

## SOME SUGGESTIONS ON THE FORM AND PUBLICATION OF STATUTE LAW

*Note* The following is the text of a paper I wrote in 1966 shortly after moving from the Parliamentary Counsel Office (PCO) in Whitehall to become Chief Executive of the Royal Institution of Chartered Surveyors (RICS). The paper was published by the RICS and widely circulated. I had spent twelve years in the PCO and become frustrated at PCO unwillingness to entertain my ideas for reform of the system. This paper was sent to the PCO, who received it coolly. Nevertheless some of the reforms suggested here were carried out over succeeding years. The text of the paper is unchanged in this version, prepared in 1999, but the footnotes are new.

### INTRODUCTORY

1.1. Many people are dissatisfied with the way in which enacted law in the United Kingdom is officially presented to those who have to apply it. To some extent this has probably always been so, but of late criticism has had a sharper note. It seems that radical reforms are certain to come, and within the near future. This paper gives some tentative and sketchy suggestions to that end. Before action is taken it will obviously be necessary to make a close study of the systems used in other countries - particularly the United States.

### WHO IS THE USER?

2.1. One cannot decide on the form in which statute law should ideally be presented without knowing the type of person for whom it is intended, in this paper referred to as the user. This is not an easy question to answer. In the first place there may be a different user according to whether the official version of an Act of Parliament is being considered or the version put out by a commercial publisher, complete with editorial commentary. Probably most people who consult Acts of Parliament do so through the commercial medium. Since this is derived from and closely follows the official version its form is largely governed by that of the official version. Bearing this in mind I intend, when referring to the user, to refer to the person who goes to the official version.

2.2. Another problem of defining the user of legislation arises from the fact that in its initial form, as a Parliamentary Bill, legislation has to reckon with the twofold nature of the legislative audience. As Sir Noel Hutton has said (*Modern Law Review*, January 1961, page 21)-

‘The same document has to be designed to satisfy two distinct legislative audiences: first (in point of time) the Parliamentary audience, mainly composed of laymen, whose primary need is to ascertain, with the minimum of labour and preferably no reference to any document other than the Bill itself, what is the general purpose and effect of each clause or section which they are asked to pass; and secondly, the expert lawyers and other professionals who will seek to find in the Act as passed a specific answer to each specific question upon which they have to advise or decide. One customer wants a picture and the other wants a Bradshaw.’<sup>1</sup>

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<sup>1</sup> *Bradshaw* was the name of a railway timetable, now long defunct.

2.3. The reference to the Parliamentary audience recalls Lord Thring's remark that Bills are made to pass as razors are made to sell. By this he meant, of course, that it is no use presenting to Parliament a Bill entirely suited to carrying into effect a policy scheme if it is in a form which would provoke so much Parliamentary disagreement that its provisions would not get through. These considerations might prevent the Bill being arranged in the most convenient way, and require, for example, that controversial provisions should be put near the end of the Bill, and that the matter in the Bill should be arranged in as few clauses as possible.

2.4. Nowadays Parliamentary considerations affecting the drafting of legislation are less important than they were in Lord Thring's day, since Members of Parliament have a much greater appreciation of the need to secure that the Bill will do its work adequately when it becomes law. The modern tendency, therefore, is to give most importance to a draft considered as an Act of Parliament. This brings us to the second type of legislative audience and this will differ to some extent according to the type of legislation. In the case of administrative legislation the Act will principally be the concern of the civil servants or local government officials responsible for administering it. On the whole, judges and other lawyers will have relatively little to do with the working of this type of legislation while the general public will rely mainly on advertisements and leaflets summarising the effect of the legislation in simple language. The main legislative audience here is therefore the official who will implement the Act.

2.5. With other types of legislation judges and other lawyers will be more closely concerned. Few, if any, laymen desiring information as to their tax position, for example, will go direct to the Act. They will probably take advice from lawyers or accountants, or at least will look at a textbook. The main legislative audience here is therefore the professional one with the courts in the forefront.

