its profits which a company is required by its <u>statuts</u> to set aside. As to the use of <u>statutes</u> see E note to <u>statut</u> 1.
S		
F	résidence (BE, FR)	BE CC 214, 1247; FR CC 215, 1247, CPCN 653
E	résidence* - home	Note 16 * Technical term
S	residencia	Ossorio
F	résidence conjugale (BE CC 214) = domicile conjugal	
F	résidence de famille (FR)	CC 215
E	family home	
S		
S	residencia = résidence	
S	residencia forzosa (CL)	Nombre que como variante se da a la noción de relegación. Generally but not necessarily when the latter is an administrative measure
E	internal exile	For alternatives see E note to <u>relegación</u>
F	résidence forcée/surveillée	
F	résiliation (BE, CH, FR)	Loi 1360 1.9.1948, 9, Déc. 960 30.9.1953, 25, Loi 526 22.6.1982, 9; Dalloz <u>louage</u> sects. 74, 213, Dalloz Civ. obl. p. 549, Capitant, BARRAINE

E	termination	BE, CH, EN, FR, US: ending of a contract by mutual agreement; note 15
S	denunciar	Gómez: <u>resolución de los contratos</u>
F	résilier (BE, CH, FR)	BE CC 1760, 1766; CH CDO <u>passim</u> ; FR CC 1760, 1766
E	to terminate	BE, CH, EN, ES, FR, US: to end a contract by mutual agreement; note 15
S	denunciar	Gómez: <u>resolución de los contratos</u>
L	<u>res nullius</u>	Ownerless thing, e.g. fish before capture, rainwater; Black, OCL
E	<u>res nullius</u>	
F	chose sans maître - <u>res nullius</u>	Marty Civ. biens p. 527
S	<u>res nullius</u> - cosa de nadie	
S	resolución	
	v. simple resolución administrativa	
	1. decisión judicial o administrativa	Judicial: IACEV 1, CO CPP 169, MX CPCDF 79, UY CPC 538
	2. (ES) reducción a la nada de un contrato no cumplido	ES CC 1124, 1454, 1469, 1483, 1486, 1504, 1505, 1556, 1819, CCOM 329, 330; Ossorio <u>resolución de los contratos</u> ; término confundido con <u>rescisión</u> : Gómez <u>resolución de los contratos</u> , Aguilar, Colex (varios de los artículos del CC arriba mencionados)
	3. decisión adoptada por una sociedad u organización	
E	1. decision - ruling*	Translate as <u>judicial decision/ruling</u> or <u>administrative decision/ruling</u> where the context permits * IACEVI
	2. avoidance	BE, FR, ES: nullification of a contract for non-performance; EN nullification of a contract generally; in ES the term <u>resolución</u> is sometimes confused with <u>rescisión</u> ; note 15

3. resolution
F 1. décision - jugement
2. résolution
- IACEV 1 utilise les deux termes
BE, FR CC 1184, 1654-1658;
Nicholas 78-79, 106, 236-240,
Amos 187-189, Barraine,
Guillien, Buffelan 2 257,
Dalloz Civ. obl. pp. 530-556
* FR Loi 24.7.1966, 100
** FR Loi 24.7.1966, 173
3. décision* -
délibération**
- S resolución gubernativa
- E administrative decision
F
- As opposed to a judicial
decision
- S resolución judicial (CL CPC 158-185,
CPP 43, ES LEC 369, LECR 141,
MX CPCDF 55-94, CPPDF 71-79,
CFPP 94-102) = providencia 1.
- S resolución ministerial
- E ministerial decision/order
F arrêté ministériel
- Tanto en el sentido de
orden escrita y numerada
como en el amplio de
decisión administrativa
adoptada por un Ministro
del Gabinete
- (parfois) décret ministériel
- F résolution = resolución
v. action en résolution
action en résolution pour
inexécution
- F résolutoire
v. action résolutoire
clause résolutoire
condition résolutoire
- S resolutorio
v. acción resolutoria
cláusula resolutoria
condición resolutoria
- S resolver = résoudre
- S resolver sin más recurso (UY)
- E to deliver an unappealable
decision/a decision of last
resort
F statuer en dernier ressort

- F résoudre (BE, FR)
E to avoid BE, ES, FR: to nullify a contract for non-performance;
EN to nullify a contract generally; note 15
S resolver ES
- F respecter
v. ne pas respecter une disposition
- S respetar
E to respect - to observe hacer respetar un derecho,
F respecter - observer to enforce a right
- S respeto de derechos
E protection of rights
F protection des droits
- S responsabilidad Ossorio
v. recurso de responsabilidad
E responsibility - liability
These terms are sometimes used interchangeably, e.g. criminal responsibility, vicarious responsibility and vicarious liability. Generally speaking, however, in a legal context responsibility tends to mean mere imputability whereas liability means the accountability at law to which that imputability gives rise, namely a legal obligation, e.g. to pay, to repair, to go to prison. Compare responsible for the damage, for the murder, with liable for the damage, for (the) murder. In the law of contract and that of tort liability is invariably used. OCL responsibility, liability; Jowitt, Martin, Osborn: liability.
F responsabilité Capitant I, II, Guillien (dans tous ces cas, l'équivalent de liability)

- S responsabilidad penal
= responsabilité pénale
- F responsabilité = responsabilidad
v. le refus engage la
responsabilité ...
le refus engage sa
responsabilité
le refus entraîne la
responsabilité ...
un Etat engage sa
responsabilité
- F responsabilité civile (FR) Loi 24.7.1966, 242 et seq.;
Daloz
E civil liability - third-party liability* * EN, especially in insurance
S responsabilidad civil
- F responsabilité du fait d'autrui
= responsabilité pour fait
d'autrui
- F responsabilité indirecte
E indirect responsibility* * IL SR
- vicarious liability**/ ** Synonyms: Martin
responsibility** vicarious liability
S responsabilidad indirecta
- F responsabilité légale (FR)
E statutory liability
S responsabilidad legal
- F responsabilité pénale
1. (droit interne) FR Daloz
2. (droit international)
E 1. criminal responsibility/
liability Synonyms having equal
currency: Salmond pp. 349
et seq.; OCL; note 2
2. criminal responsibility
S responsabilidad penal
- F responsabilité pénale internationale Dr. int.
E international criminal
responsibility
S responsabilidad penal
internacional

- F responsabilité pour fait d'autrui
Dr. civ.: FR syn.
responsabilité du fait d'autrui (Capitant);
dr. int. SR 1980 DA 28
- E vicarious liability/
responsibility*
Synonyms: Martin
vicarious liability
* IL SR 1980 DA 28
- S
- L restitutio in integrum
- E
F rétablissement de la situation
antérieure au dommage
Cornu
- S
- S resultados del delito
- E proceeds of the offence
F produit du délit
- S retén (CL)
De Carabineros, a cargo de
un suboficial (sargento,
etc.)
- E local Carabineros station
F poste de carabiniers
- S retención indebida
P. ej. de fondos públicos,
como cuando no se depositan
dentro del plazo señalado por
la ley
- E wrongful detention
- unlawful detainer*
F ?conservation indue
par-devers soi -
?malversation - ?détournement
de fonds publics
* EN: OCL detainer
- F retenir une cause
- E to find a case admissible
Of a court, to find that
it has jurisdiction over
a case
- S
- F rétention
v. droit de rétention

S retirar

- 1. = retirer
- 2.

E 2. to impound

- F 1. retirer
- 2. saisir

F retirer

Proc. civ., proc. pén.; FR
Dalloz Proc. pén. p. 121

E to withdraw

e.g. a claim, a criminal
complaint; for usage and
alternatives see note 15;
se retirer en chambre du
conseil, retirarse, to
withdraw (ICJ Statute 54)

S retirar

F retour légal (FR)

CC 747

E statutory reversion -
reversion by operation
of law

Of property

S

F rétractation (FR)

CPCN 571

v. voie de rétractation

E retraction

Black; the revocation of
a judicial decision by
the court which took
the decision

S retractación

F rétracter (FR)

CPCN 571

E to revoke

A judgement

S

F retrait

VCLT 42-43

E withdrawal

From a treaty; VCLT 42-43;
for usage and alternatives
see note 15

S retiro

VCLT 42-43

F revendiquer un droit (CA)

VOCL 3

E to assert a right

CA VOCL 3

S reivindicar un derecho

F	revenu apparent (FR)	
	E apparent (source of) income	
	S	
F	revirement de jurisprudence (FR)	
	E (translate according to context)	The term means a reversal in the pattern or trend of judicial decisions (David Sys. p. 106) hence a court can be said to have <u>reversed/departed from its settled practice/established practice/previous practice</u> , a decision can be said to represent a <u>reversal of, departure from ...</u>
	S	
S	revisación (UY)	De una persona
	E search	
	F fouille	
S	revisar	Una persona
	E to search	
	F fouiller	
E	Revised Statutes	CA
	F Statuts révisés	CA; <u>révisés</u> et non pas <u>révisés</u> selon la publication officielle
	S	
E	Revised Statutes of Canada	
	F Statuta révisés du Canada	<u>révisés</u> et non pas <u>révisés</u> selon la publication officielle
	S	
F	révision (CA, FR, GE, CJEC, ICJ) v. demande en révision recours de révision recours en révision	Proc. civ., proc. pén., proc. adm.: procédé de modification d'une décision judiciaire en ce qui concerne les faits sur lesquels la décision est fondée; CA Loi sur la cour fédérale 28; CJEC: CJECSC St. 38, CJEEC St. 41, CJECRP 98; CIJ Statut 61; EGLAT

E review* - reconsideration**
- revision***

Judicial review of the facts
on which a judicial decision
is based

* Use this term where the
decision is reviewed by a
court (e.g. FR Court of
Cassation) superior to the
court of last resort; CA
Federal Court Act 28

** Use this term where the
decision is reviewed by the
court which took it

*** CJEC: CJECSC St. 38,
CJEEC St. 41, CJECRP 98;
ICJ Statute 61
ICJ Statute 61;
MX CPCDF 716

S revisión

S revisión (CL, ES, MX, ICJ)
= révision

S revocación
v. recurso de revocación ...
1. término general
2. término procedural

MX CPPDF 412

E 1. revocation
2. reconsideration

For usage and alternatives
see note 15

See E notes to recurso de
reconsideración.

F 1. révocation
2. révision

S revocar

E to revoke

For usage and alternatives
see note 15

F révoquer

F révocation = revocación

S revocatoria
v. recurso de revocatoria

F révoquer = revocar

F revue juridique

E legal periodical -
law magazine/review

S revista jurídica

E right = derecho 1., 3.
v. in right of

E right against self-incrimination
= right to silence

E right of audience (EN)

Right of an advocate to be heard in legal proceedings (Martin); in EN, only barristers have the right of audience in the higher courts, generally speaking, while both barristers and solicitors have this right in the lower courts; syn. advocacy rights; do not confuse with locus standi
Droit d'un avocat de plaider devant une juridiction déterminée; Exclusive right of audience; monopole de la représentation

F droit de plaider

S

E right of recourse
= recours 2.

E right of silence = right to silence

E right to begin

EN: civ. proc., crim. proc.: the right of counsel to address the court first; Osborn

F
S

E right to counsel (ZA)

F
S

E right to silence (GB, SG)

Crim. proc.: right of a suspect or accused not to answer police questions or testify in court; Martin right of silence; in GB the form right of silence is preferred; also called right against self-incrimination

F	droit de refuser de déposer	Un témoin peut refuser de déposer si sa réponse risque d'entraîner son incrimination; US <u>Privilege against self-incrimination</u> , garantie contenue dans le 5e amendement "nul ne pourra être contraint de témoigner contre soi-même"
S		
S	RM = resolución ministerial	
S	robar	
E	to steal - to rob*	* To steal by force; Martin, Osborn
F	voler - dérober	
S	robo	
	1. (der. pen.: MX) apoderamiento de una cosa ajena mueble sin derecho y sin consentimiento del poseedor	CP 367
	2. (der. pen.: CL) lo mismo, con violencia o intimidación	CP 432-433
E	1. theft 2. robbery	Stealing; Martin, Osborn Stealing by force; Martin, Osborn
F	1. vol* - ?vol simple** 2. vol qualifié	* FR CP 379, Dalloz ** FR CP 381 FR Dalloz <u>vol</u> sects. 6, 8-12
S	robo calificado	
E	aggravated theft	It may or may not constitute robbery
F	vol qualifié	FR Dalloz <u>vol</u> sects. 6, 8-12
S	robo con intimidación (CL)	CP 432-433
E	robbery	
F	vol avec intimidation	A/37/594, para. 58
S	robo con violencia (CL)	CP 432-433
E	robbery with violence	
F	vol avec voie de fait	

S	rol N°.	Número correlativo que se asigna a las causas que ingresan a un tribunal
	E case No.	
	F affaire n°	Numéro d'inscription au rôle
S	rolar	Estar incorporado en un expediente, archivo o registro público
	E to be on the record/ filed/recorded/ archived/registered	
	F être consigné/inscrit	
F	rôle v. cause inscrite au rôle	
	E list	Of cases
	S rol	
F	rôle des plaidoiries (FR)	
	E pleaded list	List of cases to be pleaded in court and not merely judged sur <u>pièces</u>
	S	
E	R.S. = Revised Statutes	
E	R.S.C. = Revised Statutes of Canada, Rules of the Supreme Court	
S	rubricar	
	E to paraph	Of a notary, to place a flourish below his signature on a notarial act
	F parapher	
E	rule of double jeopardy v. <u>non bis in idem</u>	
	F règle de non double incrimination	v. US, Bill of Rights, fifth Amendment: <u>No person shall be put twice in jeopardy of life or limb</u> , nul ne peut être jugé deux fois pour le même délit
	S	
E	rule v. legal rule	

E rule of law

1. the rule of law: system of government in which the law is supreme, in which all are equal before the law
2. a rule of law: a statement of what the law directs on a particular matter, also called legal rule

OCL, Martin, Osborn; Black rule: rule of law; used in UK in particular to denote a salient characteristic of the British Constitution
OCL rule, Osborn rule 3: Salmond chap. I passim (using these two terms as synonyms), David Sys. pp. 332-334, 365

- F
1. règne de la loi* - empire de la loi - règne du droit** - principe de la légalité
 2. règle de droit* - règle juridique**

* Capitant I, II
** David GS p. 379; droit semble traduire mieux le sens du mot law ici
* Capitant, Guillien;
David GS pp. 366-368, 399
** Guillien règle de droit

- S
- 1.
 2. norma jurídica?
- norma legal?

Ossorio

E Rule of Law State

F Etat de droit
S

E rule of non-justiciable issues
v. judicial abstention rule

E Rules of the Supreme Court (EN)

F règlement de la Cour suprême
S

F rupture de ban

1. (FR) crime constitué par le fait pour le banni de rentrer en territoire français avant l'expiration de sa peine
2. (FR) infraction à l'interdiction de séjour
3. sens commun

Capitant I; CP 33

Capitant II

Petit Robert, GDEL: ban

E 1. breach of exile
2. breach of local expulsion order - breach of/
breaking* bounds *Jéraute
3. ?

S 1.
2.
3.

F rural
v. bail rural

E agricultural* - rural

* In FR the term rural, when used in a legal context, often means agricole, especially as regards biens ruraux and baux ruraux

S rural

S

F saisie

Sometimes found as a misprint for saisine (e.g. in a document emanating from BI)

1. (dr. civ., com., pub., proc. civ., com., pén.: CA, CH, FR, RW) mise d'un bien mobilier ou immobilier sous main de justice ou d'une autorité administrative

FR CC 1414, 2092.1, 2244, CPCA 48-57, 545-748, 819-831, CPP 30, 54, 56, 59, 97-100, CT L.145.1-6; CH LP 38, 88-150, proc. pén.; RW CPP 34 Capitant, Guillien, Amos 239-240, Boillod 300; CA VOCL 1

Exemples:

- (i) Saisie des biens d'un débiteur pratiquée dans diverses circonstances: voie d'exécution forcée d'un acte ou d'un jugement, ou de recouvrement d'une dette, saisie conservatoire, saisie-gagerie, etc.
- (ii) Saisie-contrefaçon en matière de propriété industrielle (? et intellectuelle)
- (iii) Saisie d'objets par la police en matière pénale (appelée aussi séquestre: v. Quemner, séquestre des pièces à conviction)
- (iv) Saisie d'objets par la douane (appelée aussi séquestre: v. Quemner, séquestre douanier)

2. (JI)

A/CN.4/388, para. 34

- E 1. seizure - impoundment* - confiscation - attachment - execution - distraint - arrest - sequestration
2. attachment* - seizure and attachment**
- S 1. secuestro - embargo
2. secuestro* - secuestro y embargo preventivo**
- F saisie-arrêt (FR)
- E attachment
- S embargo preventivo
- F saisie-arrêt des rémunérations du travail (FR)
- E attachment of earnings
- S retención del salario
- For the distinction between these terms see note 8
- * syn. impounding
* Of property; A/CN.4/388, para. 34
** Of a vessel; A/CN.4/388, para. 34
- v. secuestro 2., 3., S embargo 1.
* De bienes; A/CN.4/388, para. 34
** De un buque; A/CN.4/388, para. 34
- Voie d'exécution forcée pratiquée par un créancier entre les mains d'un tiers sur une somme ou un bien mobilier dus à son débiteur; CC 1242, CPCA 557-582, 820; Capitant, Guillien, Amos 240 n.1; EGLAT mesures conservatoires; syn. opposition 3., JI
- v. attachment; SCO arrestment, JI arrest; where appropriate translate as attachment of debt (EN; syn. garnishment (EN, CA), attachment by garnishment (CA); VOCL 1); where the debt takes the form of earnings owed to an employee by an employer or of funds owed to a depositor by a banker, translate as attachment of earnings and attachment of bank balance respectively
JI
- Voie d'exécution forcée pratiquée par un créancier entre les mains d'un employeur sur la rémunération de son débiteur; Dalloz Voies pp. 232-248
- EN; v. E note to saisie-arrêt

F	saisie-brandon (FR)	Voie d'exécution forcée pratiquée par un créancier sur les récoltes de son débiteur; CPCA 626-635
	E attachment of crops	
	S	
F	saisie conservatoire (FR)	Guillien, Amos 240; Guillien; EGLAT <u>mesures conservatoires</u> ; CPCA 48-57; JI A/37/10 da7c19, A/CN.4/388, para. 37
	E provisional attachment	Wood 66, JI A/CN.4/388, para. 37; Wood 107, 111, <u>pre-judgement attachment</u> , Amos 240 <u>provisional seizure</u> , JI A/37/10 da7c19 <u>pre-judgement attachment or seizure</u> ; EN Odgers 59 <u>et seq.</u> , RSC 0.29 r.1, <u>Martin Marevá injunction</u> ; SCO <u>arrestment in security</u> , Marshall 52, 53; v. <u>attachment</u>
	S embargo preventivo* - secuestro**	* Ossorio <u>embargo</u> ; ES LEC 1397-1418 ** JI A/CN.4/388, para. 37
F	saisie des rentes (FR)	Voie d'exécution forcée pratiquée par un créancier entre les mains d'un tiers sur une rente due à son débiteur
	E attachment of annuities	
	S	
F	saisie en cours d'instance (CA)	VOCL 1
	E attachment <u>pendente lite</u>	CA VOCL 1
	S	
F	saisie-exécution (FR)	Voie d'exécution forcée pratiquée par un créancier sur les biens mobiliers corporels de son débiteur; Guillien, Amos 240 n.1; CPCA 583-625; JI
	E execution against movables	JI <u>execution</u>
	S ejecución	JI

F	saisie exécutoire	JI
	E execution* - attachment in aid of execution**	* JI ** Wood 111
	S	
F	saisie foraine (FR)	Voie d'exécution forcée pratiquée par un créancier sur les meubles d'un débiteur de passage (p. ex. un client d'hôtel); CPCA 822
	E distress* on stranger's goods	* Syn. <u>distrain</u>
	S	
F	saisie-gagerie (CA, FR)	Voie d'exécution forcée pratiquée par un créancier bailleur sur les meubles de son débiteur garnissant les lieux loués; FR CC 2102, CPCA 819-825, CA VOCL 1
	E distress* for rent	EN: Martin; CA; *syn. <u>distrain</u> (EN; CA VOCL 1)
	S	
F	saisie immobilière (FR)	Voie d'exécution forcée pratiquée par un créancier sur un immeuble de son débiteur; CPCA 673-748, Déc. 167 l.3.1967, Amos 240 n.1
	E seizure of immovables	Syn. EN <u>sequestration</u>
	S	
F	saisie mobilière (FR)	Guillien
	E seizure of movables	
	S	
F	saisie préliminaire (JI A/CN.4/388, para. 37) = saisie conservatoire	
F	saisie provisoire (Amos 240 n.1) = saisie conservatoire	

F saisie-revendication (CA; FR)

Guillien; FR CPCA 826-831,
CA VOCL 1

E replevin

EN Martin

S

F saisine

1. (dr. civ.: FR) droit de prendre possession immédiate des biens successoraux
2. (dr. civ. CA) possession of a freehold estate in land
3. (pr. civ., pén.: FR) acte de saisir un tribunal d'une affaire
4. (dr. const.) action de porter devant un organe une question sur laquelle celui-ci est appelé à statuer

Guillien, Capitant, Marty; Succ. nos. 135-140; CC 724, 1008, 1026; QU CC 918; Amos 305, 323, 325-326
VOCL 1

Guillien; Dalloz Proc. civ. pp. 41 et passim (v. p. 498), Proc. pén. pp. 445 et seq., 466-471, 600-616; Const. 61 p. ex. saisine du Conseil constitutionnel

E 1. right of possession

A person who has the right in question is described in common law terminology as being invested in possession; SC seisin, QU CC 918 seizin; (obsolescent)

2. seizin

CA, EN, US; Black, OCL

3. reference

seisin
Technical term for the step by which a case or matter is referred to a court or other body, sometimes called referral; examples of the means by which reference is effected are the originating process in civil proceedings and an information in criminal proceedings. The noun seizin is not normally used in this sense but the verb to seize is

4.

S
1.
2.
3.
4.

F	saisine des héritiers (FR)	Dr. civ.: CC 718(h)
	E vesting of heirs in possession	SC CC 718(h) <u>seisin of heirs</u>
	S	
F	saisine directe (FR)	Proc. pén.: procédure utilisée notamment en cas de flagrant délit (pour lequel elle a remplacé l'ancienne procédure de flagrant délit); Guillien, CPP 393-397
	E direct referral - direct proceedings	i.e. the bringing of a criminal prosecution without an information being laid
	S	
F	saisir	
	v. biens saisis, hypothéqués ou nantis	
	être saisi de saisie ...	
	tiers saisi	
	1. mettre un bien sous main de la justice ou d'une autorité administrative	Capitant <u>saisie</u>
	2. mettre quelqu'un en possession de quelque chose	
	3. porter une affaire devant une juridiction	
E	1. to seize/impound/confiscate/attach/levy (an) execution/distrain/arrest/sequester*	For the distinction between these terms see note 8 *Syn. <u>sequester</u> (rare)
	2. (translate according to context)	The literal meaning is to <u>give someone possession of something, to put someone in possession of something</u> ; e.g. <u>le mort saisit le vif</u> , possession vests on death, <u>les héritiers sont saisis de plein droit de tous les biens de la succession</u> , the entire estate vests in possession in the heirs by law

3. to seize/refer	To <u>seize</u> a court or other body of a case or matter is to <u>refer</u> it to that court or body (David Sys. 396); e.g. the Security Council is seized of the dispute; <u>le tribunal est saisi de ...</u> , the court is seized of ...; <u>le tribunal peut se saisir soit d'office soit à la demande d'une partie</u> , the court can be seized either of its own motion or on the application of a party; <u>l'affaire dont la Cour est saisie</u> , the case before the Court (ICJ Statute 31)
S 1. secuestrar - embargar	v. <u>secuestrar</u> 2., 3., S <u>embargaro</u> 1.
2.	
3.	
F saisir-arrêter une créance (CA)	VOCL 1
E to attach a debt	CA VOCL 1
S	
S sala (ES)	De un tribunal colegiado; LOPJ 55, 64, 72
E division	Of a collegiate court of justice; CA, EN
F chambre* - division** - section***	* FR ** CA *** FR Conseil d'Etat, Conseil des prud'hommes, Tribunal paritaire des baux ruraux
S sala de gobierno (ES)	LOPJ 149-159; Ossorio
E administration division	As distinct from the judicial division or divisions of the same court
F section	
S sala de justicia (ES)	LOPJ 165
E court of justice - judicial division*	* As distinct from the administration division of the same court
F chambre	

S	sala de lo contencioso-administrativo (ES)	LOPJ 55, 64, 72
	E administrative litigation division	Of the superior courts of justice
	F section du contentieux	
S	sala de lo penal (ES)	LOPJ 55, 64
	E criminal division	Of the supreme courts of justice
	F chambre pénale	
S	salvaguardia (UY)	Personal encargado de la vigilancia de los detenidos o de la custodia de los prisioneros
	E gaolers* - warders**	* Gaol ** Prison
	F (la) garde - surveillants* - gardiens*	*Dans une prison militaire
S	salvoconducto (CL)	Autorización que el arrendatario debe obtener de Carabineros para poder trasladar sus muebles y efectos de una casa a otra y que se estampa al dorso del último recibo de arriendo
	E removal permit	
	F autorisation de déménagement	
S	sanción = F sanction	
S	sanción de privación de libertad (CU) = pena privativa de la libertad	
S	sancionar	
	1.	
	2.	
	3.	
	4. (ES)	
	5. (der. pen.)	
	E 1. to adopt	A constitution
	2. to pass/enact	An act of parliament
	3. to assent to	An act of parliament
	4. to approve	A parliamentary bill for submission to the Council of Ministers

5. to punish/penalize/
sanction
- F 1. adopter
2. édicter
3. promulguer
4. approuver
5. sanctionner - punir
- F sanction
1. législative: approbation du
souverain, appelée aussi
sanction des lois
2. internationale
3. (dr. pén.) peine ou
récompense (Petit Robert)
- E 1. sanction - assent*
2. sanction
3. criminal sanction* -
sanction** -
punishment*** -
penalty***
- S 1.
2.
3.
- F sanction des lois
= F sanction 1.
- F sanctions pénales
= F sanction 3.
- S saneamiento (CL,ES, MX)
v. acción de evicción y saneamiento
acción de saneamiento ...
evicción y saneamiento
- E warranty* -
indemnification* -
disencumbrance**
- F garantie
- See E note to F sanction 3.
- Capitant; Guillien
sanction des lois
- FR: comprend les peines
et les mesures de sûreté
ECIVCJ 1
- *GB
- * Used lato sensu
comprises EN punishments
and other forms of treatment;
approximately the equivalent
of sentences where the latter
term is also used lato sensu
** EIICVJ 1
*** For the distinction
between these terms see
E note to peine
- Ossorio; CL CC 1837, ES CC
1461 (venta), 1475-83
(evicción), 1484-1499 (vicios
ocultos), 1532 (créditos),
1553 (arrendamientos),
MX CC 2119-2141, 2283
- For other meanings see sanear
* See E note to garantie 1.
** See E note to sanear
FR CC 1603 (vente):
v. garantie 1.

- S saneamiento por defectos
= garantie des vices
- S saneamiento por defectos ocultos
= garantie des vices
- S saneamiento por evicción
= garantie d'éviction
- S saneamiento por vicios
= garantie des vices
- S saneamiento por vicios ocultos
= garantie des vices
- S sanear
- E to warrant* - to indemnify* * See E note to garantie 1.
- to clear up**/clean up** ** The books, finances of
- to restore***/reorganize*** a company
- to disencumber**** *** A company
 **** An item of property;
 syn. to free it from
 encumbrances, to clear title
 to it
- F garantir - assainir
- F sans discernement
- E without due discernment See E note to discernimiento
S sin discernimiento
- F sauvegarde de justice (FR)
- CC 491.1-491.6, CPCN
1236-1242, Dalloz Civ. pers.
pp. 856 et seq., 902; the
least extensive of the three
forms of judicial protection,
confined to property;
note 13
- E judicial supervision
S
- E S.C. = Statutes of Canada,
Statuts du Canada
- E schedule (CA, EN)
- To a statute
- F annexe CA: d'une loi
S

- F science du droit
 E jurisprudence - legal science
 S
- F science juridique
= science du droit
- F SCP (FR)? = société civile
professionnelle
- F séance d'instruction (FR) Dr. adm.: Brown 63, 73
 E examining session In the Council of State
 S
- F séance de jugement (FR) Dr. adm.: Brown 65, 73
 E judgement session In an administrative court
 S or the Council of State
- S sección
 E section Of a court of justice; NOT
 F section - chambre division, which is sala
- S seccional (AR, UY) Circunscripción territorial
de la policía, incluso sus
locales, a cargo de un
comisario; en este sentido,
sin. de comisaría
 E local police authority/
 district/station
 F commissariat de police
- E Second International Peace
Conference The Hague, 1907; also
The Hague Peace Conference
of 1907
 F Deuxième Conférence
 internationale de la paix
 S
- F se constituer partie civile
= constituerse parte civil

- F secours (BE, FR) BE CC 213, FR CC 212;
Guillien, Dalloz mariage
sects. 61-63
- E financial support
S
Duty owed by one spouse to
another; see F assistance
- F secrétaire (FR) Terme général
- E clerk
S Secretario
i.e. clerk of the court
- F secrétaire d'Etat (FR)
- E minister of State
A junior minister not of
cabinet rank; NOT secretary
of State, who in EN and US
is a senior minister normally
of cabinet rank and head of
a government department
- S Secretario de Estado
- F secrétaire de juridiction (FR) Terme général; COJ
R.7.11.1.1
- E clerk of the court
S
- F secrétaire-greffier (FR) COJ R.812.11
- E registrar
S
Of a court of justice
- S secretaría
- E registry
Of a court of justice; in
a small court it is called
clerk's office
- F greffe
- S Secretarías y Departamentos
- E Ministries and Departments
F Ministères et Secrétariats
d'Etat

F	secrétariat de parquet (FR)	COJ R.811.2
	E government procurator's office	Translate as <u>government procurator's clerk</u> or, in connection with a criminal court, <u>prosecutions clerk</u> or <u>prosecutions office</u> , if <u>government procurator's office</u> has been used as a translation of <u>ministère public</u> or <u>parquet</u>
	S	
F	secrétariat d'Etat (FR)	
	E office of the/a minister of State	See note to <u>secrétaire d'Etat</u>
	S	
F	secrétariat-greffe (FR)	COJ L.811.1, L.831.1, R.811.1, R.811.3; Guillien
	E registry	Of a court of justice
	S	
S	secretario (CL) = greffier	
S	secretario de actuaciones (NI)	Dec. 185/79, 7; Secretario de los Tribunales Especiales de Justicia
	E registrar	
	F greffier	
S	Secretario de Gobernación (MX)	
	E Minister of the Interior	
	F Ministre de l'intérieur	
S	secretario de gobierno (ES)	LOPJ 178
	E court administrator	EN: official term (verified privately); called <u>courts administrator</u> if he is responsible for more than one court (Halsbury)
	F Président de juridiction - Chef de juridiction	
F	secret professionnel (FR)	CPP 56; EGLAT
	E professional secrecy	
	S secreto profesional	

F	section (CA, EN, ?US)	Of a statute
	F article	CA, FR d'une loi, FR d'un code
	S artículo	
F	section (CA)	D'un ministère
	E branch	CA: of a Department
	S	
F	Section du contentieux (FR)	Conseil d'Etat
	E Litigation Section	Of the Council of State
	S	
S	secuestación = secuestro	
S	secuestrador	
	1. (der. pen.) el que detiene ilegalmente a una persona	
	2. (der. civ., com., púb.) tercero que recibe un depósito, judicial o convencionalmente, o por vía administrativa, un bien litigioso o que ha de ser protegido	
E	1. abductor - kidnapper - sequestrator*	* Rare, used in the sense of who isolates or secludes
	2. custodian - sequestrator* - receiver**	For the distinction between these terms see note 8; * Syn. <u>sequestrator</u> (rare) ** CA VOCL 1, 3
F	1. ?ravisseur	
	2. séquestre	FR CPCA 681, 685, CPCN 521, CPP 627, CJM 292; CH; Dalloz; CA VOCL 1, 3
S	secuestrar	
	1. (der. pen.) detener ilegalmente a una persona	Ossorio
	2. (der. civ., com.) depositar judicial o convencionalmente en un tercero un bien litigioso o que ha de ser protegido	Ossorio; anotaciones legislativas; v. <u>sequestro</u> 2.; al depósito judicial, sin. de <u>embargar</u> , v. S <u>embargo</u> 1.
	3. (der. civ., com., pen., púb.) aprehender un juez o una autoridad administrativa un bien	Anotaciones legislativas v. <u>secuestro</u> 3.; en lo que se refiere a la aprehensión judicial, sin. de <u>embargar</u> (v. S <u>embargo</u> 1.)

- E 1. to abduct/kidnap/
sequesterate* * Syn. sequester; both are rare
and used in the sense of
isolate, seclude
2. to place in custody -
to sequesterate* - to place
in receivership - to place/
to put in the hands of a
receiver * Syn. sequester (rare)
3. to seize/impound/
confiscate/attach
levy (an) execution/distrain/
arrest/sequesterate* For the distinction between
these terms see note 8;
* Syn. sequester (rare)
- F 1. enlever - séquestrer -
arrêter arbitrairement
2. séquestrer - mettre
sous séquestre
3. saisir - confisquer -
séquestrer FR CPCA 681, 685, CPCN 521,
CPP 627, CJM 287 et seq.;
Dalloz séquestre
- S secuestre (CL CC 2249)
= secuestrador 2.
- S secuestro Escriche; Ossorio secuestro,
secuestro convencional,
secuestro de bienes, secuestro
de personas, secuestro
judicial; Gómez secuestro,
secuestro de personas,
secuestrar, secuestro
convencional, secuestro
judicial
1. (der. pen.) detención ilegal
de una persona
2. (der. civ., com.) depósito
judicial o convencional en
un tercero de un bien
litigioso o que ha de ser
protegido ES CC 1785-1789, MX CC
2539-2545, CL CC 901, 2214,
2249-2257, CPC 291-292; en
lo que se refiere al depósito
judicial, sin. de S embargo 1.
Proc. civ.: MX CPCDF 243-244
(preventivo), 451-453, 543-563
(ejecutivo); proc. pen. ES
LECR 786 (2) (a), 816; en lo
que se refiere a la
aprehensión judicial, sin.
de S embargo 1.
A/CN.4/388, para. 34: de
bienes
3. (der. civ., com., pen., púb.)
aprehensión judicial o
administrativa de un bien
4. (JI)

- E 1. abduction - kidnapping
- sequestration EN obs. duress (used stricto sensu), duress of imprisonment (Black, Jowitt: duress)
2. custody - sequestration* -
receivership** For the distinction between these terms see note 8;
* US; MT CC 2026,
PH CC 2005, QU CC 1817-1829,
SCO
** EN, CA, US; SC CC 1916,
1955-1963
3. seizure - impoundment* -
confiscation - attachment -
execution - distraint -
arrest - sequestration For the distinction between these terms see note 8;
* syn. impounding
4. attachment A/CN.4/388, para. 34: of property
* FR CP 341; Capitant II
- F 1. enlèvement -
séquestration* FR: dépôt conventionnel ou judiciaire d'une chose litigieuse ou parfois non litigieuse (CA: d'un bien qui est l'objet d'un procès ou d'une voie d'exécution) entre les mains d'un tiers; Capitant I, Dalloz; CH: mise sous main de justice des biens d'un débiteur pour garantir une poursuite en cours ou future (Boillod 326)
FR CC 1916, 1955-1963,
CPCN 521, CPCA 681, 685,
CPC 627, CJM 287 et seq.;
2. séquestre - mise sous
séquestre - séquestration* BE CC 1916, 1955-1963;
QU CC 1817-1829; CH LP 271-281
CA VOCL 1, 3
* Capitant I
3. saisie* - séquestre* -
séquestration** * FR: judiciaire ou administrative, p. ex. saisie conservatoire, saisie-contrefaçon, séquestre douanier, séquestre des pièces à conviction
** FR: administrative, p. ex. séquestration des biens ennemis
4. saisie A/CN.4/388, para. 34: des biens

S	seguridad personal	COV 9(1)
	E security of person	COV 9(1)
	F sécurité de la personne	COV 9(1)
E	seizure = S <u>embargo</u> 1., <u>saisie</u> 1., <u>secuestro</u> 3.	
E	seizure and attachment	JI: of a vessel: A/CN.4/388, para. 34
	F saisie	A/CN.4/388, par. 34
	S secuestro y embargo preventivo	A/CN.4/388, párr. 34
F	séjour (FR) v. lieu de séjour	EGLAT <u>domicile</u> ; le lieu de séjour correspond à <u>l'habitation</u> (Marty Civ. pers. pp. 832 <u>et seq.</u>)
	E stay - visit	
	S	
S	sellar	
	E to seal	Of a notary, to affix his seal to a notarial act
	F sceller - mettre un cachet sur	
F	selon la jurisprudence française	
	E according to French legal practice	
	S	
E	sentence	Crim. proc.: EN: final judicial decision which is given on conviction and <u>stricto sensu</u> imposes a punishment, <u>lato sensu</u> imposes a punishment or some other measure or both (Archbold chap. 5, Hampton chaps. 9, 13, 15, Emmins chaps. 14-18); a sentence is <u>pronounced</u> , <u>imposed</u> by the court, is <u>served</u> by the offender; sentence is <u>passed</u> by the court; the term is widely used as a synonym of <u>punishment</u> , <u>penalty</u> ; for the replacement of <u>sentence</u> by <u>order</u> in juvenile courts see E note to <u>condamnation</u> 1.; OCL

F condamnation - peine - verdict p. ex. life sentence,
condamnation à perpétuité;
stiff sentence, verdict sévère;
death sentence, condamnation
à mort; to undergo a sentence,
purger une peine; suspended
sentence, sursis à statuer

S

F sentence (FR)

1. (sens juridictionnel) nom
donné aux jugements rendus
par les tribunaux d'instance
et par les conseils de
prud'hommes, ainsi que par les
arbitres Guillien

2. (sens non juridictionnel)
formule juridique Guillien adage

E 1. judgement* - sentence*
- order* - award** For the distinction between
the first three terms see E

note to arrêt

* Of a court

** Of an arbitrator or
arbitrators

2. (legal) maxim

S 1.
2.

