

Founding of Statute Law Society

Since the *Statute Law Review* is a journal of record, accuracy is essential – and has been well maintained in its first three years. This letter is concerned with the accuracy of certain matters of record.

First may I say how grateful I am to Lord Renton for his courtesy in correcting (on p. 192 of the 1982 volume of the *Review*) an inaccuracy concerning my book *Statute Law*. This arose in a lecture Lord Renton gave to the Statute Law Society (printed on pp. 7-12 of that volume), and I would like also to correct a perhaps more important inaccuracy in that lecture.

Lord Renton stated (at p. 7) that I assert that it is for Parliament, and not the judges, to change the law if it leads to absurdity. This, with respect, is a misreading of a passage in my book (at p. 82¹) which merely attempts to describe the so-called literal rule of interpretation. My belief is that this so-called rule does not in fact exist.

The other point concerns Sir George Baker's remark (at p. 132 of the 1982 volume of the *Review*) about the founding of the Statute Law Society. He says that the late, and deeply lamented, Hedley Marshall 'was one of the first to think of the possibility and usefulness of such a society'.

It is perhaps opportune, around the fifteenth anniversary of its founding, to put on record exactly how the Statute Law Society did come to be set up.

After a spell of twelve years in the Parliamentary Counsel Office, I left it for the first time in 1965 to take up the post of secretary to the Royal Institution of Chartered Surveyors. This brought me into frequent contact with leaders of the main professional bodies - all closely concerned with the efficiency of our statute law.

By 1968 I had become convinced of the need to form an organisation of statute users. It was clear to me from the start that this should be called the Statute Law Society, and should adopt a definite strategy. First it should set up a broadly-based representative committee to assemble the grievances of statute users. Then it should set up an expert committee to propound solutions. Finally it should work for the establishment of an official enquiry to which the earlier reports could be submitted. All this in due course came about.

I began by inviting an old friend of mine from Oxford days to have dinner with me in the Oxford and Cambridge University Club in Pall Mall. This was John Robins, a partner in Messrs Trower, Still and Keeling, solicitors. Over dinner we decided to constitute ourselves what we called the Statute Law Action Group (known to us for short as 'basic SLAG').

Over the next few weeks we cast about for others to bring into the venture. John spoke to his senior partner, William Clarke. He became the third member of SLAG. Then Clarke suggested approaching an old friend of his, Hedley Marshall. He joined us with enthusiasm. So then there were four.

¹ This was in the first edition. The matter was treated differently in the last (third) edition: see chapter 9 of that.

This group set to work to plan the setting up of the society. Another friend of William Clarke's, R.A.K. Wright Q.C., very kindly took on the onerous task of framing the constitution. I approached a friend I had made through my work at the R.I.C.S. and asked him to become chairman. This was Sir Frank Layfield Q.C. He brought in Christopher Whybrow from his chambers as honorary secretary of the new society. I persuaded another friend from R.I.C.S. days to chair the first committee. This was Sir Desmond Heap.

And so it went on. Perhaps the key event was a long interview I had with Mr Edward Heath (then Leader of the Opposition) in his room at the House of Commons. It was Mr Heath's government which later appointed the Renton Committee, and I like to think that his interest in what is hardly a vote-catching topic was aroused during our discussion.

I made one miscalculation. I thought that what became the Renton Report would do the trick. Alas I grossly underestimated the entrenched power of the drafting establishment. I failed to foresee how opposed they would be to reform; and how hostile to what I continue to regard as the legitimate interest of statute users in the working and improvement of procedures that so closely affect them.

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For full version of abbreviations click 'Abbreviations' on FB's website.

Sir,

I would be grateful for the opportunity to modify the remark about Lord Renton in my letter published in the last issue (p. 63). On reflection I feel it is fairer to say that the conclusion he drew about my views on the literal rule of interpretation (as expressed in my book Statute Law) was due to my failure to express myself with sufficient clarity. This will be corrected in the second edition, which is now going through the press.

Yours faithfully,

Francis Bennion