2.6. Sir Alison Russell, in his book 'Legislative Drafting and Forms', says on page 13 that 'The draftsman should bear in mind that his Act is supposed to be read and understood by the plain man.' This view is not shared by many students of the subject. Elmer Driedger, in his book, 'Legislative Drafting' says on pages 296 and 297, 'It must not be supposed . . . that statutes can be written so that everyone can understand them . . . It is not the function of legislative draftsmen to write treatises for the education of the uninformed.'

2.7. For the purposes of this paper, therefore, I treat the user as being principally the practising lawyer (whether on the Bench, at the Bar or in a solicitors' office), the public official (whether a departmental lawyer or town clerk, or an administrator), or the professional man, such as the accountant or land agent, who while not a lawyer is required to be familiar with some branch or branches of statute law.

### WHAT DOES THE USER WANT?

3.1. We may next ask what sort of statute book the user would ask for if told that he could have it exactly as he wanted. For most people it is a matter of indifference whether the law on the particular point they are concerned with is contained in an Act of Parliament, in a Statutory Instrument or in a rule of common law. They just want to know what the law is, and ideally they would like to find the point dealt with in one place. They would like a simple system to tell them where to find that place, and when they have found it they would like to find the point dealt with as simply and comprehensibly as the subject matter allows.

3.2. While the common law system continues and until all our laws are reduced to written form it is plainly not possible to realise this ideal for any point which to any extent falls within the ambit of the common law, though obviously the codification of all common law rules sufficiently developed to warrant this treatment would tend to reduce the size of the problem. Meanwhile we might perhaps restate

the ideal requirement in the form that all *written* law dealing with a particular point should ideally be found in one place. It goes without saying that, again confining ourselves to an ideal situation, the law, in the one place where it is found, will be in its most up-to-date form; that is, incorporating any amendments to the original law. The enquirer may of course, want to look out the law as it existed at a particular past time, but this is one of the many problems that interfere with the realisation of the ideal and will be dealt with later.

### WHAT DOES THE USER GET?

4.1. That the product of our legislative process falls far short of the ideal is not open to argument. Factors which contribute to this will be examined later. Here, while not embarking in any detail on a description of a situation which is only too well known, I will indicate some salient features.

4.2. The written formulation of the law on any point is rarely to be found in one place. The written law is divided, roughly speaking, into Acts of Parliament and Statutory Instruments, and these are published in separate series. Within each series fresh enactments on a particular point are not, as a rule, related verbally to what has gone before in the sense that they are produced as textual amendments of an earlier enactment. More frequently the later enactment stands independently and while it will repeal earlier provisions that are directly inconsistent, it will not attempt to fit into a pattern of enactments dealing with the subject in question. The technique resembles the playing of a hand of cards rather than the assembling of a jig-saw. Even when collected in an edition of Statutes Revised, Acts of Parliament retain their individual identity and are not arranged in groups or titles according to subject matter. The system of consolidating Acts of Parliament does, of course, produce an assembly of enactments on a given topic, but the scope of a consolidation is usually far narrower than would be the scope of a title if the statute law were divided into titles. Moreover the process of consolidation is relatively infrequent and a consolidation is not kept up to date owing to the method of amendment described above. When amendments are made as a direct alteration of the wording of the original enactment there is in general no official provision for quickly reproducing the text as amended; instead amendments are expected to be inserted manually by ink corrections or gummed slips. A useful exception is the loose-leaf system for revenue Acts.

4.3. The machinery for enabling the user to *find* the law on a particular subject easily is probably as efficient as the system described above allows. The chronological table of the Statutes and the indexes to the Statutes and Statutory Instruments fail as indications of where to find the law only insofar as the scattered location of enactments dealing with a particular point renders failure inevitable.