F sentence arbitrale

FR CPCN 1469-1480,
CREFAA I, ECULA 25, MRAP,
ECICA IX, IACEV 1;
Dalloz Proc. civ. p. 682

E arbitral award

FR, ECICA IX, CREFAA I,
ECULA 25, IACEV 1;
MRAP (award); EN
arbitration award

S sententia arbitral* -
laudo arbitral**

* CREFAA I, ECULA 25,
MRAP, ECICA IX
** IACEV 1

F sentence judiciaire

ETS 23 (Peaceful settlement of
disputes), 30; EGLAT décision
judiciaire

E
S

- S **sentencia**
v. Juzgado Nacional de Primera Instancia en lo Criminal de Sentencia recayó sentencia ...
1. (proc. civ., pen., adm.) clase de resoluciones judiciales
BO CPP 85, 242-249; CL CPC 158, CPP 43; CO CPC 302, CPP 169; ES LEC 359-369, LE CR 141-142, LRJCA 80; MX CPCDF 79, CPPDF 71, 329, CFPP 94, 346; UY CPP 88, 245; PE; VE
2. (procedimiento arbitral)
- E 1. judgement - sentence - decree - order
For the distinction between these terms see E note to arrêt; judgement is spelt judgment in EN, US, ICJ, CJEC, ECHR
2. award
- F 1. sentence - jugement - arrêt
2. sentence (arbitrale)
- S **sentencia absolutoria**
BO CPP 244, MX CFPP 348
- E **acquittal*** - **absolution****
See E note to F absolution
*MX; **BO
- F **acquittement** - **absolution**
- S **sentencia arbitral** = **sentence arbitrale**
- S **sentencia condenatoria** (UY, BO, CL, MX; Ossorio) = **sentencia de condena** 1., 2.
- S **sentencia consentida**
Aquella en que transcurridos los términos para interponer recursos, generalmente el de apelación, no es objeto de los mismos
- E **accepted judgement**
i.e. accepted by the parties; NOT consent judgement
- F **jugement accepté***
- **jugement non contesté**
* par les parties
- S **sentencia constitutiva** = **jugement constitutif**
- S **sentencia declarativa** = **jugement déclaratif**

- S sentencia declarativa de inocencia (BO) CPP 245
- E acquittal See E note to absolución
F acquittement
- S sentencia de condena
1. (proc. civ., adm.) la que acepta en todo o en parte las pretensiones del demandante o del contrademandante Ossorio sentencia condenatoria; IACEV 1
2. (proc. pen.) la que acepta en todo o en parte las pretensiones del acusador UY CPP 248
UY CPP 249, CL CPP 504, BO CPP 243, MX CPPDF 330: sentencia condenatoria
- E 1. coercive judgement
- compensatory judgement* Lawson 12-14, 49-227; one which orders a party to provide all or part of the relief claimed by the other party, i.e. judgement for the plaintiff (or for the counterclaimant); similar to but not identical with EN judgement in personam, which is a judgement binding the parties to the litigation only (Walker 565-566; Black, OCL: judgment in personam); note 3 *IACEV 1, but not otherwise Final judicial decision which is given on conviction
*FR Capitant condamnation I
**IACEV 1
FR Capitant condamnation II; CPP 473; rendu par un tribunal correctionnel
2. sentence
- F 1. jugement de condamnation*
- jugement condamnatoire**
2. jugement de condamnation
- S sentencia definitiva = jugement définitif
- S sentencia del Tribunal Supremo (ES)
- E judgement of the Supreme Court
F arrêt de la Cour suprême
- S sentencia de primera instancia
- E judgement of first instance
- first-instance judgement
F jugement en première instance

- S sentencia dictada en rebeldía =
jugement par contumace
- S sentencia ejecutoria (CL Ley s.
Conservador Bienes Raíces) =
sentencia ejecutoriada
- S sentencia ejecutoriada
MX CPCDF 426-429
- E enforceable/executory
judgement/sentence
A judgement or sentence
against which no appeal lies
or in respect of which the
time for appeal has expired
or an appeal has been
commenced but not duly
pursued; distinguish from
sentencia definitiva. For the
distinction between judgement
and sentence see E note to
arrêt; enforceable and
executory are synonyms
CH Habscheid 291, FR CPCN 501
- F jugement exécutoire
- S sentencia en rebeldía = jugement
par contumace
- S sentencia firme (VE CECR 6, ES LEC
369, LECR 141) = sentencia
ejecutoriada
- S sentencia interlocutoria = jugement
avant dire droit
- S sentencia judicial
IACEV 1, CL CC 110, 1471
- E judgement
IACEV 1
- F décision judiciaire*
*IACEV 1
- sentence judiciaire
- S sentencia pasada en autoridad de
cosa juzgada = sentencia ejecutoriada
- S sentencia penal
IACEV 1
- E judgement in penal proceedings
IACEV 1
- F décision pénale
IACEV 1
- S sentencia por rebeldía = jugement par
contumace

S	sentencia recurrida	Aquella que ha sido objeto de un recurso procesal, generalmente el de apelación
	E appealed judgement/sentence - judgement/sentence appealed against	For the distinction between <u>judgement</u> and <u>sentence</u> see E note to <u>arrêt</u>
	F jugement faisant l'objet du recours	
S	sentencia traslativa ? = jugement translatif	
S	separación de autos (MX)	CFPP 483
	E severance of proceedings	
	F	
F	séparation de biens (FR)	Des époux; CC 1536-1542
	E separation of property	
	S separación de bienes	
F	séparation de biens judiciaire (CH)	CC 183
	E judicial separation of property	As opposed to <u>séparation de biens légale</u> , statutory separation of property
	S	
F	séparation de biens légale (CH)	CC 182
	E statutory separation of property	As opposed to <u>séparation de biens judiciaire</u> , judicial separation of property
	S	
F	séparation de corps (FR)	Des époux; CC 296-310
	E (judicial) separation	<u>Séparation de biens</u> follows automatically on <u>séparation de corps</u>
	S	
F	séparation de corps et de biens = séparation de corps	
F	se prévaloir v. prévaloir	
F	se prononcer = prononcer	

E sequester

1. (verb) = saisir 1.,
secuestrar 1., 2., 3.
2. (noun) = secuestrador 2.

- F 1. = saisir 1.
2. = secuestrador 2.
- S 1. = secuestrar 1., 2., 3.
2. = secuestrador 2.

E sequestrate = saisir 1.,
secuestrar 1., 2., 3.

F séquestration = saisie 1.,
secuestro 1., 2., 3.

E sequestrator = secuestrador 2.

F séquestre

- v. mise sous séquestre
1. personne = secuestrador 2.
 2. procédure = secuestro 2., 3.,
saisie 1.

F séquestrer = secuestrar 1., 2., 3.

E Serbian Loans case

PCIJ; short name of the Case concerning the Payment of Various Serbian Loans Issued in France

F
S

S SERPAJ = Servicio Paz y Justicia

E service

EN: meaning especially service of process, i.e. of writs, summonses and other judicial documents, which can be effected in various ways; the equivalent procedure in BE, FR is divided into signification, service by a huissier de justice, and notification, service effected in other ways

F assignation - signification
- notification
S notificación

p. ex. personal service,
signification par huissier

F service

v. services ...

- F service public EGLAT
E the/a public service Loosely, the civil service
S
- F services de la sûreté
E the police - police forces
S
- F services de répression = servicios represivos
- S servicio
v. servicios ...
- S Servicio de Gendarmería (CL) Nombre del cuerpo paramilitar encargado de la vigilancia carcelaria, que la prensa denomina Gendarmería
E Prison Service
F Administration pénitentiaire
- S Servicio de Inteligencia de Carabineros (CL) Se llama también Servicio de Investigaciones de Carabineros
E Carabineros Intelligence Service
F Service de renseignements du corps des carabiniers
- S Servicio de Investigaciones = Investigaciones
- S Servicio de Investigaciones de Carabineros Se llama también Servicio de Inteligencia de Carabineros
E Carabineros Investigation Service
F Service d'enquête du corps des carabiniers
- S Servicio de Registro Civil e Identificación (CL)
E Department of Civil Registry and Identity
F Service de l'état civil et de l'identité

- S Servicio de Seguridad del Estado (PE)
E State Security Police
F Service de sûreté de l'Etat
- S servicio mecánico (UY) CPM 63
E non-combatant duties
F service mécanique
- S Servicio Paz y Justicia (CL) A/37/594, para. 59
E Peace and Justice Service
F Service Paix et Justice
- S Servicio Penitenciario Federal (AR)
E Federal Prison Service
F Service fédéral des prisons
- S servicios represivos
E ?law enforcement services
- forces of repression
F services de répression
- S servidumbre = F servitude
- S servidumbre activa = servitude active
- S servidumbre negativa (ES) CC 533
E negative servitude SCO; MT CC 456, PH CC 618
negative easement
F servitude passive
- S servidumbre pasiva = servitude passive
- S servidumbre positiva (ES) CC 533
E positive servitude SCO; MT CC 456 affirmative easement, PH CC 618 positive easement
F servitude active
- F servitude
1. (BE, CH, FR: dr. civ.) Capitant I, Guillien, Amos 119-123; BE CC 637-710, FR ibid., CH CC 730-781
2. (FR: dr. adm.) Capitant II, Guillien

E 1. servitude	EN <u>easement</u> , a term which is virtually indistinguishable from <u>servitude</u> (Osborn <u>easement</u> , OCL <u>easements and profits</u> , Amos 120 n.1); may be public or private; SCO, RL: <u>servitude</u>
2. public restriction - public charge*	*Where the <u>servitude</u> imposes an obligation to pay money or render a service
S 1. servidumbre	CL CC 820-888
2.	
F servitude active	CA VOCL 1
E ?beneficial servitude - ?positive servitude* - affirmative/positive easement**	A servitude seen from the point of view of the owner of the dominant tenement *Amos 120, Marshall 463, Aguilar art. 533, 534 com., Ossorio <u>servidumbre positiva</u> **CA VOCL 1 (doubtful)
S servidumbre activa	
F servitude d'urbanisme (FR)	Dr. adm.
E planning restriction	
S	
F servitude foncière (CH)	CC 730
E praedial servitude	SCO
S	
F servitude légale (FR)	Dalloz <u>servitude</u> sect. 3
E statutory servitude	Virtually the same as EN <u>statutory easement</u> ; Amos <u>legal servitude</u> ; NOT <u>easement at law</u> , which in EN is a synonym for an easement which is a legal estate, as opposed to one which is merely an equitable interest (<u>Cheshire's Modern Real Property</u> , tenth ed., p. 466)
S servidumbre legal	

- F servitude passive CA VOCL 1
- E ?adverse servitude
- ?negative servitude*
negative easement**
- A servitude seen from the point of view of the owner of the servient tenement
*Amos 120, Marshall 463, Aguilar art. 533, 534 com., Ossorio servidumbre negativa
**CA VOCL 1 (doubtful: see definition of negative easement in OCL easement)
- S servidumbre pasiva
- F servitude prédiiale (Capitant, Guillien) = servitude foncière
- F servitude réelle (Capitant) = servitude foncière
- E set aside (EN, CA) EN: civ. and crim. proc.: of a court: to annul a judgement or order or a step taken by a party; of a person or persons: to annul a juridical act
- F ?annuler - infirmer*
S ?anular *CA
- S severidades
- E hardship - severe treatment
F violences
- S sevicia
- E ill-treatment - maltreatment
- brutality - cruelty
F sévices
- S SICAR = Servicio de Inteligencia de Carabineros, Servicio de Investigaciones de Carabineros
- F siège
v. magistrat du siège
- E headquarters - seat*
S *Of a court

S	signar	
	E to mark	Of a notary, to place a distinguishing mark above his signature on a notarial act; <u>NOT to sign</u>
	F ?authentifier	Rendre un acte authentique (acte dressé par un officier public compétent selon les formalités requises)
F	signature définitive	LT
	E full signature	Of a treaty
	S	
E	signed, sealed and delivered	EN, CA
	F signé, scellé et remis	NB
	S	
F	signification (BE, FR)	Proc. civ.: BE CJ 32, FR CPCN 651, 653-664, 675; Guillien, Dalloz Proc. civ. p. 454, EGLAT
	E service	Of process in judicial proceedings; see F <u>notification 3.</u> , E <u>service</u>
	S notificación	
F	signification ou notification d'un acte	CSAJED 5
	E service of a document	CSAJED 5
	S	
F	signification par contrainte	
	E ?coercive service - ?service by enforcement order*	* v. <u>contrainte 1.</u>
	S	
F	simple v. tribunal de simple police	
S	simple arresto (UY)	CPP 123
	E arrest	
	F arrestation	

S	simple contravención (CL)	Non-code; infracción que no es penal; A/37/594, para. 65, table 4
	E contravention	Note 2
	F contravention	
S	simple delito (CL, HN)	CL CP 3, HN CP 3; der. pen.: la intermedia de las tres categorías de infracciones penales
	E ordinary offence	Can be translated as <u>correctional offence</u> if the word <u>ordinary</u> is unsuitable in the context
	F délit	FR
F	simple disposition	Dr. int.
	E purely dispositive rule	
	S	
F	simple lésion (FR)	CC 491.2; Amos 163
	E ordinary loss	
	S	
S	simple resolución administrativa (CL)	A/37/594, para. 65
	E purely administrative decision	
	F décision purement administrative	
S	sindicado (CL, CO, PA)	Substantivo: Ossorio: el acusado o sospechoso de la comisión de un delito; CL CPP 318
	E accused* - defendant* - suspect**	*Crim. proc.: CL: after charging but before committal for trial; note 1 **Crim. proc.: before charging; note 1; also general term v. note F au mot <u>acusado</u> l.
	F prévenu - ?inculpé	

S **sindicar**

v. **sindicado**

1. acusar
2. hacer recaer sobre alguien una sospecha
3. agrupar en sindicatos

- E. 1. to accuse
2. to impute
3. to affiliate

- F 1. accuser
2. imputer (qqch) à (qqn)
3. syndiquer

S **síndico = syndic**

1. syndic 1.
2. (AR, UY) fiscalizador de una sociedad anónima

Ossorio; sin. comisario (MX); Herget ...

- E 2. supervisory commissioner

Official appointed by the shareholders of a sociedad anónima to supervise the management of the company

- F 2. Syndic.

S **síndico de quiebras**

- E bankruptcy administrator
F syndic de faillite

See E note to syndic 1.
Cornu

S **sistema probatorio**

- E system of evidence
F système (légal) des preuves

S **situación de allanamiento prolongado**

Se trata de una modalidad de allanamiento en el que las fuerzas que lo practican permanecen en el lugar allanado

- E prolonged occupation
F situation de perquisition prolongée

S **situación de excepción (CL) = estado de excepción**

S **situación de incomunicado**

- E detention incommunicado
F détention au secret

S situación excepcional = estado de excepción

S situación jurídica

E legal status

F situation juridique

S sobreseimiento
v. auto de sobreseimiento

UY CPP 233, CL CPP 406-423

E dismissal - stay

These are the terms used in practice and they should be employed whenever possible, dismissal being the equivalent of sobreseimiento definitivo/non-lieu définitif and stay the equivalent of sobreseimiento provisional/non-lieu provisoire (see specific examples below). Where sobreseimiento or non-lieu are used alone they will probably mean dismissal rather than stay in criminal proceedings and stay rather than dismissal in civil proceedings. If in doubt use cessation of proceedings
FR CPP 177, 182

F non-lieu

S sobreseimiento definitivo

E dismissal of proceedings

F non-lieu définitif

S sobreseimiento definitivo parcial

E partial dismissal of proceedings

A dismissal of proceedings is total if it extends to all the defendants (as in CL) or all the charges, or both, and parcial if it does not; the same applies to a stay of proceedings. It may be possible to replace the abstract renderings given here for this group of terms by wording such as the case against X was dropped, but the charges against Y ...

F non-lieu définitif partiel

- S sobreseimiento definitivo total
- E general dismissal of proceedings
 - F non-lieu définitif total
- See E note to sobreseimiento definitivo parcial
- S sobreseimiento libre = sobreseimiento definitivo
- S sobreseimiento libre parcial = sobreseimiento definitivo parcial
- S sobreseimiento libre total = sobreseimiento definitivo total
- S sobreseimiento provisional
- E stay of proceedings
 - F non-lieu provisoire
- S sobreseimiento provisional parcial
- E partial stay of proceedings
 - F non-lieu provisoire partiel
- See E note to sobreseimiento definitivo parcial
- S sobreseimiento provisional total
- E general stay of proceedings
 - F non-lieu provisoire total
- See E note to sobreseimiento definitivo parcial
- S sobreseimiento temporal = sobreseimiento provisional
- S sobreseimiento temporal parcial = sobreseimiento provisional parcial
- S sobreseimiento temporal total = sobreseimiento provisional total
- F social
- v. capital social
 - capital social payé
- Dr. civ., dr. com.: relatif aux sociétés civiles et commerciales (GDEL), à une association de personnes (Petit Robert)

E company* - of the company

When used as legal terms, F and S social are rarely rendered by E social, although the latter is occasionally used in a legal sense in relation to RL, Scots law and the civil law in general (Webster: of or relating to an association, partnership or corporation).

The word company can be replaced by corporation, firm, partnership, association or (MX) trade union, workers', depending on the kind of entity referred to by the expression ... social, e.g. le capital social, the company's capital, (MX) una empresa social, a trade union (syn. workers') enterprise

S social

*Used as an adjective
Der. civ., der. com.: relativo a una sociedad en su acepción de contrato con fines lucrativos (Ossorio); tiene tambien en der. com. la significación de laboral; ?tiene también, en der. civ., la significación de relativo a una asociación

S social = F social

S sociedad = société

F société

E business association*
- company - partnership
- corporation
S sociedad

*Generic term which covers every form of société, sociedad

S solicitante = requérant

S solicitar

E to apply for/petition

For the distinction and the alternative to move for see note 3; if in doubt use to apply for

F demander - solliciter

E	solicitor	
	1. (EN)	Person employed to give legal advice, draft legal documents and represent his client in the conduct of litigation; in addition he has right of audience (the right to plead) in inferior courts and in tribunals, as well as in interlocutory and bankruptcy proceedings in superior courts; he is an officer of the court (OCL <u>solicitor (England)</u> , Walker EN 237-251)
	2. (US)	
	F 1. (GB) officier de justice	Cumule les fonctions d'avoué et de notaire, intermédiaire entre l'avocat et son client; <u>Solicitor General</u> , conseiller juridique de la Couronne
	2. (US) conseil juridique d'une ville	<u>Solicitor general</u> , avocat général; il représente l'Etat dans les procès touchant à l'intérêt public
	S 1.	
	2.	
S	solicitud = requête	
S	solicitud de rectificación (CL)	CPC 190; solicitud en el sentido de petición por la cual se interpone un recurso de rectificación
	E application to correct the record	
	F demande de rectification	
F	solidaire	
	E joint and several	Note 12
	S solidario	
S	solidario = solidaire	
F	solution juridictionnelle	Dr. int.
	E adjudicated solution	Note 6
	S	

S sometido a juicio (VE CECR 192)
= procesado

F sommation (FR)

- | | |
|--|--|
| 1. (dr. civ.) l'une des formes
de mise en demeure | CC 1139, Dalloz Proc. civ.
p. 454, EGLAT, Amos 183,
Capitant I, II
Capitant III |
| 2. (dr. pub.) avertissement
à la foule | |
| 3. (dr. civ.) avertissement
public | CH CC 582 |

E 1. demand

FR: a sommation, one form of mise en demeure, is a notice served on a debtor by a huissier at the instance of the creditor and demanding that the debtor discharge his obligation; if it is clear that the obligation is a money one, translate as demand for payment

2. warning
3. public notice

S 1.
2.
3.

F sommation de payer (FR) = sommation

F soulever

E to raise/set up
S

A defence, plea, bar

F soumission

FR CPCA 519 obs.

E tender - lodging - filing

Note the following special usage in the case of a recognizance: la caution fait sa soumission, the surety enters into his recognizance

S

F soumission en association

E joint tendering
S

- F sous bénéfice d'inventaire FR CC 774
- E with benefit of inventory SC CC 774 subject to benefit of inventory, MT CC 918 under the benefit of inventory
- S a*/con** beneficio de inventario * ES CC 1010
** CL CC 1249
- F sous peine de forclusion Dr. interne
- E under pain of being time-barred
- S
- F spécial
- E special - specific The adjective specific is used in preference to special with the terms denial (in pleading), bequest, devise and legacy (law of succession) and performance (law of contract)
- S especial
- F spécifiquement
- E specially - specifically
- S
- S SPF = Servicio Penitenciario Federal
- F S.R. = Statuts revisés
- F S.R.C. = Statuts revisés du Canada
- S ss, SS = Su Señoría
- E standing = locus standi
- E statement of claim (EN) Civ. proc.: procedural step: formal document filed at or immediately after the beginning of contentious civil proceedings and claiming the relief which the litigant seeks; it is the plaintiff's first pleading; Martin.

In the High Court, in the case of an action begun by writ, it can be endorsed on the writ of summons or be filed shortly after the filing of the writ; in the case of an action begun by originating summons, it is incorporated in the summons. In a county court action it is filed with the summons and called particulars of claim.

Langan 78, 293-294, 347-348, note 3.

FR CPCN 53-54

*ES LEC 524, 680, MX CPCDF 255

- F demande initiale
S demanda* - relación de la demanda
- E statement of defence (EN civ. proc.)
= defence 3.
- F statuant au Contentieux (FR)
- E acting judicially
- S
- F statuant en dernier ressort = qui statue en dernier ressort
- F statuer
v. ..., qui statue.
qui statue en dernier ressort
statuant ...
surseoir à statuer
- E to give judgement* - to rule
S
- F statuer à titre préjudiciel (CJEC)
- E to give preliminary rulings*/
a preliminary ruling
S
- F statuer en dernier ressort = resolver
sin más recurso
v. qui statue en dernier ressort
statuant en dernier ressort

i.e. of the Conseil d'Etat,
as distinct from acting
administratively (Brown 48)

CSAJED 15

*CSAJED 15

RT 177

*RT 177

F statut

v. Loi portant statut général ...
Ordonnance No. 58-1270 du
22 décembre 1958 portant loi
organique relative au statut ...

1. règlement destiné à assurer
le fonctionnement d'une
collectivité

FR: Capitant I, Guillien;
p. ex. statut de la fonction
publique, statut de la
magistrature, statut de la
police, (ONU) Statut du
personnel, statuts d'une
société; dans le cas d'une
société ou d'une association,
le mot statut est utilisé au
pluriel et le règlement peut
comporter une convention par
laquelle la société ou
l'association est constituée,
étant de cette manière son
acte constitutif

2. état, situation
3. ensemble de règles juridiques

FR: Capitant II, Guillien
statut personnel, statut réel

- E 1. regulations*
- constitution**,
**** - statutes **, ****
- statute ***

*Used specifically in
expressions such as statut de
la fonction publique, civil
service regulations (meaning the
staff regulations), Statut du
personnel, Staff Regulations
(UN). See other similar
entries below. It can also be
used generally as an alternative
to all the other terms given
here in cases where doubt exists
about their correct usage. In
some cases the use of
regulations may be ambiguous, e.g.
the company's regulations might
mean the regulations governing
the company or the regulations
issued by the company; in such
cases translate statut(s)/
estatuto(s) de ... as regulations
governing....

** Of a public institution, university or similar body
*** e.g. of the International Court of Justice
****Statutes (term used in Euro Coy) of a private-law corporation, i.e. an ordinary company, or a public-law corporation, e.g. a public utility or publicly-owned airline. Constitution can be used as an alternative in a non-technical text

If there is any risk of statutes being interpreted as the plural form of statute meaning an item of legislation (e.g. in the expression prescribed by the statutes), specify the statutes of the company, corporation, etc. as the case may be or use the acceptable alternatives articles (EN) or by-laws (US)

Note that the statuts/ estatutos of a company or corporation are a single document, to which in EN and US there correspond two documents: in EN the memorandum of association and the articles of association (called collectively memorandum and articles of association) and in US the articles of incorporation and the by-laws. For this reason articles and by-laws are acceptable renderings of statuts/ estatutos but not precise ones

The term articles of association is also used in the US as the equivalent, in the case of a non-stock corporation (e.g. a religious or charitable body), of articles of incorporation (ECON 63, Black)

2. status - situation - position - standing
3. (translate according to context)
- S 1. estatuto(s)
2. estatuto
3. estatuto
- e.g. statut juridique, legal status
See statut personnel, statut réel, statut de propriété
Ossorio
Ossorio
- F statutaire (FR, CA)
v. disposition statutaire
réserve statutaire
- E of/provided for in/prescribed by the regulations/constitution/statute(s) - regulation* - constitutional - organizational - statutory**
- See statut 1
* Used as an adjective
**Meaning of or related to a statute in the legislative sense, and therefore suitable as a translation of statutaire as used in certain senses in CA, but not otherwise
- S
- F statut de la fonction publique (FR)
- E civil service regulations
- Meaning the regulations governing civil service staff
- S
- F Statut de la Cour internationale de Justice
- E Statute of the International Court of Justice
S Estatuto de la Corte Internacional de Justicia
- F statut de la magistrature (FR)
v. Ordonnance No. 58-1270 ...
- E judiciary regulations
- Meaning the regulations governing the judiciary
- S
- F statut de la police
- E police regulations
- Meaning the regulations governing the police
- S
- F statut de propriété (FR)
- E (form of) tenure
- Of housing, i.e. as to whether it is owned or rented
- S

F. Statut du personnel (ONU)

E Staff Regulations
S

E statute

1. noun: an Act of a legislature

GB: OCL, Odgers
Construction part II

GB: an Act of Parliament
US: an Act of Congress or
an Act of a State
legislature

CA: an Act of the Parliament
of Canada or of a
provincial legislature

In EN the term does not
include subordinate
legislation; in SC, at least
for the purposes of PC 5, it
does

2. adjective: = statutory

F 1. loi* - statut**

* CA, FR

** CA, p.ex. dans le titre
des publications Statuts du
Canada, Statuts révisés,
Statuts révisés du Canada

S 1. ley

E statute law (GB)

In its widest sense the
term means statutes and
subordinate legislation
(David Sys. p. 354), in a
narrower sense statutes and
statutory instruments, to
the exclusion of other
classes of subordinate
legislation (OCL statute
law) and in a narrower sense
still statutes alone
(Salmond p. 116, Martin)

F droit écrit

Par opposition à unwritten law,
le droit coutumier et
jurisprudentiel

S

E Statutes of Canada

F Statuts du Canada
S

- F statut légal (FR)
E legal status* - (legal) régime** * Of a person
** Governing a particular subject
S
- F statut légal décrété impérativement
E régime enacted as mandatory law
S
- E statutory
F légal - réglementaire - prévu par la loi
S
- E statutory instruments (GB)
F décrets-lois - actes parlementaires En GB, soumis au contrôle de la Select Committee on Statutory Instruments, commission spéciale de la Chambre des communes chargée de veiller à ce que le gouvernement n'outrepasse pas ses pouvoirs. Ils peuvent être cassés par les tribunaux pour excès de pouvoir
S
- E statutory tribunal (EN)
v. E tribunal 2.
- F statut personnel (FR)
E personal law Capitant, Guillien
Of a person; obs. personal statute (Cheshire & North 17 et seq.)
S estatuto personal Ossorio
- F statut réel (FR)
E proper law Capitant, Guillien
Of an immovable; obs. real statute (Cheshire & North 17 et seq.)
S estatuto real Ossorio
- E statutory law = statute law

- F statuts = statut 1.
- F Statuts du Canada
E Statutes of Canada
S
- F Statuts révisés (CA) révisés et non pas révisés
selon la publication
officielle
E Revised Statutes
S
- F Statuts révisés du Canada révisés et non pas révisés
selon la publication
officielle
E Revised Statutes of Canada
S
- E stop and search, to EN crim. proc.: Police and
Criminal Evidence
Act 1984, 1
F interpellier et fouiller
S
- E stop and search powers v. stop and search
F pouvoirs pour interpellier et
fouiller
S
- E strength
v. on the strength of ...
- E strike down A judicial decision
F casser
S
- S STS = sentencia del Tribunal Supremo
- S subcomisaría (CL) De Carabineros o de
Investigaciones, a cargo
de un Capitán
E local police station
F sous-commissariat
(de police)
- E subordinate legislation = delegated
legislation

E subpoena (CA, EN, US)	Summons addressed to a witness; CA civ. proc. VOCL 3, ? crim. proc.; EN civ. proc.: in the High Court called <u>subpoena</u> and in full <u>writ of subpoena</u> (Langan 216) and in county courts and magistrates' courts called <u>summons</u> and in full <u>witness summons</u> (Jowitt <u>summons</u> , MCA 97(1)); EN crim. proc.: called <u>summons</u> and in full <u>witness summons</u> except where issued in committal proceedings for subsequent attendance at the trial, in which case it is called <u>witness order</u> (Hampton 123-124, 131-132, 345, MCA 97(1)); US civ. proc., crim. proc. Black, FRCP 45, FRCRP 17
F citation à comparaître* - assignation à témoin**	* FR CPP 101 (sous peine d'amende) ** CA civ. proc. VOCL 3
S ?citación de comparecencia	
F subrogation légale (FR)	CC 1251
E statutory subrogation - subrogation by operation of law	
S subrogación legal	
S subrogante = ministro subrogante	
F subrogé tuteur (BE, FR, QU)	BE CC 420, FR CC 420, QU CC 267, Amos 81
E supervisory guardian - subrogate-tutor*	NOT <u>protutor</u> * QU CC 267
S protutor	Ossorio; ES obs.: Aguilar art. 233-236
S subsanar	
E to remedy	
F réparer - excuser	
S substanciación = sustanciación	
F substitut (FR) v. premier substitut	CPP 34, 39, COJ L.213.4, L.311.14, Ord. 1277, 22.12.1958, 2; Capitant

- E deputy procurator
Deputy of the procureur général in an appeal court or of the procureur de la République in a tribunal de grande instance, court of major jurisdiction; in criminal matters he can be called deputy prosecutor or deputy public prosecutor; note 4
- S
- F substitut du procureur de la République (FR Ord. 1277 22.12.1958, 2)
v. substitut
- F substitut général (FR)
E deputy procurator-general
Guillien procureur général
Deputy of the procureur général in an appeal court; in criminal matters he can be called deputy public prosecutor; note 4
- S
- F substitution (FR)
v. mesure de substitution
E entail* - substitution**
S sustitución
Dr. civ.: CC 896, Amos 131-134, 328-329
* de Vries 262
** Amos; this term is preferable
- F substitution fidéicommissaire (BE, CH, FR)
E fideicommissary substitution
S sustitución fideicomisaria
CH CC 488, BE CC 1048 et seq., FR CC 1048 et seq. Dalloz substitution, Guillien, Amos 329
ES CC 781 et seq., CL CC 1164
- F succession (FR)
v. acceptation des successions
acceptation d'une succession
ouverture des successions
ouverture d'une succession
renonciation à une succession
renonciation aux successions
répudiation des successions
répudiation d'une succession
1. transmission du patrimoine laissé par un défunt
2. le patrimoine ainsi transmis
CC 711, 718-892; Amos 288-388; 6123
le terme succession se réfère, selon le contexte, soit aux successions ab intestat et testamentaires, soit (CC 718-892) aux seules successions ab intestat; v. successions et libéralités
Capitant

- E 1. succession
2. succession*
- estate**
- * EN, SC; in EN the term succession refers to both testamentary and intestate succession
** EN; this term is preferable except where estate is already being used in the sense of a person's rights in land
- S 1.
2.
- F succession vacante (FR) CC 811, Amos 308
- E vacant succession SC CC 811
S
- F succession ab intestat (FR) Amos 290-316
- E intestate succession
S sucesión intestada ES CC 658, 912-929, CL CC 952,
- sucesión abintestato* 980-998 *CL CC 952, 998
- F succession légale (FR) Amos 290; syn. de succession ab intestat
- E succession by operation of law
S sucesión legítima ES CC 658, 912-929
- F successions et libéralités (FR)
- E succession and gifts FR: branch of law dealing with intestate succession (successions, CC 718-892) and gifts inter vivos and by will (donations entre vifs et testaments, CC 893-1100, also called libéralités, dispositions à titre gratuit); for the use of the word succession in E and F see F succession
ES CC 618-1087
- S

- F succession testamentaire (FR) Amos 317-338
E testamentary succession
S sucesión testamentaria ES CC 658-911, CL CC 952,
999-1221
- S sucesión abintestato = succession
ab intestat
- S sucesión intestada = succession
ab intestat
- S sucesión legítima = succession légale
- S sucesión testamentaria = succession
testamentaire
- S sufragio universal, libre, secreto e
informado (CL)
E universal, free, secret and
informed vote
F suffrage universel, libre, secret
et informé
- E sue To bring a civil action
against a person
F poursuivre - tenter un procès
à quelqu'un
S
- E suit = E action
- F suite à ce refus (CA)
E ... having been CA
rejected
S
- S sujeción a la vigilancia de la
autoridad Pena
E probation
F liberté surveillée - probation

F	sujet	Capitant <u>sujet de droit</u>
	E subject* - person	* In IL, an entity capable of possessing international rights and duties and having the capacity to maintain its rights by bringing international claims; <u>Reparation for Injuries Case</u> , ICJ Reports 1949, p. 179; Brownlie 60-72, Paenson 50-141; a <u>subject of international law</u> is sometimes called an <u>international person</u> Ossorio
	S sujeto	
F	sujet de droit	Capitant; personne titulaire de droits et d'obligations
	E subject of law	Sometimes called a <u>subject at law</u> to distinguish the term from <u>subject of law</u> meaning a matter dealt with by the law
	S sujeto de derecho	
S	sujeto = sujet	
S	sujeto a la evicción	ES CC 1681
	E liable in the event of dispossession	i.e. liable to answer for dispossession, not liable to be dispossessed
	F sujet à éviction - passible d'éviction	
S	sujetos en estado de peligrosidad social (VE)	
	E persons socially at risk	
	F sujets socialement en danger	
S	sumariado	
	E under examination/investigation	
	F qui fait l'objet d'une instruction	

- S sumarial
v. instrucción sumarial
recaudos sumariales
- S sumariamente
v. proceder breve y sumariamente
- S sumariante
v. juez sumariante
órganos sumariantes
- S sumario
v. actuaciones en la investigación sumaria
actuación sumaria
ampliación del sumario
en trámite de sumario
formar sumario
instrucción sumaria
investigación sumaria
primeras diligencias del sumario
procedimiento breve y sumario
trámite sumario
1. (proc. pen.: AR, CL, CO, ES, GT, PA, VE) primera fase del proceso penal
 2. (proc. pen.: UY) segunda fase del proceso penal
 3. procedimiento de rápida tramitación
 4. investigación en la administración pública
- E 1. pre-trial proceedings
2. examination proceedings
 3. summary procedure
 4. administrative inquiry
- F 1. phase préparatoire de l'instruction
2. instruction
 3. procédure sommaire
 4. enquête administrative
- S sumarios (PA) = sumario 1.

AR CPCR 8, 178; CL CPP 76, Bk.II Pt.III; CO CPP 309; ES LECR Bk.II, 299; GT CPP 305; PA CJ 2020, Ley 52/1919, 1; VE Const. 60, CECR 71
UY CPP 233-249, CPPM...;
v. instrucción 5.
VE Const. 49

See E note to instrucción 2.
and note 1
Note 1

Au sens large

E summons (CA, EN, SCO, US)
v. writ of summons

Civ. proc., crim. proc.:
a court order directing a
person, who may be an
individual or a body
corporate, to appear in
court as a party, witness,
etc.

In EN its use as a procedural
step is as follows:

(i) In the High Court: to
commence proceedings, in the
form either of a writ of
summons (obs. original writ)
or an originating summons;
to continue them in the
interlocutory stage. The
document used to compel the
appearance of witnesses
is a subpoena (called in
full writ of subpoena).

(ii) In a county court: to
prosecute proceedings
(which technically are begun
by a plaint); to compel the
appearance of witnesses
(called in full witness
summons).

(iii) In a magistrates' court:
to prosecute proceedings
(which technically are begun
by an information if they are
criminal and by a complaint if
they are civil); to compel the
appearance of witnesses (called
in full witness summons, but
the document used in committal
proceedings to compel the
subsequent appearance of
witnesses at the trial is
called a witness order).

Note that a summons
(plural summonses) is taken
out at the request of the
applicant, issued by the
court (although issued is
often used instead of taken
out; Odgers 253) and served
on the person to whom it is
addressed.

EN: Martin, OCL, Langan
passim, including 28, 54,
Hampton passim, including
336, 431; US Black, FRCP...,
FRCP 4; CA civ. proc. VOCL 3.

F citation (en justice) -
assignation
S emplazamiento - citación
(de comparecencia)

L suo moto
= of its own motion

F superficiaire (FR)

E surface owner

The grantee of a droit de
superficie

S

F superficie
v. derecho de superficie

S superficie
v. derecho de superficie

L superficies
v. derecho de superficie

S superintendencia directiva,
correccional y económica (CL)

De la Corte Suprema:
1980 Const., 79

E management, control and
supervision

Of the lower courts by the
Supreme Court; directiva
refers to the Supreme
Court's administrative
functions, correccional
to its power to control
the operations of the
lower courts (comparable
to EN supervisory
jurisdiction of the High
Court - Langan 281,
Hampton 60) and
económica to its overall
husbandry of the
machinery of justice

F administration, tutelle et
bon fonctionnement de
l'appareil judiciaire

- E superior court (EN) Martin; the House of Lords, the courts comprising the Supreme Court of Judicature (the High Court of Justice, the Court of Appeal, the Crown Court), the Judicial Committee of the Privy Council and certain courts of special jurisdiction, such as the Restrictive Practices Court; note 4
- F ? tribunal (d'instance)
supérieur(e)
S
- E superior court of record (CA) FCA 3
- F cour supérieure
d'archives CA LCF 3
S
- E superior legislation (GB) Parliamentary legislation and prerogative legislation, to the exclusion of delegated (subordinate) legislation; also called supreme legislation; OCL legislation, Salmond p. 116
- F législation suprême
S
- S súplica
v. recurso de súplica
- F supplétif
v. règle supplétive
- F suppressif
v. amendement suppressif de
- S Suprema Corte de Justicia (UY)
- E Supreme Court of Justice
F Cour suprême de justice

- E Supreme Court
EN: the short name of the Supreme Court of England and Wales (called Supreme Court of Judicature from 1873 to 1981); although 'supreme', appeal lies from it to the House of Lords and, in prize law, to the Judicial Committee of the Privy Council
- F Cour suprême
S
- E Supreme Court of Canada (CA) FCA 2
F Cour suprême du Canada CA LCF 2
S
- E supreme legislation = superior legislation
- S Supremo Tribunal Militar (UY)
E Supreme Court of Military Justice
F Tribunal militaire suprême
- F sûreté Capitant, Guillien; CH CC passim, CDO passim
v. agent de la Sûreté
période de sûreté
services de la sûreté
1. (dr. civ.) garantie fournie pour l'exécution d'une obligation, appelée aussi garantie et caution
2. (FR: dr. adm.) la Sûreté, direction générale du Ministère de l'intérieur
3. (FR, CH) sens commun
4. sécurité Dalloz Civ. sûretés
ECHR 5(1)
- E 1. security - guarantee For the distinction between these terms see note 11; SCO right in security; NOT surety; Salmond pp. 428-433
2. Department of Security
3. police
4. security of person ECHR 5(1)
- S 1.
2.
3. seguridad
4. seguridad ES Const. 17

F Sûreté générale (FR obs.) = sûreté 2.

