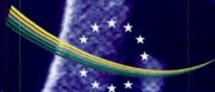


**The Council of Europe
French-English
Legal dictionary**
F.H.S. Bridge



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This One



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PREFACE

This dictionary has been compiled as a manual to assist translators who are not familiar with legal terminology and others who have no time to consult more authoritative sources. It has no pretensions to completeness and many of the renderings are tentative or apply only in certain contexts. The English terms are those currently or formerly used in English law; French terms refer to the French legal system unless otherwise indicated – as Belgian (“Belg”), Canadian (“Can”), Luxembourg (“Lux”) or Swiss (“Sw”).

I should like to thank those colleagues who have come to discuss points of interest and in particular Martin Weston, who has not only supplied me with lists of suggested renderings, most of which I have adopted, but has also revised, copy-edited and proof-read the entire text for publication. I am also indebted to my son Steven, without whose encouragement and assistance the computer typescript would never have seen the light of day.

Frank Bridge

April 1994

ACCROISSEMENT

- **CLAUSE d'accroissement** – clause under which the surviving co-owner(s) etc succeed(s) to the interest(s) of the other(s) (*ius accrescendi*).

ACCUEILLIR – allow; grant (an application, objection, action, claim, appeal, petition); accept.

- **INJONCTION** – **accueillir la demande d'injonction** – grant an injunction.
- **MOYEN** – **les moyens ne peuvent être accueillis** – these arguments cannot be accepted.
- **RECOURS** – **accueillir un recours** – allow an appeal.

ACCUSATEUR – prosecutor.

ACCUSATION – accusation; charge; the prosecution (*c'est à l'accusation qu'il appartient de* – it is for the prosecution to).

- **CHAMBRE d'accusation** – Indictments Chamber.
- **PÉNAL** – **accusation en matière pénale** – criminal charge.

ACCUSATOIRE – adversarial; accusatorial.

ACCUSÉ – accused (in Assize Court).

- **RÉCEPTION** – **accusé de réception** – acknowledgement of receipt; advice of delivery; delivery note.

ACHALANDAGE – goodwill depending on the situation of the premises; “cat” goodwill.

ACOMPTE – (partial) advance; payment on account.

- **LOYER** – **acompte sur loyer** – advance payment of rent.

A CONTRARIO – arguing from the converse; by converse implication; conversely; principle that a rule of law shall not be extended to cover similar situations; principle of non-extensive interpretation; *expressio unius est exclusio alterius* (opposite of extension by analogy); restrictive interpretation.

ACQUÉREUR – purchaser.

ACQUÉRIR.

- **JOUR** – **être acquis jour par jour** – accrued from day to day; be apportionable from day to day.
- **PRESCRIPTION** – **la prescription est acquise** – limitation becomes effective; the claim, offence, etc is statute-barred.

ACQUÊTS

- **COMMUNAUTÉ d'acquêts (réduite (limitée) aux acquêts)** – community of after-acquired property.
- **PARTICIPATION aux acquêts** – sharing of after-acquired property.
- **SOCIÉTÉ d'acquêts** – community of after-acquired property.

Note. The above three entries refer to the system of marital property under which each spouse keeps his own property and at the end of the marriage each takes half the other's after-acquired property.

ACQUIESCEMENT

- **DEMANDE** – **acquiescement à la demande** – admission of the opponent's case and discontinuance of the action; acceptance of the plaintiff's claim.
- **JUGEMENT** – **acquiescement au jugement** – acceptance of the judgment and waiver of one's right of appeal.

ACQUIT – paid.

- **DOUANE** – **acquit de douane** – customs receipt; customs release.
- **LIBÉRATOIRE** – **acquit libératoire** – discharge.

ACQUIT-A-CAUTION – document issued by the revenue against security permitting the holder to move wines and spirits (or other property).

ACQUITTEMENT – acquittal (by the Assize Court).

ACQUITTER

- **OBLIGATION** – **s'acquitter d'une obligation** – discharge (perform) an obligation.

ACTE – legal instrument or transaction; act; decision; measure; step; process; document; certificate; entry; official copy.

- **ABSTRAIT** – **acte abstrait** – contract whose validity does not depend on the existence of consideration (**cause**).
- **ACCUSATION** – **acte d'accusation** – indictment.
- **ACQUISITION** – **acte d'acquisition** – conveyance.

