

[Material for chapter 3 of "Information Sources in Law"]

3

Statute law

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This chapter is divided into seven sections, as follows-

General

Nature and classification of legislation

Drafting

Interpretation

Reform

Publications of legislative texts

Select bibliography

All literature mentioned in the first six sections appears under its full description in the final section. This consists of a list of books in alphabetical order of author's (or first author's) name, followed by a similarly-arranged list of journal articles, and finally a list of reports of committees etc. Where an author makes only one appearance in the final section, the work is usually referred to in the earlier sections by the author's name alone. In other cases the name of the work is also given. Some works are referred to in more than one section.

Although the treatment is primarily directed to England and Wales, mention is also made of Commonwealth and American works since these are usually treated in English courts as having persuasive authority.

GENERAL

Historical general works of note include *Plucknett* and *Barrington*, together with the erudite two-part article by *Richardson and Sayles*. Interesting and useful general studies from the nineteenth century are *Dwarris, Bacon* and *Wilberforce*. A notable historical account is found in Holdsworth's *History of English Law*. Interesting comparative treatments are contained in the Proceedings of the 1972 Ottawa Symposium.

The principal general works have for many years been *Craies* and *Maxwell*. The former began life as H. Hardcastle's *Statutory Law* (first published, by Stevens & Haynes, in 1879). Craies edited the second and third editions of *Hardcastle*. When he edited the fourth it was published (in 1907) as the first edition of *Craies*. The first edition of *Maxwell* appeared in 1875, so these two leading works are firmly rooted in Victorian practice and ethos. In successive editions, they have held sway for over a century.

Craies is somewhat arbitrarily divided into four Parts, respectively labelled 'construction of statutes', 'effect and operation of statutes', 'penal statutes', and 'local, personal and private Acts'. Though a careful and thorough treatise, and valuable on historical aspects, it bears the signs of its age. It was last updated in

1971, since when there have been many fresh developments in the subject.

The most recent edition of *Maxwell* was published as long ago as 1969, though it is still frequently referred to by judges on points of interpretation. Since it concentrates on that aspect, it is discussed in the section dealing with it (see p 000).

Bennion's *Statute Law* was first published in 1980. It too is divided into four Parts, and concentrates on legal and textual aspects. Part I describes the nature of the various legislative texts, including EEC law. Part II deals with the difficulties facing the interpreter, and analyses five doubt-factors. Part III considers the legislating function of judges and other interpreters, while Part IV deals with processing methods that do not affect the legal meaning. The unpublished thesis by *Maclin* is an able modern survey of British legislative methods.

Another recent general work, *Miers and Page*, concentrates on legislative procedure, reflecting the growing sense that lawyers need to be more skilled than they are in this aspect of statute law. (See also on procedure *Walkland*. As to the need for training generally see Bennion's article 'The Need for Training in Statute Law'.) *Miers and Page* also recognise the potential value of text-manipulation processing techniques such as composite restatement (as to this technique see Bennion's *Statute Law*, chap. 27). The first half of *Miers and Page* describes institutional arrangements for the preparation and passing of public bills. Then, after a lengthy analysis of secondary legislation (including Community law), and a brief discussion of statutory interpretation, the book ends with an investigation of the *impact* of legislation.

Impact depends on enforcement, about which the literature is sparse. *Putnam's* monumental work on the enforcement of the Ordinance (1349) and Statute (1351) of Labourers has not been equalled. Substantial research on the implementation of modern regulatory legislation began only in the 1970s, the Oxford Centre for Socio-Legal Studies being prominent (see sources cited in Harris's article, pp 324-325).

Twining and Miers deals on theoretical lines with the nature of rules in general, not confining itself to legislation or even law. The broad nature of reasoning and interpretation is discussed. There is a chapter on algorithms and similar aids (also dealt with in the article by Lewis, Horabin and Gane).

MacCormick is a brilliant philosophical survey, especially useful in relation to the application of formal logic to legislation. The latter is also the subject of Part XX of Bennion's *Statutory Interpretation*. Fitzgerald's article is a stimulating examination of the case for academic treatment of statute law.

