



INTERNATIONAL SCHOOL
OF LINGUISTS

Short Glossary of Legal Terms

SUPPORTING DOCUMENTS BUNDLE

Short Glossary of Legal Terms

Accused – A person charged with breaking the law. The term defendant is not used in Scotland.

Acquittal – A verdict of a jury or a decision of a judge that an accused is not guilty or a case is not proven.

Adjournment – A break in court proceedings, perhaps for lunch, overnight or to a new date.

Advocate – A lawyer who is a member of the Faculty of Advocates, or Scottish Bar. Also known as counsel. Different advocates act for the prosecution and the defence.

Advocate depute – Experienced prosecutor who appears in the High Court. They make decisions in serious cases and fatal accident inquiries, also advising procurators fiscal on complex or sensitive issues.

Affidavit – A signed statement made on oath. Sometimes this can be used in court as evidence of what the witness says, without the witness having to come to court.

Affirmation – A declaration or promise to tell the truth in court that does not involve taking a religious oath.

Allegation – A claim or accusation that has been made but not yet proved.

Appeal – Challenge to conviction and/or sentence. The prosecution can only appeal against an unduly lenient sentence.

Bail – A person must agree to certain conditions before being released from custody by a court, for instance, by promising not to commit any more crimes or interfere with witnesses.

Bar officer (in the sheriff court) – A person who helps the judge and looks after people in court, for example, calling each witness into the courtroom and showing witnesses pieces of evidence. Also known as court officer.

Charge – The crime that the accused person is thought to have committed.

Charge (to the jury) – The judge's legal direction to a jury on matters of law and evidence before it decides on the verdict.

Citation – The form or letter that tells a witness or juror where and when to go to court.

Clerk (of court) – The person who keeps the court papers and records.

Commissioner – A lawyer, judge, sheriff or other suitable person who hears evidence at a different time or place to the actual court case. The evidence can then be used during the court case.

Committal for further examination – The accused's first appearances in court, which is held in private. The accused will be granted bail or remanded in custody until full committal for trial.

Complaint – A statement accusing someone of breaking the law.

Confiscation – Money or other property taken from an offender who benefited from criminal activity.

Copy complaint – A letter from the procurator fiscal to an accused person, telling them what they have been charged with and when to appear in court.

Corroboration – An accused cannot be convicted unless there is evidence from at least two independent sources that the crime was committed and that the accused was responsible for it.

Counsel – Advocates who act for the prosecution and the defence.

Court familiarisation visit – A visit arranged in advance of a trial to help witnesses become more familiar with the courtroom.

Court officer – A person who helps the judge and looks after people in court, for example, calling each witness into the courtroom and showing witnesses pieces of evidence. In the sheriff court, also known as a Bar officer. In the High Court, also known as a macer.

Cross-examination – Being questioned by the other lawyers after questioning by the person who has asked the witness to come to court.

Crown counsel – Advocate deutes who appear in the High Court.

Custody – When a person is kept in prison or a police cell.

Defence lawyer/counsel – A lawyer who represents the accused and helps the accused in court.

Deferred sentence – When the final decision about any punishment is deferred or put off to another date, usually three to 12 months later.

Diet – The date for a case, for instance, to hear a plea of guilty or not guilty, at an intermediate stage or for a trial.

Evidence – What a witness says in court. Also items such as documents, photographs or clothes.

Examination-in-chief – The questioning by the person who has asked the witness to come to court. This is the first set of questions the witness is asked. The other lawyers then cross-examine the witness.

Extended sentence – A sentence consisting of a custodial element (imprisonment or detention in a young offender's institution) and a period of supervision in the community on release.

Fatal accident inquiry – A court hearing to establish the circumstances of some sudden, unexplained or suspicious deaths in the public interest. They must take place when someone dies in custody or a death is caused by an accident at work. The aim is to prevent future deaths or injuries.

First calling – The first time a case is called in court.

Floating trial – A High Court case where the date and place of the trial can vary.

Forensic evidence – Scientific evidence collected from a victim, a crime scene and others, such as fingerprints and DNA.

Full committal – The second appearance in court for an accused who was remanded in custody at a committal for further examination. It takes place in private. The accused will be granted bail or remanded in custody until the trial.

Guilty – A verdict that means it has been proved beyond reasonable doubt that the accused committed the crime or part of the crime. The judge then considers any sentence or punishment.

Hearing – Any part of a trial that takes place in a court.

Home detention curfew – A form of early release on licence from prison. Offenders are subject to curfew conditions and are monitored by an electronic device sometimes known as a tag.

Identification – When a witness points out the person he or she has been talking about. This can happen before or during a trial.

Indictment – A court document that sets out the charges the accused faces.

Intestate – The term used when someone dies without making a will.

Judge – The expert in law who is in charge of all court proceedings and ensures legal rules are followed.