4.4. The question of the comprehensibility of enactments is a large one which it would scarcely be appropriate for me to dilate upon at any length. A factor affecting it is the custom of couching legislation in a literary style which eschews abbreviations and what might be called mechanistic obtrusions; for example, references to the year and chapter number of Acts are regarded as unsuitable for incorporation in the text and are therefore put in the margin. The practice of modifying existing law by means of a gloss, rather than a textual amendment, frequently presents difficulty to the reader who has himself to do the job of reconciling separate texts instead of having a single amended and unified text presented for his consideration. Other factors are that Acts contain some material required only for purposes of Parliamentary procedure, e.g. expenditure clauses, and make little use of what might be called prefabricated law. The device of the Interpretation Act has not been elaborated since the last century.<sup>2</sup> There are thus often endless variations on the same theme (for example, powers of entry or procedure for the service of notices) instead of a single uniform provision, applying in all cases. More important

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<sup>2</sup> This was written before the passing of the present Act, the Interpretation Act 1978, which did not however break any new ground.

perhaps than the foregoing is the practice which has grown up over the years of attempting to foresee every contingency and providing for it in considerable detail. This often makes it difficult to see the wood for the trees. Comprehensibility is also affected by the frequently criticised system of legislation by reference. This is a study in itself and will not be examined here, since the object of these remarks is merely to point to some of the factors affecting comprehensibility without intending to pass judgment one way or the other about them.

### WHY ARE WE SO FAR SHORT OF THE IDEAL?

5.1. The reasons for deficiencies in the statute book are complicated and again I ought not to go into great detail about them. I would, however, mention the following as among the more significant. First, where the provisions of any law have political significance; there is a likelihood that they will be subjected to frequent change owing to changes in the political complexion of the Government. When such changes come, they will often follow a General Election, and be required at very short notice. Since the change of Government in October, 1964 we have seen the introduction of Capital Gains Tax, Corporation Tax, and Selective Employment Tax, all highly complicated and all required by Ministers to be available for implementation within a very short period. If an Act is required to be drafted within a time considerably less than it needs, the result can only be an unsatisfactory piece of legislation. As Elmer Driedger said in the preface to his book 'The Composition. of Legislation' at page 16, 'There is for each Bill an irreducible period for preparation . . . as the time is cut down the quality deteriorates so that ultimately the point is reached where no Bill fit for introduction can be produced'.

5.2. Legislation at the instance of back-bench Members of Parliament can also complicate the law. There has, for example, grown up a practice of having an annual Finance Bill, which itself contains many modifications of the law, but which has added to it, in the course of its progress through Parliament, a number of further modifications at the instance of back-benchers to deal with what they regard as anomalies in the tax system. Such amendments, often put forward with the best of motives to provide, for example, a particular tax relief for persons suffering from a specific disability, in fact create anomalies of a different kind, since a special provision for a special case can only complicate the law. Private Members' Bills often deal in piecemeal fashion with a corpus of existing law and this can introduce complications, though the principle has now grown up that no Private Member's Bill reaches the Statute Book unless it has had the skilled attention of the Parliamentary Counsel. Moreover, on programme Bills Private Members often insist unreasonably on minute points being expressly dealt with.

5.3. Another major consideration affecting clarity is that reluctance to leave too much to the discretion of officials or the courts leads to over-elaboration. In the case of administrative legislation, there comes a point when the official must be allowed to apply his own judgment to the facts of the case he is dealing with. There is a limit beyond which the legislature cannot, in practice, assert its will. It is a question of great importance where this line is to be drawn. It is arguable that, in this country, we have tended, particularly in recent times, to confine administrative discretion within too close limits. As Sir Courtenay Ilbert said ('Legislative Methods and Forms', page 209), 'Englishmen prefer to be governed (if they must be governed) by fixed rules rather than by official discretion'. On the other hand the same author said (page 125) 'We know that enacted law is most useful if confined to the statement of general principles, and that the more it descends into details, the more likely it is to commit blunders, to hamper action, and to cramp development'. It is certainly true that administrative and financial legislation could be greatly simplified if more discretion were left to the official. The reason for not doing this may, of course, lie with officials themselves, who are not always anxious to administer an Act so flexible that it leaves great scope for criticism of official decisions. Or it may be considered desirable to put matters beyond argument and beyond petition by closing the door against the possibility of certain decisions. Officials in instructing departments are also sometimes over-anxious to see a common form provision altered in detail to suit their own case exactly rather than being content to follow a general form.

