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Why Acts should contain a 'historical file'

Mr Gerald Kaufman, MP, writes an article (25 April 1983) about the problems caused by the fact that a certain current Bill does not clearly state how it applies to past transactions. Such complaints are very commonly made by frustrated statute users. As a parliamentary draftsman I feel frustrated about this perennial problem myself, but for a different reason. There is a simple answer to it, which is ignored. Mr. Kaufman, as is usual with Opposition politicians, blames Government ineptitude. The real blame lies elsewhere.

Every Act of Parliament should contain a brief 'historical file' stating exactly how each of its provisions applies to past events. This simple technique, which I have not space to elaborate here, was put to the Law Commission by the late Lord Stow Hill 10 years ago. It has from time to time been put forward since. All the official bodies and persons concerned with the form of our legislation have ignored it. While politicians are not directly to blame for the constant confusion over the commencement of Acts, it would help if they took an interest in points like this. What may appear dry points of technicality vitally affect the functioning of our laws.¹

¹ *The Times*, 2 May 1983.