- **ADMINISTRATIF** – acte administratif – administrative decision; exercise of an administrative discretion; administrative act; administrative measure.
- **ADMINISTRATION** – acte d'administration – act for the administration of property. In a narrower sense it does not include acts disposing of the property.
- **APPARENT** – acte apparent – ostensible (as opposed to the real) transaction.
- **APPEL** – acte d'appel – (former term for) notice of appeal.
 - **INCIDENT** – acte d'appel incident – notice of cross-appeal.
- **ARBITRAIRE** – acte arbitraire – arbitrary action.
- **AUTEUR DE L'ACTE** – person making the document.
- **AUTHENTIQUE** – acte authentique – officially or notarially recorded instrument (cf an English deed).
- **AVOCAT** – acte d'avocat à avocat – document notified by one barrister to another through a court bailiff.
- **CAUSE DE MORT** – see MORT below.
- **COMMERCE** – acte de commerce – legal transaction governed by commercial law.
- **CONDITION** – acte-condition – legal transaction rendering a legal rule or rules applicable to an individual.
- **CONSENSUEL** – acte consensuel – legal transaction requiring no particular formalities.
- **CONSERVATOIRE** – acte conservatoire – legal step or transaction for the purpose of protecting a right.
- **CONSTITUTIF** – acte constitutif – instrument or legal transaction creating or altering rights.
 - **GAGE** – acte constitutif de gage – contract of pledge.
 - **HYPOTHÈQUE** – acte constitutif d'hypothèque – mortgage (referring to the instrument).
 - **INFRACTION** – acte constitutif de l'infraction – actus reus.
- **DÉCÈS** – acte de décès – death certificate; record of death.
- **DÉCLARATIF** – acte déclaratif – declaratory instrument.
- **DISPOSITION** – acte de disposition – instrument or legal transaction disposing of rights or property; disposal; conveyance; deed of gift.
- **DONNER acte de** – (officially, formally) confirm; take formal note of; note a declaration on the record.
- **ÉTAT CIVIL** – acte de l'état civil – civil-status record (entry) or certificate.
- **ÉTATIQUE** – acte étatique – official document; state paper.
- **EXÉCUTION d'un acte** – execution of an instrument.
- **EXÉCUTION** – acte d'exécution – execution (enforcement) measure; measure of execution.
- **EXTRAJUDICIAIRE** – acte extrajudiciaire – extrajudicial process or formality (eg formal demand for payment, protest).
- **FACULTÉ** – acte de pure faculté – act tolerated on his premises by a property owner which cannot be relied on for the purposes of prescription.
- **FAUTIF** – acte fautif – offending act.
- **FICTIF** – acte fictif – simulated transaction.
- **FRANCISATION** – acte de francisation – French ship's registration certificate.
- **FRUSTRATOIRE** – acte frustratoire – invalid or defective process, document, formality or step in the proceedings.
- **GÉNÉRAL** – acte général – decision, act, measure of general application.
- **GOVERNEMENT** – acte de gouvernement – certain acts falling within the government's prerogative which cannot be questioned by legal proceedings; prerogative act; exercise of the government's prerogative; act of state.
- **HYPOTHÈQUE** – acte d'hypothèque – mortgage deed.
- **ILLICITE**
 - **CIVIL** – acte illicite civil – civil tort.
- **INDIVIDUEL** – acte individuel – administrative decision concerning a specific individual or individuals.
- **INSTRUCTION** – acte d'instruction – measure of investigation (investigative measure) taken or ordered by the investigating judge; procedural step in preparation for trial.
- **INSTRUMENTAIRE** – acte instrumentaire – document established to evidence a legal situation.
- **INTRODUCTIF** – acte introductif d'instance – writ; originating procedure.
- **JUDICIAIRE** – acte judiciaire – court process (writ, witness summons, drawing and serving pleadings, etc).

- **POUVOIR** – excès de pouvoir – abuse (misuse) of authority; acting in excess of authority (jurisdiction); acting ultra vires.
 - **COMMETTRE un excès de pouvoir** – exceed one's jurisdiction.
 - **RECOURS (en annulation) pour excès de pouvoir** – application to an administrative court to set aside an administrative decision on grounds such as lack of jurisdiction, error of procedure, misapplication of the law, misuse of a discretion or ultra vires (exceeding or misusing one's authority); application for judicial review.
- **VITESSE** – excès de vitesse – exceeding the speed-limit; speeding.
- **VOISINAGE** – see OBLIGATION above.

EXCESSIF – unreasonable.

EXCIPER

- **BONNE FOI** – see FOI below.
- **DE** – exciper de – rely on; plead in one's defence.
 - **DIVORCE** – l'époux prétendu bigame peut exciper d'un divorce régulier – an allegedly bigamous spouse may rely on the defence of a divorce in due form.
- **DROIT** – exciper de son droit – rely on a right.
- **FOI** – exciper de sa bonne foi – plead one's good faith.
- **PRESCRIPTION** – exciper de la prescription – raise the defence of limitation; plead limitation.

EXCIPIENS – person raising the defence that the plaintiff has not performed his part of the contract.

EXCITATEUR – trouble-maker; agitator.

EXCITATION

- **DÉBAUCHE** – excitation (des mineurs) à la débauche – incitement (of minors) to immorality; depravation (of minors).