Jury – The group of men and women who listen to the evidence and make decisions about the facts in a case. In criminal cases, there are 15 jurors, with 12 in civil cases.

Justice of the peace – A lay magistrate who sits in the justice of the peace court.

K - No entries for letter 'K'.

Law Officers – The Lord Advocate and the Solicitor General for Scotland.

Licence – This sets out conditions for the release of an offender from prison before the end of a sentence.

Macer – A person in the High Court who helps the judge and looks after people in court, for example, calling each witness into the courtroom and showing witnesses pieces of evidence. Also known as a court officer.

Next of kin – Closest relative.

Not guilty/not proven – Verdicts that mean there was not enough evidence to prove the case beyond reasonable doubt, or there were other special reasons for not finding the accused guilty. Both verdicts mean the accused will be free to leave the court and cannot be tried again for the same offence.

Oath – A religious promise to tell the truth in court.

Offender – Someone who has committed an offence

Parole – When a long-term prisoner is released before the end of a sentence, subject to a licence. The offender is still under supervision and can be recalled to prison.

Party litigant – In a court action, someone who appears without a legal representative.

Petition – In criminal cases, a petition sets out the charges against the accused and starts the formal court process. It is also a document used to begin certain types of civil court cases.

Plea – The answer the accused gives to the court at the beginning of a trial when asked if he or she is guilty or not guilty.

Plea in mitigation – Any factors that the accused's lawyer thinks should be taken into account before the judge passes sentence after a finding of guilt.

Police bail – Someone arrested by the police can be released if they sign a document called an undertaking, which means they promise to come to court at a later date and agree to certain conditions, such as not committing any other crimes.

Post-mortem examination – Examination of a body to establish the cause of death.

Precognition – An interview of a witness by a procurator fiscal or defence lawyer to help them find out more about a crime and prepare for a court case.

Probation – A sentence in criminal cases that means an offender will be supervised by a social worker for a period of between six months and three years.

Procurator fiscal – A legally qualified civil servant who receives reports about crimes from the police and others and then decides what action to take in the public interest, including whether to prosecute someone. They also look into deaths that need further explanation and investigate allegations of criminal conduct against police officers.

Production – An item shown in court as evidence.

Proof – Either evidence of something or a formal hearing of evidence in a civil case of children's hearing court.

Public interest – A number of factors taken into account by prosecutors when making decisions, including the interests of the victim, the accused and the wider community.

Queen's Counsel, or QC – A rank conferred by the Crown on distinguished advocates and solicitors with rights of audience in the highest courts

Remand/remanded in custody – When a person is kept in a police cell or prison before a court appearance.

Remote site – A place where a person can give evidence by video link to a court.

Safeguarder – An independent person appointed to look after a child's interests.

Scottish Bar – The Faculty of Advocates.

Scottish Children's Reporter Administration – The national organisation for children's reporters, who present children's hearing court cases. If concerns about a child are agreed or proved at court, a children's hearing could be held. This involves the child, family members, children's panel members and others meeting to discuss what action to take.

Sentence – The judge's decision on what should happen when an accused is found guilty of breaking the law.

Sentence discount – When the judge reduces the length of sentence because the accused has pleaded guilty.

Sheriff – The name for a judge in the sheriff court.

Sheriff and jury – Cases heard in the sheriff court by a sheriff and jury.

Solicitor – A lawyer who is a member of the Law Society of Scotland.

Solemn case – Serious criminal case before a judge and jury in the High Court or sheriff court.

Soul and conscience letter – A medical certificate and/or a letter from a doctor explaining that someone is too unwell to go to court.

Special measures – Different ways to help vulnerable witnesses, including all children, such as giving evidence from behind a screen in the courtroom or by a television link, or having a support person in court.

Statement – A note or recording of what a witness has said.

Stipendiary magistrate – A legally qualified judge who hears summary criminal cases.

Summary case – Less serious criminal case before a sheriff, stipendiary magistrate or justice of the peace, without a jury.

Supervision – A prisoner released on a licence will be supervised by the local authority criminal justice services.

Support person – A person who can stay with a witness when they come to court.

Trial – The legal action in a criminal court case.

Undertaking – The document signed by someone who has been arrested and released on police bail after promising to come to court at a later date and agreeing to certain conditions, such as not committing any other crimes.

Verdict – The decision reached at the end of a trial – guilty, not guilty and not proven.

Victim Information and Advice – The COPFS service that offers assistance to some victims and witnesses.

Victim statement – A written statement that allows victims or, in some cases, their relatives to tell the court how the crime affected them.

Warrant – A document from the court that allows the police to take certain actions, such as arresting someone or searching premises.

Witness Service – People at the court who provide support and advice to witnesses and their families.

XYZ - No entries for letters 'XYZ'.