F Sûreté nationale (FR) = sûreté 2.

F sûreté personnelle
(BE, CH, FR)

FR dr. civ.: garantie donnée au créancier par l'adjonction au débiteur principal d'un ou de plusieurs débiteurs (M. Jaquot, ONU New York); l'adjonction s'effectue par la solidarité ou par le cautionnement; Dalloz Civ. sûretés, Guillien, Capitant

E 1. personal security*/
guarantee

See note 11; the security can take the form of joint and several indebtedness (solidarité, solidaridad) or suretyship (cautionnement, fianza)

* SCO

2. garantía personal

Puede consistir en la solidaridad o la fianza (sentido estricto)

F Sûreté publique (BE) = sûreté 2.

F sûrete réelle (BE, CH, FR)

FR dr. civ.: affectation par le débiteur ou un tiers d'un ou plusieurs biens au paiement de la dette (M. Jaquot, ONU New York); l'affectation a lieu en BE et en FR par le nantissement (gage, antichrèse), le droit de rétention, le privilège ou l'hypothèque et en CH par le gage immobilier (hypothèque, cédule hypothécaire, lettre de rente) ou le gage mobilier (nantissement, droit de rétention); le tiers s'appelle caution réelle (v. caution réelle 2.); Dalloz Civ. sûretés, Guillien, Capitant

E real security*

See note 11

* SCO

- security in rem

E surrender

1. (noun) EN: the voluntary relinquishment of a right, or of a power or office, by one person (the surrenderor) to another (the surrenderee), either by written instrument or by delivery of the thing which is the object of the right

A fundamental category of juridical acts in the common law;

Jowitt, Salmond p. 339

Surrender is a generic term for all acts of this kind, but the following specific terms, including surrender itself, are normally used depending on what is surrendered: surrender for an estate, lease, patent, insurance policy or physical object; disclaimer, renunciation, for an estate, succession, inheritance or office, especially if not yet vested or if unwanted or burdensome; resignation, relinquishment, for an office; waiver, release, for a right of action; waiver renunciation, for a right to attend a meeting, right to receive notice, right generally to the benefit of an obligation; release for a debt, usually on its satisfaction, e.g. for a mortgage; remission for an unsatisfied debt; discontinuance for the relinquishment and consequent termination of a judicial action by written notice given by the plaintiff, or for the termination of an abandoned action (see below) by court order. All the above should be clearly distinguished from abandonment, which is a unilateral and unwritten act of relinquishment, e.g. of a child, a ship, land, a building, goods, or of a judicial action where no notice of relinquishment is given by the plaintiff (in which connection abandonment does not terminate the action if the possibility subsists of it being revived); and from forfeiture, which is involuntary

2. (noun) EN: the instrument mentioned above

The above applies, the instruments concerned being known by the following names: surrender, (deed of) disclaimer, resignation, waiver, release and notice of discontinuance

3. (verb) EN: the action mentioned above

The above applies, namely to the verbs surrender, disclaim, renounce, resign, relinquish, waive, release, remit, discontinue, abandon and forfeit

F 1. acte d'abdication -
abandon -
renonciation -
répudiation -
remise

2. acte d'abdication -
abandon -
renonciation

3. abdiquer -
abandonner -
renoncer -
répudier -
remettre

S 1. ? acto extintivo
- abandono
- renuncia
- remisión
2. ? acto extintivo
- renuncia
3. ? extinguir
- abandonar
- renunciar
- remitir

Ossorio actos extintivos

F surseoir à statuer

EGLAT

E to stay*/defer*/not give**/
suspend** judgement

* Technical term
** Non-technical term

S

F sursis

1. (proc. pén.) à l'exécution d'une peine

FR CPP 734-747.4

2. (proc. gén.) aux poursuites

CH LP 317b

E 1. suspended sentence

Hampton passim

2. stay of proceedings

S 1.

2.

F	sursis à statuer	Guillien
	E stay of judgement - suspended sentence	
	S	
F	susceptible d'appel (FR, RW)	
	E appealable - against which (an) appeal lies	
	S apelable	
S	Su Señoría	Trato que se da en los escritos al juez de la causa
	E The Court	Form of address to the court
	F Le Tribunal - La Cour	
E	suspended sentence	
	F sursis à statuer	
	S	
F	suspensif v. condition suspensive	
S	suspensión condicional (GT CP 72) = suspensión condicional de la pena	
S	suspensión condicional de la pena (BO, GT, UY)	BO CP 59, CPP 321-324; GT CP 72; UY CPO 102, 126, CPP 331-333
	E suspended sentence	Hampton <i>passim</i>
	F condamnation avec sursis - sursis à l'exécution de de la peine	
S	suspensión de cargos y oficios	Pena
	E suspension from public office	
	F suspension	(Dr. adm.)
S	suspensión de garantías	
	E suspension of safeguards	
	F suspension des garanties	
S	suspensión de la pena (PA CP 29) = suspensión condicional de la pena	

- F suspension de l'application LT: VCLT 57-60, DA 1982 57-60
- E suspension of operation Of a treaty: VCLT 57-60,
 DA 1982 57-60
- S suspensión de la aplicación VCLT 57-60, DA 1982 57-60
- S suspensión de la seguridad individual (UY)
- E suspension of personal security safeguards
- F suspension des garanties de la sûreté individuelle
- F suspension du prononcé de la condamnation (BE)
- E deferment of sentence Cas de suspension du prononcé de la condamnation,
 deferred sentence case,
 case in which sentence was deferred
- S
- S suspensivo
v. condición suspensiva
- S sustanciación
- v. auto de sustanciación
 decreto de sustanciación
- E handling* - trial** * Of a case, procedure, appeal
 ** Of a case
- F instruction (d'une affaire)* Au sens large
 - examen (d'une affaire)
 - examen (d'un recours)
- S sustantivo
- v. código sustantivo penal
 normas sustantiva y adjetiva ...
 norma sustantiva y adjetiva ...
- S sustracción de menores (CL) CP 142
- E abduction of minors EN: called child stealing
 if the minor is under
 14 years
- F enlèvement de mineurs

F syndic

FR Déc. 603 20.5.1955

1. (FR) dans la procédure de la faillite, du règlement judiciaire ou de la liquidation des biens
2. (FR) dans l'administration d'une copropriété immobilière
3. (FR) dans l'administration d'une association syndicale
4. (FR) d'une chambre syndicale d'agents de change

Dalloz faillite ... nos. 26 et 44 et seq., Dalloz Comm. eff. pp. 291, 296-297; Amos 373, 108; Loi 563 13.7.1967, 9
Dalloz propriété no. 64; le syndic est l'administrateur de la copropriété
Dalloz association syndicale no. 14; les syndics sont les administrateurs de l'association
Dalloz agent de change no. 31; le syndic est président de la chambre

E 1. administrator

In EN the functions exercised in FR by the syndic and in ES by the síndico are as follows:
(i) in a bankruptcy, those of the official receiver, also called the receiver in bankruptcy, and his successor the trustee in bankruptcy;
(ii) in a compulsory winding-up, those of the official or other receiver and his successor the liquidator;
(iii) in a mere receivership, those of the official or other receiver

Note that in EN the official or other receiver never becomes the legal owner of the insolvent person's property, unlike the trustee in bankruptcy or the liquidator.

In FR the syndic becomes the legal owner in a faillite or a liquidation des biens

2. administrator
3. administrator

Of a condominium

Note that an association syndicale is an owners' association, not a trade union

4. governor

Note that a chambre syndicale is a governing body, not a trade union

- S
1. síndico
 - 2.
 - 3.
 - 4.

Ossorio

F syndical

v. association syndicale
chambre syndicale

F syndicat (FR)

1. groupement professionnel
2. établissement public

E 1. trade union
2. corporation - association

e.g. syndicat communautaire
d'aménagement, intermunicipal
development corporation

S 1. sindicato
2.

T

S	tabla (CL)	En los tribunales colegiados
	E weekly list	Of cases
	F rôle hebdomadaire	
F	tacite	
	E tacit	
	S tácito	CL CC 210
S	tácito = tacite	
F	tapage (CH, FR)	
	E disturbance - disturbing the peace	
	S	
F	taux d'intérêt légal (FR)	
	E legal*/statutory (rate of) interest	Use statutory where it seems appropriate to emphasize that the matter is one of enacted law; note 6
	S	* Black <u>legal interest</u>
S	telegrama colacionado (AR)	Modalidad de telegrama que produce plena prueba respecto del hecho de haber sido enviado y recibido así como en cuanto a su texto
	E certified telegram	
	F télégramme collationné	
F	témoin v. administration de la preuve par témoins	
F	témoin à charge (CA)	VOCL 3; SCP rés. 7 (XXVII) (E/CN.4/1160)
	E prosecution witness - witness against him*	CA VOCL 3
	S testigo de cargo	* SCP res. 7 (XXVII)

- F témoin à décharge (CA) VOCL 3; SCP rés. 7 (XXVII)
(E/CN.4/1160)
- E defence witness - witness on
his behalf* CA VOCL 3
* SCP res. 7 (XXVII)
- S
- F témoin cité d'office EGLAT
- E witness summoned by the court
of its own motion
- S
- S tenedor (Ossorio) = S detentor
- S tenencia
1. término jurídico Ossorio; CL CC 700, 714,
1460
2. unidad de Carabineros,
a cargo de un teniente
- E 1. detention* - possession** * In the strict legal sense,
- tenure*** - tenancy**** explained in Ossorio;
see E note to detentación
** Non-technical term, syn.
holding, if used as a
rendering of tenencia
*** Form of landholding
**** Leasehold interest in an
immovable
2. local Carabineros station
- F 1. détention
2. lieutenantance de carabiniers
- S tener
- v. téngase presente
- S tener por fallida una condición (CL) CC 1480
- E to deem a condition unsatisfied
- F être réputée défaillie
- S Téngase presente (CL) Ejemplo típico de una
resolución judicial,
específicamente, de un
decreto judicial
- E For cognizance
- F Prendre acte - Qu'il soit pris
acte - Dont acte

E term

v. terms ...

1. a specified period of time, especially (i) (civil law systems) that granted to a debtor for discharging his obligation; (ii) those into which the year is divided for the conduct of judicial business (EN obs. except in the Inns of Court); (iii) the duration of a leasehold interest in land, also called term of years
2. A provision of a contract

Black

Martin; OCL terms; Black

Martin terms, term of years;
OCL term of years

EN: a term of a contract may be either a condition (a material term), a warranty (a non-material term) or (? since the Hong Kong Fir judgement, 1962) an innominate obligation

Note that term and condition do not reflect the technical distinction which, in respect of contracts, exists between terme/plazo and condition/condición (see terme 2.,/
F condition 1.); moreover, they are often used interchangeably

The terms of a lease are its provisions - distinguish this expression from the term of the lease, in which term has the meaning 1. (iii) above

Martin term 2., OCL term of contract

3. a provision in general, e.g. of a judgement

- F
1. (i) délai
(ii) session
(iii) durée
 2. clause - stipulation
 3. disposition

- S
1. (i) plazo
(ii)
(iii)
 2. modalidades - términos
 - 3.

F terme (FR)

1. délai
2. modalité d'une obligation ou d'un contrat

Signifie parfois délai de terminaison
CC 1185-1188; les modalités d'une obligation ou d'un contrat sont soit des termes, soit des conditions;
Nicholas 153

- E
1. period - duration - time-limit - expiry
 2. term

In this context terme and plazo basically mean a period of time and in the case of an obligation or contract denote either (i) the period of time concerned or (ii) a provision relating to an event which is certain to happen, i.e. whose occurrence is simply a matter of a period of time elapsing, as opposed to F condition, S condición, a provision relating to an event which is not certain to happen

Term is the correct E translation in sense (i) and will usually suffice in sense (ii), but where it is necessary to make the distinction between terme/plazo and condition/condición use non-contingent provision instead. Where it is not possible to distinguish between meanings (i) and (ii) translate terme/plazo as term

- S
1. plazo - término
 2. plazo

Ossorio; ES CC 1125-1130,
CL CC 1494-1498

F terme légal (FR) = délai légal
v. avant le terme légal

E term for years - term 1. (iii)

E term of the lease
v. term 2.

E term of years = term 1. (iii)

E	terms and conditions	EN: is not a technical expression and means simply <u>terms</u> , and therefore the equivalent of <u>conditions</u> and <u>warranties</u> (see term 2.)
	F modalités	
	S modalidades	
E	terms of the judgement	
	F dispositif du jugement	
	S	
E	terms of the lease v. term 2.	
S	terminación	LT: VCLT 42-43
	E termination	Of a treaty: VCLT 42-43; for usage and alternatives in other contexts see note 15
	F extinction	VCLT 42-43
S	terminado v. dar por terminado	
S	terminar	
	E to terminate	For usage and alternatives see note 15
	F terminer	
E	terminate	
	1. LT: to bring a treaty to an end	VCLT 42-43
	2. To bring a contract to an end by mutual agreement	EN, US; note 15
F	1. éteindre	
	2. résilier	
S	1. terminar	
	2. denunciar	

- E termination
1. LT: bringing a treaty to an end VCLT 42-43
2. bringing a contract to an end by mutual agreement EN, US; note 15
- F 1. extinction VCLT 42-43
2. résiliation
- S 1. terminación VCLT 42-43
2. denuncia
- F terminer = terminar
- S término de distancia = término de la distancia
- S término de emplazamiento (AR,CL) = emplazamiento 3.
- S término de la distancia (CO,VE) CO CPP 185, VE CECR 15(2); plazo variable que, según la distancia, tiene una de las partes, testigo o perito para responder o hacer lo ordenado por el juez
- E time allowed for appearance
F délai légal
- S teoría clásica Dr. int.
E traditional theory
F théorie classique
- S terna
E list of three candidates
F liste de trois candidats
- S testigo presencial
E eyewitness
F témoin oculaire
- S testimonio
E 1. statement Note 18
2. evidence - testimony
3. official copy - certified copy

- F 1. déclaration - déposition
2. témoignage - preuve -
élément de preuve
3. preuve écrite - preuve
authentique
- F texte
- E text - instrument - *Of an enactment
enactment - provision*
- S texto -
- F texte de forme législative (FR) Const. 37
- E enactment which is legislative Distinguish from texte
in form législatif
- S
- F texte législatif
v. textes législatifs et
réglementaires
1. instrument législatif FR syn. de loi 2., v. note F
au mot législatif, EGLAT
textes législatifs et
réglementaires; CA (Loi
d'interprétation 1967-68):
une loi ou un règlement
2. partie d'un tel instrument CA (Loi d'interprétation
1967-68): partie d'une loi ou
d'un règlement
- E 1. (legislative) enactment
- item/piece of legislation
- statute* Enactment when used without
any qualification means the
following: (i) in GB an
entire legislative instrument
(and also part of one) in the
broad sense of legislative,
i.e. corresponding to the way
in which the term legislation
is used in GB (E note to
legislation 1.); OCL, SOED,
Jowitt: enactment;
(ii) in CA an act or a
regulation or any part of either
(Interpretation Act 1967-68)
* If the instrument in question
is clearly a loi/ley

2. enactment* -
legislative provision(s)/
text

Legislative can be replaced by
statutory or of a statute if
the text in question is clearly
part of a loi/ley
*GB see above; CA Interpretation
Act 1967-68

- S 1. texto legislativo/legal
2. texto legislativo/legal

- F texte réglementaire
v. textes législatifs et
réglementaires

1. instrument réglementaire

FR syn. de règlement l., EGLAT
textes législatifs et
réglementaires; CA

2. partie d'un tel instrument

- E 1. regulatory enactment -
statutory instrument*

If the text in question is
clearly a règlement translate
as regulation
*CA

2. regulatory enactment -
provision(s)/text of
a regulation

- S 1.
2.

- F textes législatifs et réglementaires

EGLAT; v. note F au mot
législatif

1. instruments législatifs et
réglementaires
2. parties de tels instruments

- E 1. enactments - laws and
regulations* - legislation**

*EN statutes and statutory
instruments

** See E note to legislation l.

2. enactments - provisions/
texts of laws and
regulations - provisions of
legislation - legislative
provisions

- S 1.
2.

- F théorie de l'abus de droit

- E theory of abuse of rights
S teoría del abuso del derecho

- E third-party practice (US civ. proc.)
= third-party proceedings 1.
- E third-party proceedings
1. (EN) compulsory intervention of a third party in a lawsuit, i.e. because he is required by another party or the court to become a party to it
2. (CJEC) method of contesting a judgement
- F 1. intervention forcée
2. tierce opposition
- S 1.
2. (procedimiento de) tercería
- E third-party procedure (EN)
= third-party proceedings 1.
- E Third United Nations Conference on the Law of the Sea
- F Troisième Conférence des Nations Unies sur le droit de la mer
- S
- F tierce opposition (FR, CJEC)
- E third-party application/
third-party appeal for rehearing - third-party proceedings*
- S Tercería
- Langan 150-154; also called third-party procedure; syn. US third-party practice, impleader
- CJEEC St.39, CJECSC St.36, CJECRP 97
- FR CPCN 325-327, 331-338
CJEEC St.39, CJECSC St.36, CJECRP 97
- Montego Bay, Jamaica 1982; A/CONF.62/...
- FR: CPCN 481, 527, 582-592, 1481, CTA R. 188-190; Dalloz Proc. civ. pp. 124, 883-898, Dalloz Dr. adm. p. 236; EGLAT, Brown 72
CJEC: CJEEC St.39, CJECSC St.36, CJECRP 97
- In civil or administrative proceedings to the same court (application) or a higher court (appeal); Langan 373
*Used as the name of the procedure, not the application/appeal itself; CJEC: CJEEC St.39, CJECSC St.36, CJECRP 97
- CL GPC 518

- S tierra fiscal (ES)
 E public land
 F Domaine
- F tiers saisi (FR) CPCA 571
 E garnishee
 S
- E time charter TD/B/AC.34/CRP.3
v. trip time charter
- F affrètement à temps TD/B/AC.34/CRP.3
S fletamento por tiempo TD/B/AC.34/CRP.3
- S tipificar
 1. descripción que hace el legislador de una conducta constitutiva de delito = calificar 1.
 2. determinación que hace el juez de la correspondencia existente entre la conducta del reo y la figura delictiva descrita por la ley = calificar 2.
 3. tipificar a alguien el delito de ...
 E 3. to impute
 F 3. imputer
- F titre
v. acte à titre gratuit
à titre ...
décision à titre préjudiciel
disposition à titre gratuit
former titre exécutoire
 1. cause ou fondement juridique d'un droit Capitant I
 2. écrit constatant un acte juridique Capitant II, Guillien; syn. acte (BE CC 1317, FR CC 1317); FR LSC 263
 E 1. (translate according to context) e.g. juste titre, good reason, titre de noblesse, title of nobility, son titre, his title, e.g. to the property; and see the examples mentioned above left

2. document/instrument of title* - security**	*Can be translated as <u>title deed</u> (Martin) if it is an instrument of title to land; preferably NOT <u>title</u> **Especially if the instrument is a financial one, e.g. a share certificate or bond; translate as <u>share certificate</u> , <u>bond</u> where appropriate; <u>des</u> <u>titres</u> , securities, investments (UEC)
S 1. título 2. título	Ossorio, Escriche Ossorio, Escriche
F titre à ordre	UEC 831
E order document S título a la orden	
F titre au porteur	UEC 831; CH CC 201
E bearer document*/security S título al portador	*UEC 831; translate as <u>bearer</u> <u>share certificate</u> , <u>bearer bond</u> where appropriate
F titre authentique = acte authentique	
F titre de protection provisoire	EGLAT
E provisional/interim security S	
F titre exécutoire (FR) v. former titre exécutoire	Écrit permettant à son bénéficiaire de recourir à l'exécution forcée: titre revêtu de la formule exécutoire (acte notarié, jugement, accord de conciliation), contrat administratif ou contrainte (Guillien); Barraine, Dalloz Civ. intro. pp. 384, 466, Civ. obl. p. 945 n. 2, Voies pp. 42-45 CPCA 551, Amos 242

E	enforceable document/ instrument	Amos 242, UEC 832 <u>executory title</u> ; can be translated as <u>enforceable title deed</u> if it is an instrument of title to land; NOT <u>writ of execution</u> ; the F and S terms include judgements and other court orders and notarial acts such as contracts, bonds and acknowledgements
	S	título ejecutivo
F	titre nominatif	
	E	registered security
	S	título nominativo
F	titre payable à vue	UEC 833
	E	sight document
	S	título pagadero a la vista
F	titulaire	
	E	owner - holder - ...ee*
	S	titular
S	titular = titulaire	
S	titularidad	GQ
	E	ownership - entitlement
	F	propriété - habilitation
S	título = titre	
	v.	a cualquier título
		a título gratuito
		a título oneroso
S	título de acción (ES)	CCOM 164, LSA 43
	E	share certificate
	F	titre
		EC Companies Act 1948, 80-81
		FR LSC 263

S	título constitutivo (CL, ES)	CL CC 703, ES CC 476
E	grant	Of property, see <u>grant</u> 1. and 2.; however, <u>título constitutivo de dominio</u> as used in CL CC 703 means occupation, accession or prescription, none of which can be translated by <u>grant</u> ; if in doubt translate as <u>constitutive title</u>
F	acte constitutif	
S	título translaticio = título traslativo	
S	título traslativo	Sin. CL CC 703 <u>título translaticio</u>
E	transfer - conveyance	For the meaning and use of these terms see E note to <u>acte translatif</u>
F	acte translatif	
S	toma de razón (CL)	De un decreto supremo
E	constitutional review	i.e. review as to constitutionality and legality
F	contrôle de légalité	
S	Tómese razón, regístrese y comuníquese (CL)	Frase con la cual termina el texto de un decreto
E	For review, registration and transmittal	
F	Pour contrôle, enregistrement et communication	
E	tort v. quasi-tort	IECL XI/1; see <u>wrong</u>
	1. (EN) a civil wrong other than a mere breach of contract	
	2. (EN, US) the name of a branch of law	
F	1. délit 2. responsabilité délictuelle	v. <u>délit</u> 2. IECL XI/1, Dalloz <u>responsabilité civile</u>
S	1. delito 2.	v. <u>delito</u> 2.

- E tortious liability
 F responsabilité délictuelle
 S
- S tradición (CL) CC 670 et seq.
 E delivery Of a movable thing;
 RL traditio
 F tradition FR Capitant, CC 1138
- F tradition = tradición
- F traduction certifiée conforme à l'original
 E certified (a) true translation of the original
 S
- F traduction révisée conforme, quant au contenu, à l'original
 E contents certified a revised true translation of the original
 S
- F traduire en justice
 E to bring to court
 S
- F traite = lettre de change
- F traité inique
 E iniquitous treaty
 S
- S tramitación = sustanciación
- S tramitar causa en perjuicio de E/CN.4/GR.8/7/Add.1
 E to bring proceedings against* *E/CN.4/GR.8/7/Add.1
 - to sue
 F intenter une action en justice contre quelqu'un

- S trámite
v. causa que se tramite por/ante ...
encontrarse en trámite
en trámite de ...
en trámite de sumario
iniciar trámite ley 21.449
- S trámite sumario
v. en trámite de sumario

E summary procedure
F procédure sommaire
- S transacción = F transaction 2.
- F transaction EGLAT

1. opération commerciale Guillien, Capitant II
2. (dr. civ., proc. civ., dr. fin.) FR CC 2044, QU CC 1918,
contrat par lequel les parties CH CDO 184 n.,; Guillien,
transigent, c'est-à-dire Capitant I, III
terminent ou préviennent une
contestation
- E 1. transaction QU CC 1918 transaction
2. settlement* *Technical term
-compromise** **PH CC 2028
- S 1. transacción
2. transacción ES CC 1809, CL CC 2446
- F transaction judiciaire EGLAT transaction;
?FR CPCN 129; CJENF 50
- E court settlement CJENF 50; a settlement which
has taken place out of court
and is recorded by the court;
it thus has elements of both
EN settlement out of court
and EN consent judgement
- S transacción judicial
- S transcripción

E transcript - certified copy* *Of a decision or enactment
F ampliación

E transfer (EN)

1. (noun) the voluntary making-over of a right by one person (the transferor) to another (the transferee), either by written instrument or by delivery of the thing which is the object of the right

Transfer is a generic term for all acts of this kind, but the following specific terms, including transfer itself, are normally used depending on what is transferred: conveyance for real property generally; transfer for registered real property and for personal property generally, and in particular goods, securities and negotiable instruments; and assignment for personal property such as debts, patent rights, insurance policy and other contractual benefits, and leases, and for any property if made by a debtor to his creditors.

The process whereby a right passes from one person to another by operation of law, i.e. involuntarily, is sometimes called transfer but is more correctly described as devolution.

Transmission is not a term of art in English law, unlike transfer and devolution, and is used in a general sense to express either of the latter notions.

The above applies

2. (noun) the instrument referred to above
3. (verb) the action referred to above

The above applies, namely to the verbs transfer, convey, assign, devolve upon and transmit

- F
1. ?acte translatif
- cession - transfert
 2. ?acte translatif
- cession - transfert
 3. céder - transférer

Guillien acte translatif,
Cornu translatif

S	1. ?acto traslativo - cesión - transferencia - - traspaso	Ossorio <u>actos traslativos</u>
	2. ?acto traslativo - cesión - transferencia - traspaso	
	3. ceder - transferir - traspasar	
S	transgresión	De una ley
	E violation - infringement	
	F violation	
S	translaticio (CL) = traslativo	
F	translatif	
	v. acte translatif	
	jugement translatif	
E	transmission	
	v. transfer 1.	
E	transmit	
	v. transfer 3.	
E	transportation	EN criminal penalty consisting in sending a convict overseas (e.g. to Australia) to do hard labour, abolished 1853 and replaced by penal servitude, itself abolished 1948; OCL
	F transportation	Cornu FR transfert de détenus outré-mer (essentiellement en Guyane); abandonné en 1938
	S	
F	transportation	FR means of execution of the former criminal penalty of hard labour, consisting in sending the convict overseas (e.g. to Guyana) to perform it, abolished 1938; not in itself a criminal penalty; Capitant; OCL <u>transportation</u>
	E transportation	
	S	

- F transport sur les lieux
FR CPP 54, 68, 92,
DJ CIC 54.2
- E ?visit to the scene of the
offence/to a place connected
with the offence
- S
- S trascendencia
v. delito de trascendencia
internacional
- S traslado
v. traslados
Ossorio
- E copy
F copie
Of a document
- S traslados
Ossorio; SV LPPS 26, 31
- E exchange of pleadings*
- pleadings**
F débats - échange entre
les parties*
*SV LPPS 26; Langan 76
** SV LPPS 31
*De façon à fixer avec
précision les points de
fait sur lesquels les
parties sont en litige
- S traslativo
v. acto traslativo
sentencia traslativa
título traslativo
- S trastornos de conducta
- E misconduct
F conduite déréglée
- S trata de personas
- E traffic in persons
Convention for the Suppression
of the Traffic in Persons and
the Exploitation of the
Prostitution of Others
- F traite des êtres humains
- S trato desconsiderado
- E rough treatment
F traitement brutal
- S tratos vejatorios
- E maltreatment
F traitements vexatoires -
brimades

F	travail forcé	COV 8(3)(a)
	E forced labour	COV 8(3)(a)
	S trabajo forzoso	COV 8(3)(a)
F	travaux forcés (BE, FR)	Peine: BE? obs., FR obs., BE PC 379; COV 8(3)(b)
	E hard labour	Penalty; EN obs.; COV 8(3)(b)
	S trabajos forzosos	COV 8(3)(b)
F	travaux d'intérêt général	FR dr. pén.(?): Loi 10.6.1983
	E ?community service	EN penalty: Hampton 269-270, 408
	S	
F	tréfoncier (FR)	
	E landowner	The grantor of a <u>droit de superficie</u>
	S	
E	trespass	OCL, Martin
	F ?(acte de) trouble	CH CC 926, 932
	S	
E	trial by combat (SCO)	Obsolete form of trial in which the accused settles his guilt or innocence in armed combat with the Lord Advocate or his deputy; the last instance of it is believed to have been in 1603 and an unsuccessful attempt was made to revive it in 1985
	F jugement par combat	
	S	
E	Trial Division (CA)	Of the Federal Court of Canada; FCA 4.
	F Division de première instance	CA: de la Cour fédérale du Canada; LCF 4.
	S	

E tribunal

1. (EN: lato sensu) a court of justice
2. (EN: stricto sensu) person or body exercising adjudicatory functions outside the regular judicial system, i.e. exercising quasi-judicial functions

Jowitt, OCL; academic not technical term; note 4.

Jowitt; OCL court, tribunal

These tribunals are often established by statutory authority, in which case they are sometimes called statutory tribunals.

Although outside the regular judicial system, they are nevertheless subject to the supervisory jurisdiction of the High Court of Justice by the process of judicial review (v. judicial review).

They may be called tribunal, board, commission, committee or council and are divided into three categories: administrative tribunal, domestic tribunal, tribunal of inquiry (see those entries in Martin). The majority are administrative tribunals.

Arbitral tribunals, although not known as such in EN domestic law, fall within the definition given in 2. opposite.

See also OCL administrative tribunal, tribunal of inquiry, Padfield 64-68, Brown 27, James 53-55, 145, Walker EN 208 et seq.; note 4.

OCL international tribunals

3. (IL) international adjudicatory body

- F
1. tribunal - jurisdiction
 2. tribunal - commission
 3. tribunal

v. F tribunal 1.

v. F tribunal 3.

v. F tribunal 4.

- S
1. tribunal - fuero
 2. tribunal - comisión - jurado
 3. tribunal

v. S tribunal 1.

v. S tribunal 3.

v. S tribunal 4.

F tribunal

v. cours et tribunaux

1. (BE, FR: lato sensu) magistrat ou magistrats exerçant la fonction juridictionnelle, syn. juridiction 2.
2. (BE, FR: stricto sensu) juridiction inférieure, par opposition à cour, juridiction supérieure
3. (FR) personne ou personnes exerçant une fonction juridictionnelle sans être magistrats
4. (dr. int.) instance juridictionnelle internationale

Capitant I; Dalloz tribunaux judiciaires, tribunal administratif; EGLAT;
Capitant I; p. ex. tribunal de grande instance, tribunal administratif; en CH l'opposition hiérarchique des deux termes est moins catégorique (p. ex. Tribunal fédéral suisse, Cour pénale fédérale, tribunal cantonal (VD), Cour de justice (GE) p. ex. un tribunal arbitral

p. ex. un tribunal arbitral

E 1. court - tribunal

2. court

3. tribunal

4. tribunal

Alternatives to court are court of justice, court of law, law court; note 4. In the sense of an inferior court; note 4.
e.g. an arbitral tribunal (not a technical term in EN)
e.g. an arbitral tribunal

S 1. tribunal - fuero

2. juzgado

3. tribunal - comisión - jurado

4. tribunal

S tribunal

v. juzgados y tribunales
Supremo Tribunal Militar
tribunales ...

1. (ES, LAM: lato sensu) magistrado o magistrados que ejercen la función jurisdiccional, sin. fuero
2. (ES, MX: stricto sensu) órgano jurisdiccional superior, sin. LAM corte, por oposición a juzgado, juez, órgano jurisdiccional inferior

Esriche, Ossorio,
Prieto-Castro 27-29

ES LOPJ 26, Const. 118,
MX LOT 2.

3. persona o personas no magistrados que ejercen una función jurisdiccional o de protección p. ej. ES (antes) un tribunal tutelar de menores
4. (der. int.) instancia jurisdiccional internacional p. ej. un tribunal arbitral
- E 1. court - tribunal Alternatives to court are court of justice, court of law, law court; note 4.
2. court i.e. a superior court; note 4.
3. tribunal e.g. an arbitral tribunal
4. tribunal (not a technical term in EN)
e.g. an arbitral tribunal
- F 1. tribunal - jurisdiction
2. cour
3. tribunal - commission
4. tribunal
- F tribunal administratif
1. (FR, GE) un tribunal administratif proprement dit FR Déc. 682 13.7.1973,
GE Const. 131, LOJ 1,
C. Eur 37, Brown 32-35;
syn. jurisdiction administrative 4.
2. (FR: usage inexact) tribunal de l'ordre administratif syn. jurisdiction administrative 3.,
jurisdiction de l'ordre administratif
- E 1. administrative court FR there are several such courts; GE has one Tribunal administratif, Administrative Court
2. administrative court
- S 1.
2.
- F Tribunal administratif UN
- E Administrative Tribunal
S Tribunal Administrativo
- S tribunal ad quem Forma poco usual de referirse al tribunal de segunda instancia
E higher court Also called court appealed to,
EN court above
F tribunal ad quem - tribunal saisi (du recours/de l'appel)
- S tribunal apelado (CL) = tribunal a quo

S	tribunal <u>a quo</u>	
	E lower court	Also called <u>court appealed from</u> (CA: Recueil), EN <u>court below</u>
	F tribunal <u>a quo</u> - cour dont appel est interjeté*	Tribunal ayant rendu la décision qui fait l'objet du recours dont il est fait appel *CA Recueil
F	tribunal arbitral	FR CPCN 1444, 1452 <u>et seq.</u> ; MRAP 1; IL
	E arbitral tribunal	MRAP 1; not a technical term in EN domestic law
	S tribunal arbitral	MRAP 1
S	tribunal arbitral = F tribunal arbitral	
F	tribunal arbitral institué ...	
	E arbitral tribunal constituted ...	
	S	
S	Tribunal Calificador de Elecciones (CL)	1925 Const. 79, 1980 Const.84
	E Election Validation Court	
	F tribunal vérifiant la régularité des élections	
F	tribunal cantonal (FR, VD, VS)	FR obsolete
	E cantonal court	VD, VS each have one such court
	S tribunal cantonal	
S	Tribunal Central de lo Contencioso-Administrativo (ES)	LOJ 22; ?obs., v. LOPJ 64
	E Central Administrative Court	
	F Tribunal central (du contentieux) administratif	
S	Tribunal Central de lo Penal (ES)	LOJ 22; ?obs., v. LOPJ 64
	E Central Criminal Court	
	F Tribunal central (formation pénale)	

- S Tribunal Central de Trabajo (ES) LOJ 22; obs., v. LOPJ
disposición transitoria 18
E Central Labour Court
F Tribunal central du travail
- F tribunal civil (BE, FR) BE: part of a tribunal de
première instance;
FR obsolete
E civil court
S tribunal civil
- S tribunal colegiado (CL) Clagett Adm. 21
E collegiate court
F tribunal collégial
- S Tribunal Constitucional (CL, ES) CL 1980 Const.8, 81-83,
ES Const. 159-165
E Constitutional Court
FR conseil constitutionnel
F Cour constitutionnelle
créé par la Constitution du
4 octobre 1958
- S Tribunal Contencioso Administrativo
(CO) = Tribunal de lo
Contencioso-Administrativo
- S tribunal correccional (PE) There are a number of such
courts and they try delitos,
serious offences
E criminal court
F tribunal correctionnel
- F tribunal correctionnel (BE, FR,
LU, VD) COJ L.622.1, CPP 381: C. Eur
37-38, 87
E correctional court
The name of a tribunal de
grande instance (FR), tribunal
d'arrondissement (BE, LU), when
it tries délits, ordinary
offences; in VD it tries délits
and is sometimes called tribunal
de police correctionnelle
S tribunal correccional

- F tribunal criminal (VD)
- E criminal court In VD it tries crimes, serious offences; otherwise the term is usually descriptive, not a name
 - S tribunal/juzgado del crimen
- F tribunal d'appel
- E appellate court A descriptive term, not a name; SC CPC 310
 - S
- F tribunal d'arrondissement (BE, LU, VS)
- E circuit court C. Eur. 17, 87
Black; there are some 26 such courts in BE and 2 in LU, i.e. one for each arrondissement judiciaire, judicial circuit, in both countries
 - S
- S tribunal de alzada
- 1. (CL) el que en segunda instancia conoce de los hechos y del derecho
 - 2. (CL) en algunos casos, sinónimo de Corte de Apelaciones
 - E 1. appellate/higher court EN also called court above
2. Court of Appeal
 - F 1. jurisdiction d'appel -
jurisdiction supérieure -
jurisdiction du second degré
2. Cour d'appel
- S tribunal de apelación en lo penal (UY)
- v. tribunal primero de apelación
 - tribunal segundo de apelación
 - tribunal tercero de apelación
 - E criminal appeal court
 - F cour d'appel (formation pénale) There are several such courts

- F tribunal de canton (RW COJ 2, Const. 83, 99) = tribunal de district
- F tribunal de céans (GE)
E this court
S
- F tribunal de commerce (BE, FR, LU) FR COJ L.411.1 et seq.;
C. Eur 16, 38, 87
E commercial court BE, FR: there are several such courts;
LU: each of the two tribunaux d'arrondissement is called the tribunal de commerce when it sits to hear commercial cases
S
- S Tribunal de Cuentas (ES) Const. 136, 153
E Court of Audit
F Cour des comptes
- S Tribunal de Cuentas de la República (UY)
E Court of Audit of the Republic
F Cour des comptes de la République
- F tribunal de deuxième degré = juridiction du deuxième degré
- F tribunal de district (VD)
E district court
S
- F tribunal de droit commun = juridiction de droit commun
- S tribunal de excepción = juridiction d'exception
- S Tribunal de Faltas (UY) GPP 30, 37
E Court of Minor Offences There is only one such court
F Tribunal de police