EXCLURE

- **MUTUELLEMENT** – qui s'excluent mutuellement – contradictory.

EXCLUSION

- **JUGEMENT d'exclusion** – order excluding claims not lodged within the appointed time.
- **RESPONSABILITÉ** – exclusion de la responsabilité – exclusion of liability.

EXCLUSIVITÉ – exclusive rights.

- **CLAUSE d'exclusivité** – exclusive-rights clause.
- **DROIT d'exclusivité** – sole (exclusive) right.

EX-CONJOINT – former spouse.

EXCUSE – ground of excuse.

- **ABSOLUTOIRE** – excuse absolutoire – statutory ground for exemption from punishment.
- **ATTÉNUANT** – excuse atténuante – ground for mitigating sentence, eg provocation or the fact that the accused is under age.

EX-DROIT – ex rights; ex new.

EXÉCUTER – perform; fulfil; execute; carry out; enforce.

- **DÉBITEUR** – le débiteur doit exécuter – the obligor (promisee etc) is under an duty to perform his obligation.
- **OBLIGATION** – exécuter une obligation – perform an obligation.
- **PEINE** – (faire) exécuter une peine – enforce a sentence.

EXÉCUTEUR

- **TESTAMENTAIRE** – exécuteur testamentaire – executor.

EXÉCUTIF – the executive (as opposed to the legislative and the judiciary).

EXÉCUTION – fulfilment; performance; execution; enforcement.

- **ACCORD d'exécution** – administration agreement; administrative agreement.
- **ACTE d'exécution** – execution (enforcement) measure; measure of execution.
- **ACTE** – exécution d'un acte – execution of an instrument.
- **ANTICIPÉ** – exécution anticipée de peines (Sw) – advance enforcement of sentences (ie starting before the sentence becomes final).
- **BUDGET** – exécution du budget – implementation of the budget.
- **CHOSE JUGÉE** – exécution tardive de la chose jugée – late compliance with a court order.
- **CONTRAT** – exécution du contrat – performance of the contract.
- **DÉLAI d'exécution** – time for performance.
- **DIFFICULTÉS d'exécution d'un jugement** – points arising on the execution of a judgment.

- **ÉTAT PRÉVISIONNEL** – exécution de l'état prévisionnel – implementation of the budget.
- **FÉDÉRAL** – exécution fédérale – coercion exercised by the federal authorities against a member state of the federation; federal coercion.
- **FORCÉ** – exécution forcée – execution by force or threat of force; enforcement; execution.
 - **NATURE** – exécution forcée en nature – enforcing specific performance.
 - **SUSCEPTIBLE d'exécution forcée** – capable of being enforced.
- **IMPOSSIBILITÉ d'exécution** – impossibility of performance (this is judged by an objective standard and not by the defendant's personal inability to perform).
- **JUGE de l'exécution** – judge of the Regional Court with jurisdiction to decide questions relating to the execution of civil judgments; execution(s) judge.
- **JUGEMENT** – exécution du jugement – enforcement of the judgment, order or sentence.
- **LIEU d'exécution** – place of performance (of a contract).
- **LOYAL** – exécution loyale – correct (punctual, full) performance.
- **MANDAT d'exécution** – instruction to levy execution given by the judgment creditor to the bailiff; writ of execution.
- **MESURE d'exécution** – form or measure of execution (enforcement); execution (enforcement) measure; implementing measure (which may take the form of implementing regulations).
- **METTRE en exécution** – enforce.
- **MINUTE** – exécution sur minute – immediate execution, ie on the authority of the original written judgment, without having to serve an execution copy (*grosse*).
- **MODALITÉ d'exécution** – implementing regulation, provision, etc.
- **NATURE** – exécution en nature – specific performance.
- **OFFICE** – exécution d'office – execution by the authorities at the expense of the person concerned; ex-officio execution of administrative decisions by the authorities.
- **ORDRE d'exécution** – writ of execution endorsed on an order to pay.
- **ORGANE d'exécution** – executive organ (body).
- **ORGANISME d'exécution** – executive organ (body).
- **PARTIEL** – exécution partielle – part performance.
- **PEINE** – exécution d'une peine – enforcement of (serving) a sentence.
- **POURSUIVRE l'exécution** – levy execution.
- **POUVOIR d'exécution** – power (authority) to enforce (execute); executive power.
- **PROCÉDURE d'exécution** – execution proceedings; execution procedure.
- **PROMESSE** – exécution d'une promesse – fulfilment of a promise.
- **PROMESSE** – promesse d'exécution – formal undertaking to perform the obligation of another.
- **PROVISION** – exécution par provision – order making a judgment immediately enforceable notwithstanding the lodging of an appeal; order annulling the suspensive effect of an appeal.
- **PROVISOIRE** – exécution provisoire – order making a judgment immediately enforceable notwithstanding the lodging of an appeal; order annulling the suspensive effect of an appeal.
- **RECEVOIR exécution** – be put into effect.
- **REFUS d'exécution** – refusal to perform; repudiation.
- **RÈGLEMENT d'exécution** – implementing regulations.
- **REPRISE d'exécution** – undertaking the performance of another's obligation but not the obligation itself; agreement whereby a third party agrees with the debtor (promisor) to perform the latter's obligation, the creditor (promisee) not being a party to the agreement; agreement for vicarious performance.
- **RETARD dans l'exécution** – delay in performance; late performance.
- **SAISIE** – exécution de la saisie – execution of writ of fi fa; attachment; seizure.
- **SUCCESSIF** – contrat à exécution successive – continuing contract.
- **SURSEOIR à l'exécution** – stay execution.
- **SURSIS à l'exécution** – stay of execution.
- **VOIE d'exécution** – (method of) execution; (in plural) execution (enforcement) procedure.
- **VOLONTAIRE** – exécution volontaire – voluntary performance.