5.4. With the aim of removing factors militating against legislative simplicity, the rules of Parliamentary procedure could be modified to exclude any requirement which leads to the form of an Act of Parliament being otherwise than what is required for it to carry out its function most efficiently *after* it has come into force. There is, for example, no reason why the insertion of an expenditure clause could not be avoided by the abolition of the rule requiring expenditure provisions to be printed in italics in a Bill as introduced in the Commons. Some other means of drawing attention to the financial provisions could easily be found; indeed, the financial memorandum on the front of the Bill should be capable of fulfilling this function entirely.

5.5 The final factor that I would mention at this point which militates against giving the user what he requires is the shortage of necessary manpower to carry out a programme of consolidation and codification as frequently as is required. This shortage also tends to keep draftsmen isolated from teachers and writers on law, and indeed from practitioners themselves. The draftsman is kept so much at full stretch by the demands of current legislation that he often lacks the opportunity of keeping in touch with developments in legal thought.

## THE SOLUTION

6.1. Of the factors mentioned in the preceding section, some may well be regarded as unalterable. Others, perhaps, could be to some extent improved. However this may be, my own belief is that a radical new approach to the problem of presenting written law in a form more suitable for the user will have to be undertaken before very long. The lines on which I would like to see this done are explained in the remainder of this paper.

6-2. I believe the major problem is in so organising the statute book that the written law on any one matter is, in fact, to be found in its current state in one place. I realise, of course, the enormous difficulties of this, and I accept that there will undoubtedly be exceptional cases where it just cannot be done. After the necessary transitional period, I would like to see the following system in force:

- i Acts and statutory instruments to be published by authority in one uniform series of loose-leaf binders.
- ii The material to be organised within titles, each title being of wide and comprehensive scope, such as those used for Halsbury's Statutes.
- iii Each title to consist of a single Act of many sections, each section being followed by any subordinate legislation made under it. To preserve continuity the use of Schedules would be avoided so far as possible. Any future Act or Statutory Instrument altering the provisions of the title would do so in jigsaw fashion; that is, would operate by way of direct verbal amendment of the language of the title. Sections, etc., would be numbered on a decimal system to allow of the insertion of new matter. Where necessary an amending Act would also amend cross-headings, etc., in the title.
- iv Whenever a title was amended, reprinted pages would immediately be issued to subscribers for insertion in place of the superseded pages.
- v It would be necessary to ensure that it remained possible to ascertain the state of the law at any previous date. For this purpose, each title might need to contain a separate historical and transitional part indicating the date of origin and coming into operation of each enactment. Where they were likely to be required, as in the case of Revenue Statutes, it might be necessary for this part to reproduce the terms of some earlier superseded enactments. It would follow that this part would be amended where necessary at the same time as the main sections of the title were amended.

vi The question of territorial extent would need to be dealt with, since the United Kingdom Parliament may, on the same subject, pass: a) an Act extending to England and Wales only; b) an Act extending to the U.K.; c) an Act extending to Great Britain only; and so on. No special indication need be given where an Act would not now contain an extent provision. Where an enactment is of limited extent this must obviously be shown - perhaps at the end of each section of the title or in conjunction with the historical part referred to in paragraph v above. Purely Scottish provisions, including Scottish adaptations, might well be published in a separate series. Amending Acts would have no extent provisions of their own: their extent would be general, and the amendments would have the same extent as the enactments amended.