- S Tribunal de Garantías
Constitucionales (PE) Creado por Ley N°. 23.385
de 19 de mayo de 1982;
Const. 296-304
- E Court of Constitutional
Guarantees
- F Cour constitutionnelle
- F tribunal de grande instance (FR) CC 311.5, 353, COJ L.311.1
et seq.; Déc. 1281
22.12.1958; Nicholas 7,
Amos 7-8
- E court of major jurisdiction There are some 175 such
courts; Merryman
- S
- F Tribunal de Grande Instance de Paris
- E Paris Court of Major
Jurisdiction
- S
- S tribunal de honor GT Const. 65
- E court of honour
- F
- F tribunal de jeunesse = tribunal de
la jeunesse
- F tribunal de la jeunesse (BE, GE) GE LOJ 1; C. Eur 16
- E juvenile court BE part of a tribunal de
première instance; GE has
one Tribunal de la jeunesse,
Juvenile Court
- S
- S tribunal de lo Contencioso
= Administrativo (UY)
- E Administrative Court
- F Tribunal (du contentieux)
administratif
- F tribunal de l'ordre administratif (FR)
= juridiction de l'ordre
administratif
- F tribunal de l'ordre judiciaire (FR)
= juridiction de l'ordre
judiciaire

S	tribunal del trabajo	
	E labour court	
	F conseil de prud'hommes* - tribunal du travail**	* FR ** BE
S	tribunal de menores (MX) = tribunal pour enfant	
S	tribunal de orden público (ES)	Obsolete
	E court of public order	Court trying offences against public order; there were several such courts
	F tribunal d'ordre public	
F	tribunal de paix (BI)	Const. 53
	E magistrates' court	
	S	
F	tribunal de police (BE, BI, FR, GE, LU, VD, VS)	FR COJ L.623.1, CPP 521; BI Const. 53; GE LOJ 1; C. Eur 15, 37-38, 87
	E police court	The name of a <u>tribunal d'instance</u> (FR), <u>tribunal de première instance</u> (BE), <u>justice de paix</u> (LU), when it tries <u>contraventions</u> , minor offences; in GE there is one <u>Tribunal de police</u> , Police Court; in GE, VD, VS it tries <u>contraventions</u> and in VD is also called <u>tribunal de simple police</u>
	S	
F	tribunal de police correctionnelle (VD) = tribunal correctionnel	
F	tribunal de premier degré = juridiction du premier degré	
F	tribunal de première instance (BE, BI, FR, GE, MG, RW)	FR obsolete except in overseas territories; BI Const. 53, RW Const. 99; GE LOJ 1; C. Eur 16
	E court of first instance	BE has several such courts; GE has one <u>Tribunal de première instance</u> , Court of First Instance; Walker EN 179, 262, 270
	S tribunal de primera instancia	

- S tribunal de primera instancia
= tribunal de première instance
- F tribunal de prud'hommes (GE LOJ 1)
= conseil de prud'hommes
- F Tribunal des baux et loyers (GE) LOJ 1, 56A
E Rent Court In EN the equivalent is the local rent tribunal, which is not however a court of law
S
- F Tribunal des conflits (FR, GE) FR Déc. 26.10.1849;
GE Const. 131, LOJ 1;
Brown 89, 92-97, C. Eur 37
E Court of Conflicts FR, GE each have one such court and it settles conflicts of jurisdiction
S
- F tribunal de simple police (FR, VD) FR obsolete, but term is sometimes used, as in VD, to refer to tribunal de police
E police court
S
- F tribunal de travail = tribunal du travail
- S tribunal de única instancia
E court of sole instance
F tribunal de premier et dernier ressort
- F tribunal d'exception = juridiction d'exception
- F tribunal d'exécution (FR) CPCA 554
E court of enforcement
S
- F tribunal d'instance (FR) CC 348.3, COJ L.321.1 et seq.; R.321.1 et seq.; Nicholas 7, Amos 7-8
E court of minor jurisdiction There are some 475 such courts; Merryman
S

F	tribunal d'instance et de police (FR)	
	E court of minor and police jurisdiction	Manner of describing the <u>tribunal d'instance</u> in order to indicate its two functions, one civil and the other criminal
	S	
F	tribunal d'instance inférieure	CA
	E inferior court	?CA
	S	
F	tribunal du deuxième degré = juridiction du deuxième degré	
F	tribunal du premier degré = juridiction du premier degré	
F	tribunal du travail (BE)	C. Eur 16; FR conseil des prud'hommes
	E labour court	
	S tribunal del trabajo	
S	tribunal en pleno	
	E court sitting in banc - full court	<u>In banc</u> is not underlined
	F tribunal siégeant au complet	
S	tribunales navales, militares y aeronáuticos (CL)	
	E naval, military and Air Force courts	
	F tribunaux des forces armées	
S	tribunal especial (ES)	Obs.
	E special court	
	F cour spéciale	
S	tribunal especial de apelación (NI)	Dec. 185/79, chap. I; tribunal de alzada para los tribunales especiales de primera instancia; hay tres
	E special appeal court	
	F cour d'appel spéciale	

- S tribunal especial de primera instancia (NI) Dec. 185/79, chap. I; hay nueve
- E special court of first instance
- F tribunal spécial de première instance
- S Tribunal Especial Noveno de Primera Instancia (NI) Dec. 185/79, chap. I
- E Ninth Special Court of First Instance
- F neuvième tribunal spécial de première instance
- S tribunales y juzgados = cours et tribunaux
- S tribunal excepcional = juridiction d'exception
- S Tribunal Europeo de Derechos Humanos = Cour européenne des droits de l'homme
- F Tribunal fédéral (CH) C. Eur 129; CH Const. 106-114, CP 340-342
- E Federal Tribunal The federal supreme court
- S Tribunal Federal
- F tribunal international IL
- E international tribunal
- S
- S tribunal interno
- E domestic/municipal/national court As opposed to an international tribunal; for the distinction between the alternatives, which are all equally acceptable, see droit interne
- F tribunal de l'ordre interne
- F tribunal judiciaire (FR) = tribunal de l'ordre judiciaire

- F tribunal maritime commercial (FR) COJ L.633.1; C. Eur 39
E merchant marine court A merchant seamen's court,
of which there are several;
NOT admiralty court,
shipping court
S
- F tribunal militaire
E military court EN court martial
S
- F tribunal militaire aux armées (FR) COJ L.632.2, CJM 1, 40
et seq.
E military court There can be several such
courts; EN court martial
S
- S tribunal para menores (MX) = tribunal
pour enfant
- F tribunal paritaire de baux
ruraux (FR) Déc. 1293 22.12.1958,
Dalloz louage sects. 204
et seq. C. Eur 39,
de Vries 80
E (joint) rural tenancies
court
There are a large number of
these courts; they have
features, e.g. bipartite
representation, which make
them more like an English
tribunal than a court of law,
but they are part of the
judicial hierarchy in France
and should therefore be
called courts; Merryman 269
joint rural lease commission
S
- F tribunal pénal = tribunal criminal
- F tribunal permanent des forces
armées (FR) COJ L.632.1, CJM 1, 4 et seq.
v. haut tribunal permanent des
forces armées
E (permanent) court of the
armed forces
S
There are several such courts

- F tribunal pour enfant (FR) Dr. pén.: Ord. 2.2.1945,
COJ L.521.1; de Vries 80-81
- E juvenile court
There are several such courts; they operate at the level of a tribunal de grande instance and try minors accused of délits, ordinary offences, and certain contraventions, minor offences, as well as minors up to 16 accused of crimes, serious offences
- S
- F Tribunal pour la jeunesse (GE)
- E Juvenile Court
S
- F tribunal prévotal (FR) CJM 459 et seq.
- E provost court A military police court; PH
S
- S tribunal primero (NI) Forma abreviada para referirse al primero de los nueve tribunales especiales de primera instancia
- E first court
F premier tribunal spécial (de première instance)
- S tribunal primero de apelación (NI) Forma abreviada para referirse al primero de los tres tribunales especiales de apelación
- E first appeal court
F première cour d'appel spéciale
- S tribunal recurrido (CL) = tribunal a quo
- F tribunal répressif = juridiction répressive

- S tribunal segundo (NI) Forma abreviada para referirse al segundo de los nueve tribunales especiales de primera instancia
- E second court
F deuxième tribunal spécial (de première instance)
- S tribunal segundo de apelación (NI) Forma abreviada para referirse al segundo de los tres tribunales especiales de apelación
- E second appeal court
F deuxième cour d'appel spéciale
- F tribunal siège de la cour d'assises (FR) CPP 241
- E (court which is the) seat of the assize court
S
- S Tribunal Supremo (CU, ES) ES LOPJ 53-61
- E Supreme Court EN
F Cour suprême
- S tribunal superior de justicia, Tribunal Superior de Justicia LOPJ 70-79; tribunal culminante en cada Comunidad Autónoma (v. ES Const. 143-158)
- E high court of justice - High Court of Justice
F cour de justice supérieure A éviter: Haute Cour de justice, qui renvoie en FR aux arts. 67 et 68 de la Constitution de la V^e République
- S tribunal tercero (NI) Forma abreviada para referirse al tercero de los nueve tribunales especiales de primera instancia
- E third court
F troisième tribunal spécial (de première instance)

S	tribunal tercero de apelación (NI)	Forma abreviada para referirse al tercero de los tres tribunales especiales de apelación
	E third appeal court	
	F troisième cour d'appel spéciale	
S	tribunal unipersonal	Walker EN 514
	E (court consisting of a) single judge - single-judge tribunal* - unipersonal court** - one-judge court	* Merryman ** Clagett Adm. 21
	F tribunal à juge unique - tribunal unipersonnel	Amos 8
E	trip time charter	TD/B/AC.34/CRP.3
	F affrètement à voyages consécutifs	TD/B/AC.34/CRP.3
	S fletamento por uno o más viajes (<u>trip time charter</u>)	TD/B/AC.34/CRP.3
F	troubler l'ordre public	EGLAT <u>ordre public</u>
	E to disturb/to cause a breach of the peace* - to conflict with/to be detrimental to public policy**	* Where <u>ordre public</u> means law and order ** Where <u>ordre public</u> means public policy
	S	
S	tuición	
	E supervision - guardianship - custody	
	F supervision - tutelle - garde	
S	turnar	Una causa a un juez o tribunal
	E to allocate - to assign	
	F distribuer - attribuer - renvoyer - porter (devant) - assigner	

- S turno (AR, CL, UY)
v. defensor oficial de turno
juez ... de primer turno
juez ... de segundo turno
juez ... de tercer turno
juez de turno
Juzgado de Instrucción
 Militar de Primer Turno
 juzgado ... de primer turno
 juzgado ... de segundo turno
 juzgado ... de tercer turno
 Juzgado Militar de Primera
 Instancia de Cuarto Turno
- E rota - roster
- F tour
- S tutela = tutelle
v. bienes sin tutela
- S tutela dativa = tutelle dative
- S tutela legítima = tutelle légale
- S tutela testamentaria = tutelle testamentaire
- F tutelle (BE, FR, QU)
v. Conseil de tutelle
 conseil des tutelles
 gérant de la tutelle
 juge des tutelles
1. dr. civ.
2. dr. adm.
3. dr. int.
- Orden establecido para el conocimiento de las nuevas causas cuando existen dos o más jueces o tribunales que tienen competencia y territorio jurisdiccional comunes, para cubrir las notarías vacantes (ES Reglamento Notarial 88), etc.; Ossorio
- See the examples referred to above
- FR CC 370-475, 492-507, CP 29, CPCN 1211-1230; CH CC 360-456; BE CC 389-475; QU CC 249; Dalloz Civ. pers. pp. 755-761, 774 et seq., 876 et seq., 902; Amos 81-84, EGLAT; FR: the most extensive of the three forms of judicial protection, extending to persons as well as property; note 13

- E 1. tutorship* - (legal) guardianship**
- FR: of an unemancipated minor or judicially protected adult; translate as guardianship except where tutelle and tutela have to be distinguished from curatelle, curaduría or curatela, curatorship; the term guardianship implies the adjective legal, although this can be added where it seems necessary to emphasize it, except where there is a risk of legal guardianship implying that it is a translation (even though it would be an imprecise one, see note 6) of tutelle légale, which is merely one form of tutelle; EN guardianship, SCO tutory (where it is one of two forms of guardianship, the other being curatory), Black tutelage; note 13
* QU CC 249
** SC CC 370-475, Williams' translation of CH CC, Gordon's translation of MX CC
2. supervision
3. trusteeship
- S 1. tutela
- ES CC 199-285, CL CC 338-434, 496-544, MX CC 449-634, PR CC 167
2.
3.
- F tutelle administrative (FR)
- EGLAT tutelle, Amos 55-56
- E government supervision
S tutela administrativa
- AL
- F tutelle dative (FR, QU)
- FR CC 404, 496, QU CC 249; Amos 83, EGLAT tutelle
- E dative tutorship*/guardianship
- For the distinction between the alternatives see E note to tutelle; note 13
* QU CC 249
- S tutela dativa
- CL CC 353, 370-372, MX CC 495-502, PR CC 194; ES obs.: Aguilar art. 231-232

- F tutelle de l'Etat (FR) CC 483
E public guardianship
S
- F tutelle des interdits EGLAT tutelle
E guardianship of
interdicted persons
S
- F tutelle légale (FR) CC 402, 496, Amos 82-83,
EGLAT tutelle
E statutory tutorship/
guardianship For the distinction between
the alternatives
see E note to tutelle;
sometimes called legitimate
tutorship; NOT legal
guardianship (see note 6);
note 13
S tutela legitima CL CC 353, 366-369,
MX CC 482-494,
PR CC 178; ES obs.: Aguilar
art. 211-230
- F tutelle pénale (FR) Obs.: CP 58.1-3 (abrogés),
CPP 728.1-4 (abrogés)
E penal surveillance Of recidivists; measure
akin to a criminal penalty
which replaced relégation
in 1970 and was abolished
in 1981
S
- F tutelle testamentaire (FR) CC 397-398, Amos 82-83,
EGLAT tutelle
E testamentary tutorship/
guardianship For the distinction between
the alternatives see E note
to tutelle; note 13
S tutela testamentaria CL CC 353-365, MX CC 470-481,
PR CC 174; ES obs.: Aguilar
art. 206-210
- F tuteur (BE, CA, CH, FR, QU)
v. subrogé tuteur BE CC 405, CH CC 360,
398-416, FR CC 397-406,
496, QU CC 249, CA ...;
Amos 81-84, EGLAT tutelle

- E tutor* - (legal) guardian**
FR: of an unemancipated minor or judicially protected adult; translate as guardian except where tuteur and tutor have to be distinguished from curateur and curador, curator; as to the use of legal see E note to tutelle; EN guardian; note 13
* QU CC 249; SCO (where tutor and curator are the two forms of guardian)
** CA guardian
CL CC 338, ES CC 234-275, MX CC 454
- S tutor
CL CC 338, ES CC 234-275, MX CC 454
- F tuteur datif (FR)
CC 404, 496, Amos 82-83
- E dative tutor/guardian
For the distinction between the alternatives see E note to tuteur; SCO, ZA tutor dative; note 13
- S tutor dativo
- F tuteur de fait (FR)
Amos 83n.2
- E de facto guardian
S tutor de hecho
- F tuteur légal (FR)
CC 402, 496, Amos 82-83
- E statutory tutor/guardian
For the distinction between the alternatives see E note to tuteur; NOT legal guardian (see note 6); SCO tutor at law, tutor of law (Walker Prins.), tutor-legitim; note 13
- S
- F tuteur testamentaire (FR)
CC 397-398, 404, Amos 82-83
- E testamentary tutor/guardian
For the distinction between the alternatives see E note to tuteur; in FR the tuteur testamentaire could also be described as a tutor nominate since he is not necessarily appointed by will (CC 398); ZA tutor testamentary; note 13
- S

E tutor (SCO) = tuteur

S tutor = tuteur
v. protutor

E tutorship (SCO)

A form of guardianship,
also called tutory, being
the one applicable to a
pupil (a girl of 12 or under
or a boy of 14 or under);
note 13

F tutelle
S

E tutory = tutorship

U

- E undertrial (IN) = detenido 2.,
preventivo
- F un Etat engage sa responsabilité Dr. int.: SR
E a State incurs
responsibility
S
- S Unidad de Prevención del Delito (CR)
E Crime Prevention Unit A police body
F Unité de prévention de
la délinquance
- E United Nations Conference on Consular Relations Vienna, 1963; ...
F Conférence des Nations Unies
sur les relations consulaires
S
- E United Nations Conference on Contracts for the International Sale of Goods Vienna, 1980; A/CONF.97/...
F Conférence des Nations Unies
sur les contrats de vente
internationale de marchandises
S
- E United Nations Conference on Diplomatic Intercourse and Immunities Vienna, 1961; ...
F Conférence des Nations Unies
sur les relations et
immunités diplomatiques
S

- E United Nations Conference on Succession of States in respect of State Property, Archives and Debts Vienna, 1983; A/CONF.117/...
- F Conférence des Nations Unies sur la succession d'Etats en matière de biens, archives et dettes d'Etat
- S
- E United Nations Conference on Succession of States in Respect of Treaties Vienna, 1977-1978; A/CONF.80/...
- F Conférence des Nations Unies sur la succession d'Etats en matière de traités
- S
- E United Nations Conference on the Carriage of Goods by Sea Hamburg, 1978; A/CONF.89/...
- F Conférence des Nations Unies sur le transport de marchandises par mer
- S
- E United Nations Conference on the Law of the Sea v. Third United Nations Conference ...
- E United Nations Conference on the Law of Treaties Vienna, 1968-1969; ...
- F Conférence des Nations Unies sur le droit des traités
- S
- E United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations Vienna, 1975; A/CONF.67/...
- F Conférence des Nations Unies sur le droit des traités entre Etats et organisations internationales ou entre organisations internationales
- S

- E United Nations Conference on the Representation of States in Their Relations with International Organizations Vienna, 1986; ...
- F Conférence des Nations Unies sur la représentation des Etats dans leurs relations avec les organisations internationales
- S
- E United Nations Convention on Contracts for the International Sale of Goods Vienna, 1980; A/CONF.97/19
- F Convention des Nations Unies sur les contrats de vente internationale de marchandises
- S Convención de las Naciones Unidas sobre los Contratos de Compraventa Internacional de Mercaderías
- E United Nations Convention on the Carriage of Goods by Sea Hamburg, 1978; A/CONF.89/14; also called the Hamburg Rules
- F Convention des Nations Unies sur le transport de marchandises par mer
- S Convenio de las Naciones Unidas sobre el Transporte Marítimo de Mercancías
- E United Nations Convention on the Law of the Sea A/CONF.62/122; Montego Bay, 10 December 1982
- F Convention des Nations Unies sur le droit de la mer
- S
- E United Nations Declaration on the Elimination of All Forms of Racial Discrimination HRC
- F Déclaration des Nations Unies sur l'élimination de toutes les formes de discrimination raciale

- S Declaración de las Naciones Unidas sobre la eliminación de todas las formas de discriminación racial
- E Universal Declaration of Human Rights HRC
- F Déclaration universelle des droits de l'homme
- S Declaración Universal de Derechos Humanos
- E Universal Declaration on the Eradication of Hunger and Malnutrition HRC
- F Déclaration universelle pour l'élimination définitive de la faim et de la malnutrition
- S Declaración universal sobre la erradicación del hambre y la malnutrición
- E universality principle TD/B/C.4/AC.4/8, para. 21
- F principe de l'universalité
- S
- F universel
- v. communauté à titre universel
- communauté universelle
- héritier universel
- légataire à titre universel
- légataire universel
- legs à titre universel
- legs universel
- E unlawful assembly EN: offence, formerly at common law, now statutory under the Public Order Act 1986
- F attroupement sédition/illégal
- S

E	unlawful killing	EN: unlawful killing is not a specific offence but murder, manslaughter and infanticide are; consequently a coroner's jury, which is not permitted to charge a specific offence, returns a verdict of unlawful killing instead in these cases (Walker EN 201, OCL coroner)
	F meurtre	
	S	
E	untried prisoner	SMR 84 (1)
	F prévenu	SMR 84 (1)
	S acusado	SMR 84 (1)
S	US = Usía	
S	USI = Ustedes Señores Ilustrísimos	
S	Usía (CL)	Fórmula utilizada para dirigirse a algunas autoridades, especialmente a un juez o tribunal
	E The Court	Form of address to the court
	F A la Cour - la Cour (ou ne pas traduire)	Lorsqu'on s'adresse à un tribunal
S	Ustedes Señores Ilustrísimos (UY)	Fórmula utilizada para dirigirse a un tribunal colegiado
	E The Court	Form of address to the court
	F A la Cour - la Cour (ou ne pas traduire)	Lorsqu'on s'adresse à un tribunal
S	usufructo = usufruit	
F	usufruit (CH, FR)	CH CC 745, FR CC 578-624; Amos 118-119, Guillien
	E usufruct	OCL
	S usufructo	

V

- E vacate (EN) Civ. and crim. proc.: of a court: to annul a judgement or order; note 15
- F ? annuler
S ? anular
- S vacíos (CL) De una ley
- E lacunae
F lacunes
- S valer
v. valoir
- F valeur
v. perdre toute valeur
- F valeur probante (CA) CA VOCL 3; CIMT 10
- E evidentiary effect* -
probative value** -
probative force***
- S valor probatorio
- F validité
- E force* - validity* -
legality**
- S
- F valoir
- E (translate according to
context)
- S valer
- * CIMT 10
** CA VOCL 3 (which gives a number of other synonyms)
*** Salmond p. 464
- * Of an act, document
** e.g. la validité de la société, the legality of the company
- e.g. faire valoir la responsabilité, to invoke responsibility (SR), faire valoir que ..., to assert/claim that, faire valoir un argument, to advance an argument, faire valoir un droit/hacer valer un derecho, to maintain a right (IL), to enforce a right (ML)

S valor probatorio = valeur probante

S VE = Vuestra Excelencia

S vecindad CL CC 61-62
Note 16

E legal residence
F ? voisinage

S vejaciones y apremios ilegales

E unlawful harassment
and coercion
F brimades et contraintes
illégalés

S vejamen

E humiliation
F humiliation

S venta en pública subasta (CL) CC 394

E sale by public auction
F vente aux enchères publiques

F vente à crédit EGLAT vente à tempérament

E credit sale
S

F vente à tempérament QU CC 1561a; EGLAT

E instalment sale QU CC 1561a
S

F verbal
v. consejo de guerra verbal

E verdict

1. technical term EN: finding made by a
jury or coroner
Any judgement or opinion

2. non-technical term

F 1. verdict FR: finding made by a jury
2. judgement

S 1. veredicto MX CPPDF 3377, CFPP 343
2.

F verdict = E verdict

S veredicto = E verdict

- S veredicto absolutorio (CO) CPP 456 (8)
E verdict of not guilty
F jugement concluant à l'innocence
- F versé aux débats (FR)
v. pièce versée aux débats
E advanced in court* - * Of an argument
produced in court** ** Of an exhibit
S
- S versiones falsas
E misrepresentations
F présentation erronée des faits
- S vestidos de civil (CL)
E in civilian clothes -
in plain clothes -
plain-clothes men
F (personnes) en civil -
policiers en civil
- S vestidos de paisano (CL)
v. vestidos de civil
- S vestidos de particular (PY, UY)
E in civilian clothes -
in plain clothes -
plain-clothes men
F (personnes) en civil -
policiers en civil
- S vía
v. vías
- S vía administrativa
v. en simple vía administrativa
- S vías de hecho Ossorio
E act of violence - assault* * On a person
F voies de fait
- F vice
v. entaché de vice fundamental
garantie des vices
E defect - irregularity
S vicio

- F vice caché (FR Guillien) = vice réhabilitaire
- F vice de forme (FR)
E procedural irregularity
S vicio de forma
Dr. adm.: Brown 146
Similar to the EN notion of procedural ultra vires
- F vice du consentement (FR)
E defect of consent
S vicio del consentimiento
Dr. civ.: Nicholas 73-107, Amos 157-165; dr. int.: VCLT 46-50
Comme viciant son consentement/como vicio de su consentimiento, as invalidating its consent (VCLT 46-50) VCLT 46-50; Ossorio
- F vice-président
E vice-president* - vice-chairman**
S vicepresidente
FR: p. ex., d'un tribunal de grande instance
* Of a court of justice, (US) corporation
** Of a company (EN)
- F vice réhabilitaire (FR)
E hidden defect
S vicio redhibitorio/oculto
Capitant, CC 1648
EN latent defect (Martin) CL CC 1857
- S vicio
1. (der. civ., proc. gen.) = F vice
2. (der. pen.)
E 2. misconduct
F 2. inconduite
MX CP 209
- S vicio redhibitorio = vice réhabilitaire
- E victimless crime
F crime sans victime
S
e.g. drug abuse, obscenity, prostitution

- F vidant son délibéré
- E having deliberated Formula in a judgement which precedes the announcement of the court's decision
- S
- F vide juridique
- E gap/loophole in the law
- S vacío legal
- E Vienna Convention
v. infra
- E 1961 Vienna Convention = Vienna Convention on Diplomatic Relations
- E 1963 Vienna Convention = Vienna Convention on Consular Relations
- E 1969 Vienna Convention = Vienna Convention on the Law of Treaties
- E 1975 Vienna Convention = Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character
- E 1978 Vienna Convention = Vienna Convention on Succession of States in Respect of Treaties
- E 1983 Vienna Convention = Vienna Convention on Succession of States in Respect of State Property, Archives and Debts
- E Vienna Convention on Consular Relations WILC; Vienna, 1963
- F Convention de Vienne sur les relations consulaires
- S Convención de Viena sobre Relaciones Consulares
- E Vienna Convention on Diplomatic Relations WILC; Vienna, 1961
- F Convention de Vienne sur les relations diplomatiques
- S Convención de Viena sobre Relaciones Diplomáticas

- E Vienna Convention on Succession of States in Respect of State Property, Archives and Debts Vienna 1983; A/CONF.117/14
- F Convention de Vienne sur la succession d'Etats en matière de biens, archives et dettes d'Etat
- S Convención de Viena sobre la Sucesión de Estados en Materia de Bienes, Archivos y Deudas de Estado
- E Vienna Convention on Succession of States in Respect of Treaties WILC; Vienna, 1978
- F Convention de Vienne sur la succession d'Etats en matière de traités
- S Convención de Viena sobre la Sucesión de Estados en Materia de Tratados
- E Vienna Convention on the Law of Treaties WILC; Vienna, 1969
- F Convention de Vienne sur le droit des traités
- S Convención de Viena sobre el Derecho de los Tratados
- E Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character WILC; Vienna, 1975; short title is Convention on the Representation of States
- F Convention de Vienne sur la représentation des Etats dans leurs relations avec les organisations internationales de caractère universel
- S Convención de Viena sobre la Representación de los Estados en sus Relaciones con las Organizaciones Internacionales de Carácter Universal

- S vigencia
v. entrada en vigencia
- E duration - validity -
life
- F durée (de validité) -
vigueur
- S vigente = en vigueur
- F vigueur = vigencia
v. entrée en vigueur
en vigueur
mise en vigueur
- S vilipendio (UY) CPM 58 (3)
- E denigration
- F dénigrement
- F violation Dr. int.; RT 175, VCLT 52,
60
- E infringement* - breach** -
violation***
- S violación
- * RT 175: of the Rome Treaty
** VCLT 60: of a treaty
*** VCLT 52: of a principle
VCLT 52, 60
- F violation consommée Dr. int.
- E completed breach
- S violación consumada
- F violation de la loi (FR)
1. (proc. civ., pén.) Loi 67523 3.7.1967, art. 17,
CPP 591; Dalloz Proc. civ.
pp. 916, 922-923, Dalloz Proc.
pén. pp. 23, 349-350, 708,
Nicholas 8
Brown 146-147
2. (dr. adm.)
- E 1. error of law In a judicial decision;
a ground for appeal to the
Court of Cassation
By an administrative act
2. infringement of the law
- S 1.
- 2.

F	violation des formes (FR, RW)	FR Dalloz Proc. civ. p. 925, Dalloz Proc. pén. p. 707
	E error of form	In a procedural act or judicial decision; a ground for appeal to the Court of Cassation
	S	
F	violation des formes substantielles (CJEC)	CJEC Statute ...
	E infringement of an essential procedural requirement	CJEC Statute ...
	S	
F	violence = violencia	
F	violence ou voie de fait (FR CP 228) v. violences et voies de fait	
F	violences et voies de fait (FR)	CP 209, CJM 430-432, 440; Dalloz <u>voies de fait</u>
	E violence and assault	Physical violence less severe than <u>coups et blessures</u> ; loosely, <u>common assault</u> (Brown 86); includes <u>threatening behaviour</u> going beyond mere words; see note to <u>coups et blessures</u> ; Archibold sects. 20-114 <u>et seq.</u>
	S	
F	violences ou voies de fait (FR CP 309-312) v. violences et voies de fait	
S	violencia (CL, ES, MX)	CL CP 10, ES CP 8, CC 1265, MX CC 1812
	E duress* - violence**	* A defect in consent to a contract and a defence to criminal liability (OCL, Archibold sects. 17.54 - 17.58); SCO force ** An aggravating circumstance (FR CP 334.1)
	F violence	BE, FR dr. civ. CC 1109 <u>et seq.</u> , Nicholas 73 <u>et seq.</u> , Dalloz <u>contrats et conventions</u> sect. 9; FR dr. pén. CP 334.1

- S violencia privada (UY) Delito que consiste en utilizar violencia o amenazas para que alguien haga, tolere o no haga una cosa
- E intimidation
F intimidation - violence
- S visita
v. ministro en visita ...
- S visto = vistos
- S vistos Expresión empleada en los considerandos de un decreto, resolución, etc.
- E in view of
F vu
- S vitalicio
v. censo vitalicio
renta vitalicia
usufructo vitalicio
- S vocal
1. término general
2. (BO, PE) juez de un tribunal colegiado BO CPP 273, PE CPP 14, 17, 40
3. (CO) integrante de un consejo de guerra verbal u ordinario CJM 544, 568
- E 1. member
2. magistrate
3. examining officer
F 1. membre
2. juge - magistrat - conseiller* * Juge d'une juridiction supérieure
3. juge militaire - juge du tribunal militaire
- S vocal visitador (BO) CPP 88
- E inspector - visitor
F juge inspecteur

- E void Having no legal effect (Martin); Black null, void; Jowitt, OCL, Osborn void. The terms null, rarely used alone, null and void and void are synonymous. An act may be void ab initio (F null de (plein) droit, S nulo de pleno derecho) or, in the case of a voidable act, be capable of becoming void ex post facto; in the former case (for which the term normally used in EN is simply void) it has no legal effect from the time it is done; in the latter case (for which the term normally used in EN is voidable) it has legal effect between the time it is done and the time it is rendered void (an act for which the term of art is avoided) but no legal effect thereafter.
- F nul
S nulo Syn. (et traduction de null and void) nul et sans effet
Sin. (y traducción de null and void) nulo y sin efecto, nulo y sin valor
- F voie
v. intervention par voie d'avis
- F voie d'annulation (FR) CPCN 460, 542, Dalloz Proc. civ. pp. 117, 723, 785; syn. voie de nullité
- E remedy of annulment
S Note 15
- F voie de droit Brown 86
- E (legal) remedy - remedy at/
recourse to law A remedy exercised by means of recourse to legal proceedings; remedy is used here in the sense of means (see remedy 1.), not relief
- S

- F voie de fait
- v. violence ou voie de fait
violences et voies de fait
violences ou voies de fait
voies de fait
1. (FR: dr. adm.)
2. (FR: dr. pén.)
- E 1. flagrant irregularity
2. assault
- S 1.
2.
- F voie de nullité (FR)
= voie d'annulation
- F voie de recours (FR)
- E judicial remedy
- S
- F voie de recours de droit commun (FR)
= voie ordinaire de recours
- F voie de recours extraordinaire (FR)
= voie extraordinaire de recours
- F voie de recours ordinaire (FR)
= voie ordinaire de recours
- F voie de réformation (FR)
- Guillien, Brown 86, 93
CP 334.1; Dalloz voies de fait
- See note to violences et voies de fait
- CPCN 460, 527-639,
CPP 567-626; Capitant,
Guillien; Dalloz Proc. civ.
pp. 763-961, Dr. adm.
pp. 209-268, Proc. pén.
pp. 676-759
- A judicial means of obtaining
redress against an
administrative or judicial
decision, also called
judicial recourse
- CPCN 542; Dalloz Proc. civ.
pp. 144, 764, 785, 884,
907-908, Proc. pén. p. 677,
Dr. adm. pp. 233-235

- E corrective remedy
- A remedy sought in a court above the one which took the decision complained of, as opposed to voie de rétractation; see note to réformation; FR the corrective remedies are appel, tierce opposition, pourvoi en cassation, recours en cassation and demande en révision
- S
- F voie de rétractation (FR)
- CPCN 571; Dalloz Proc. civ. pp. 144, 764, 774, 884, 900, 904, 907, Proc. pén. p. 677, Dr. adm. pp. 235-236
- E revocatory remedy
- A remedy sought in the court which took the decision complained of, as opposed to voie de réformation; see note to rétractation; FR the revocatory remedies are opposition, tierce opposition, recours en révision and recours en rectification d'erreur matérielle
- S
- F voie d'exécution (FR)
- Guillien, Dalloz Voies
- E mode of enforcement
- Langan 233-271; in the abstract, voies d'exécution, enforcement
- S
- F voie extraordinaire de recours (FR)
- CPCN 527, 579-639, CPP 567-626; Dalloz Proc. civ. pp. 764, 883-961, Proc. pén. p. 677
- E special remedy
- FR the special remedies are tierce opposition, recours en révision, pourvoi en cassation and demande en révision
- S recurso extraordinario
- ES: los recursos extraordinarios son de casación, de revisión y de audiencia en Justicia

F voie légale
v. par voie légale

E legal means/instrument/
remedy
S

F voie ordinaire de recours

CPCN 527, 538-578; Dalloz
Proc. civ. pp. 764, 774-882,
Proc. pén. p. 677

E general remedy
S recurso ordinario

FR the general remedies
are appel and opposition
ES: los recursos ordinarios
son de apelación, de queja,
de reforma, de reposición,
de súplica

F voies de fait = voie de fait 2.,
vías de hecho

F vol = robo

F vol avec intimidation = robo con
intimidación

S voto disidente

E dissenting vote
F vote dissident - voix
dissidente

See note to opinión contraria

S voto en contra

E dissenting vote
F voix contre

S voto favorable

E affirmative vote
F vote affirmatif

S V.S. Excma. = Vuestra Señoría
Excelentísima

S vta. = vuelta

F vu = vistos

S vuelta
v. fojas ... vuelta

E verso
F verso

S Vuestra Excelencia

 E Your Excellency

If the person addressed
is a judge, The Court
may be more appropriate

 F

S Vuestra Señoría Excelentísima (CL)
 = Usía

W

E waiver = renonciation

E ward

Person (EN a minor or mental patient, SCO a pupil, minor or other incompetent, US a minor or other incompetent) who is in the care of a guardian; note 13

F pupille
S

E ward of court

EN: minor placed under the common law protection of the High Court; OCL, Cretney 445 et seq., note 13

F pupille sous tutelle
judiciaire
S

E wardship

The status of a ward (also called guardianship); in EN the term means in particular the status of a ward of court; note 13

F tutelle
S

E Warsaw Convention

Short name of the Convention for the Unification of Certain Rules Relating to International Carriage by Air

F Convention de Varsovie
S

E warrant

- 1. (commercial law: EN) document authorizing some action, especially the payment of money
- 2. (civ. proc., crim. proc.: EN) document issued by a court for the arrest or committal of a suspect, defendant, witness or contemnor

Martin

e.g. warrant of arrest, of/for committal, of/for attachment

- F 1. Mandat
- 2. Mandat
- S 1.
- 2.

F warrant (FR)
v. récépissé-warrant

Ord. 6.8.1945, 21;
Loi 30.4.1906; Dalloz;
Amos 128, 365

E warrant of movables
S

E warrant backed for bail (EN)

Arrest warrant which requires the police officer effecting the arrest to release the accused if he meets the conditions specified in the warrant (MCA 117; Martin backed for bail; Emmins 367); syn. warrant endorsed for bail

F mandat d'amener garantie
par une caution
S

E warrant endorsed for bail (EN)
= warrant backed for bail

E warrant for attachment (EN) = order
of committal

E warrant for committal (EN) = warrant
of commitment

E warrant of arrest

EN: civ. proc., crim. proc.: direction given by a magistrate or judge, usually to a police constable, to apprehend a person and bring him before the court, in order to compel the appearance of a suspect in criminal proceedings or that of a recalcitrant witness in civil or criminal proceedings; MCR r. 96; direction given by a High Court judge in Admiralty proceedings to arrest a ship, aircraft or cargo; RSC 0.75

F mandat d'amener* - ... ?**

* Une personne
** Un navire, etc.

S

E warrant of attachment (EN Supreme Court obs., county courts)
v. attachment 1.
= order of committal

E warrant of commitment

EN: crim. proc.: direction given by a court to an officer to take into custody an unconvicted defendant to await trial or sentencing or a convicted defendant to serve a sentence of imprisonment (Crown Court, (MCR r. 97) magistrates' courts); civ. proc.: direction given by a court to an officer to take into custody a person committed to prison for contempt of court (county courts, (MCA 63 (3), 76 (2)) magistrates' courts); sometimes called warrant for committal, warrant of committal; note 1

F mandat d'incarcération -
mandat de dépôt

S

E warrant of committal (EN) = warrant
of commitment

E warranty (EN)

In a contract for the sale of property, promise by the seller (the warrantor) that if his title to or the condition of the property proves defective he will indemnify the purchaser (the warrantee); in the case of sales of goods, especially in the retail trade, such a warranty is usually called a guarantee; in the case of an insurance contract, promise by the insured to the insurer that certain facts are true; a warranty may be express or implied; Martin 1., 2., 3., David Con. pp. 253-254

F garantie
S garantía - saneamiento

v. garantie 1.

E witness order = subpoena

E witness summons = subpoena

E witness warrant (EN)

Crim. proc.: to arrest a defaulting witness; Martin, Hampton 123, 132

F ? réquisition ...
S

FR CPP 110

E Workers' Representatives Convention

HRC

F Convention concernant les
représentants des travailleurs
S Convenio sobre los
representantes de los
trabajadores

E writ (CA, EN, US)
v. concurrent writ
original writ
prerogative writ

OCL; in EN invariably means writ of summons (RSC 0.1, r. 4)

F bref* - acte judiciaire -
ordonnance - ordre de
comparaître**

* CA

** EN writ of summons, ordre
donné au défendeur de
comparaître (diffère
sensiblement de l'assignation
du droit français)

S

E writ of subpoena = subpoena

E writ of summons (EN)

Principal means of commencing
contentious civil proceedings
in the High Court; usually
simply called writ; it is
prepared by the plaintiff
on a prescribed form and
tendered by him to a court
office, out of which, on its
being sealed, it is issued
(syn. it issues); it is
then served by him on the
defendant; Martin writ of
summons, originating summons

F ordre de comparaître
S emplazamiento

FR CPCN 54

ES LEC 525, MX CPCDF 256

E wrong

Legal wrongs can be civil
or criminal; the latter are
sometimes called public
wrongs; OCL wrongs.