EXÉCUTOIRE (adj) – enforceable; operative.

- **DIVORCE exécutoire** – decree absolute.
- **FORCE exécutoire** – enforceability.
 - **AVOIR force exécutoire** – be enforceable (by execution).
- **MINUTE – exécutoire sur minute** – enforceable immediately, ie on the authority of the original written judgment, without having to serve an execution copy (**grosse**).
- **PROVISION – exécutoire par provision** – immediately enforceable.
- **VALEUR – avoir valeur exécutoire** – including an authority to execute; be enforceable by execution.

EXÉCUTOIRE (noun) – order fixing the amount of costs; order for costs.

- **PRENDRE l'exécutoire** – make an order for costs.

EXÉGÈSE – interpretation.

EXEMPT

- **CHARGE – exempt de charges** – unencumbered; free from encumbrances.
- **IMPÔT – exempt d'impôt(s)** – tax-free; free of tax; not liable to tax.

EXEQUATUR – (decision conferring) authority to execute (a judgment or arbitral award); registration for enforcement; official confirmation; exequatur (for a consul).

- **DÉLIVRER l'exequatur** – register a foreign judgment for execution; grant authority to execute.
- **INSTANCE en exequatur** – application for authority to enforce a foreign judgment.

EXERCER

- **ACTION – exercer une action** – bring an action.
- **COMPÉTENCE – exercer sa compétence** – entertain proceedings; exercise jurisdiction.
- **RECOURS – exercer un recours** – bring (enter) an appeal; exercise (have recourse to) a remedy.

EXERCICE – accounting year; financial year.

- **BUDGÉTAIRE – exercice budgétaire** – accounting year; financial year.
- **CAPACITÉ d'exercice** – independent capacity to exercise one's own rights without any form of representation, assistance or authorisation; legal capacity.
- **CLOS – exercice clos** – past (previous) financial year.
- **DÉLAI d'exercice** – time-limit for exercising a right etc.

- **ÉCOULÉ – exercice écoulé** – past (previous) financial year.
- **EN exercice** – serving; present; acting; in charge; on duty; in office; for the time being.
- **FISCAL – exercice fiscal** – tax year; year of assessment.
- **INCAPACITÉ d'exercice** – incapacity to exercise one's own rights without some form of representation, assistance or authorisation; absence of legal capacity.
- **MANDAT – exercice d'un mandat** – acting as an agent; acting under a power of attorney; fulfilling instructions.
- **SOCIAL – exercice social** – (company's) accounting (financial) year.

EXHAUSSEMENT – increase in height of a wall or building.

EXHÉRÉDATION – depriving of a right of inheritance.

- **CAUSE d'exhérédation** – ground for depriving of a right of inheritance.

EXIGER

- **DOMMAGES-INTÉRÊTS – exiger des dommages-intérêts** – claim damages.

EXIGIBILITÉ – current liability.

- **CONDITION d'exigibilité** – condition on which payment may be demanded.
- **OBLIGATION – exigibilité de l'obligation** – existence of a cause of action.

EXIGIBLE – due; payable.

EXONÉRATION – exemption from liability, tax, etc.

- **CAUSE d'exonération** – ground of exemption.
- **FISCAL – exonération fiscale** – exemption from tax.
- **IMPÔT – exonération d'impôt(s)** – exemption from tax.
- **RESPONSABILITÉ – exonération de la responsabilité** – exemption from liability.

EXONÉRÉ – free from liability.

EXONÉRER – exempt from tax; remit tax.

EXORBITANT

- **DROIT COMMUN – exorbitant du droit commun** – going beyond (falling outside the scope of) (the rights conferred by) the general (ordinary) law; creating or constituting an exception to the general law, eg a clause