vii There would be at the beginning of each part a very detailed index as an expansion of the present arrangement of sections. In view of the notorious difficulty, however, of finding titles which are a sure guide to their contents (e.g. do you put provisions dealing with insurance companies in the title 'Insurance' or the title 'Companies'?), it would still be necessary to have a separate index to the entire system, though its length and complexity should be greatly reduced by the more orderly arrangement of the Statute Book. Both indexes would ideally need to be on looseleaf lines with new pages being issued at the same time as the corresponding pages in the main titles.

viii Once this system was in operation, all new Acts and Statutory Instruments would be in a form which merely inserted new provisions or made alterations in the existing titles. The text of the alterations would not refer to the amending Statute and the body of the new Statutes would therefore be no more than formal. Nevertheless, it would be necessary to have copies of Acts as passed by Parliament available for a limited number of users, though whether they would be numerous enough to require Acts to be bound up into annual volumes is debatable.

ix A frequently-amended title would need to be thoroughly revised and reissued every few years since the system of continuing revision now advocated will not prevent distortions of structure from creeping in.

[An example of an Act on the lines suggested is given in the Appendix to this paper.]

## DIFFICULTIES

7.1. There are undoubtedly a number of serious difficulties in the way of the system outlined above, though I should not have put it forward had I not thought that these could be overcome. The difficulties are of two kinds; Parliamentary and practical.

7.2. The main Parliamentary difficulty would be to secure that the new type of Bill required for amending a title was in a form that made it reasonably comprehensible to Members of Parliament and did not unduly widen the scope of debate or amendment. I see the solution to the former difficulty in an expanded version of the explanatory memorandum now published on the front of Bills. At present the clauses of a Bill are drafted so as to be reasonably self-explanatory in their references to existing legislation. For this purpose, considerable use is made of descriptive words in parenthesis. I see no reason why descriptions of this kind should not instead be given outside the Bill itself in the explanatory memorandum.

7.3 The other Parliamentary difficulty, namely of widening the scope for debate or amendment, does not seem likely to be of great substance. It has been a criticism of the Keeling Schedule (this is a device whereby the text of an enactment as modified by a Bill is scheduled to the Bill mainly for the assistance of Members of Parliament) that it sometimes makes it too obvious for the Government's comfort what is being done by the proposed amendment, so that Members are encouraged to resist it or try to alter its effect. Also, the Keeling Schedule draws attention to existing provisions which it is not desired to alter,

but which Members may find unacceptable. The method now proposed does not, however, involve reproducing large tracts of unamended portions of text. Amendment by verbal alteration rather than gloss may occasionally lead to more being reproduced of the original text in the amending Act, but this should not present a serious problem.

7.4. The practical difficulties of such a scheme as this are, of course, immense. I leave aside, for the moment, the problems of bringing the scheme into effect initially and consider only those of operating it when it is in full force. The system would undoubtedly add to the time required for the preparation of legislation, or rather it would add to the tasks involved and thus require more manpower to discharge them in the same time. The draftsman would sacrifice one of his most useful advantages, namely the ability when need arises to override by the simplest words any existing inconsistent legislation. It would involve far more trouble and time for the draftsman if he had to design every enactment to be fitted into a jigsaw. Nevertheless, I do not regard this as a real drawback since it would be a prolonging of the time of one man with a corresponding saving in the time of many others in applying the Act in question.

7.5. Another practical difficulty would be that of expense. A looseleaf system of the kind here described would undoubtedly be expensive to produce and maintain. Although much of the cost could be recouped from users there might well be a net increase in the burden on public funds. Again I think this outlay is justified. It may seem wasteful to issue a reprinted page when perhaps only one word has been altered, but the gain to the user would usually far outweigh the cost. The saving in users' time should be considerable.

7.6. Perhaps the most serious difficulty of those mentioned concerns manpower. Not only will the system probably require more draftsmen and other lawyers and editorial staff, but it might well be operating in a situation where these were still urgently required for work on, for example, tackling the immense task of codification which exists. I think this problem can only be met by bringing into the process sources of manpower which are available but are not usually thought of in this connection. I refer particularly to university teachers and students, and the staffs of law publishers. While I would not suggest that these should be used for actual drafting of statutes, I do think that they could be of great value in undertaking or helping in the research and ancillary tasks necessary for the production of Acts of Parliament.