Civil wrongs in EN, IN, US
are either torts or breaches
(of contract, duty, trust);
in SC, SCO, ZA they are
either delicts or breaches
(of contract etc.).

Criminal wrongs are offences,
crimes: for classification
see note 2.

F délit - illicite
S delito - ilícito

v. délit 1.

v. delito 1.

Y

E youth custody

EN: custodial sentence for young offenders which replaced borstal training (Administration of Justice Act, 1982)

F garde d'un enfant - garde de l'enfant

S

Z

S zona de emergencia
v. estado de emergencia
régimen de emergencia

E emergency zone
F zone d'état d'urgence

NOTES

1. Criminal procedure
2. Criminal law
3. Civil procedure
4. Courts and personnel
5. Legislation: translation of titles
6. Use of English terms such as "judicial", "legal", "lawful" and their antonyms
7. Amparo, judicial review
8. Use of English terms meaning "to seize property"
9. "Lease", "hire", "rental" and related terms
10. "Child", "infant", "minor" and related terms
11. Security interests in property
12. Co-ownership, shared obligations
13. "Guardianship" and related terms
14. "Agreement", "contract" and their French and Spanish equivalents
15. Use of English terms meaning "to end", "to render void"
16. Domicile, residence
17. Agent public, fonctionnaire public, officier ministériel, officier public
18. "Deposition", "affidavit" and related terms
19. Intervention, joinder of parties
20. Homicide

Note 1

CRIMINAL PROCEDURE

1. Names of proceedings

A proceeding at first instance should be called proceedings (the term is invariably used in the plural, but means the same in the singular), not action, except where an action civile, acción civil, criminal indemnification action, is involved. Case is a non-technical term having the same meaning as proceedings and can often be used as a substitute for it in an informal context.

A proceeding at second or third instance should be called proceedings or appeal.

2. Names of parties

Note the following pairs of terms: prosecutor and defendant; complainant and defendant; appellant and respondent. Accused is a synonym of defendant: see section 4. below.

3. Commencement of proceedings

In England, a criminal prosecution is commenced in one of two ways: (i) by a prosecutor laying an information against a suspect before a magistrate, either orally or in writing, alleging the commission by the suspect of an offence; or (ii) by a police officer charging a suspect with the commission of an offence; charging takes place at a police station and is followed by the laying of an information. 1/ In either case the prosecutor who lays the information is usually a police officer, but he can be any individual; prosecutions are often commenced by an officer of a government department, e.g. for tax offences, or of a local authority. Occasionally they are begun by the Attorney-General or the Director of Public Prosecutions, and in rare instances by private individuals. 2/

Charge and accusation have the same meaning; the former is the technical term and is used throughout criminal proceedings.

Proceedings can be said to commence earlier than prosecution commences, where an individual, or someone acting on his behalf, makes a complaint to a police officer alleging the commission of an offence. Such a complaint is an informal step, not a procedural one. 3/

1/ In very rare cases a prosecution is begun by a voluntary bill of indictment.

2/ Prosecutions begun by the police are continued in court by a Crown Prosecutor or by counsel acting on behalf of the Crown Prosecution Service.

3/ Formerly a prosecution could be commenced by a complaint as well as an information.

The appearance of the accused in court is secured by one of two forms of process (the latter term is used here in its technical sense): a summons or a warrant of arrest. Both are issued by a magistrate. A summons or a warrant of arrest cannot be issued before an information has been laid, but in many cases a police officer has powers to arrest a suspect without a warrant and take him to a police station for questioning and charging.

The normal procedure for less serious offences is information and summons; for more serious offences, arrest (with or without a warrant, i.e. before or after the laying of an information) and charge.

In the United States, prosecutions are begun by laying an information, by making a complaint or by preferring an indictment. In France, they begin with a dénonciation or a plainte; in Spain and other Spanish-speaking countries, with a denuncia or a querrela.

In France, the appearance of the accused in court is secured, in the case of a délit or a contravention, by an avertissement, which is informal, or a citation directe, and in the case of a crime by a mandat d'amener or a mandat d'arrêt.

Appeals are begun in England by a notice of appeal, in France by a déclaration d'appel.

4. Suspect, accused, defendant, offender: use of these terms in England

A person is a suspect until he is charged or until an information is laid against him, whichever is the earlier. He is an accused once he has been charged or an information has been laid against him, whichever is the earlier. He is not a defendant until an information has been laid against him. He is not an offender until he has been convicted. The terms suspect and offender are nevertheless used loosely to mean a defendant. A defendant is usually referred to as the accused throughout court proceedings. Criminal is not a technical term when used as a noun.

The above terminology can be used in regard to any country; where prosecutions can be commenced by a means other than an information, e.g. by a complaint, read "information" in the preceding paragraph as meaning any such alternative method.

In England, a defendant remains a defendant after he has been committed for trial. This is not so in France, where until that point (during the instruction préparatoire, if one takes place) he is an inculpé; when committed for trial he ceases being an inculpé and becomes an accusé in the case of a crime and a prévenu in the case of a délit or a contravention. The same change of terminology occurs in Spanish-speaking countries, e.g. from inculpado or imputado to prevenido or procesado. These changes of terminology do not normally need to be reflected in English, since accused or defendant will serve for either stage.

5. England: summary trial and trial on indictment

Offences in England are tried in one of two ways depending on their seriousness (see Note 2, sect. 2 (i)): summarily, by a magistrate or magistrates; or on indictment, by a jury. In both cases preliminary inquiries

will have been made by the police. Some offences are triable either way, in which case a procedure must be conducted in a magistrates' court to determine the mode of trial. When this has been done, summary trial (see (i) below) or committal proceedings (see (ii) below) normally follow immediately.

Remand in custody or on bail can take place at any stage in criminal proceedings.

(i) Summary trial

The accused appears in a magistrates' court before one or more magistrates, the charge brought against him in the information is read to him and he pleads guilty or not guilty to it. After hearing the evidence the court either convicts and sentences the accused or acquits him. 4/

The sentence may, instead of imposing a punishment (fine, imprisonment, probation, binding-over etc.) consist of an absolute or a conditional discharge. An absolute discharge is akin to the absolution which is provided for in some civil law countries. Absolute discharge and absolution mean that the accused is found guilty but not punished, and should not be confused with acquittal.

Instead of passing sentence itself, the magistrates' court may commit the offender to the Crown Court for sentence.

(ii) Trial on indictment

First, a magistrates' court sitting as an examining justice or justices conducts a preliminary hearing, sometimes called a preliminary investigation, in order to determine whether there is sufficient evidence against the accused for him to be put on trial. This hearing is called the committal proceedings and represents a continuation at the judicial level of the inquiries begun by the police. If the court decides that the evidence is sufficient, it commits the accused to the Crown Court for trial; if not, it discharges him and dismisses the information. This discharge is not an acquittal, because the issue of guilt has not been tried; it therefore leaves the prosecutor the option of preferring fresh charges for the same offence, but in all other respects the accused is a free man.

4/ Note that arrêt, fallo, jugement and sentencia, when used in the sense of a final decision in criminal proceedings, can mean a decision to convict or to absolve or to acquit, and should not be translated by sentence unless they mean a decision to convict accompanied by the imposition of a punishment.

If the accused is committed for trial, an indictment is prepared. 5/ The trial in the Crown Court begins with the arraignment of the accused: the indictment is read to him and he is asked whether he is guilty or not guilty; his answer is called a plea, which may be a plea of guilty, a plea of not guilty or one of several other general or special pleas. 6/ On a plea of not guilty, prosecuting counsel puts his case and examines his witnesses, who are then cross-examined by defence counsel. Defence counsel puts his case, the accused gives evidence and defence counsel examines the other defence witnesses, who are then cross-examined by prosecuting counsel.

Prosecuting counsel makes his closing speech; defence counsel makes his closing speech; the judge sums up to the jury. The jury retires to consider its verdict and returns to the court-room to announce it. If it convicts the accused, the judge passes sentence on him. If it acquits him, he is a free man. 7/ Note that the remarks about discharge in (i) above apply equally to convictions on indictment.

(iii) The foregoing is the briefest possible account of the course of criminal trials in England. A useful and much fuller summary of the procedures involved is given in Emmins, appendix 4. Appeal can take place against conviction or sentence in either mode of trial.

6. Committal, commitment, remand: usage of these terms in England

(i) Committal is the act whereby a court places a person in judicial custody in criminal or civil proceedings. Where a magistrates' court commits an accused person or a convicted offender to the Crown Court for trial or sentencing respectively, the term also means the referral of the proceedings from the former court to the latter.

(ii) Committal and commitment are synonymous. Committal is normally used for the procedure, e.g. committal to the Crown Court, committal for trial/sentencing, committal to custody/in custody, committal to prison. Either committal or commitment is used for the related court order (see (iv) below).

5/ The indictment specifies the offence or offences alleged against the defendant. Until it is signed by an officer of the Crown Court it is merely a bill of indictment. If drafted by counsel its delivery to that officer constitutes the preferment of the bill of indictment. If drafted by an officer of the Crown Court, drafting constitutes preferment. Broadly speaking, an indictment contains as many counts as there are offences charged.

The terms joinder of offences and joinder of defendants mean that more than one offence or defendant is charged in the same indictment.

6/ Following the plea, a replication to the plea can be made by the prosecution. Although the term pleading is obsolete in criminal procedure, the three stages of indictment, plea and replication in a trial on indictment and the two stages of charge and plea in a summary trial are theoretically pleadings.

7/ See footnote 4/ above.

(iii) Committal can take the following forms:

(a) In criminal proceedings before sentence: committal, either in custody or on bail, at any stage of the proceedings, e.g. for inquiries, reports, trial, sentencing.

Where it takes place on an adjournment of the proceedings, it is usually called remand: remand in bail/on bail, remand in custody, remanded on bail, remanded in custody; note the expression the accused may be remanded in bail or committed in custody.

Adjournment means any adjournment of a hearing prior to conviction, or between conviction and sentencing, and also, in the case of a magistrates' court, any adjournment prior to committal for trial on an indictable offence.

On a remand or a committal in custody, the place of custody is a prison or remand prison for an adult and a remand centre for a juvenile adult. Occasionally a police station is used for a remand in custody. An accused person may also be remanded to a hospital for reports. Juveniles remanded in custody are placed in the care of a local authority.

(b) In criminal proceedings on sentence: committal for imprisonment.

Adults are committed to a prison. Juveniles and juvenile adults are committed to a detention centre, if sentenced to detention; to a youth custody centre, a prison or a remand centre, if sentenced to youth custody; normally to a prison, if sentenced to life custody; and to a secure community home, a youth custody centre or a prison, if sentenced to detention during Her Majesty's pleasure.

Juveniles and juvenile adults may also be committed to the care of a local authority under a care order. Unlike the above sentences, this penalty is non-custodial.

(c) In criminal proceedings in cases of mental disorder: committal of a mentally disordered defendant or offender to hospital for detention and treatment under a hospital order. (Where a mentally disordered person is placed in hospital under the normal administrative procedure, the term used is compulsory admission.)

(d) In civil proceedings: committal of a debtor or other contemnor to prison for contempt of court.

(iv) Orders and warrants. The means used to effect the above committals are of two kinds: the court's decision, called an order, and the court's instruction to an authorized person to take the accused, offender, debtor or other contemnor into custody, called a warrant. Sometimes the order and warrant are combined. The commonest names for these directions are committal order and warrant of commitment, but the following terms are also used: order of/order for committal/commitment, warrant of/warrant for committal, warrant/order for attachment (MCA, MCR, Crown Court Rules, CCA, CCR, RSC).

7. Procedural terms used in Spanish-speaking countries

The remarks in sections 3-6 above largely concern criminal procedure in England. To enable them to be related to procedures in Spanish-speaking countries, the note and table forming table 1 to the Geneva human rights glossary of May 1981 (UNOG document TERM/32) are reproduced below with minor changes. 8/

The table in question, as well as the entries in the present glossary, give a standard set of English and French equivalents for the Spanish terms used to designate certain judicial steps which are basic to all criminal proceedings but whose terminology varies widely from country to country. Most of these terms come from the criminal procedure codes of the countries concerned; others will be found in the glossary itself.

The 11 steps listed are those usually met with where an offence is the subject of a full judicial investigation before trial; in England, for example, where an indictable offence has been committed. Most countries also have a summary procedure for trying minor offences, and where this is used many of the steps shown in the table will be omitted.

The table has not yet been expanded to include French-speaking countries. However, many entries for these countries appear in the body of the glossary, and where they do, the same set of English equivalents has been used in translating them. This should help to ensure uniformity in the translation of procedural terms used in civil law systems, not only from French and Spanish into English but also from French into Spanish and vice versa.

The English equivalents mentioned above are used in the glossary and the table with the following meanings, which in most cases are the generally accepted ones:

Arrest (see column 4) means the act of restraining a person (the person arrested or person under arrest) and detaining him for a short period to enable him to be brought before a magistrate; detention means the act of confining a person (the untried prisoner or prisoner awaiting trial, or the prisoner awaiting sentence) pending investigation of a charge against him, or

8/ The explanatory wording in the table which was not in English in document TERM/32 has been left as it was.

As far as terminology is concerned, the only change in either language from that of document TERM/32 is the substitution of committal order for committal decision.

in order to secure his appearance for trial, or between trial and sentence. 9/ This form of detention is judicial and is known as pre-trial detention (see column 8); alternative names for it are pre-trial custody, detention in custody, remand in custody, remand for sentence or simply remand. Note that the generally accepted meanings of arrest and detention given above differ slightly from the definitions found in the United Nations draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, A/RES/35/177. 10/

The judicial orders corresponding to arrest and detention as defined above are the arrest warrant and the detention order respectively (see columns 3 and 6). Two further orders usually made in pre-trial proceedings (see column 2) are the committal order, an order that the accused be put on trial, and the warrant of commitment, the direction to the gaoler to hold the accused in custody (see columns 7 and 9). In some countries criminal proceedings are begun by an order initiating criminal proceedings, or initiating order (see column 1).

In certain countries, e.g. Uruguay and Venezuela, the legislation draws no clear-cut distinction between arrest and detention; where there is any doubt about what expressions to use, the terms detention and detention order should be preferred to arrest and arrest warrant. Note that the terms arresto and prisión also occur in the table of penalties and disciplinary measures reproduced in note 2 to the present glossary.

Finally, indictment (see column 10) is the formal step of accusation, usually in written form, which initiates the trial stage of criminal proceedings (see column 11). The term indictment may also be used in a general and much wider sense. In the pre-trial stage any formal accusation of an offence, whether written or not, should be described as the charge if made to a suspect by the police or a prosecutor, as an information if laid before a magistrate; and as a complaint if made by a private individual.

9/ Prisoner is appropriate to describe a person imprisoned under any of the above circumstances. For a person convicted of an offence and serving a sentence of imprisonment (a person imprisoned as defined in the United Nations draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment), either prisoner or convict may be used. Gaoled can be used to describe a person undergoing any form of pre-trial or post-trial imprisonment.

10/ Another form of detention - non-judicial and in most cases not involving criminal proceedings, but frequently referred to in documents on human rights - is executive detention (e.g. detention without trial, detention of terrorists, detention of aliens in wartime, house arrest). In such cases the person detained is called a detainee and the term preventive detention is sometimes used. Detention is also the term used to describe the judicial or executive confinement of mentally disordered persons, and in addition is the name given in England to various judicial penalties which can be imposed on offenders between the ages of 14 and 21.

**CRIMINAL PROCEDURE: SELECTED TERMS USED
IN VARIOUS SPANISH-SPEAKING COUNTRIES**

CRIMINAL PROCEDURE: SELECTED TERMS USED
IN VARIOUS SPANISH-SPEAKING COUNTRIES

	1	2	3	4	5	6
Países, con indicación de códigos y leyes de procedimiento penal <u>1/</u>	Res. que da comienzo al proceso penal Initiating order <u>9/</u> Ordonnance d'ouverture d'une information	Primera fase del proceso penal Pre-trial proceedings Instruction (préparatoire)	Res. de privación de libertad Arrest warrant Mandat d'arrêt	Hecho de privación de libertad <u>2/</u> Arrest Arrestation	Relación hecha ante el juez Accused's statement Déclaration de l'inculpé	Res. de encarc. Detention order Ordonnance de mise en détention préventive
ARGENTINA CPCR, ed. 1967	Auto que mande proceder a la averiguación del delito	Sumario	Auto de detención	Detención, aprehensión	Declaración indagatoria	Auto (orden) de prisión, orden de prisión preventiva
BOLIVIA CPP, ed. 1973	Auto inicial de la instrucción	Instrucción	Mandamiento de aprehensión	Aprehensión	Indagatoria	Auto de detención, mandamiento de detención preventiva <u>6/</u>
COLOMBIA CPP, ed. 1978	Auto cabeza de proceso	Sumario	Orden de captura	Aprehensión, captura	Declaración indagatoria, indagatoria	Auto de detención, auto de detención preventiva
CHILE CPP, ed. 1949	Auto cabeza de proceso	Sumario	Auto (orden, decreto, mandamiento) de detención	Detención, aprehensión	Declaración, declaración indagatoria	Auto (orden) de prisión, auto de prisión preventiva
EL SALVADOR	-	-	-	Detención	Declaración indagatoria, indagatoria	-
ESPAÑA LECR, ed. 1967	-	Sumario	Orden de detención	Detención, detención preventiva	Declaración	Auto de prisión
MEXICO CFPP, CPPDF, ed. 1977	-	Instrucción	Orden de aprehensión, orden de detención	Detención, aprehensión	Declaración preparatoria	Auto de formal prisión, auto de prisión preventiva
NICARAGUA	Auto de iniciación del proceso	-	Auto (mandamiento) de detención	Detención	Declaración indagatoria con cargos	Auto de formal prisión, auto (orden) de prisión
PERU CPP, ed. 1977	-	Instrucción	Orden de detención, orden de detención provisional	Detención, detención provisional, aprehensión	Declaración instructiva, instructiva	Auto (orden) de detención definitiva
URUGUAY CIC, CPM, ed. 1973	Auto (orden) de procesamiento	Sumario	Auto (orden) de prisión, mandamiento de arresto	Aprehensión, prisión, arresto	Declaración, declaración indagatoria	Auto (orden) de prisión
VENEZUELA CECR, ed. 1962	Auto de proceder a la averiguación sumaria	Sumario	Orden de aprehensión, auto (orden) de detención	Aprehensión, captura	Declaración indagatoria	Auto (orden) de detención

CRIMINAL PROCEDURE: SELECTED TERMS USED IN VARIOUS
SPANISH-SPEAKING COUNTRIES (continued)

	7	8	9	10	11
Países, con indicación de códigos y leyes de procedimiento penal 1/	Res. de sometimiento formal a juicio Committal order Ordonnance de renvoi (devant la juridiction de jugement)	Privación de libertad como consec. de la res. de encarc. Pre-trial detention Détenition préventive	Instrucción al jefe del establecimiento carcelario 3/ Warrant of commitment Mandat de dépôt	Apreciación de los hechos por las partes acusadoras 4/ Indictment Réquisitions 5/	Segunda y última fase del proceso penal Trial (Procédure de jugement)
ARGENTINA CPCR, ed. 1967	-	Prisión preventiva, prisión	-	Acusación, escrito de acusación	Plenario
BOLIVIA CPP, ed. 1973	Auto de procesamiento	Detención preventiva, detención formal 6/	Mandamiento de detención formal 6/	-	Juicio plenario, plenario
COLOMBIA CPP, ed. 1978	Auto de proceder, auto de llamamiento a juicio 7/	Detención, detención preventiva	Boleta (mandamiento, orden) de detención	-	Juicio
CHILE CPP, ed. 1949	Auto encargatorio de reo, auto declaratorio de reo	Prisión, prisión preventiva	Mandamiento de prisión	Acusación, escrito de acusación	Plenario
EL SALVADOR	-	Detención provisional	-	-	-
ESPAÑA LECR, ed. 1967	Auto de procesamiento	Prisión provisional, prisión preventiva, prisión	Mandamiento de prisión	Escrito de calificación	Juicio oral, juicio
MEXICO CFPP, CPPDF, ed. 1977	Auto de sujeción a proceso	Prisión preventiva, formal prisión	-	Conclusiones acusatorias, escrito de acusación	Juicio
NICARAGUA	-	Detención provisional, prisión, formal prisión	Orden de detención	-	-
PERU CPP, ed. 1977	-	Detención definitiva	-	Escrito de acusación, acusación fiscal	Juicio, juicio oral
URUGUAY CIC, CPPM, ed. 1973	-	Prisión, prisión preventiva	-	Acusación, acusación escrita 8/	Juicio plenario, plenario
VENEZUELA CECR, ed. 1962	Auto de sometimiento a juicio	Detención	Boleta de encarcelación	Escrito de cargos	Juicio plenario, plenario

Notes

1/ Los nombres oficiales de los diversos códigos consultados para elaborar este cuadro se encuentran al interior del glosario.

2/ Del presunto responsable, con el objeto de presentarlo al juez.

3/ Se libra además a la policía, que debe entregar el presunto responsable al establecimiento carcelario.

4/ La hacen el fiscal, el acusador particular, etc., puntualizando y calificando los hechos, pidiendo la aplicación de penas, el pago de indemnizaciones, etc. En España, aun en esta etapa, el fiscal puede pedir el sobreseimiento.

5/ Dans certains pays, des personnes privées parties à l'action pénale peuvent prendre des réquisitions tout comme le ministère public.

6/ The mandamiento de detención preventiva, detention order, is issued after the accused's statement has been taken, and the mandamiento de detención formal, warrant of commitment, only after the committal order has been made. As regards column 8, if it is necessary to distinguish between detención preventiva and detención formal, translate as remand and pre-trial detention respectively.

7/ Denominado también auto de enjuiciamiento.

8/ Denominada también acusación por escrito, escrito de acusación y acusación fiscal.

9/ Or order initiating criminal proceedings; to be distinguished from the step whereby a criminal charge is first brought against a person, e.g. information, complaint, dénonciation, plainte, denuncia, querrela.

res. = resolución; encarc. = encarcelamiento; consec. = consecuencia.

8. References

England: Archbold
Arguile
Emmins
Hampton
Halsbury Vol. II, "Criminal Law, Evidence and Procedure"
Langan
Morrish Crown
Morrish Magistrates
Walker EN part V

Note 2

CRIMINAL LAW

1. Use of "criminal" as opposed to "penal" in titles of codes and statutes

Criminal: Code of Criminal Procedure: India
Criminal Code: Canada, Ghana, Grenada, Malta, Nigeria, Liberia
Criminal Procedure Act: Nigeria, South Africa, Uganda
Criminal Procedure and Evidence Code: Malawi
Criminal Procedure Code: Fiji, Ethiopia, Ghana, Grenada,
Malta, Nigeria, Singapore, Sri Lanka, Zambia
Criminal Procedure Law: Liberia
Federal Rules of Criminal Procedure: United States.

Penal: Penal Code: Botswana, Ethiopia, India, Malawi, Malaysia, Pakistan,
Philippines, Seychelles, Singapore, Sri Lanka.

Note that both terms are used by Ethiopia, India, Singapore and Sri Lanka.

2. Classification of offences

(i) England

Offences were formerly classified by name as felonies, misdemeanours or petty offences, in decreasing order of gravity. Now all offences are called offences. Crime is simply a non-technical term for an offence and also denotes criminal activities in general.

Offences are nevertheless distinguished in two ways: broadly speaking, serious offences are arrestable offences, which means, among other things, that a person can be arrested for them without a warrant, and less serious ones non-arrestable offences, but in certain circumstances a person can be arrested for those offences too without a warrant. A further classification is according to the mode of trial: offences triable on indictment (indictable offences) and offences triable summarily (summary offences). Some offences are triable either way, i.e. on indictment or summarily. For definitions see Schedule 1 to the Interpretation Act 1978. Numerous wrongful acts which in many countries lie outside the sphere of criminal law, e.g. infringements of local by-laws, are classified as offences in England. ^{1/}

^{1/} An exception (Hampton 2) is the fixed penalty notice (parking ticket) issued under the Road Traffic Acts; only upon non-payment of the fine does the infringement become a triable offence. Examples of such infringements in other countries are as follows:

- Argentina: faltas y contravenciones municipal y de policía (CPCR 28), municipal and other minor infractions and contraventions.
Chile: simple contravención, contravention, infracción, infraction.
Mexico: falta, contravention, infracción, infraction, e.g. infracciones de reglamentos gubernativos y de policía, Const. 21, infringements of by-laws and other local regulations.
Spain: infracción administrativa (Const. 25), administrative infraction.

The term breach of regulations or, where appropriate, of by-laws would be an appropriate generic description of most of the above categories.

(ii) Other countries in which offences are not classified by name

Argentina: all offences are delitos, offences
Australia: all Commonwealth offences are offences
Canada: all federal offences are offences (F infraction)
Mexico: all offences are delitos, offences
New Zealand: all offences are offences
Singapore: all offences are offences
Zaire: all offences are infractions, offences.

In India and South Africa offence and crime, and in the Philippines felony, offence and crime, seem to be used indistinguishably as though there were no classes of offence in those countries.

(iii) Countries in which offences are classified by name

In many countries offences are classified by name according to their degree of gravity. Some countries have two categories, others three. In the list which follows, where there is a generic term or terms for all offences, it comes before the second colon. The generic terms should always be translated into English as offence. The particular terms should be translated as serious offence, ordinary offence and minor offence if there are three, and serious offence and minor offence if there are only two. 2/

Seychelles: offence: felony, misdemeanour
Somalia: offence: crime, contravention
United States (federal): offence, (non-technical) crime: felony, misdemeanour (formerly minor offence; misdemeanours carrying a penalty below a certain level are called petty offences); State legislations have a third category, variously called petty offence, petty misdemeanour, violation or infraction.

Belgium, France, Haiti, Luxembourg, Niger, Switzerland: infraction: crime, délit, contravention.

Costa Rica, Cuba: delito, contravención
Colombia, Ecuador: infracción: delito, contravención
El Salvador, Guatemala, Nicaragua, Venezuela: delito, falta
Uruguay: infracción penal, delito: delito, falta
Panama, Paraguay, Peru, Spain (Código Penal): infracción: delito, falta
Spain: (Propuesta de Anteproyecto del Nuevo Código Penal): infracción: delito (grave or menos grave), falta

2/ These sets of terms are given as standard equivalents in the interests of uniformity. Leaving that consideration aside, there is no objection to translating minor offence as petty offence or petty misdemeanour where there are three categories and as less serious offence or ordinary offence where there are only two.

In the case of the proposed new penal code for Spain, the first category, delito, should be translated as major offence if it is necessary to distinguish it from its first subcategory, delito grave, serious offence.

Honduras: infracción, delito: crimen, simple delito, falta
Chile: delito: crimen, simple delito, falta
Dominican Republic: infracción, delito: crimen, delito, contravención
(also called contravención de policía).

3. Sentences imposable in England

These are dealt with in detail in Archbold, chap. 5. They are as follows:

(i) Offenders aged 21 or over

Death 3/
Imprisonment 4/
Fine.

The above sentences are punitive; the only custodial punishment among them is imprisonment. The following are non-punitive and the first of them is custodial:

Hospital order, which can be coupled with a restriction order
Guardianship order 5/
Community service order
Probation order
Absolute discharge
Conditional discharge
Deferred sentence
Binding over
Deportation recommendation.

The following miscellaneous orders can be made:

Disqualification from driving
Disqualification for election
Disqualification from acting as a director of a company, etc. 6/
Compensation
Restitution
Criminal bankruptcy order

3/ By hanging or, theoretically, beheading; for treason or piracy with violence only.

4/ For life or any lesser period. It can be part served, part suspended, or totally suspended (suspended sentence of imprisonment). It can also be an extended sentence.

5/ Under the Mental Health Act 1983. A hospital order is custodial, a guardianship order is not.

6/ Oliver, tenth edition (1987), 760.

Forfeiture of property 7/
Deprivation of authority. 8/

(ii) Offenders under 21 9/

Life custody
Youth custody
Detention in a detention centre 10/
Detention during Her Majesty's pleasure or at the direction of the
Home Secretary.

The above sentences are custodial. Fines and many of the non-punitive sentences and miscellaneous orders listed under (i) above can also be imposed on offenders under 21. Other non-custodial penalties imposable on offenders under 21 are:

Attendance at an attendance centre
Case order
Supervision order
Recognizance by parent.

Some of these penalties can only be imposed on persons under 17.

4. Custodial penalties and custodial disciplinary measures in various Spanish-speaking countries

For convenience, the Spanish note and the table forming table 2 to the Geneva human rights glossary of May 1981 (UNOG document TERM/32) are reproduced below with slight changes. The custodial penalties specified in the proposed draft penal code for Spain have been added and the entry for Mexico has been updated. No changes have been made in the English or French terminology.

The table and the entries in the present glossary provide a standard set of English and French equivalents for the names of the penalties and measures concerned. French-speaking countries have not yet been included in the table, but the same set of English equivalents has been used in the body of the glossary for comparable terms used in those countries. It is hoped that this will help to achieve uniformity in the translation of the terms concerned.

7/ e.g. a vehicle, firearms, drugs.

8/ For incest.

9/ The terms order, not sentence, and finding of guilt, not conviction, are used in juvenile courts, which try most offences committed by persons under 17.

10/ Formerly called a borstal.

Terminología de las penas de privación de libertad

En términos generales podría decirse que los códigos o leyes penales de los países incluidos en el cuadro, para precisar las penas de privación de libertad que asignan a las diversas figuras delictivas, acuden al sistema de clave o al sistema abierto.

Los códigos que utilizan el primer sistema se caracterizarían por establecer en su parte general, además de las correspondientes definiciones, clasificaciones y duraciones, una explicación gráfica destinada a facilitar la labor de precisar la pena concreta aplicable a cada caso y, en la parte especial, dedicada a los diversos delitos en particular, acuden a una indicación que, por ejemplo, puede ser la siguiente: "será penado con presidio mayor ...".

Por su parte, los códigos que recurren al sistema abierto precisan también en su parte general cuáles son las penas privativas de libertad, definiéndolas e indicando o no su duración global, pero sin entrar a dividirlas ni a establecer graduaciones ni explicaciones sinópticas y, al ocuparse de los delitos en particular, utilizan una redacción que, por ejemplo, puede ser la que sigue: "... se le aplicará la pena de 15 a 20 años de reclusión ...".

Para sistematizar esos datos en un cuadro e incluso para traducir las penas, la adhesión a uno u otro sistema reviste cierta importancia, pues a los países que siguen el primero debe dedicárseles mayor espacio en el cuadro, lo cual transmite una sensación de que se trata de legislaciones con una mayor cantidad de penas, o de que son más severas, lo cual no es necesariamente efectivo y está aún por probarse. En cuanto a su efecto en la traducción, la forma utilizada para precisar las penas en el primer caso, al no emplear sino referencias o claves para señalar la duración, obliga a transmitir en la traducción una idea tácita, no señalada directamente. Algo parecido sucede con conceptos de difícil representación esquemática, como es el caso de las condiciones que las penas imponen a los condenados, que si bien no fueron contempladas en el cuadro, fueron tomadas en cuenta en las respectivas traducciones.

Por otra parte, si bien se registran algunos esfuerzos regionales destinados a uniformar la legislación penal de diversos países de habla española, se trata de esfuerzos que aún no tienen éxito y la falta de uniformidad en la terminología de las penas se mantiene y es particularmente aguda cuando se comparan los términos que se aplican a las principales penas de privación de libertad con los que les siguen en importancia: internamiento, penitenciaria, presidio y reclusión, para el primer caso, y penitenciaria, presidio y reclusión, para el segundo. A fin de que una traducción de reclusión transmita al lector en otro idioma la circunstancia de su gravedad, ha debido tenerse en cuenta esta situación cambiante entre países, por lo cual, en algunos casos, debió optarse por rigorous imprisonment o réclusion criminelle y, en otros, por la de ordinary imprisonment o emprisonnement correctionnel; pero, casi no es necesario decirlo, en cada país se mantuvo la indispensable uniformidad.

CUSTODIAL PENALTIES AND CUSTODIAL DISCIPLINARY MEASURES
IN VARIOUS SPANISH-SPEAKING COUNTRIES

I. PENALTIES

ARGENTINA CP		reclusión prisión	rigorous imprisonment ordinary imprisonment	réclusion criminelle emprisonnement correctionnel
BOLIVIA CP	(1-30a) (1m-8a)	presidio reclusión	rigorous imprisonment ordinary imprisonment	réclusion criminelle emprisonnement correctionnel
COLOMBIA CP	(1-24a) (6m-8a) (1d-5a)	presidio prisión arresto	rigorous imprisonment ordinary imprisonment light imprisonment	réclusion criminelle emprisonnement correctionnel emprisonnement de police
COSTA RICA CP	(h 25a)	prisión	imprisonment	emprisonnement
CHILE CP	(5-20a) (61d-5a) (5-20a) (61d-5a) (1-60d)	presidio presidio perpetuo presidio mayor presidio menor reclusión reclusión perpetua reclusión mayor reclusión menor prisión	rigorous imprisonment rigorous imprisonment for life long-term rigorous imprisonment medium-term rigorous imprisonment ordinary imprisonment ordinary imprisonment for life long-term ordinary imprisonment medium-term ordinary imprisonment short-term imprisonment	réclusion criminelle réclusion criminelle à perpétuité réclusion criminelle à temps réclusion correctionnelle détention détention criminelle à perpétuité détention criminelle à temps emprisonnement correctionnel emprisonnement de police
ESPAÑA CP CPN	(20-30a) (12-20a) (6-12a) (6m-6a) (6-12a) (6m-6a) (1-6m) (1-30d) (6m-25y) (36 fines de semana)	reclusión reclusión mayor reclusión menor presidio presidio mayor presidio menor prisión prisión mayor prisión menor arresto arresto mayor arresto menor prisión arresto de fin de semana	rigorous imprisonment maximum-term rigorous imprisonment long-term rigorous imprisonment rigorous imprisonment medium-term rigorous imprisonment short-term rigorous imprisonment ordinary imprisonment medium-term ordinary imprisonment short-term ordinary imprisonment light imprisonment brief imprisonment minimum-term imprisonment imprisonment weekend detention	réclusion criminelle réclusion criminelle majeure réclusion correctionnelle réclusion réclusion criminelle à temps réclusion correctionnelle emprisonnement correctionnel emprisonnement correctionnel majeur emprisonnement correctionnel mineur emprisonnement de police emprisonnement de police (majeur) emprisonnement de police (mineur) emprisonnement emprisonnement de fin de semaine
GUATEMALA CP	(1m-30a) (1-60d)	prisión arresto	ordinary imprisonment light imprisonment	emprisonnement correctionnel emprisonnement de police
MEXICO CPDF CPPDF	(3d-40a) (di) (1-15d)	prisión internamiento 2/ prisión	imprisonment detention ordinary imprisonment	emprisonnement correctionnel internement emprisonnement de police
PERU CP	(+25a p di) (1-20a) (2-20a)	internamiento penitenciaria prisión	rigorous imprisonment long-term imprisonment ordinary imprisonment	réclusion criminelle détention criminelle emprisonnement correctionnel
URUGUAY CPO, CPM CPM	(2-30a) (3m-2a) (1-60d)	penitenciaria prisión arresto	rigorous imprisonment ordinary imprisonment detention	réclusion criminelle emprisonnement correctionnel emprisonnement de police
VENEZUELA CP		presidio prisión arresto	rigorous imprisonment ordinary imprisonment light imprisonment	réclusion criminelle emprisonnement correctionnel emprisonnement de police

II. DISCIPLINARY MEASURES

Los países de este cuadro, salvo ESPAÑA y PERU, contemplan en sus códigos de procedimiento esta medida, de breve pero variable duración. 1/	arresto	light imprisonment	emprisonnement de police
---	---------	--------------------	--------------------------

1/ No se contó con información en lo que concierne a COSTA RICA y GUATEMALA.

2/ Casos especiales.

Los nombres oficiales de los códigos consultados se encuentran al interior del glosario. Algunas penas llevan la expresión "y un día" que ha sido suprimida en el cuadro para simplificar su presentación.

SIGNOS: a = año(s); m = mes(es); d = día(s); h = hasta; + = más de; p = pero; di = de duración indeterminada.

5. Criminal liability

(i) England

(a) The terms criminal liability and criminal responsibility are used interchangeably, the choice depending on the preference of the writer. 11/

(b) The situations which exempt or which relieve a person from criminal liability are called exemptions and defences respectively, but this terminology is not always adhered to strictly. Exemptions are also called immunities and both categories are sometimes discussed under the heading of defences. Excuse is sometimes used as a synonym of defence, as in the maxim "ignorance of the law is no excuse".

Exemptions concern status or age and confer absolute immunity from prosecution. The Sovereign and visiting foreign Heads of State, as well as children under 10 years of age, are immune from prosecution because at law they can do no wrong. Diplomatic representatives are immune from prosecution by statute in accordance with the reciprocal treatment accorded by one State to another. Corporations are not inherently immune from prosecution.

Defences concern circumstances appertaining to the defendant at the time of the offence only. They confer no immunity from prosecution but, if pleaded successfully on trial, relieve him of criminal liability. They include insanity (sometimes classed as an exemption), automatism, intoxication, mistake, necessity, duress (coercion), self-defence, obedience to lawful authority and diminished responsibility. The last-named is sometimes classed as an extenuating circumstance rather than a defence because it is not a bar to liability; instead, it determines the degree of offence in that, if successful, it can reduce a murder charge to one of manslaughter and thus affect punishment.

(c) Exemptions and defences relate to matters of substance. A third form of safeguard is purely procedural: the special plea in bar, or simply plea in bar, e.g. a plea of autrefois acquit. If successful, this destroys the prosecution's right of action completely. It is one form of what used to be called a peremptory plea. A plea to the jurisdiction, being merely dilatory, does not fall into this category.

(d) Exemptions, defences and special pleas in bar all concern liability of some kind. To be distinguished from them are aggravating or mitigating circumstances, which determine the degree of punishment inflicted on the offender. It does not seem possible to draw any useful distinction between mitigating circumstances and extenuating circumstances.

A plea in mitigation is a statement made after conviction asking for mitigating circumstances to be taken into account by the judge in passing sentence. Here, the plea is not of the special kind mentioned in (c) above but simply a plea in the general sense of a contention which is pleaded.

11/ "Criminal liability": Cross and Jones, Greaves, OCL, Padfield;
"Criminal responsibility": Curzon Criminal, Hampton, James.