7.7 A closer co-operation with legal publishers, as occurs in relation to the United States Code (the West Publishing Co. and the Edward Thompson Co. assist in preparing supplements), could produce a saving both of expense and manpower. It might indeed be possible to evolve a system under which the present wasteful duplication of publishing the texts of Acts and Statutory Instruments by both official and commercial publishers was avoided, and the commercial publishers merely contributed pages of editorial matter for insertion into the looseleaf binders officially provided for holding the titles. If Acts were printed on white paper, Statutory Instruments, say, on yellow paper, and editorial comment by the commercial publishers on blue paper, all inserted in the same binders, there would be no risk of the user confusing official with unofficial comment, but he would have everything he wanted under his hand in the same place and the expense arising from duplication of publications would be avoided. The publishers would obtain material for editorial comment from the sort of research work I have suggested they could engage in, and the limited manpower available for this kind of operation would be concentrated on producing one first class publication. Other material could also be incorporated in this way - for example, official circulars on local government and planning statutes or details of extra-statutory concessions on tax law.

7.8. It may be objected that this is to envisage a publication so large and complex as to be unmanageable, and to give many users far more than they need. With the aid of computer techniques a highly selective service could, however, be offered to the user, under which he need take and pay for no more of the service than he really wanted. Thus tax counsel might subscribe for an entire set of Acts of Parliament,

with current service, but limit Statutory Instruments and other ancillary matter to revenue statutes. Or town planning consultants might restrict their order to all the material published for the title 'Control of Land Use and Development'.

7.9. Additions to the time of drafting might also be mitigated to some extent by having draftsmen specialise on particular titles, which they do not at present do except in relation to revenue law. Draftsmen's time during the busy period of the Session might be saved by use of a separate 'clean-up group', as in Canada and Wisconsin. This would draft carpentering amendments after the end of the Session for formal enactment at the beginning of the next Session. I would hope however -that this would not prove necessary.

7.10 The practical difficulties could, of course, also be reduced by confining the operation to Acts of Parliament and leaving Statutory Instruments to be published separately, either on the same lines and by reference to the same titles as Acts (which would be preferable) or as at present. Many who are familiar with the problems will undoubtedly feel that it is over-ambitious to aim at including Statutory Instruments in the same system as Acts, and some Statutory Instruments, for example the Customs Tariff or the Rules of the Supreme Court' would have to continue to be published separately in any case.

#### TRANSITIONAL

8.1. It would, of course take a number of years to bring a system of the kind advocated in this paper into full operation. During this transitional period the present system would have to continue alongside a growing number of titles operated under the new system. I do not see that this would give rise to any particular difficulty and it would have the advantage that, as occurred with the United States Code, progress could be made at the pace dictated by practical considerations. I would like to see a start made with the choice of a particular title and the aid enlisted of the law department of a university and a law publisher to collaborate in producing the title, together of course, with the Law Commission and Parliamentary Counsel.

8.2. I consider it to be of vital importance that all actual drafting should be done by Parliamentary Counsel. Without this, the uniformity and consistency of style and technique which are indispensable to a properly ordered statute book would be lacking. Undoubtedly increased recruitment of draftsmen would be necessary. This, I know, presents difficulties but I consider it to be a mistake to economise on draftsmen at the cost of multiplying the work of other lawyers and professional people concerned with implementing legislation.

#### SUMMARY

1. The form in which legislation is officially promulgated should be governed by the needs of the user, i.e. the practising lawyer, public official or other professional man.

2. Ideally the user requires:

- (a) all written law. on the point in question to be contained in its latest form in one place;
- (b) the law to be expressed in that place as comprehensibly as the subject matter allows;
- (c) a convenient index to enable him to find that place.