(ii) Comparison with civil law terms

The correspondence between the English terms mentioned above and their civil law counterparts can be expressed in approximate terms as follows:

	Precludes liability	Nullifies liability: substantive	Nullifies liability: procedural	Affects punishment
England	exemption, immunity	defence	special plea in bar	... circumstance
France	<u>cause d'irresponsabilité</u> 12/		<u>exception, péremptoire, fin de non-recevoir</u>	<u>excuse ...</u> , <u>circonstance ...</u> 13/
Chile, Spain	<u>exención</u> , also called in Spain <u>eximente</u> , <u>circunstancia eximente</u>		<u>excepción perentoria</u>	<u>excusa ...</u> , <u>circunstancia ...</u>

The French and Spanish terms cause, excuse and excusa can be translated as ground. Circonstance and circunstancia can be translated as ground in the case of an exemption or immunity and as circumstance otherwise. These and the other terms in the table will be found in the glossary.

(iii) France: causes d'atténuation de la peine: excuses and circonstances atténuantes

To be distinguished from the causes d'irresponsabilité mentioned in the table in (ii) above, and described briefly in the English note to cause d'irresponsabilité, are the causes d'atténuation de la peine. These are divided into excuses, also called excuses légales, and circonstances atténuantes. The excuses are subdivided into excuses absolutoires and excuses atténuantes.

The only difference between an excuse atténuante and a circonstance atténuante is that mitigation of sentence is prescribed by law in the former case and left to the judge's discretion in the latter.

12/ The term immunité is also used in France where appropriate, e.g. in regard to diplomats and the Head of State.

13/ In France the generic term for excuses and circonstances which reduce the degree of punishment is cause d'atténuation; see (iii).

The five terms in question are translated in the glossary as follows:

1. cause d'atténuation de la peine, ground for mitigation of sentence
2. excuse, excuse légale, excuse
3. excuse absolutoire, ground for absolution
4. excuse atténuante, ground for mitigation
5. circonstance atténuante, extenuating circumstance.

A distinction corresponding to the French terminology is thus drawn between terms 4 and 5, but in view of the slight practical difference between them, and of the little or no difference in meaning between mitigating circumstance and extenuating circumstance, the latter pair of terms could equally well be used for 4 and 5 respectively.

Where the distinctions called for by terms 1 to 5 do not need to be made, extenuating circumstance is a perfectly satisfactory translation of cause d'atténuation de la peine.

The opposite to a circonstance atténuante is a circonstance aggravante, aggravating circumstance, i.e. one which increases instead of mitigating the severity of the punishment.

6. References

England: Archbold

Cross and Jones pp. 22-24, chaps. 5, 18

Curzon Criminal chaps. 1, 6

Emmins chaps. 1.3, 1.4, 2.4.2., 6, 14.4, 15-17, 18.4

Greaves vol. 3, chap. 3

Halsbury vol. 11, 'Criminal Law, Evidence and Procedure'

Hampton pp. 2, 183-198, chap. 9, pp. 330-333, 355, chap. 13,
pp. 407-409, 415, 417-430

James 172-184

OCL criminal liability, extenuating circumstances, mitigation

Padfield 318-325

France: Dalloz responsabilité pénale

Note 3

CIVIL PROCEDURE

This note basically concerns civil procedure, but in some sections the terms used in criminal proceedings are mentioned as well for convenience.

1. Names of proceedings

(i) Usage in England

Proceedings is a generic term meaning any kind of civil ^{1/} and criminal lawsuit. It is invariably used in the plural, but has the same meaning in the singular. Process, when used in its broad sense (see the glossary entry for process 1.) is also a generic term having the same meaning as proceedings, but is employed in an abstract sense, not a material one, e.g. abuse of process, by legal process.

Case is a non-technical term meaning the same as proceedings. Suit was formerly a technical term for proceedings brought in equity, as opposed to action, proceedings brought at common law. This terminological distinction has virtually disappeared, but the difference between common law remedies and equitable remedies remains. The word suit is still used to denote a proceeding in a matrimonial cause (see below), for which the technical term is nevertheless action, and it survives in the colloquial term lawsuit.

In the Supreme Court (High Court, Crown Court, Court of Appeal) all proceedings, civil or criminal, are divided into causes and matters, and causes are subdivided into actions and criminal proceedings. ^{2/} All civil proceedings are therefore actions or matters. The distinction between an action and a matter is a technical one depending, for historical reasons, partly on the nature of the proceedings and partly on the kind of originating process (here process is used in its strict sense, see the glossary entry for process 2.) by which they are begun. It corresponds broadly to the distinction drawn in both common law and civil law systems between contentious and non-contentious proceedings. Appeals are classified as matters, not actions.

In county courts, which deal exclusively with civil cases, proceedings are again divided into actions and matters. In magistrates' courts all proceedings are called proceedings.

^{1/} It should be borne in mind that proceedings classified as administrative-law proceedings in civil law countries fall under the heading of civil law proceedings in England.

^{2/} It follows that action in the strict sense can only be used of civil proceedings. See Note 1, sect. 1.

The situation described above is further complicated by the fact that matrimonial causes are always described as such, although individually all of them, being causes and not matters, are actions, e.g. for divorce or nullity of marriage. Another complication is that action has in the past been used, and continues to be used, in a broad sense exceeding its former and present technical meanings.

(ii) Recommended renderings

In an attempt to reduce the above comments to practical guidance for English translators, the following equivalents are suggested for the French and Spanish terms concerned (the numbers refer to the glossary sub-entries in cases where these terms have more than one meaning):

	FIRST INSTANCE CIVIL AND CRIMINAL PROCEEDINGS		FIRST INSTANCE ADMINISTRATIVE-LAW PROCEEDINGS		SECOND AND THIRD INSTANCE APPELLATE AND CASSATION PROCEEDINGS OF ALL KINDS	
	<u>Technical</u>	<u>Non-technical</u>	<u>Technical</u>	<u>Non-technical</u>	<u>Technical</u>	<u>Non-technical</u>
<u>acción 2., action 2., pleito</u>	action (civil), proceedings (criminal) <u>4/</u>	case, proceedings, suit, <u>5/</u> lawsuit	-	-	-	-
<u>causa 3., cause 3.</u>	proceedings	case, proceedings, action, suit, <u>5/</u> lawsuit	-	-	-	-
<u>instance 1., instancia 1., procedimiento, 3/ procedimiento legal 3/</u>	proceedings	proceedings	proceedings	proceedings	proceedings	proceedings
<u>juicio</u>	proceedings	case, proceedings, action, suit, <u>5/</u> lawsuit	proceedings	case, proceedings, action, suit, lawsuit	proceedings	case, proceedings
<u>matière ...</u>	...proceedings	...proceedings	..proceedings	...proceedings	...proceedings	...proceedings
<u>pourvoi 2.</u>	-	-	-	-	appeal <u>6/</u>	case, proceedings
<u>procès, 3/ proceso 3/</u>	proceedings	case, proceedings, action, suit, <u>5/</u> lawsuit	proceedings	case, proceedings, action, suit, lawsuit	proceedings	case, proceedings
<u>queja, querrela</u>	complaint	case, proceedings, action, suit, <u>5/</u> lawsuit	-	-	-	-
<u>recours 3., recurso 3. (see also section 3(vi) below)</u>	-	-	action	case, proceedings, suit, lawsuit	appeal <u>6/</u>	case, proceedings
<u>apelación, appel</u>	-	-	-	-	appeal <u>6/</u>	case, proceedings

3/ In order not to overload the table the possible rendering of these terms by the word process (see (i) above) has been omitted.

4/ But always use action for the acción civil, action civile (criminal indemnification action) which may be coupled with criminal proceedings.

5/ Especially in the case of proceedings for divorce, nullity of marriage or judicial separation.

6/ Can be expanded to appeal proceedings.

As far as the non-technical equivalents are concerned, action, suit and lawsuit all imply the existence of a dispute of a kind resolved by a superior court. They are therefore best avoided unless it seems clear that contentious proceedings are involved and that the court concerned is not an inferior one (e.g. a tribunal d'instance, juge de paix, juez de paz). There is no reason why they should not be used for first-instance administrative-law proceedings despite the fact that, for example in France and Spain, the words action or acción are replaced by recours and recurso.

Divorce suit is a suitable non-technical equivalent for proceedings brought by one spouse, but it would be unusual to use suit to describe divorce or separation proceedings brought by both spouses jointly (e.g. France, CPCN 1088, 1139; Spain, CC 81(1), 86).

A further point about the non-technical equivalents is that the kinds of proceedings described as action, suit and lawsuit are normally begun by writ or by summons (assignation, citation, citación, emplazamiento), except that divorce proceedings in England are begun by petition. Non-contentious proceedings, on the other hand, are usually begun by application or motion (requête, instancia 2., petición, solicitud).

The foregoing remarks may have generated more doubts than certainties, but one thing should be clear; if in doubt, use proceedings.

2. Names of parties

(i) Usage in England //

- Plaintiff + defendant : in contentious civil proceedings begun by writ or by summons in the High Court or a county court (these proceedings are actions, also called suits if they are matrimonial causes: see section 1 above)
- Complainant + defendant : in contentious civil proceedings begun by complaint in a magistrates' court
- Petitioner + respondent: in contentious civil proceedings begun by petition in the High Court or a county court
- Applicant + respondent : in contentious civil proceedings begun by application in the High Court or a county court
- Petitioner; applicant : in non-contentious civil proceedings begun by petition or application, respectively, in any court

// RSC 0.15, r.4(1), CCA 15(3), MCA 4(3), 9(1), 15(1), 55(1), 109.

Prosecutor + defendant : in criminal proceedings
(syn. accused, see
Note 1(4))

Appellant + respondent : in all appeal proceedings.

Usage in the United States is much the same as in England, except that plaintiff and not complainant is used for ordinary contentious civil proceedings even though they are begun by complaint.

(ii) Recommended renderings

Actor, demandante, demandeur, 8/ parte demandante, partie demanderesse:

In civil proceedings use plaintiff, but petitioner can be used in divorce, nullity of marriage, judicial separation, insolvency or company winding-up (liquidation) proceedings, provided they have not been started by writ or by summons; in criminal proceedings, use prosecutor. If in doubt use plaintiff. This term will always be correct if the proceedings have been started by writ, summons or plaint.

The above applies to the use of demandante, demandeur, parte demandante, partie demanderesse as the name of the party commencing contentious proceedings. If these terms are used to denote a person bringing a demande or demanda after proceedings have begun, translate as claimant if the demande or demanda is a counter-claim, and applicant if it is not. Outside the sphere of judicial proceedings use either applicant or claimant as seems appropriate. If in doubt use applicant.

Défendeur, 9/ demandado, parte demandada, partie défenderesse:

In civil proceedings use defendant, but respondent can be used in the circumstances in which petitioner can be used above; in criminal proceedings use defendant or (syn., see Note 1(4)) accused. If in doubt use defendant.

Plaignant, quejoso, querellante:

Use complainant, which is the correlative of complaint, but in first instance contentious civil proceedings, if these French and Spanish terms are used to denote the person bringing the proceedings, plaintiff is acceptable instead.

8/ The English term used in the International Court of Justice is applicant.

9/ The English term used in the International Court of Justice is respondent.

Recurrente, 10/ requérant, 11/ solicitante:

In first instance contentious civil proceedings or first instance administrative-law proceedings use plaintiff. Otherwise: in an appeal use appellant, in proceedings started by petition petitioner, in proceedings started by application or motion applicant. If in doubt use applicant.

The above applies to the use of these terms as the name of the party commencing proceedings. If they are used to denote a person lodging a requête or solicitud either after proceedings have begun or outside the sphere of judicial proceedings, use applicant.

Apelante, appellant:

Appellant.

Apelado, intimé:

Respondent.

Intervenant, interviniente:

See the entry for intervenant.

Note that défenseur and defensor are not the names of parties.

Do not mix terms from different pairs, i.e. defendant always goes with plaintiff; complainant, defendant or accused with prosecutor; and respondent with petitioner, applicant or appellant.

3. Apelación, appel, demanda, demande, pedido, petición, pourvoi, queja, querella, recours, recurso, requête, solicitud and the related verbs

All these terms broadly concern the notions of claim and appeal. (Apelación, appel, queja, querella, recours and recurso are also mentioned in the table in section 1(ii) above.)

(i) Apelación, apelar, appel and appeler should always be translated as appeal. They denote appeal in the strict sense, i.e. an application for judicial examination by a higher court of a decision of a lower court.

(ii) Demanda 2. and demande 2. should be translated as follows:

(a) In judicial proceedings: as claim if they refer to the originating claim which begins the proceedings or to a counterclaim, otherwise as application, but as request in the circumstances mentioned in the glossary entry for demande; motion can be substituted for application, particularly if the text concerns a point raised orally;

10/ A party who lodges a recurso.

11/ Strictly speaking, a party who lodges a requête, but the term is also used for one who lodges a demande (i.e. as a synonym of demandeur) or a recours. The English term used in the Human Rights Committee is petitioner.

(b) Outside the context of judicial proceedings, as claim, application or request as seems most appropriate. Demanda and demande rarely mean petition. If in doubt use application.

Demandar and demandar should be translated accordingly.

(iii) Pedido and petición should be translated as follows:

(a) In judicial proceedings: as petition if they originate the proceedings, otherwise as application or, as mentioned above, motion;

(b) Outside the context of judicial proceedings, as petition if addressed to an organ of the executive, e.g. for mercy or pardon, otherwise as petition, application or request as seems most appropriate. A petition is normally lodged in writing. If in doubt use application.

Pedir should be translated accordingly.

(iv) Pourvoi 2. should be translated as appeal when it denotes the name of proceedings and application when it denotes the act by which proceedings are begun. If in doubt use appeal.

Se pourvoir should be translated accordingly.

(v) Queja and querella should be translated as complaint when they denote the name of civil proceedings or the act by which they are commenced, otherwise as claim. If in doubt use claim.

Quejarse should be translated accordingly (complain, bring a complaint, claim, bring a claim).

Querellar should be translated as to sue in civil proceedings, to prosecute in criminal proceedings.

(vi) Recours 2., 3. and recurso 2., 3. These terms present problems from the point of view of precise translation. Numerous examples of their use are given in the glossary. Translate as follows:

<u>Meaning</u>	<u>Translation</u>
Method of obtaining redress	remedy
Entitlement to redress	right of action, right of recourse, right of appeal
Steps to obtain redress	proceedings
Act by which proceedings are begun:	
- administrative (extrajudicial) proceedings	application
- judicial (including administrative-law) proceedings	application

The distinction between right of action, right of recourse and right of appeal is as follows: right of action means a person's right to begin judicial proceedings in order to obtain redress of a wrong committed by someone else; right of recourse is a specific kind of right of action and the term is used particularly in cases where a negotiable instrument has been dishonoured, and sometimes where a breach of duty or warranty has occurred. Right of appeal means a person's right to appeal to a government department, similar body or court against an administrative decision, or to a higher court against a decision of a lower court.

Right of action and right of recourse are sometimes contracted to action and recourse respectively.

If in doubt as to whether to use remedy or right of action/recourse /appeal, use right of recourse.

Proceedings and application can be replaced by appeal, e.g. to a government department or a court against an administrative decision, to a higher court against the decision of a lower court. In judicial proceedings, as stated earlier, the correct meaning of appeal is that just mentioned, i.e. application to a higher court than the one which took the decision objected to. If the step is taken in the same court as gave the decision, i.e. if the court is asked to review (reconsider) its decision, the correct term is application, but appeal is often used loosely in this sense as well.

Application can be replaced by petition where the act in question commences proceedings for mercy, pardon, amparo or habeas corpus.

If in doubt as to whether to use proceedings, application, appeal or petition, use application.

The verbs recourir, recurrir and recurrirse should be translated in accordance with what has been said about recours and recurso.

(vii) Requête and solicitud should be translated as application, but petition can be used instead if these terms denote the act by which judicial proceedings are begun and if the proceedings concern divorce, nullity of marriage, judicial separation, insolvency or company winding-up (liquidation). Application can be replaced by motion in judicial proceedings, particularly if the text concerns a point raised orally. If in doubt, use application.

Translate requérir 4., requerir 4. and solicitar accordingly.

4. Names of pleadings

Pleadings are the formal written statements exchanged step by step between the parties to a civil action, and must be distinguished from process (see section 5). Each step has a different name:

	<u>England 12/</u>		<u>France 17/</u>		<u>Spain 21/</u>	
	<u>principal claim</u>	<u>counterclaim, if any</u>	<u>principal claim</u>	<u>counterclaim, if any</u>	<u>principal claim</u>	<u>counterclaim, if any</u>
1. By plaintiff	statement of claim <u>13/</u>	-	<u>demande initiale 18/</u>	-	<u>demanda</u>	-
2. By defendant	defence <u>14/</u>	counterclaim	<u>conclusions en défense 19/</u>	<u>demande reconventionnelle</u>	<u>contestación</u>	<u>reconvencción</u>
3. By plaintiff	reply <u>15/</u>	defence to counterclaim	<u>réplique 20/</u>	?	<u>dúplica</u>	?
4. By defendant	rejoinder <u>16/</u>	rejoinder	<u>duplique</u>	?	<u>réplica</u>	?

In the International Court of Justice the steps are: 1. Mémoire, memorial, memoria. 2. Contre-mémoire, counter-memorial, contramemoria. 3. Réplique, reply, réplica.

In the Court of Justice of the European Communities and ? the European Court of Human Rights the steps are: 1. Mémoire, statement of case. 2. contre-mémoire, counter-memorial.

12/ The terms used in England are in general use in the United States as well, except that complaint replaces statement of claim and answer replaces defence.

13/ In the High Court; it can be endorsed on the writ or be separate from it. Formerly called plaint or declaration and still called plaint in a county court, where it is an integral part of the summons, i.e. originating process and the pleading are combined. In a matrimonial cause the petitioner's first pleading is called a petition, which is both the originating process and the pleading.

14/ In the High Court and county courts. In a matrimonial cause the respondent's first pleading is called an answer. Formerly called plea, which is the term still used in criminal proceedings.

15/ Formerly called replication, which is the term still used in criminal proceedings.

16/ Virtually obsolete except as the defendant's rejoinder to the plaintiff's defence to counterclaim. In theory, steps Nos. 5-7 also exist: surrejoinder, rebutter and surrebutter.

17/ In (a) the Court of Cassation, (b) the administrative courts and the Council of State, the following are used instead:
 (a) 1. Mémoire (can be combined with the requête). 2. Mémoire en réponse, also called mémoire en défense. 3. Duplicque. 4. Réplique.
 (b) 1. Mémoire (combined with the requête, otherwise a separate mémoire ampliatif). 2. Mémoire en réponse, also called mémoire en défense or observations en réponse. 3. Réplique or mémoire en réplique. 4. Duplicque or mémoire en duplicque.

18/ Called mémoire in a matrimonial cause.

19/ Sometimes called défenses.

20/ Sometimes called réponse.

21/ These terms are in general use elsewhere, e.g. in Chile and Mexico.

5. Process

The term is invariably used in the singular. Process 2. in its widest sense means, in England (RSC 0.65, r. 10(2)) a writ, judgement, notice, order, petition, originating or other summons or warrant, i.e. a document which is to be served on someone.

The purpose of this section is therefore to give a brief indication of the way in which civil proceedings can be begun in England, i.e. of the name of the originating process involved. In some cases the originating process is combined with the first pleading, e.g., in the High Court, a writ of summons endorsed with the statement of claim, petition setting forth the claim; in a county court, a summons combined with the plaint.

In the High Court the following kinds of action are begun either by writ (i.e. writ of summons) or by originating summons (in some cases there is no choice): breach of contract (including debt), breach of trust, tort, recovery of property, mortgage, probate, defamation, patent infringement, admiralty actions in rem. Matrimonial causes (divorce, nullity of marriage, judicial separation) and insolvency and company winding-up (liquidation) proceedings are begun by petition. Judicial review proceedings are begun by originating motion.

In a county court, ordinary actions are begun by summons, matrimonial causes by petition.

In a magistrates' court, all contentious civil proceedings are begun by complaint.

In all courts, most non-contentious proceedings are begun by application.

Appeals are begun by notice of appeal.

6. Judgements and orders

(i) General

As used in England, the terms judgement and order overlap considerably, but it is hoped that the English notes to the entries arrêt, judgement and order explain to some extent the distinction between them and the way in which judgement, order, decree and sentence are used. The term judicial decision covers all of them.

The position can be summed up as follows:

(a) Civil proceedings. A final or interlocutory decision which settles the main issue is a judgement if the proceeding is an action other than a matrimonial cause (i.e. other than an action for divorce, nullity or judicial separation), a decree if it is a matrimonial cause and an order if the proceeding is any other kind of proceeding. Every other decision is an order.

(b) Criminal proceedings. A decision given on conviction of a person aged 17 or over and imposing punishment or its equivalent is a sentence and some sentences are called orders (e.g. a hospital order, a youth custody order). Every other decision is an order.

(c) The generic term is judgements and orders.

For details regarding the meaning of judgement and order in England, see Halsbury vol. 26, paras. 501-507 and vol. 37, para. 526, White Book 42/1/7.

(ii) The component parts of an English judgement

In England, a judgement normally contains a statement of facts; a statement of law, consisting of a review of the precedents and the court's reasoning from them - the ratio decidendi; and the judgement proper. The reasoning corresponds to the motifs (also called attendus) of a French judgement and the judgement proper to its dispositif and formule exécutoire combined.

(iii) England: ex parte injunction (1), interim injunction (2), interlocutory injunction (3), interlocutory order (4); France: ordonnance de référé (5), ordonnance sur requête (6)

All the above decisions are orders and all are interlocutory, i.e. interim, not final, but No. 1 could prove final if not challenged. Nos. 2 and 3 are synonymous and simply one kind of No. 4. No. 1 is one form of No. 3 and is granted on the application of a party without his adversary being heard; it is often used in cases of urgency to obtain interim relief or preserve disputed property. Nos. 5 and 6 may be but are not necessarily injunctions and are used for similar reasons, No. 6 being granted in the same way as No. 1.

It is therefore impossible to regard either of the French terms as exact equivalents of the English terms.

(iv) Judgement in rem, judgement in personam; jugement constitutif, jugement déclaratif

In the civil law system, judgements are usually divided into two classes: the jugement constitutif, sententia constitutiva, which creates a new legal situation, and the jugement déclaratif, sententia declarativa, which confirms an existing one. A third kind is the jugement condamnatoire, sententia condenatoria (also called jugement de condamnation, sententia de condena), which orders something to be done and can fall into either of the other two categories. These three kinds of judgement correspond to the classification of judgements which exists in German law into Gestaltungsurteil, Feststellungsurteil and Leistungsurteil, and they can be called constitutive, declaratory and coercive respectively.

Cutting across this classification is the common law one of judgements in rem, which determine a litigant's rights against the whole world and judgements in personam (also called judgements inter partes), which determine the rights of two litigants in relation to each other only. Again there is a third kind, the declaratory judgement, which confirms an existing legal situation.

The civil law constitutive and coercive judgements in some ways resemble the common law judgement in rem and judgement in personam respectively. However, since they are not precise equivalents, and since the basis of the classification is not the same in the two systems, translators are recommended not to use the common law terms for the civil law ones or vice versa, except in the case of a declaratory judgement.

References:

England: County Courts Act 1984, sects. 76, 147
Halsbury vol. 26, "Judgments and Orders", vol. 37,
paras. 17, 22, 24, 536
Jowitt actions and matters in the High Court
Langan
Lawson 12-16, 231-240
OCL declaratory judgment, judgment in personam, judgment in rem
Odgers
Padfield 27
Supreme Court Act 1981, sect. 151
Supreme Court of Judicature (Consolidation) Act 1925, sect. 225
(which, although repealed, contains definitions not given in sect.
151 of the Supreme Court Act 1981)
Walker EN 131, 565-566
White Book 42/1/7

Note 4

COURTS AND PERSONNEL

1. English courts

The principal courts of justice in England and Wales are:

- (a) The House of Lords, the final court of appeal.
- (b) The Supreme Court of Judicature, comprising:
 - (i) The Court of Appeal, consisting of a Civil Division and a Criminal Division.
 - (ii) The High Court of Justice, known simply as the High Court, for major civil cases, consisting of the Queen's Bench Division, which includes the Admiralty and Commercial Courts and also has some appellate criminal jurisdiction; the Family Division; and the Chancery Division, which is the senior division and includes the Patents Court. The jurisdiction of the Chancery Division includes bankruptcy (in what used to be called the Bankruptcy Court) and companies' winding-up (in what is unofficially called the Companies Court).
 - (iii) The Crown Court, for trial of criminal cases on indictment, i.e. serious offences.
 - (iv) The Court of Protection is a separate office of the Supreme Court rather than a court proper; it is responsible for protecting and managing the property of persons under a disability, e.g. mentally disordered persons.
- (c) County courts, for less important civil cases.
- (d) Magistrates' courts, for criminal cases (summary trial of less serious offences, examining jurisdiction for serious offences, hearing of offences committed by juveniles) and minor civil matters. Magistrates dealing with juveniles and family matters are called juvenile courts and domestic courts respectively. Magistrates also have administrative functions, e.g. liquor and music licensing, extradition of fugitive criminals.

At present there is no Family Court as such; matters such as divorce maintenance, adoption, affiliation, guardianship and care are dealt with by the High Court, county courts or magistrates' courts according to the circumstances.

The Court of Appeal sits in London. The High Court and the Crown Court sit in about 90 places in England and Wales grouped into six circuits. The Crown Court often consists of a single judge. In London the Court of Appeal and the High Court sit at the Royal Courts of Justice; the Crown Court called in London the Central Criminal Court, sits at the Old Bailey. The same six circuits contain about 320 county courts. There are some 700 magistrates' courts.

Other important courts are the Judicial Committee of the Privy Council, which among other things is the final court of appeal from British colonies and dependencies and from a few Commonwealth countries; the Employment Appeals Tribunal; the Restrictive Practices Court; the coroners' courts; and courts-martial.

The House of Lords, the Court of Appeal, the High Court and the Crown Court are superior courts of general jurisdiction and of record. The Employment Appeals Tribunal and the Restrictive Practices Court are superior courts of special jurisdiction and of record. County courts are inferior courts of general jurisdiction and of record. Magistrates' courts are inferior courts of general jurisdiction but not of record. Coroners' courts are inferior courts of particular jurisdiction and of record. Courts-martial are courts of particular jurisdiction and not of record.

The quasi-judicial bodies known as tribunals are not part of the regular judicial system (see 6.).

2. English judicial personnel

The personnel engaged in the administration of justice in England and Wales are known collectively, but in academic rather than official language, as judicial officers or officers of justice, both terms being used in their broadest sense. At the head of the system is the Lord Chancellor, whose full title is the Lord High Chancellor of England. Acting in his judicial capacity, he is the equivalent of the Minister of Justice in other countries.

He is followed by:

- (a) The Law Officers of the Crown: The Attorney-General and the Solicitor-General. Under the supervision of the former is the Director of Public Prosecutions, who heads the Crown Prosecution Service, (consisting of Chief Crown Prosecutors and Crown Prosecutors). The duties for which these three officers are responsible correspond in many ways to the functions of the ministère public and ministerio público of French-speaking and Spanish-speaking civil law countries. The Attorney-General is also the head of the English Bar.
- (b) Judicial officers stricto sensu: judges and magistrates. The term judge is used collectively for all judges and magistrates, but tends to be used less of justices of the peace.

The titles of the judges composing the various courts are as follows (excluding the holders of specific offices such as the Lord Chancellor, the Master of the Rolls, etc.):

House of Lords: Lords of Appeal in Ordinary, called Law Lord, with the title Lord.

Judicial Committee of the Privy Council: Lords of Appeal in Ordinary.

Court of Appeal: Lords Justice of Appeal, with the title Lord Justice, abbreviated as ..., L.J.

High Court: puisne judges, with the title Mr. Justice, abbreviated as Mr. J.; recorders (part-time judges).

Crown Court: puisne judges; circuit judges, with the title His Honour Judge ...; recorders; justices of the peace. (see below).

County Courts: Circuits judges; recorders.

Magistrates' courts: a few stipendiary magistrates (professional judges who in London are called metropolitan stipendiary magistrates or simply metropolitan magistrates); about 24,000 justices of the peace, who are laymen (honorary magistrates) and are called magistrates. When sitting as a juvenile court, magistrates are called juvenile magistrates; when conducting committal proceedings they are called examining justices.

(c) Barristers

(d) Officers of the court lato sensu:

(i) Officers of the court stricto sensu: 1/ masters, registrars, referees, associates, secretaries, clerks, bailiffs, ushers, messengers; also receivers and sequestrators while acting as such by order of the court.

(ii) Solicitors

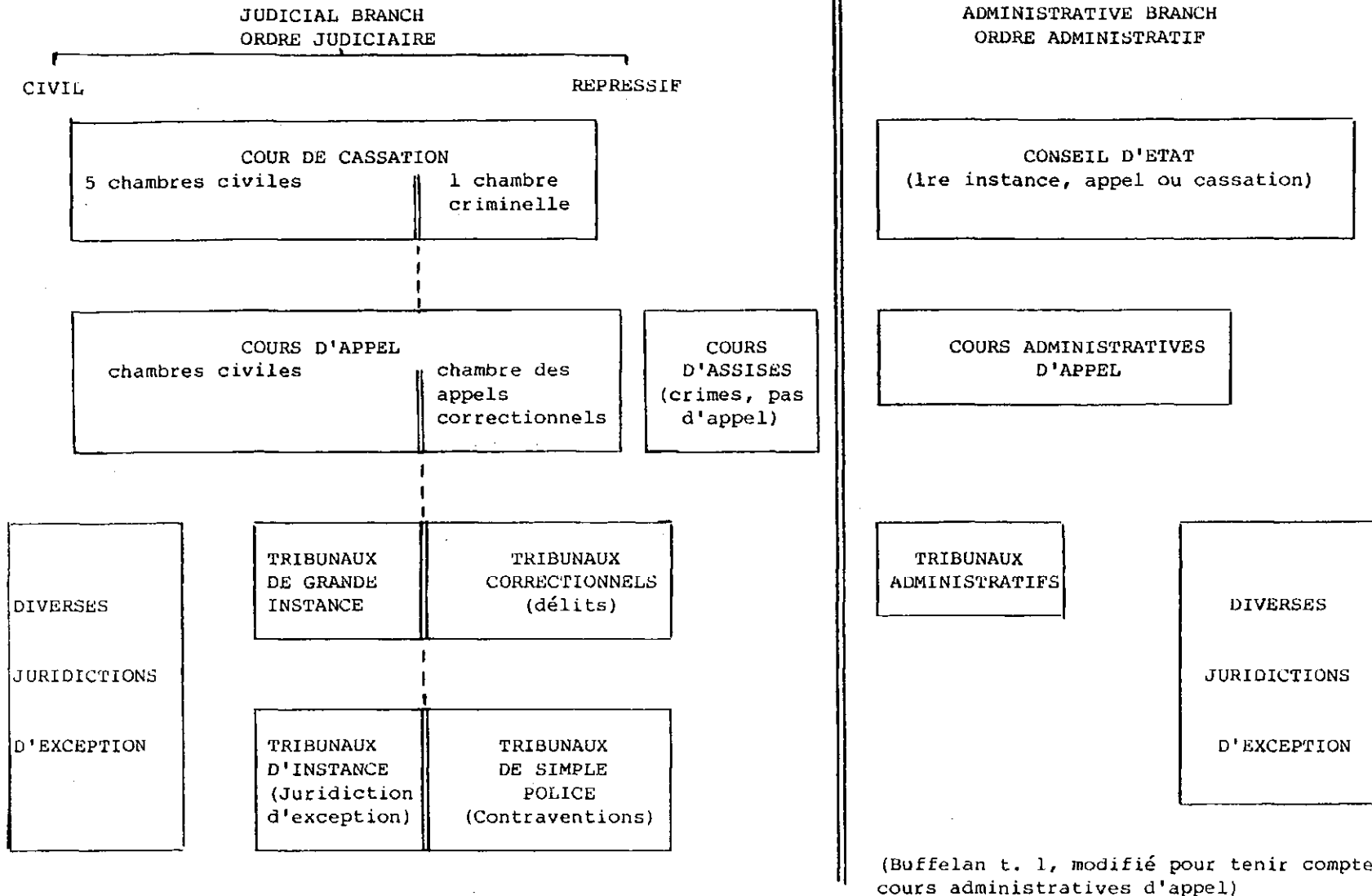
(iii) Officers of justice stricto sensu: sheriffs, sheriffs' officers (also called bailiffs), and constables (police officers).

3. French courts

The following diagram shows the structure of justice in France. The system has two branches, the judicial branch proper and the administrative branch, which includes the tribunaux administratifs and various juridictions d'exception which are the equivalent of English quasi-judicial tribunals (see 6.). Effectively there are two supreme courts, one for each branch.

1/ The term officer of the court has no uniform definition but there are specific indications of its meaning for different courts and purposes, e.g. in the Summary Jurisdiction (Process) Act 1881, s. 8, the Judicature Act 1925, s. 90(1), the Solicitors Act 1974, s. 50, the Supreme Court Act 1981, ss. 88-104, the Criminal Justice Act 1982, s. 46 and the County Courts Act 1984, s. 147.

TRIBUNAL DES CONFLITS
(règle les conflits entre ordre administratif et judiciaire)



(Buffelan t. 1, modifié pour tenir compte des cours administratives d'appel)

Docte (p.658) gives a fuller diagram but it shows the structure less clearly.

4. French judicial personnel

(a) The judicial branch proper

The judicial branch of justice in France is controlled by the Minister of Justice. Its personnel are as follows:

(i) Magistrats (who are invested with authority), called magistrats du corps judiciaire to distinguish them from magistrates in the wider sense, e.g. ministers, consuls, mayors, members of the Council of State. They comprise:

(a) Magistrats du siège (magistrats assis, magistrature assise), i.e. judges.

(b) Magistrats du ministère public (magistrats du parquet, magistrats debout, magistrature debout, magistrature du parquet), i.e. government procurators.

The following table illustrates the composition of the two sides of the magistrature:

Magistrats présentés dans l'ordre hiérarchique croissant

MAGISTRATS DU SIEGE	MAGISTRATS DU PARQUET
TRIBUNAUX* D'INSTANCE	
Juge d'instance Procureur de la République Vice-président du Tribunal de grande instance chargé de l'instance	
TRIBUNAUX* DE GRANDE INSTANCE	
Juge Premier Juge Vice-Président Président	Substitut Premier Substitut Procureur adjoint Procureur de la République
COUR* D'APPEL	
Conseillers Président de chambre Premier Président	Substitut Substitut général Avocat général Procureur général
COUR* DE CASSATION	
Conseiller référendaire Conseiller Président de chambre Premier Président	Avocat général Premier avocat général Procureur général

(Guide pratique, slightly expanded)

In a Tribunal d'instance the procureur de la République has remplaçants who are headed by the commissaire de police.

In Belgium the parquet is similarly organized, with procureurs du Roi instead of procureurs de la République.

- (ii) Greffiers, registrars and clerks of the court.
- (iii) Auxiliaires de la justice, 2/ officers of the court (who are not invested with authority). These comprise:
 - (a) Avocats, advocates; an avocat in the Court of Cassation 3/ is an avocat au conseil, advocate in council.
 - (b) Avoués, judicial attorneys.
 - (c) Conseils juridiques, legal consultants.
 - (d) Notaires, notaries.
 - (e) Huissiers (huissiers de justice), (judicial) marshals.
 - (f) Experts judiciaires, (judicial) experts.
 - (g) Commissaires-priseurs, official valuers and auctioneers.
 - (h) Administrateurs et liquidateurs judiciaires, judicial administrators and liquidators.

(b) The administrative branch

There are three categories of judge in the Conseil d'Etat, namely conseiller d'Etat, maître des requêtes and auditeur; two in the cours administratives d'appel, namely conseiller d'Etat and conseiller; and one in the tribunaux administratifs, namely conseiller. Although all have the function of a magistrate their status is that of a fonctionnaire public, not a magistrat. 4/

5. Ministère public, ministerio fiscal, ministerio público, fiscalía, procuraduría and their counterpart in England

The functions of the department of justice called by the above names in French-speaking and Spanish-speaking countries are summarized very briefly in the entry for ministère public. It is responsible on behalf of the Executive for safeguarding the public interest generally in all spheres of civil and criminal justice. Its duties include criminal investigation (through the police judiciaire, policia judicial) and prosecution of offences, as well as participation in civil proceedings involving legally incapable persons, such as lunatics and minors, and missing persons. In the administrative branch of French justice its role is replaced by that of the commissaire du gouvernement.

2/ This list reproduces that of the Guide pratique de la Justice published by the Ministry of Justice. Other works differ as to the professions which should be included among the auxiliaires de la justice, and as to which of them are officiers publics, officiers ministériels or both.

3/ And in the Council of State, the Court of Conflicts, the Court of Audit and the Prize Council.

4/ Auby I, 286, Laubadère I, 449.

In France the personnel of the ministère public are part of the magistrature, whereas in Spain the carrera fiscal is quite separate from the carrera judicial.

The nearest counterpart of this institution in common law countries, the attorney-general's department, is often the chief legal adviser to the Government as well as being responsible for supervising the public interest and for investigating and prosecuting crime. In England crime is investigated by the police and prosecuted by the Crown Prosecution Service, headed by the Director of Public Prosecutions, who is responsible to the Attorney-General. In civil proceedings the public interest can be represented in various ways: by the Attorney-General in public law cases; by the Queen's Proctor, acting on instructions from the Attorney-General, in probate, matrimonial and admiralty cases; by the Official Solicitor, who is an officer of the Supreme Court, in regard to incapables; or by an amicus curiae, e.g. where a collective professional interest is involved. 5/

The following principles have been adhered to throughout the glossary in the English renderings of the French and Spanish titles of the officers and departments concerned:

1. Government procurator, which can be shortened to procurator, is used as the generic term for S fiscal (noun), S procurador and F procureur, since the connotations of procurator are more general than those of attorney. There is an option to use prosecutor if a criminal matter is involved; where this is so, it is seldom necessary to add the word government, since a prosecutor is invariably an official prosecutor.
2. S fiscal (adjective) is translated as government in this context.
3. Office or department, followed by the title of the officer concerned, is used for fiscalía, ministère public, ministerio fiscal, ministerio público and procuraduría, with an option simply to use the officer's title instead of the more cumbersome Office of the, ...'s Department.

5/ The prosecutors of the Crown Prosecution Service conduct cases themselves in magistrates' courts; in the Crown Court and High Court they are confined to acting as instructing solicitors who brief barristers, called Treasury Counsel, to conduct the prosecution. These counsel are appointed by the Attorney-General and have no connection with the Treasury. They are quite distinct from 'junior counsel to the Treasury', who appear for the treasury in civil cases on the instructions of the Treasury Solicitor.

This official, who is not part of the Attorney-General's department, performs extensive duties on behalf of the Crown, i.e. government departments, in the field of civil litigation. He also holds the offices of Queen's Proctor, mentioned above, and Procurator-General, whose functions are now confined to ship and aircraft prize proceedings.

4. The term Attorney-General, in common usage throughout the English-speaking world, is always employed for the title of the head of the institution in each country.
5. The above comments apply only where S fiscal etc. relates to a government department of justice. It will be seen from various entries in the glossary that these words are used in other bodies too, e.g. in corporations.

The following table gives the names of ministers of justice and senior law officers in a number of English-speaking countries:

	<u>Minister of justice</u>	<u>Senior law officer</u>
Australia	Attorney-General	Solicitor-General
Canada	Minister of Justice and Attorney-General	Solicitor-General
India	Minister of Justice	Attorney-General
Ireland	Minister of Justice	Attorney-General
New Zealand	Attorney-General	Solicitor-General
South Africa	Minister of Justice	Attorney-General
United Kingdom	Lord Chancellor	
England		Attorney-General
Scotland	(Lord President of the Court of Session)	Lord Advocate
United States	Attorney-General	Solicitor-General

6. The use of "court", "tribunal" and their French and Spanish equivalents

The generic term used in England to describe the bodies which dispense justice within the regular judicial system is court, i.e. a court of law, a court of justice. Tribunal means one of the 2,000 or so quasi-judicial bodies operating outside that system but nevertheless subject to the supervision of the High Court of Justice. Bodies of this kind are called boards, commissions or tribunals. But there are exceptions to this: the Employment Appeals Tribunal is a court, and a local valuation court is a tribunal. Tribunal is also used in an academic context to describe courts and tribunals collectively. Terminology in the United States is much the same as in England.

In French-speaking and Spanish-speaking countries there is a hierarchy of terms.

In France, with the exception of the Tribunal des conflits and the Conseil d'Etat, the superior courts are called cour and the inferior ones tribunal or juge; the administrative branch of justice also includes a number of juridictions d'exception (juridictions administratives spécialisées) called conseil or commission, which unlike their English counterparts are an integral part of the jurisdictional system. The generic term for all these courts and bodies is jurisdiction and they are often described collectively as les cours et tribunaux. Tribunal is also used in a generic sense, but usually only in academic language, and in a specific sense for arbitral tribunals.

In Spain the superior courts, including the Constitutional Court, are tribunales and some of them audiencias, and the inferior ones juzgados or jueces. The same holds good for Latin America, except that the most senior courts of all are called corte. In Spain there are a large number of quasi-judicial tribunales called comisión, junta or jurado which lie outside the main judicial system like their counterparts in England.

In the international sphere we find court for the Permanent Court of Arbitration, the old Permanent Court of International Justice and the International Court of Justice, and tribunal for arbitral tribunals. Tribunal is the usual collective term for these bodies in English.

7. References

- England: Archbold, Sixth Supplement (1987) to 42nd edition, 4-47
Cross and Jones, chap. 20 (with diagrams), chap. 21 (pp. 401-403)
David Sys. p. 348
Halsbury vol. 3, para. 1160 and n.1; vol. 8, paras. 1286, 1289-1290
1336 n.1, 1353 n.4; vol. 10, 'County Courts' 'Courts';
vol. 29, 'Magistrates'
Hampton 65-68, 109-116
Ingman chaps. 1-3
James chap. 2
Langan 3-14
Martin administrative tribunal, domestic tribunal, tribunal of inquiry and entries for various courts and officers
OCL court (with table), judge, magistrate, tribunal and entries for various courts and officers; OCL also deals extensively with Scotland
Podfield chaps. 4-5 (with diagrams)
Walker EN chaps. 9-10, 12

Docte (p. 664) gives a diagram of court organization but it is misleading and out of date.

- France: Auby I sects. 176-333
Brown chaps. 3-5
Buffelan t.1 71-76
Dalloz auxiliaire de justice, ministère public, tribunal administratif, tribunaux judiciaires
Dalloz Civ. intro sects. 215-217
Dalloz Dr. adm. sects. 184-205
Dalloz Proc. pén. pp. 97 et seq.
David I 48-55, II 269
de Vries 90
Docte 658 (diagram)
Guide pratique, with a useful list of courts and their functions, p. 160
Herzog 113-169
Kahn-Freund 282
Laubadère I sects. 894-922
OCL French law

Spain: Cremades, Spanish Business Law (Deventer, 1985), 19-50
OCL Spanish law
Prieto-Castro

All these works antedate the 1985 LOPJ and should be read in conjunction with it.

United States: David Sys. pp. 393-394, 414-415 (in English; the corresponding French text is David GS, pp. 432-434, 454-455)
Docte 666-667 (diagrams)

Latin America: Clagett Adm.

International: Brownlie chap. 31
OCL international tribunals

Docte also gives diagrams of the judicial systems of Austria, Belgium, Canada (in French only), the Federal Republic of Germany, Ireland, Luxembourg, the Netherlands and Switzerland.

David Sys. (pp. 125-126) gives a brief summary of court organization in civil law countries generally.

Note 5

LEGISLATION: TRANSLATION OF TITLES

1. The titles of laws, decrees, orders, regulations etc. can best be translated into English by inverting the word order so that they appear in the form customary in common law countries. Apostrophes and commas do not normally appear in such titles in English. Examples:

Loi sur les sociétés commerciales, Commercial Business Associations Act, loosely Companies Act.

Loi de 1966 sur les sociétés commerciales, loi sur les sociétés commerciales de 1966, Commercial Business Associations Act 1966

Loi du 24 juillet 1966 sur les sociétés commerciales, Commercial Business Associations Act of 24 July 1966

Loi no. 66-537 du 24 juillet 1966 sur les sociétés commerciales, Commercial Business Associations Act No. 66-537 of 24 July 1966

Ley Cambiaria y del Cheque, Bills of Exchange and Cheques Act, loosely Bills of Exchange Act

Ley de 1985 Cambiaria y del Cheque, Ley Cambiaria y del Cheque de 1985, Bills of Exchange and Cheques Act 1985

Ley 19/1985, de 16 de julio, Cambiaria y del Cheque, Bills of Exchange and Cheques Act No. 19 of 16 July 1985

2. A large number of standard phrases occur in such titles and can be dealt with in the same way, e.g.

Loi abrogeant l'article 77 du Code civil, Civil Code (Article 77) Repeal Act

Loi concernant les chèques, Cheques Act

Loi dérogeant à l'article 2 de l'ordonnance du 2 novembre 1945, Order of 2 November 1945 (Article 2) Waiver Act

Loi instituant l'aide judiciaire, Legal Aid (Introduction) Act, loosely Legal Aid Act

Loi modifiant la loi relative à la protection des animaux, Protection of Animals Act (Amendment) Act

Loi portant amnistie, Ammesty Act

Loi portant codification des textes réglementaires applicables aux tribunaux administratifs, Administrative Courts (Codification of Regulations) Act

Loi portant interdiction de la vente des produits de la pêche sous-marine, Underwater Fishing Catches (Prohibition of Sales) Act

Loi portant modification de la loi sur les sociétés commerciales, Commercial Business Associations Act (Amendment) Act

Loi portant réforme de l'adoption, Adoption Reform Act

Loi portant statut des navires et autres bâtiments de mer, Ships and Other Seagoing Vessels (Status) Act

Loi réglementant le jeu dans les cercles et casinos, clubs and casinos (Games of Chance) Act

Loi relative à l'état de siège, State of Siege Act

Loi tendant à valoriser l'activité inventive, Promotion of Inventions Act

Décret pris pour l'application de l'article 424 du Code rural, Rural Code (Article 424) Implementation Decree

Décret portant règlement d'administration publique pour l'application de la loi sur la répression des fraudes, Prevention of Fraud Act (Implementing Regulations) Decree

It will be seen that words such as concernant, portant, réglementant, relatif à ... and tendant à ... become superfluous when translated and this helps towards brevity. Note that words which would otherwise sit unhappily in the inverted title are placed in brackets; this is standard practice in the titles of statutes and statutory instruments in the United Kingdom.

3. The following standard formulations are met with in Spanish:

Ley de Régimen Jurídico de ..., ... Act

Ley estableciendo ..., ... Establishment Act; Introduction can be used instead of Establishment if it seems more appropriate 1/

Ley modificando ..., ... Amendment Act 1/

Ley para ..., ... Act

Ley que modifica ..., ... Amendment Act 1/

Ley reguladora de ..., ... Act

Ley sobre ..., Act

Ley sobre régimen jurídico de ..., ... Act

Decreto por el que se modifica ..., ... Amendment Decree 1/

1/ The words amendment, establishment, introduction and interpretation can be placed in brackets if that results in a neater title.

Orden que interpreta ..., ... Interpretation Order 1/

Reglamento para ..., ... Regulations

Again it will be seen that certain words become superfluous in the English translation.

4. With a little ingenuity the above method can be used to translate otherwise interminable titles, e.g.

Real Orden de 28 de mayo de 1904 disponiendo se admitan en los Tribunales y Juzgados del Reino los escritos y sus copias hechos con máquina de escribir.
Courts of the Kingdom (Admissibility of Typewritten Documents and Copies)
Royal Order of 28 May 1904

Orden de 12 de julio de 1974 por la que se determina la fecha que habrán de comenzar su actuación determinados Juzgados de Primera Instancia e Instrucción y de Peligrosidad y Rehabilitación Social.
Specified Courts of First Instance and Investigation and Social Welfare Courts (Operational Date) Order of 12 July 1974

Loi du 2 août 1949 portant révision de certaines rentes viagères constituées par les compagnies d'assurance, par la Caisse nationale des retraites pour la vieillesse ou par des particuliers moyennant l'aliénation de capitaux en espèces.
Specified Insurance Company, National Old Age Pension Fund and Private Life Annuities (Cash Transfers) Revision Act

It goes without saying that if this procedure becomes unmanageable the order of the original can be retained.

Note 6

USE OF ENGLISH TERMS SUCH AS "JUDICIAL",
"LEGAL", "LAWFUL" AND THEIR ANTONYMS

The aim of this note is to help translators, in particular English translators, to differentiate between the various terms in English which correspond to the French and Spanish adjectives illégal/ilegal, illicite/ilícito, judiciaire/judicial, juridictionnel/jurisdiccional, juridique/jurídico, légal/legal, légitime/legítimo and licite/lícito. 1/ These words are sometimes a source of confusion because of the similarities of form or meaning which seem to exist among them in all three languages. The following remarks attempt to dispel this confusion but may well fail to do so, in which case suggestions about how to explain the matter more clearly would be welcome.

1. Judiciaire/judicial

These can usually be translated by judicial, i.e. relating to a court of law or a judge, or an expression having that meaning, e.g. court (adj.), of the court, appointed by the court, court-appointed, of justice.

There are nevertheless standard English terms in which law or legal is used in preference to judicial even though the terms mainly concern the procedural sphere, e.g. law officer (as in Agent judiciaire du Trésor public), legal aid (aide judiciaire, assistance judiciaire, asistencia judicial), legal co-operation (assistance judiciaire, auxilio judicial), legal proceedings (poursuites judiciaires). If judicial is used in such cases the translation will be correct but not as a rule reflect usage in English-speaking countries. In the case of poursuites judiciaires it may be necessary to draw a distinction between two kinds of legal proceedings, judicial and extrajudicial, in which case judicial proceedings should obviously be used. 2/

In a further set of terms the words judiciaire/judicial do not require translation because the notion they convey is implied automatically in the English rendering: see the entries for costas judiciales, decreto judicial, defensor judicial, frais et dépenses judiciaires, pièce judiciaire, providencia judicial, sentencia judicial. In others, e.g. poder general judicial and police judiciaire/policia judicial, it is expressed differently. 3/

1/ References to this note will be found in the body of the glossary in the entries for all these words, but not as a rule in those for terms in which they occur.

2/ The English term judicial refers to both contentious and non-contentious court proceedings. In a very broad sense, but not the generally accepted one, it also covers proceedings such as arbitrations, tribunal hearings and other out-of-court determinations of a dispute which are usually classified as quasi-judicial or extrajudicial. In this expanded sense it corresponds to jurisdictional, adjudicatory (see 3.).

3/ This also applies to agent judiciaire when it means agent de police judiciaire.

2. Juridictionnel/jurisdiccional

These can always be translated as jurisdictional, meaning "relating to jurisdiction", but where the meaning is "relating to the determination of a dispute" jurisdiction is best replaced by adjudicatory (syn. adjudicated) or even judicial: see acte juridictionnel, competencia correctiva, jurisdiccional y administrativa, fonction juridictionnelle, recours juridictionnel, solution juridictionnelle.

Remember that judicial applies to all court proceedings, contentious and non-contentious, but not normally to proceedings out of court; adjudicatory and adjudicated imply the existence of a dispute, i.e. of contentious proceedings in court or arbitral or comparable proceedings outside court.

3. Juridique/jurídico

These correspond to le droit/el derecho, i.e. law in all its forms, and can be translated as legal or juridical. Both renderings are correct but usage calls for legal, juridical being a more academic term. Legal is used here in the sense of relating to law; it could therefore be a risky translation in cases where it might be construed as a synonym of lawful i.e. permitted by law (see 4.). In such cases juridical or a paraphrase like at law should be used. For variants from the rendering legal in standard terms in this and other respects, see the entries for acte juridique/acto jurídico, allégeance juridique, capacité juridique/capacidad jurídica, études juridiques, fait juridique/hecho jurídico, negocio jurídico, norme juridique/norma jurídica, personne juridique/persona jurídica, personnalité juridique/personalidad jurídica, revue juridique, science juridique, vide juridique.

4. Légal/legal

Of all the terms dealt with in this note, these two probably present the greatest number of options in translation: legal, lawful, statutory are corresponding terms in frequent use in common law countries, along with paraphrases such as at law, based on law, by law, by operation of law, by process of law, in accordance with (the) law, prescribed by law, while forensic is the adjective which goes with medecine. Several of these renderings are given in individual entries in the glossary.

It is important to distinguish between legal, lawful and statutory. At the risk of over-simplification (Black gives six definitions) legal can be said to have three principal meanings:

(i) Relating to law generally, for which the French and Spanish equivalents are: juridique/jurídico where le droit/el derecho, law in all its forms, is concerned; and légal/legal, where la loi/la ley, written law, enacted law, legislation is concerned.

(ii) Permitted by law, not prohibited by law, according to law, recognized by law, for which the French and Spanish equivalents are légal/legal; in this sense lawful is a synonym of legal and should be used in order to avoid ambiguity. 4/

(iii) According to common law as opposed to equity. This distinction is non-existent in civil law systems and is unlikely to be encountered in translating légal/legal into English. The terms in which it is expressed in French and Spanish lie outside the scope of the present note.

The fact that légal/legal refer to written law and juridique/jurídico to law as a whole sometimes needs to be made clear in English. In such a case the distinction is best made by translating légal/legal by a paraphrase such as at law or by operation of law, or by statutory. Examples of these renderings are given in the body of the glossary. By operation of law carries the connotation of automatically, regardless of the volition of the parties concerned; for instance, when a person dies intestate in England, his or her estate vests by operation of law and therefore automatically in the Probate Judge because section 9 of the Administration of Estates Act 1925 so provides. Statutory refers to written law of any kind; for example, there are three kinds of mortgage in France, conventionnel, légal and judiciaire, respectively contractual, statutory and judicial; the statutory kind arises in certain cases whether the parties wish it or not, by virtue of article 2121 of the Civil Code.

The sum up, therefore, there are three main uses for the word legal in English: (i) as translation of juridique/jurídico, and of légal/legal in the first sense given above; (ii) as a translation of légal/legal in the second sense given above, replaceable where necessary by lawful; (iii) as a translation of légal/legal in the third sense given above, replaceable where necessary by at law, by operation of law or statutory.

As regards the use of legitimate and licit as alternatives to the renderings given above, see 5. and 6. respectively.

5. Légitime/legítimo

Two translations are possible: legitimate and lawful. Their meaning being the same, the choice between the two is largely a matter of usage, e.g. legitimate offspring, legitimate authority, lawful authority. Legitimate can, of course, refer to matters outside the sphere of law: a legitimate excuse.

6. Licite/lícito

These should normally be translated as lawful. The alternative licit can be used in this sense, e.g. licit trade, but more often it means what is right or proper, not simply what is lawful; synonyms in this latter sense are rightful, right, proper.

4/ An example of the ambiguity inherent in the English adjective legal is the term legal act. Does it mean an act having effect at law (acte juridique) or an act permitted by law (acte légal)? If the latter is translated lawful act, the dilemma is resolved.

7. Illégal/ilegal

Two translations are possible: illegal and unlawful. The English terms are virtually synonymous, their primary meaning being "what is contrary to law, as a wrong - either an offence or a tort - recognized by law". Unlawful carries the additional meaning of undesirable in the sense of contrary to morals or public policy.

A second meaning of both words is "unenforceable at law". For example, an illegal contract is one which contemplates the doing of an act not permitted by law, or (syn. unlawful contract) immoral or contrary to public policy, e.g. a contract in restraint of marriage or trade; the making of such a contract is not in itself unlawful but, because of what the contract contemplates, the law will hold it void ab initio and therefore unenforceable by either contracting party against the other. Similar expressions are illegal trust, unlawful agreement, unlawful promise, unlawful consideration (on a contract).

There are further specific uses of both words in criminal law: illegally wounding means wounding in a manner constituting a statutory offence, not a common law one; unlawfully wounding means wounding in a manner which is unlawful, either at common law or by statute, as opposed for example to wounding a person in self-defence or wounding an enemy in war.

As regard illicit and wrongful as alternatives to illegal or unlawful, see 8.

8. Illicite/ilícito

The possible translations are illicit, unlawful, illegal, wrongful, wrong.

In internal law, the primary meaning of the French and Spanish terms is "unlawful" and in this sense either illegal or unlawful should be used as described in 7. Illicit means contrary to law, morals or public policy; note the distinction which can be drawn between unlawful intercourse and illicit intercourse; the former denotes sexual intercourse which is a criminal offence, the latter covers both that and sexual intercourse which, in the eyes of the law, is no more than morally undesirable, e.g. adultery in English law. Trafficking can be illicit, illegal; trade can be illicit, illegal or licit, lawful; likewise the sale of intoxicating liquor. Wrongful is used in particular to describe an act which is a civil wrong (a tort), not a criminal one. The adjective wrong implies a moral rather than a legal judgement.

In public international law, it seems to be a matter of preference as to whether a writer uses unlawful, illegal or wrongful. In dealing with the topic of State responsibility the International Law Commission decided to use the term wrongful.

Note 7

AMPARO, JUDICIAL REVIEW

The judicial remedy of amparo, literally "protection", exists in many Spanish-speaking countries and ranges from its broad form in Mexico and Spain to the much narrower one found in Chile or Nicaragua, where it is simply the equivalent of habeas corpus. In its Mexican form, amparo is "a constitutional suit of a summary nature, the object of which is to protect ... all private persons whose individual rights as established in the Constitution have been violated through laws or acts of authorities, or when the laws or acts of the Federal authorities injure the sovereignty of the States" (Clagett, p. 38); in short, "judicial guardianship of the constitution" (Clagett Adm., chap. VII). It is usually thought of in connection with rights of the person but can be invoked in regard to patrimonial rights as well. Because the relief given in amparo proceedings often takes the form of an injunction, they are sometimes known as injunction proceedings.

The term amparo is normally left as it is in textbooks written in English, occasionally not even underlined, since the institution is so familiar to students of Spanish-American law. English translators are recommended not to translate the word, to underline it and perhaps the first time it occurs in a text - to add in brackets an expression such as "enforcement/protection/safeguard of rights", or "of constitutional rights", as the case may be.

A comparable institution in England and the United States is judicial review, a brief description of which is given in the entry for that term. Judicial review should not be used as a translation of amparo; not only is it a broader notion but it does not include habeas corpus.

Much of the ground covered in England by judicial review, recourse to Ombudsmen and other statutory bodies, habeas corpus and quasi-judicial proceedings in administrative and other tribunals is covered in France by the Conseil d'Etat and the administrative courts and the ordinary judicial remedies of cassation and révision; and in Spain by the Tribunal Constitucional (through amparo proceedings) the administrative courts and the judicial remedies of casación, revisión and queja.

Other references:

Black amparo

Merryman

OCL habeas corpus, habeas corpus (in U.S.), judicial review, judicial review of administrative action

Ossorio amparo

Note 8

USE OF ENGLISH TERMS MEANING "TO SEIZE PROPERTY"

This note deals with the use, in regard to lawful seizures of property, of the verbs arrest, attach, confiscate, distrain, distress, embargo, garnish, impound, lay an embargo on, levy distress, levy execution, place/put an embargo on, in custody, place/put in receivership/in the hands of a receiver, seize, sequesterate (syn. sequester, rare) and their related nouns. The French and Spanish terms concerned are the verbs appréhender, embargar, incautar, pratiquer une opposition/une saisie, saisir, secuestrar, séquestrer and their related nouns.

In this connection seize and seizure are generic terms used to describe the act whereby property of any kind is lawfully removed from a person's possession or control by any judicial, quasi-judicial or extrajudicial procedure 1/ or by executive authority in satisfaction of a judgement, debt or other claim, or because the owner of the property or the property itself 2/ is infringing the law or the rights of another person, or because the property is in need of protection. The dispossession can be actual, where it is taken into physical custody, or constructive, where it is placed under the control of the court or of someone other than the owner, for example by the appointment of a custodian or by giving judicial notice to the person in possession of it that he is not to dispose of it.

Although seize and seizure can, subject to what is said at the end of section 14(i) below, be used to translate any of the French and Spanish words referred to above, the other English terms mentioned have specific meanings and are more appropriate in certain circumstances, as explained below. In the following remarks, except where "money creditor" is mentioned, "creditor" means not only a person to whom money is owed but one to whom any obligation is owed (by contract, by law, in tort or otherwise, i.e. a person claiming satisfaction of any demand or judgement). "Debtor" should be understood accordingly. "Judgement" is to be understood as meaning "judgement, injunction or other judicial order".

1. Arrest (noun and verb)

The judicial seizure, on the application of a creditor, of a ship, other vessel or aircraft belonging to the debtor, 3/ or of its cargo, for the

1/ Examples of quasi-judicial or extrajudicial seizures are a saisie effected through a cantonal office des poursuites in Switzerland, various forms of distress and receivership in England (see 4. and 14. respectively) and some forms of saisie-exécution, saisie foraine and saisie-gagerie in France.

2/ As for instance where a ship has caused damage and can therefore be the subject of an action in rem.

3/ In English law, where a number of ships are owned beneficially by one individual but legally by separate companies, one of which is technically the debtor, they can all be arrested, but this is unusual.

purpose of satisfying a claim against any of these in rem or in personam. If the claim is not satisfied the property seized can be sold in order to meet the claim.

In Scotland, arrest and arrestment are synonyms of attach and attachment.

2. Attach, attachment

(i) In the broad sense, the judicial seizure, on the application of a creditor, of any kind of property belonging to the debtor, for the purpose of enforcing judgement against the debtor (attachment in aid of execution) or securing compliance by the debtor with a future judgement (provisional attachment). If necessary the attachment is followed by the sale of the property.

In this sense attachment of property is indistinguishable from sequestration (see 14.); it is obsolete in England, except in the narrow sense given in (ii) below, but exists in the United States and Canada as a means of securing compliance with a future judgement. Where seizures of this kind are concerned, translate as attachment (of property) or sequestration.

Attachment of persons is obsolete except as a means of enforcing judgement; it is called committal in England (see note 1, sect. 6(iii)(d)) and attachment in the United States. Where seizures of this kind are concerned, translate as attachment (of the person) or committal.

(ii) In the narrow sense, which it always has in England. The judicial seizure, on the application of a money creditor, of a sum of money owed to the debtor by a third party, and in the latter's possession, for the purpose of enforcing judgement against the debtor; for example, where the debtor is a bank customer, seizure of the balance standing to his credit in the bank (attachment of bank balance); where he is an employee, seizure of the earnings payable to him under his contract of employment (attachment of earnings). 4/ In this sense, translate as attachment (of debt, bank balance, earnings as appropriate).

3. Confiscate, confiscation

See 7.

4. Distrain, distraint, distress

Extrajudicial (summary) seizure and sale by a money creditor of goods belonging to the debtor for the purpose of recovering the debt. Examples in England (common law and statutory distress) and elsewhere are seizure and sale by a landlord of a tenant's goods for arrears of rent; by a local authority of a ratepayer's goods for arrears of rates; by the income tax authorities of a taxpayer's goods for arrears of tax; by a landowner of cattle belonging to another person which are damaging the landowner's property; by a hotel-keeper of a guest's luggage for non-payment of the guest's bill.

4/ For the practice in England see Langan 233-234, 252-255, 264-266.

The term is also used in England for the judicial seizure and sale by order of a magistrates' court of goods belonging to a person who has failed to pay a fine or other sum ordered by the court to be paid.

Distress means both the act of seizing and the property seized; distrain means only the former. Distress also has a verbal use: The distressed goods. Note the expressions to distrain for rent, to distrain on or upon a person or thing, less commonly to distrain a thing, e.g. to distrain cattle. A synonym is to levy distress on or upon a person or thing.

5. Embargo (verb and noun)

Detention by a government of ships or exports belonging to foreign nationals; restriction by an administrative authority on the sale or movement of things. The verbal expressions lay or put or place an embargo on are more usual than the verb embargo.

6. Garnish, garnishment

Synonyms of attach, attachment in the narrow sense described above.

7. Impound, impounding, impoundment

Executive seizure of movables, e.g. by a police, customs or other government officer of weapons, drugs, prohibited literature, dangerous or offensive items, articles which infringe laws, regulations or industrial or intellectual property rights.

Impound implies that the object is merely taken into custody; confiscate implies that its owner does not get it back.

An alternative is take into custody, but this is used more of persons than of things.

8. Lay an embargo on

See 5.

9. Levy distress

See 4.

10. Levy execution

Judicial or quasi-judicial seizure and sale, on the application of a money creditor, of the debtor's goods for the purpose of enforcing judgement against the debtor (if the process is judicial) and recovering the debt. 5/ Note the expression to levy execution on or upon a person or goods.

5/ In England execution is levied by the writ of execution called writ of fieri facias or fi.fa. (Langan 233-244).

11. Place in custody

See 14.

12. Place/put an embargo on

See 5.

13. Place/put in receivership/in the hands of a receiver

See 14.

14. Sequestrate, sequester, sequestration

(i) In internal law

Judicial seizure on the application of a claimant or by the court of its own motion, or extrajudicial seizure by a party entitled to call for it (e.g. under a contract, debenture or other instrument), or seizure by operation of law, of property of any kind for the purpose of protecting and preserving it, for example because it belongs to an incompetent (minor, lunatic etc.) or insolvent, or is the subject of litigation, or its ownership is unknown, or it is good security for the satisfaction of a claim or judgement relating to something other than the property itself.

In these cases seizure of the property does not normally entail selling it and it usually confined to taking control of it until the purpose of the seizure has been achieved. In England and the United States many of the processes described above constitute receivership rather than sequestration. Although it is difficult to lay down rules for distinguishing between the two, receivership, and consequently the verbal expressions place/put in receivership/in the hands of a receiver, are generally appropriate where incompetents and insolvency are concerned or where the property itself is the subject of litigation or unknown ownership, and sequestration and its related verbs 6/ where satisfaction of a claim or judgement relating to something other than the property itself is concerned (e.g. sequestration of property for contempt of court 7/).

The problem of distinguishing between the notions of receivership and sequestration in translating from French and Spanish can be got round by using the terms custody and place in custody instead. Although these are not technical terms in common law countries as far as seizures of this kind are concerned, they are preferable to solving the problem by using seizure and seize, which are not really appropriate for situations of receivership. The term custody by itself simply means possession or control, especially on behalf of someone else, and can take place in many circumstances which have nothing to do with receivership or sequestration. Consequently, if custody is

6/ Sequester is a synonym of sequestrate but is seldom used.

7/ Effected in England by the writ of execution called writ of sequestration (Langan 233-237, 248-252).

used it should be qualified wherever possible by judicial, extrajudicial (or contractual, if appropriate) or by operation of law. 8/ These remarks apply equally to the use of the term custodian.

(ii) In public international law

Sequestration is the term applied to seizures of property, e.g. enemy assets, by a government. 9/

In conclusion, subject to what is said in the last paragraph of section 14(i) above, if in doubt use seize and seizure.

8/ Judicial, contractual and by operation of law correspond to the three major categories of saisie and sequestro in civil law systems. By operation of law or statutory are preferable to legal: see note 6, sect. 4.

9/ In England the sequestrators of enemy assets were called custodians of enemy property.

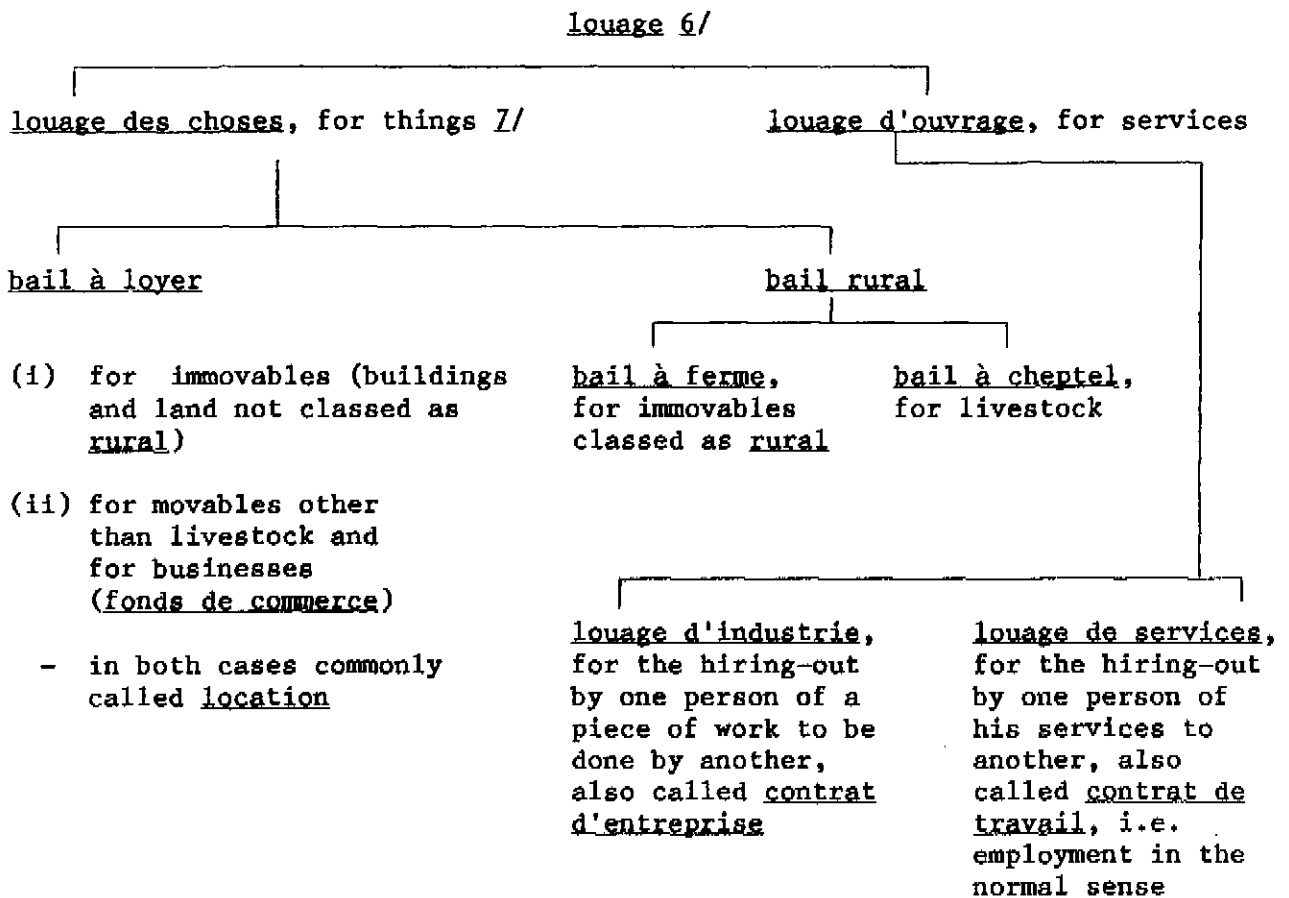
Note 9

"LEASE", "HIRE", "RENTAL" AND RELATED TERMS

This note deals with some of the principal terms involved in the civil law notions of louage (also called bail, location) and arrendamiento (also called alquiler, arriendo, locación). 1/ These are names given to the contract which derives from the locatio of Roman law and is one of the group of "nominate" contracts found in civil law systems. In Belgium and France this contract is called louage, in Switzerland bail, in Chile and Spain arrendamiento and in Argentina locación.

There is no such nominate contract in the common law, but the name frequently given to it is hire; 2/ others are hiring, 2/ lease, 3/ lease and hire, 4/ letting and hiring. 5/

In France and Belgium louage is broken down as follows:



1/ The note does not deal with the affreightment of ships.
 2/ Black, Curzon Roman, Nicholas, Nicholas Roman, Seychelles Civil Code (hire), OCL (hiring).
 3/ Salmond.
 4/ Quebec Civil Code.
 5/ Maltese Civil Code.
 6/ The term contrat de louage is used to describe the contract in the abstract, as explained in the first paragraph.
 7/ The term contrat de bail is used to describe contracts of this kind in their material form.

In louage des choses, the person who hires out the thing to be used by another is called bailleur or loueur 8/ and the one who uses it preneur, but specifically locataire in the case of a bail à loyer (location) and fermier in the case of a bail rural. The payment made by the user is called loyer or prix du loyer in the first case and fermage or prix du fermage in the second case.

In louage d'ouvrage, the person who hires out the piece of work to be done or who hires out his services 9/ is the loueur.

The classification used in France applies in Spain and Chile as well. Equivalents in Spanish of some of the above terms are as follows:

Louage - arrendamiento, locación
Louage des choses - arrendamiento de cosas
Louage d'ouvrage - arrendamiento de obras y servicios
Louage d'industrie - arrendamiento de obras
Louage de services - arrendamiento de servicios, locación de servicios
Location - locación
Bailleur, loueur - arrendador, locador, alquilador 10/
Preneur, locataire - arrendatario, locatario, alquilador, 10/
inquilino

In Switzerland bail is divided into bail à loyer for things other than biens productifs and bail à ferme for biens ou droits productifs. 11/ The terms used in France in connection with bail à loyer and bail à ferme respectively are used in the same way in Switzerland.

When it comes to translating the French and Spanish terms into English, the first point to bear in mind is that words like louer and arrendar can mean both "to give for hire" and "to take on hire". The same ambiguity exists in the verbs hire, lease, farm, rent and charter (but not let). Where it is necessary to make the position clear, use hire out, let, hire to, lease out, lease to, rent out, rent to, farm out, charter out, charter to, for the first meaning and take on hire, hire from, etc., for the second. Once the first meaning is clear, the use of the verbs hire, lease, rent and farm without any addition may be sufficient. The same problem may sometimes need to be solved with hiring, leasing, renting, hiring and chartering (but not charterer).

English usage calls for different terms to be used according to the kind of property involved. Hire (verb), hire (syn. hiring) and hiring (nouns) can be regarded as the best generic terms. Specific ones are as follows:

8/ Locataire in Quebec

9/ The distinction between the different kinds of hire is explained with great clarity in Nicholas Roman at pp. 182-183.

10/ Alquilador is used in both senses.

11/ Including agricultural undertakings and land, quarries, businesses of various kinds.

Kind of property	verb	legal relationship	instrument used to create it	person placing thing or services at other's disposal	person receiving thing or services for his use
------------------	------	--------------------	------------------------------	--	--

Immovables

- land	lease	lease, tenancy <u>12/</u>	lease, tenancy agreement <u>12/</u>	lessor, commonly landlord <u>12/</u>	lessee, commonly tenant <u>12/</u>
- buildings <u>13/</u>	lease rent, <u>14/</u> let <u>14/</u>	lease, tenancy, <u>12/ 13/</u> rental <u>14/</u> letting <u>14/</u> , leasing <u>15/</u>	lease, tenancy agreement <u>12/ 13/</u>	lessor, commonly landlord <u>13/</u>	lessee, commonly tenant <u>13/</u>
- incorporeal rights in immovables <u>16/</u>	lease, let	lease, letting	lease	lessor	lessee

Movables

- chattels other than ships and aircraft	hire, rent	hire, hiring rental	hire agreement rental agreement	hirer	hirer
- services	hire	hire, hiring, rental	hire agreement	hirer	hirer
- taxes, revenue	let, farm				
- ships, aircraft <u>17/</u>	charter	chartering	charter	owner	charterer

12/ In English law, a tenancy is an agreement whereby a person can occupy another's land or building; a lease is a particular kind of tenancy agreement. The written instrument called a tenancy agreement therefore differs from a formal lease. See Jowitt, Martin lease, tenancy. If in doubt, translate as lease for both the legal relationship and the instrument. An agricultural tenancy, whether a lease or not, is often called an agricultural holding.

The terms lessor and lessee only apply where there is a lease; the terms landlord and tenant apply to any tenancy agreement.

13/ Including fixtures such as plant, but the terms tenancy, tenancy agreement, landlord and tenant do not apply in this case.

14/ Terms applicable to living accommodation rented on a short-term basis.

15/ Leasing is a special form of rental, used for plant, vehicle fleets etc., in which the hirer has the option to continue to rent or to buy the asset: JEC 276.

16/ e.g. fishing rights, shooting rights. In England the letting of these may not necessarily take the form of a lease.

17/ And occasionally motor vehicles.

The payment made by the user for using someone else's property or services has various names in French and Spanish according to what is being used: loyer, prix, 18/ prix de location, prix du bail, prix du fermage, prix du loyer; alquiler, arrendamiento, arriendo, renta, precio. 18/ To recapitulate and enlarge on the information given in the entry for loyer about the corresponding English terms:

Rent is paid, but not necessarily in money, for the use of land, buildings or plant for a period of time; money so paid is occasionally called rental, but this term is not recommended;

Hire, also called hire charge, hire payment, is paid for the use of chattels or services for a period of time; money so paid is often called rental, e.g. in the case of a vehicle, a piece of equipment, a telephone service, and this term can safely be used in such cases; wage, syn. wages, is the technical term for payment for services but is normally confined to payment of employees, the terms price, charge, fee or fare being more appropriate in other cases.