3. The written law on a point will probably not now be found in its latest form in one place since-

- (a) Acts and Statutory Instruments are published separately;
- (b) apart from consolidation (which is relatively infrequent), enactments are not assembled under comprehensive titles;
- (c) fresh enactments are not usually made by way of verbal amendment;
- (d) the scope of a consolidation is normally narrow and the consolidation is not kept up to date;
- (e) the official system of publication only exceptionally supplies an adequate method of keeping texts in their latest form.

4. Easy comprehensibility. is affected by:

- (a) the use of a 'literary' style;
- (b) the 'gloss' method of amendment;
- (c) inclusion of matter required only by Parliamentary rules;
- (d) neglect of 'prefabricated law';
- (e) attempts to cover every contingency;
- (f) legislation by reference.

5. Other adverse factors are:

- (a) frequent changes in 'political' laws;
- (b) politicians' insistence on haste;
- (c) back-benchers' tinkering, producing piecemeal amendments and anomalies;
- (d) reluctance to leave enough to the discretion of officials or the courts;
- (e) insufficient draftsmen and ancillary staff.

6. A loose-leaf system divided into titles should be adopted (see paragraphs i to ix on pages 5, 6 and 7).

7. Difficulties of the proposed system would be:

- (a) Parliamentary:
  - i) it would require a form of Bill less easy to understand (met by having an expanded explanatory memorandum);
  - ii) it might slightly widen the scope for debate and amendment;
- (b) Practical:

i) it would need considerably more manpower (partly met by using untapped reserves in universities and law publishers);

ii) the looseleaf system would be expensive to produce and maintain (but costs could be recouped from users and reduced by co-operation with law publishers, and there would be a considerable saving in users' time).

8. The system should be introduced gradually, title by title.

F. A. R. BENNION.

28th May, 1966.

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## APPENDIX: EXAMPLE OF AMENDING ACT UNDER NEW SYSTEM

### I - THE ACT

1970 - c-37

Be it enacted, etc.

1. In section 28 of the Agriculture Act, after 'Friesian' in each place where it occurs (except in section 28.36 and 28.432) insert 'or Charollais'.

2. After section 100.28.3 of the Agriculture Act insert:

'100.28.4. In section 28 the words "or Charollais" were inserted by 1970 c. 37 and come into operation on 1st April, 1971.'

### II NOTES ON THE ACT

The Act has no short title or sidenotes. It will not need to be referred to in isolation, and while it was a Bill Members of Parliament would have gone for enlightenment to the explanatory memorandum (given below).

The reference to 'the Agriculture Act' refers, of course, to a title under the new system, which since it is subject to continuous revision and is in any case unique, bears no calendar year. The sections are more like the Parts of present Acts. As originally enacted the subdivisions would be indicated by numbers following the section number, e.g. what we now call subsection (12) of section 28 would be referred to as section 28.12. If later a new subsection were added after 28.12 it would be given the number 28.121, and a further insertion at that place would be 28.122. A later insertion between them would be 28.1211, and so on.

Section 100 is the historical and extent section at the end of the title. If apart from this the title had only

39 sections the last of them would be referred to as section 39-99.

The earlier provisions of section 100.28 might read as follows:

‘100.28.1. Section 28 was inserted by 1968 c.4, and as originally enacted came into operation on 1st January, 1969.

100.28.2. Section 28 extends to England and Wales only.

100.28.3. Section 28.4:31 and 28.432 were inserted by 1969 c. 6~ and as originally enacted came into operation on 1st January, 1970’.

### III - EXPLANATORY MEMORANDUM FOR THE BILL

#### ‘AGRICULTURE BILL’

The Bill amends section 28 (livestock breeding) of the Agriculture Act.

Clause 1 provides that, with certain exceptions, the provisions of section 28 referring to Friesian bulls shall apply also to Charollais bulls. The provisions applied deal with the mating season, inspection of bulls and heifers, restriction of cross-breeding, and control of frequency of service.

Clause 2 brings the amendments into operation on 1st April next year.