18/ Prix and precio are the academic terms for the payment made by the user in all forms of the contract of hire; the corresponding English term for this payment is hire.

Note 10

"CHILD", "INFANT", "MINOR" AND RELATED TERMS

In a legal context the French and Spanish terms should be translated precisely:

(i) Mineur, menor as minor.

(ii) Enfant, hijo as child; hijo standing alone normally means child, not son; niño can be translated as young child.

In England, child has different definitions for different legal purposes; infant and minor are synonyms of each other and the former is used instead of the latter in various branches of law. However, since infant also has the everyday meaning of a very young child, translators are recommended not to use it as a translation of the French and Spanish terms mentioned above.

Juvenile is restricted to the sphere of welfare and criminal law. Special classifications of young delinquents by age are used for criminal law purposes in many countries. In France and Spain, age brackets are expressed directly: mineur âgé de plus de treize ans, minor/person aged 13 or over, menor de dieciséis años, minor/person under 16. In England the distinctions are made terminologically: child (under 14), 1/ young person (14 or over but under 17), 1/ juvenile offender (under 17), juvenile adult (17 or over but under 21). Likewise in Switzerland: enfant (under 15), adolescent (15 or over but under 18), jeune adulte (18 or over but under 25).

1/ Children and Young Persons Act 1969, sect. 70; Curzon Criminal, p. 90.

Note 11

SECURITY INTERESTS IN PROPERTY

This note makes no attempt to explain systematically this complicated branch of law, called in French les sûretés and in Spanish las garantías. Its aim is simply to clarify a few points concerning the translation into English of the French terms antichrèse, caution, cautionnement, droit de rétention, fidéjussion, gage, garantie, hypothèque, privilège and sûreté, and the Spanish terms anticresis, caución, derecho de retención, empeño, fianza, garantía, hipoteca and privilegio, as well as the cognate nouns and verbs in both languages.

The first point to bear in mind is that all three languages have generic terms which are used interchangeably to express the notion of "that which fortifies or makes more secure a person's undertaking, particularly to pay or repay money" (OCL security); in other words, an obligation accessory to the main obligation. In English these terms are guarantee and security, in French caution, garantie and sûreté, and in Spanish caución and fianza. Used in this broad sense, as they often are, these seven terms are synonyms.

Security also has a special sense of a document evidencing a right to receive a dividend or interest, e.g. a share certificate (Martin security).

Guarantee also has the sense of warranty - something quite distinct from the subject-matter of the present note - as well as the technical sense of a contract accessory to an obligation. Its synonym in the latter sense is suretyship, as that of guarantor is surety. The multiple meanings of guarantee make it advisable, where precision is necessary, to replace it in translation by suretyship or warranty where either of those meanings is intended - they are terms which have the advantage of being univocal - and by security where the general meaning is intended. This leaves guarantee to be used where precision is not necessary or the meaning of the French or Spanish term is not clear. 1/ 2/

In French, caution not only has the general meaning described above but also, and more often, that of surety. Cautionnement is univocal, meaning only suretyship. Garantie has the additional meanings of warranty and liability, and occasionally suretyship. Sûreté has the additional non-legal meaning of security in the sense of safety.

1/ Either guarantee or suretyship can be used where the reference is to the nominate contract in the abstract, called cautionnement in Belgium, France and Switzerland, garantie in certain academic contexts and fianza in Chile, Mexico and Spain; for example, le contrat de cautionnement, les contrats dits de garantie, el contrato de fianza.

2/ The term personal guarantee is sometimes used to mean a guarantee given by an individual as opposed to one given by a body corporate. In cases of this kind the guarantee is usually personal in the sense of being a guarantee in personam as well.

In Spanish, caución has the general meaning already described, as does fianza when used in its broad sense; in its narrow sense it means suretyship. Garantía has the same meanings as garantie. 3/

Finally, there are cases in which caución, caution and fianza should be translated as bond or bail. Bond is the correct term to use if the security consists of a written promise to satisfy the obligation which the creditor is seeking to protect (see E note to obligación 2.), but do not use this term in cases of doubt. Bail is the correct term to use if the security is given for the release or immunity from custody of a defendant in criminal proceedings (but not for security given in criminal proceedings for any other purpose).

The French and Spanish terms droit de rétention and derecho de retención can be translated either literally as right of retention or as possessory lien. Lien alone is insufficient, since liens can be both possessory and non-possessory.

The terms gage, nantissement, prenda and empeño should be translated as pledge if they imply that the pledgor parts with the thing pledged (pawn in the case of a corporeal movable) and charge if he does not. When pledge is used in this way it bears its strict meaning, i.e. divestitive, dispossessory, but it is also used in a broad sense to cover charge as well, a charge being non-divestitive, non-dispossessory. If in doubt as to which term to use, translate as pledge. 4/

Hipoteca and hypothèque should be translated as mortgage. The term hypothec is used in academic works and also in Scots law, but the distinctions between the common law mortgage and the civil law hypothec are so fine, and the similarities between them so great, that for all practical purposes they can be regarded as identical in meaning. 5/ It should be noted that in England a mortgagee becomes a conditional owner of the property mortgaged to

3/ As to the use of cautionnement, garantie and fianza as the name of a nominate contract, see footnote 1.

A special use of caution and cautionnement is to denote the security which public officials and company directors must provide for the performance of their duties. In the case of company directors, this sometimes takes the form of the ownership and deposit by the director of a specified number of shares in the company; these shares are called qualification shares in England.

4/ Pledge should always be used where the reference is to the nominate contract in the abstract, called nantissement or gage in Belgium and France, gage in Switzerland and prenda in Chile, Mexico and Spain; e.g. le contrat de nantissement, el contrato de prenda.

5/ OCL hypothec, mortgage, Jowitt mortgage, Amos 123.

him, but not its possessor (unless he forecloses, in which cases he becomes both absolute owner and possessor), whereas the hypothécaire gains neither ownership nor possession of the mortgaged property unless he enforces the mortgage.

The essential difference between a mortgage and a pledge is that in the former the debtor retains possession of the property and in the latter he parts with it. Property of all kinds can be mortgaged but only movables, tangible or otherwise, can be pledged. Property of all kinds can be charged.

Lastly, the terms privilège and privilegio should be translated as prior charge; they are often translated as lien, but privilèges and privilegios can exist over immovables as well as movables, whereas liens can only exist over goods. 6/

6/ Martin lien.

Note 12

CO-OWNERSHIP, SHARED OBLIGATIONS

The question of shared ownership of a thing or shared possession of a right or duty is discussed with the greatest clarity and concision by Salmond in his Jurisprudence, in sections 46, "Sole ownership and co-ownership", and 122, "Solidary obligations". No better explanation of the subject could be given and reference should be made to it. 1/

It is important to bear in mind that in the common law, to quote Salmond:

"Co-ownership may assume different forms by virtue of the different incidents attached to it by law. Its two chief kinds in English law are distinguished as ownership in common and joint ownership. The most important difference between these relates to the effect of the death of one of the co-owners. In ownership in common the right of a dead man descends to his successors like any other inheritable right. But on the death of one of two joint owners his ownership dies with him, and the survivor becomes the sole owner by virtue of his right of survivorship or jus accrescendi."

This distinction does not exist in the civil law, in which co-ownership means ownership in common. Consequently, the sharing of ownership, rights and duties represented in French and Spanish by the prefix co... needs to be translated into English as co... and not joint; thus copropriété, copropiedad, co-ownership, which if translated as joint ownership could mislead an English reader. 2/ However, in cases where this degree of precision is not required, joint is a perfectly adequate translation. 3/

In some cases, nothing is gained by translating co...: owners for copropriétaires and accusés for coaccusés are perfectly explicit renderings where the context makes it clear that the ownership or the accusation is single and its subjects multiple.

It is difficult to lay down rules about how to translate commun, común. As far as ownership or rights are concerned, common implies collective, belonging to a sizeable group of people; it is not likely to be misinterpreted for common in the technical sense mentioned in the previous paragraph, since the phrase in common is preferred to the adjective common for expressing that idea. Again, where precision is not required, joint can be used.

1/ See also P. J. Dalton, Land Law, second edition, London, 1975, chap. 10. The technical name for ownership in common in English law is tenancy in common.

2/ The translation ownership in common would be correct technically but is unusual.

3/ In Canada, the two forms of co-ownership, joint and common, are called propriété conjointe and propriété en commun respectively (VOCL 1, p. 96).

As far as obligations and their subjects - creditors, debtors, sureties - are concerned, two notions are found: conjoint, conjunto, mancomunado, and solidaire, solidario. 4/ The first means that the obligation attaches to each of the multiple subjects in respect of his proportion of the obligation only, 5/ whereas the second means that it attaches to each of them in respect of the whole. The correct translations are joint and joint and several respectively.

4/ Where these terms are found combined, as in conjointement et solidairement, the meaning is solidairement.

5/ An obligation conjointe is described in the French Civil Code (art. 1217) as divisible. For a useful discussion of this subject in French law, see Buffelan 2, chap. 16, "Les obligations plurales".

Note 13

"GUARDIANSHIP" AND RELATED TERMS

Guardianship is the generic term used to describe the protection afforded by the law, in the form of persons called guardians, to the person and property of individuals, called wards, who are under a disability such as youth or mental incapacity and therefore regarded by the law as incapable of looking after themselves or their property or both. The technical term for such persons in England is person under disability; in Scotland it is incapax, but this term excludes minors; other descriptions are incompetent, used as a noun, and interdicted person, a class which includes convicts.

In England the category of persons under disability comprises minors and mental patients; in various civil law countries it may include spendthrifts, drunkards, drug addicts and the deaf and dumb as well.

A person may be guardian of a minor by parental right (a natural guardian) or by appointment. In English law the term guardian is usually reserved for persons who are appointed to exercise parental rights by court order, deed or will, i.e. it excludes those who enjoy them by virtue of parenthood in the ordinary sense. In England guardians of minors are appointed by deed or will or by the High Court, a county court or a magistrates' court. Those appointed by will are called testamentary guardians. 1/ Guardians of mental patients are appointed by a local social services authority or the Crown Court.

In civil law countries guardians are classified as follows: dative, if appointed by a family council or a court or, in the case of a minor, by the minor himself; at law, if entitled by operation of law to act as guardians; and testamentary, if appointed by will.

Custody means physical control of persons, animals or things. In family law, as far as persons are concerned, it can exist without guardianship or be part of it. In England, custody and custodianship have various statutory meanings and in some cases custody is equivalent to guardianship. The term custody is also used in the spheres of criminal procedure and rights over movables.

Curatorship is a reduced form of guardianship which applies to the same kind of persons but is usually restricted to the management of their property; it is exercised by curators. In some cases the curator is called a curator bonis, i.e. curator to the property. Curatorship can apply to property other than that of incompetents, e.g. to absentees' property and vacant successions, in which case it may be called administration.

1/ Appointments by deed or will are sometimes called nominate and appointments by the court dative, but these terms are academic and are not used in practice.

Because of the different forms of guardianship existing in many countries, care must be taken in translating the French and Spanish terms involved. With the above remarks as a general guide, it may be helpful to compare the main forms of guardianship and administration existing in particular countries:

England: guardianship of the person and property of minors by a guardian; guardianship of the person of mental patients by a guardian; receivership of the property of mental patients by a receiver appointed by the Court of Protection; wardship of the person and property of minors, who are called wards of court, by the High Court; administration of intestates' estates by an administrator; receivership of absentees' property by a receiver.

Scotland: guardianship of the person and property of pupils, 2/ technically called tutary, by a tutor; guardianship of the person of minors, 3/ technically called curatory, by a curator; guardianship of the person of mental patients by a guardian and guardianship of their property, technically called curatory, by a curator bonis.

France: tutelle of minors (CC 390-475) and interdicted persons (mental patients, CC 492-507, and certain convicts, CP 29), usually with a conseil de famille, tuteur and subrogé tuteur; curatelle of the property of spendthrifts etc. (CC 508-514) and emancipated minors (abolished in 1964) 4/ and of vacant successions by a curateur; sauvegarde de justice of temporary mental patients (CC 491.1-6).

Belgium: tutelle of minors (CC 389) as in France; conseil judiciaire for spendthrifts (CC 513) and adults in need of protection.

Switzerland: tutelle of minors (CC 368) and interdicted persons (mental patients, CC 369, spendthrifts etc., CC 370, and certain convicts, CC 371) by a tuteur, sometimes with a conseil de famille; curatelle of absentees' property, uncertain successions, unadministered assets and property of incompetents whose situation is not serious enough to warrant tutelle (CC 393), of assets of companies likely to become insolvent (CO 725, 817, 903) and of the property of an illegitimate child in a paternity action or of that of any person in urgent need of a representative (CC 392), in each of these cases, by a curateur.

Quebec: tutelle, (tutorship) 5/ of minors (CC 249) by a tuteur (tutor), 5/ curatelle (curatorship) 5/ of the property of emancipated minors and interdicted persons (mental patients, drunkards, spendthrifts etc., CC 338) by a curateur (curator); 5/ conseil judiciaire (legal adviser) 5/ for adults in need of protection (CC 349).

2/ Boys under 14, girls under 12.

3/ Boys of 14 or over but under 18, girls of 12 or over but under 18.

4/ Dalloz Civ. pers. pp. 902 et seq.

5/ English term officially in use in Quebec.

Chile: tutela of pupils (CC 341) by a tutor; curatela (sometimes called curaduría) of minors and other incompetents (mental patients, spendthrifts and deaf and dumb persons, CC 342) and of absentees' property (CC 473) by a curador. Tutores and curadores are known collectively as guardadores.

Spain: tutela of minors and other incompetents (the mentally or physically handicapped, CC 200) by a tutor (CC 222); curatela of emancipated minors who are orphaned and of spendthrifts (CC 286) by a curador.

Mexico: tutela of minors and other incompetents (mental patients, deaf and dumb persons, drunkards etc., CC 449-450) by a tutor, who may be assisted by a curador.

The French and Spanish terms mentioned above should be translated as follows:

Conseil de famille: family council

Conseil judiciaire: legal adviser

Curatelle, curatela, curaduría, curateur, curador:

curatorship, curator, unless the reference is specifically to absentees' property, unadministered assets, insolvency or property of illegitimate children, in which case receivership, receiver, or to successions (deceased's estates) of any kind, in which case administration, administrator; if in doubt, translate literally.

Garde, gardien, guarda, guardador:

custody, person having custody, unless the reference is to institutions such as tutelle, tutela and curatelle, curatela, curaduría, in general, in which case translate as guardianship, guardian.

Sauvegarde de justice: judicial protection.

Subrogé tuteur: see tutelle

Tutelle, tutela, tuteur, tutor: guardianship,

guardian, unless the institution has to be distinguished from curatelle, curatela, curaduría, in which case translate as tutorship, tutor; if in doubt, translate as guardian, guardianship. Translate subrogé tuteur as supervisory tutor or supervisory guardian accordingly.

The term wardship can be used as an alternative to guardianship but is old-fashioned; if it is used at all, it should be kept for situations where the guardian is the court itself. The person who is the subject of guardianship or wardship is technically called the ward, but in England the term patient is used instead in mental health law and practice; use child, minor, (mental) patient as an alternative to ward where appropriate. The person exercising guardianship should not be called warder.

References:

Jowitt custody, custody of children
OCL curator, guardianship, tutors and
curators, ward, ward of court
Pace, chap. 12.

Note 14

"AGREEMENT", "CONTRACT" AND THEIR
FRENCH AND SPANISH EQUIVALENTS

The differences between these terms can perhaps be set out as follows:

- Stage 1 Two or more people agree on a course of action to be taken by one or more of them, i.e. there is a concurrence of wills, a consensus in idem, called E agreement, F accord, S acuerdo.
- Stage 2 They intend this course of action to have legal effects; this intention is called E agreement, F convention, S convención, convenio.
- Stage 3 They take the formal steps of offer, acceptance etc., whereby their agreement generates legal obligations and thus becomes binding on them and enforceable at law; it is now called E contract, F contrat, S contrato.

It will be seen that in English agreement covers both stage 1 and stage 2. The terms for stage 2 are also used loosely as synonyms for those in stage 3 in all three languages. English translators are recommended to translate stage 1 and stage 2 terms by agreement and stage 3 terms by contract.

Note 15

USE OF ENGLISH TERMS MEANING "TO END",
"TO RENDER VOID"

1. Usage in England in regard to juridical acts and judicial decisions

Annul, avoid, cancel, dismiss, quash, rescind, set aside and vacate all mean to nullify, to deprive of legal effect.

Annul is used in particular of marriages but less frequently in a general sense.

Avoid is used in a general sense of juridical acts and in particular of contracts (see 2.).

Cancel is used in particular of contracts (see 2.).

Dismiss is used in court proceedings of actions, appeals, applications, complaints, informations, motions, proceedings, suits.

Quash is used in a general sense of judicial decisions, but only of a superior court in respect of a lower court's decision. In England it is also used in respect of an indictment quashed by the trial court.

Rescind is used in particular of contracts (see 2.) and sometimes of judicial decisions.

Set aside is the term most commonly used in a general sense for juridical acts, judicial decisions and steps taken by litigants; in the last of these cases the term is used both of a superior court and of the court which took the decision.

Vacate is a technical term used of judicial decisions in the same way as set aside.

2. Usage in regard to contracts

Generally speaking, in the civil law system there are four principal methods of nullifying a contract or of bringing it to an end:

- (i) annulation, anulación, where there is a fundamental defect in its formation;
- (ii) rescision, rescisión, where the contract causes lesion to one of the parties;
- (iii) résolution, resolución, where one of the parties fails to perform or cannot perform his obligations;
- (iv) résiliation, denuncia, where the parties agree to end a contract part of which has been performed.

In the first three cases, the contract is made void ab initio, i.e. generally speaking it has no legal effect whatsoever; in the last case its legal effects cease when it is brought to an end.

In the civil law system, situations (i), (ii) and (iii) are all covered under English law by the term avoidance; (i) and (ii) correspond to rescission 1/ used in its strict sense, 2/ in which the contract is rendered void ab initio, and (iii) to rescission used in a broader sense deprecated by some writers. Situation (iii) does not render the contract void ab initio and alternative descriptions of it are avoidance for breach, discharge by breach or simply termination, commonly called cancellation, especially in the United States. The term cancellation clause is used for a clause in a contract providing for its termination in a specific event. Situation (iv) is properly described as termination and again is commonly called cancellation 3/.

3. Recommended renderings

In regard to the juridical acts and judicial decisions, English translators are recommended to use annul or cancel if they are in doubt, unless terminate would clearly be more appropriate.

As far as contracts are concerned, the same applies, except that translators may need to differentiate between the notions mentioned in (i), (ii), (iii) and (iv) of 2. above. This can best be done as follows, as the relevant entries in the glossary indicate: 4/

- (i) Annulment
- (ii) Rescission
- (iii) Avoidance
- (iv) Termination

Specific forms of action (acción ..., action ..., pourvoi ..., recours ..., recurso ...) in this and other fields should likewise be translated as shown in the glossary.

1/ In England the rescission by a minor of a voidable contract is usually called repudiation.

2/ In the strict sense, rescission in England means nullification of the contract for a fundamental defect in its formation (Lawson 32, Cheshire 275, 530); the broader sense is found in Halsbury (vol. 9, paras. 535 et seq.).

3/ Termination: England: Lawson 32, Cheshire 531; United States: Black. Cancellation: United States: Black.

4/ In Spain the terms rescisión and resolución are sometimes used interchangeably. This does not affect the use of rescission and avoidance as their respective English equivalents, since these common law terms do not have inflexible meanings either.

4. Examples of usage

abate (bring/come to an end; use with caution because in connection with judicial proceedings may simply mean "be suspended")

Proceedings abate, are abated

An action, a motion abates, is abated

A civil action does not necessarily abate on the death of one of the parties, whereas criminal proceedings are abated by the death of the accused

A public nuisance may be abated, i.e. stopped, destroyed, or removed, by anyone to whom it does a special injury

abate (diminish, intransitive)

A legacy, debt abates if there are insufficient funds to meet it

abolish (bring to an end)

... abolished the institution, the requirement
The 1833 Act abolished slavery

abrogate (render void)

The later statute abrogated (syn. repealed) the earlier one

The court abrogated (syn. annulled) the appeal, order

The statute abrogated the contract

A rule, order may be abrogated by usage, legislation

Lebanon abrogated (syn. cancelled) the troop withdrawal agreement (i.e. ended it unilaterally)

... called on the Government to abrogate the treaty (i.e. end it unilaterally)

Parliament abrogated the decision of the House of Lords

This distinction was abrogated (syn. done away with) by section 1(i) of the Act

annul (render void often with the implication of retroactive effect; can safely be used as an umbrella term where there is any doubt about the use of equivalents such as abrogate, avoid, rescind, reverse, set aside, vacate)

The court annulled the sale, decision, order, judgement, proceedings, contract, administrative act

The parties annulled the sale, contract

... annulled (syn. repealed) the statute

The court, the order annulled the marriage (i.e. made it void ab initio; in this case distinguish from dissolve: to dissolve a marriage is to render it void from the time of the dissolution order (decree) onwards)

The European Court of Justice can annul an action of the Commission

Parliament annulled the previous Minister's order

avoid (render void; often synonymous with rescind, set aside)

One of the parties sought to avoid (syn. rescind, set aside) the contract for frustration

The court avoided (syn. rescinded, set aside) the contract

The court avoided (syn. set aside) a disposition made by X in anticipation of financial relief

The alteration does not avoid the instrument

He avoided the will, conveyance by defacing it

cancel (render void; often synonymous with annul, set aside; can safely be used as an umbrella term like annul and in the same circumstances unless there is a risk it might be taken to mean "strike through")

Lebanon cancelled (syn. abrogated) the troop withdrawal agreement (i.e. ended it unilaterally)

He cancelled his instructions, the order

The insurance company cancelled the policy

The registrar cancelled the certificate, the mortgage

The court cancelled (syn. annulled, set aside) the contract, conviction, debt, judgement, order, lease, mortgage

cancel (strike through)

He cancelled the cheque by writing across it

He cancelled the will by striking out his signature

denounce (bring to an end, when speaking of a treaty, either unilaterally, i.e. to repudiate it, or by agreement between the parties)

The right to denounce (syn. terminate) the treaty

determine (bring/come to an end, synonymous with terminate)

The principal determined (syn. terminated) the agency

The court determined (syn. terminated) the agreement

The interest in the land determined (syn. terminated) at his death

determine (make a determination, i.e. decision)

The court determined that the defendant should ...

discharge (bring/come to an end)

The judge discharged the jury

A contract is discharged by performance, a bill of exchange by payment

An obligation, debt, liability can be discharged (by the person bound, the debtor, the person liable) in various ways

An obligation can be discharged (syn. extinguished) by performance, a debt by payment

discontinue (bring to an end)

The plaintiff, but not the defendant, can discontinue the action

dismiss (bring to an end with the sense of rejecting)

To dismiss an action, suit, motion, appeal, proceedings, an application

dissolve (bring to an end with the sense of breaking up)

A marriage is dissolved by the natural death of either spouse, by the court, by a divorce decree (distinguish from annul - see above)

A partnership may be dissolved by any partner, by the court, by operation of law

A company may be dissolved by the court, is dissolved automatically on the expiry of the term for which it was established

To dissolve a legal writ or process, e.g. an attachment or injunction

To dissolve Parliament

extinguish (bring to an end)

An obligation, debt, right, liability can be extinguished (syn. discharged) in various ways

The destruction of the painting extinguished the legacy

A right may be extinguished by act of the parties, by operation of law

invalidate (render void)

He invalidated the will by deleting the witnesses' signatures

To invalidate a transfer, election

His marriage invalidated the will

The fraud invalidated the insurance policy

The restriction may not be invoked as invalidating the consent

make

To make and unmake a contract, treaty

nullify (render void; synonymous with invalidate)

... nullified the effect of his actions

... nullified the consent expressed by ...

overrule (render void with the sense of deciding differently; do not use in the sense of override e.g. the individually agreed stipulations override (not overrule) the printed conditions)

The judge overruled, i.e. dismissed, the objection

The U.S. Supreme Court and the House of Lords have power to overrule their own decisions (here overrule refers to the fact that the law is stated differently, rather than to the actual reversal of a specific decision)

quash (render void; confined to the judicial sphere and often to appeals, and synonymous with annul, set aside)

The trial judge may quash all or part of the indictment if it has been preferred wrongly

The appeal court quashed (syn. annulled, set aside) the order, sentence, judgement, conviction, proceedings, determination, verdict

The High Court quashed (syn. annulled, set aside) the writ, the subpoena

The court quashed the arrests, i.e. ruled that they were illegal

recall (render void with the sense of taking back; a Scottish term)

He recalled (syn. withdrew) his offer

remit (forgive)

To remit a sentence, penalty, punishment, fine, debt, offence

repeal (render void; confined to the legislative and administrative sphere)

A law can be repealed by Parliament, by a statute, by usage, by implication

The regulations, orders, rules were repealed

rescind (render void, sometimes with the sense of withdrawing; more or less confined to the legal sphere and often synonymous with annul, avoid, set aside)

The company rescinded (syn. withdrew) its offer

The Government rescinded (syn. withdrew) the order

The court rescinded (syn. annulled, avoided, set aside) the sale, the contract

One of the heirs sought to rescind (syn. annul, avoid, set aside) the partition

One of the parties sought to rescind (syn. annul, avoid, set aside) the contract unilaterally

The parties rescinded (syn. annulled, set aside) the contract, the agreement

reverse (render void; usually confined to appeals and synonymous with annul, set aside, vacate)

The judge reversed, i.e. went back on, his decision

The appeal court reversed (syn. annulled, set aside, vacated) the judgement, order, of the lower court

revoke (render void, usually with the sense of withdrawing)

The manufacturer revoked (syn. withdrew) the licence

The department revoked (syn. withdrew) the permit

The Government revoked (syn. withdrew) the authority of its prefects to ...

The principal revoked (syn. withdrew) the agency

The party revoked (syn. withdrew) his offer

The testator revoked the will

The settlor revoked the appointment

The parties revoked (syn. annulled, rescinded, set aside)
the contract

The tribunal revoked (syn. withdrew) its decision

The magistrate revoked (syn. withdrew) his order

A power of attorney can be revoked by the donor or by
operation of law

When he married his will was revoked by law

Marriage revokes a will

An agency is revoked by operation of law

The law revokes the authority of the agent on the death
of his principal

The court revoked (syn. annulled, etc.) the grant of
probate

set aside (render void; confined to the legal sphere)

See the examples above in which set aside is given as a
synonym for avoid, cancel, quash, rescind, reverse, revoke

strike out (render void)

The pleading was struck out by the court, by order of
the court

terminate (bring/come to an end, never with the implication of retroactive
effect; can safely be used as an umbrella term in all such cases,
just as annul can be used for all words meaning render void)

To terminate a treaty, case, action, employment,
agreement, legal relationship, contract, lease

The lease, interest, contract, treaty terminated

vacate (render void; confined to the judicial sphere and usually synonymous with annul, reverse, set aside)

To vacate (syn. annul, set aside) a judgement, order, entry, award, contract

The appeal court vacated (syn. annulled, reversed, set aside) the judgement of the lower court

He vacated the default (i.e. ceased being in default)

withdraw

The department withdrew the regulations

The inspector withdrew the recommendation

The vendor withdrew (syn. revoked, rescinded) his offer

The defendant can withdraw his defence at any time before ...

The plaintiff can withdraw any claim made in his statement of claim

A party to a treaty can withdraw from it ...

See also the examples above in which withdraw is given as a synonym of recall, rescind, revoke.

Note 16

DOMICILE, RESIDENCE

1. Domicile means the place where the legal home is:

- For individuals, the place where a person has his or her permanent home, actual or imputed by law;
- For juristic persons, e.g. companies, the place where the entity has its principal establishment.

For the meaning of "place" see 5.

Domicile means domicile by law and the use of that expression is sometimes justified in order to make it clear that in law domicile means more than a house in which a person is living (see Black domicile). The same is true of the term domicile in French and domicilio in Spanish. Domicile légal has a different meaning, namely domicile by operation of law, and should be translated accordingly, as should its Spanish equivalent.

2. Residence means the place where an individual or a juristic person has a residence, in fact or in law.

3. Translate F domicile and S domicilio as domicile when the word occurs alone, unless permanent home or permanent address is more appropriate. In compound terms always translate as domicile except as follows:

Domicile conjugal, domicile matrimonial, domicilio conyugal: translate as matrimonial home.

Domicile convenu, domicile d'élection, domicile élu, domicilio convencional, domicilio electivo: translate as elected domicile or, if the text refers to an address for service of legal documents, address for service.

Domicile fiscal, domicilio fiscal: translate as tax residence (alternatives are fiscal residence, residence for tax purposes, residence for fiscal purposes, fiscal domicile).

Domicilio social: translate as domicile of the company (or whatever other word is appropriate for the sociedad in question) or, if the text clearly refers to an address, registered office.

4. Translate résidence and residencia as residence unless home is more appropriate.

5. The geographical area covered by the notions of place of domicile and place of residence varies from one legal system to another; in England and Scotland it means a country, 1/ but in countries with a civil law system it means an address. A person must have a domicile (civil law countries general domicile) but need not have a home and may have more than one residence.

Under English law a person has only one domicile, e.g. England; 1/ he may be resident in the United Kingdom for tax purposes; reside at one or more addresses for legal and administrative purposes; and, for example in litigation, specify a separate address for service of documents.

Under French law a person has only one general domicile for legal and administrative purposes, at a given address; he can have a special domicile e.g. an address for service, at another address; can reside at another address; may be resident in France for tax and exchange control purposes.

Under Swiss law a person can be resident at various places in Switzerland for tax purposes.

1/ This is no longer always the case, the position having been modified as regards jurisdiction and judgements by the Civil Jurisdiction and Judgments Act 1982, which enacts the substance of the 1968 Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters. See L. Collins, The Civil Jurisdiction and Judgments Act 1982 (London, 1983) and Dicey chap. 7.

Note 17

AGENT PUBLIC, FONCTIONNAIRE PUBLIC,
OFFICIER MINISTERIEL, OFFICIER PUBLIC

In France the category of agents publics is very broad: it includes fonctionnaires publics, usually referred to simply as fonctionnaires; magistrats, members of the magistrature, which includes the judiciary; militaires, members of the armed forces; and industrial and commercial employees of public services. The notion of fonctionnaire public itself is a wide one, including not only what are called in England civil servants but also local government officials, police officers and teachers, and according to some writers magistrats and militaires as well. The meaning of fonction publique must be seen in this light.

Certain fonctionnaires publics, e.g. mayors, are also officiers publics, a term which according to Guillien means a person (maire, notaire, greffier, huissier) authorized to issue authentic acts, and according to the Guide pratique something slightly different, i.e. the equivalent of an officier ministériel: notaires, certain greffiers, huissiers, avoués, avocats aux conseils, commissaires-priseurs, agents de change.

The translations recommended in this glossary are accordingly as follows:

agent public: public servant, a term as broad in the usage of English-speaking countries as agent public in France;

fonctionnaire public: public official, a term little used in England but preferable to civil servant which, as we have seen, has a narrower meaning; in the United States public official has the meaning given in many other English-speaking countries to public officer; in Canada fonctionnaire public is translated as public officer;

officier ministériel: ministerial officer, meaning one not having legislative, executive or judicial authority;

officier public: public officer, meaning in most English-speaking countries a person who is the holder of a public office. (In England the term also has the specific meaning of officer of a body corporate: Companies Act 1985, s. 744.)

References

Black public official
Canada, Interpretation Act 1967-68
Capitant agent, fonctionnaire
Dalloz fonctionnaire public
Dubouis 173-176
Georges 354-357
Jowitt public officer
Laubadère II, sects. 1-34
OCL civil service

Note 18

"DEPOSITION", "AFFIDAVIT" AND RELATED TERMS

Deposition should not be used except to describe a statement, whether in writing or not, which has been made under oath, and affidavit should not be used except to describe a statement which is both under oath and in writing. The person making a deposition or an affidavit is called a deponent in England and an affiant or a deponent in the United States.

If the statement has not been made under oath, it should be called a statement or a declaration. Both terms imply a certain degree of formality. In police and judicial proceedings, individuals - suspects, accused persons, witnesses, parties, counsel, judges - make statements, not declarations, but in a declaratory judgement a court makes a declaration, not a statement. In extrajudicial matters, formal statements are usually called declarations.

As a term of art affirmation is best avoided, since in England it has the special meaning of a statement having the force of an affidavit but not made under oath because the person making it, the affirmant, has beliefs which prevent him from taking an oath.

Statutory definitions of the terms oath, affidavit and statutory declaration as used in England are given in Schedule 1 to the Interpretation Act 1978.

Note 19

INTERVENTION, JOINDER OF PARTIES

This note concerns civil, criminal and (in France) administrative proceedings involving at the outset, or later in the action, more than one plaintiff or defendant or a third party. A problem arises in translating the French term intervention into English because in France the notion covers both voluntary and enforced intervention whereas in England, when properly used, it covers voluntary intervention only. According to Jowitt and Halsbury (vol. 37, p. 171), intervener and intervention are used in both senses, but this does not seem to be the case in practice in England or the United States.

In England the rules about adding parties are dealt with under the headings of (a) joinder of parties (RSC 0.15, r.4) and (b) third party procedure (RSC 0.16); these rules apply to both civil and criminal proceedings, although the matter does not arise in the latter. In France the rules are dealt with under (a) pluralité de parties (CPCN 323-324) and (b) intervention (CPCN 325-338); these rules apply to civil proceedings only, the rare instances in which intervention occurs in criminal proceedings being dealt with in CPP 87, 388.1, 418 and 698.2.

The distinction between the notions (a) and (b) in England and (a) and (b) in France can be expressed as follows:

		<u>England</u>	<u>France</u>
1.	civil: there is more than one plaintiff or defendant from the beginning	(a)	(a)
2.	civil: an additional plaintiff or defendant joins the proceedings voluntarily	(a)	(b) <u>volontaire</u>
3.	civil: an additional plaintiff or an additional defendant is compelled to appear in the proceedings	(a)	(b) <u>forcée</u> , also called <u>mise en cause</u>
4.	civil: a third party is compelled by the defendant to appear in the proceedings, as a third party and not as an additional plaintiff	(b)	(b) <u>forcée</u> , also called <u>mise en cause</u>

In England the multiple parties produced by situations 1. and 3. are called co-plaintiffs or co-defendants; the additional party in situation 2. is an intervener; the additional party in situation 4. is a third party.

In France the multiple parties produced by situation 1. are called codemandeurs or codéfendeurs; the additional parties in situations 2., 3. and 4. are intervenants.

In criminal proceedings in England joinder of parties is called joinder of defendants, who are termed co-accuseds. In criminal proceedings in France there are coprévenus, coaccusés, intervenants volontaires (under CPP 87, 388.1, 418, 698.2) and intervenants forcés (under CPP 388.1).

The equivalent in the United States of English joinder of parties is the same; the equivalent of third party procedure is impleader or third-party practice.

In administrative proceedings in France intervention appears to be volontaire only.

Because the English term intervention cannot properly be used to mean compulsory intervention, the course of action recommended in the glossary for translating the French term into English is as follows:

1. To use intervention or voluntary intervention where the voluntary nature of the step is clear from the context.
2. To use compulsory intervention where the compulsory nature of the step is clear from the context.
3. To use adding parties where the notion is mentioned in general terms or, in the plural or the singular, where it is not clear whether voluntary or compulsory intervention is meant.

References

England: Halsbury vol.37, p.226
Hampton 164-170
Jowitt intervene
Langan 138-140, 143-147, 150-154
Odgers 20-21, 161-162, 180-182, 196-198
Walker EN 279-281, 313-314

France: Dalloz intervention
Dalloz Proc. civ. pp. 65-66, 258-259, 376-378, 805-810, 966-971,
1074-1082
Dalloz Proc. pén. (12^e édition) sects. 191-197, 227
Herzog 292

United States: FRCP 14, 19-22, 24
FRCP 8

Note 20

HOMICIDE

1. Homicide generally

In certain circumstances homicide, which is the killing of one human being by another, can be lawful, e.g. in the execution of a person condemned to death, in the use of force to effect an arrest, in self-defence (these are called justifiable homicide) or if it is due to misadventure, e.g. if a person dies during surgery (depending on the circumstances, homicide by misadventure is called accidental, negligent or excusable homicide). Killing an enemy in war is also lawful.

Otherwise, homicide is unlawful.

2. England: murder and manslaughter

Unlawful homicide comprises two main offences:

- (i) Murder: broadly speaking, an unlawful killing which is intentional (wilful), i.e. done "with malice aforethought".
- (ii) Manslaughter: broadly speaking, an unlawful killing which is unintentional.

Unlawful killing is not in itself an offence, but it can be returned as a verdict by a coroner's jury and the verdict can form the basis of a prosecution for murder or manslaughter.

Related offences are infanticide, the wilful killing of a child of under 12 months, and causing death by reckless driving.

Child destruction and abortion are usually considered apart from homicide because they denote the destruction of a foetus (respectively a viable one and a non-viable one) and not the killing of a being.

3. Comparison with civil law terms

(i) F homicide and S homicidio by themselves should always be translated as homicide unless it is absolutely certain that murder is meant.

(ii) Intentional homicide

Terms such as homicide intentionnel, homicide volontaire, homicidio doloso and homicidio intencional normally denote intentional killing which is unlawful, and therefore can often be translated as murder; indeed meurtre is the name of the offence of intentional homicide in France. It must be remembered, though, that in certain circumstances an intentional killing may be a lawful one. Consequently, where the emphasis is on the nature of the homicide or where fine distinctions are being drawn, it is best to translate the above terms literally, i.e. as intentional, syn. wilful, homicide.

(iii) Unintentional homicide

There are many circumstances in which unintentional killing is lawful and so does not constitute manslaughter. Furthermore, there are a number of elements which, either singly or in combination, can enter into the offence of manslaughter. It is therefore best to translate terms such as homicide involontaire, homicidio culposo and homicidio por imprudencia literally in all cases, i.e. as unintentional homicide, culpable homicide and negligent homicide respectively. Culpable homicide is nevertheless close in meaning to manslaughter. In Scotland it is the name of the offence which corresponds to manslaughter in England.

4. References

Archbold chap. 20, sect. I
Cross and Jones chap. 8
Curzon Criminal chaps. 9-11
OCL culpable homicide, homicide, manslaughter, murder

Volume II

Printed at United Nations, Geneva
GE.90-00830-April 1990-1,200