A readable brief outline to the end of the eighteenth century will be found in Holdsworth's *Sources and Classification of English Law* (see Lecture II). A basic general work very useful for students is *Zander*, which gives lengthy extracts from relevant works. Glanville Williams' *Learning the Law* contains wise and readable matter on statutory interpretation particularly. Allen's *Law in the Making* remains a valuable source book, while *Comyn* is useful on earlier parliamentary procedure. *Griffith* (based on parliamentary proceedings in 1967- 1971) contains a useful modern treatment of this aspect. *Erskine May*, periodically edited by the parliamentary clerks, remains the great authority though still not effectively indexed.

On problems of access to legislation *Friedland*, though written of the Canadian scene, is relevant to Britain. Problems of text-comprehension are analysed in chapters 10 and 11 of Bennion's *Statute Law*.

NATURE AND CLASSIFICATION OF LEGISLATION

Introductory

In the United Kingdom, which lacks a written constitution, legislation consists of Acts of Parliament as primary legislation, together with various types of secondary or delegated legislation. Acts (also called statutes) may be public or private. Other kinds of classification are possible.

Craies (chap. 4) gives a classification of statutes. Bennion's *Statutory Interpretation* (Part II) deals with the juridical nature of Acts, including enactment procedure and classification. Lord Devlin's article on statutory offences gives an interesting treatment of one type of enactment.

Public general Acts

Parliamentary Acts other than private Acts are known as public general Acts. The literature cited in this chapter refers to these unless the context otherwise indicates.

Private Acts

Private Acts are divided into local and personal Acts. The distinctions between these, and between private and public Acts, were until recently not clearcut. General light is thrown on the emergence of the distinctions by the painstaking work of *Clifford* (see below). The modern treatment by *Lambert* of the evolution of private Bill procedure in the eighteenth century is enlightening in relation to the current position. Particularly instructive is her handling of Estate Bills, Inclosure Bills and Local Bills, together with the tracing of the emergence from considerable confusion of the modern division into public and private Acts.

Clifford's two-volume work surveys the subject exhaustively from a viewpoint near the end of the nineteenth century, when private legislation had passed its peak of social importance. Much attention is given to local authority legislation, coupled with that promoted by public utility companies. Railway companies feature prominently.

The second volume of *Clifford* appeared two years after the first. Published in the year of Victoria's golden jubilee, it records that nearly 11,000 local and personal Acts had so far been passed in her reign. In his dedication (by permission) to the Queen, Clifford says that his volumes attempt, for the first time, to trace the history of that private legislation "which, working quietly, is but little noticed, though it has done so much for the public good".

Craies (Part Four) deals at some length with the modern position regarding private Acts. In particular the treatment covers the special rules which, arising out of the peculiar nature of private Acts, govern their operation, construction, and relation to public general Acts.

Delegated legislation

General works on statute law usually include a description of delegated or subordinate legislation, mostly now promulgated in the form of statutory instruments. *Craies* devotes a chapter to it (chap. 13), as does Bennion's *Statute Law* (chap. 5). *Meirs and Page* give it most of their chapter 6, using the curious description *legislation without legislatures*.

A useful specialised work by a master in the subject is *Carr*. See also Harrison's *Delegation by Parliament of Legislative Powers* and *Driedger's Subordinate Legislation*. A noted work written mainly from a position opposing delegated legislation is *Allen's Law and Orders*.

European legislation

The impact of Community law resulting from its application to the United Kingdom by the European Communities Act 1972 is ably described in *Collins*. This is arranged in four chapters. Following an introductory chapter, the remainder deal respectively with community law as part of United Kingdom law, the national court and the European court, and challenges to Community law. Chapter 6 of Bennion's *Statute Law* is devoted to Community law as it applies in Britain.

DRAFTING OF LEGISLATION

General

Legislation is drafted on similar principles throughout the Commonwealth and other common law countries. Since 1869, United Kingdom public general Acts have mostly been drafted in the Parliamentary Counsel Office in Whitehall. The earliest head of that Office, Lord Thring, wrote *Practical Legislation* for the instruction of his assistant draftsmen. It was published in 1902, and never updated. The next year *Ilbert* presented another official view, also never updated. Since then the only book devoted to drafting published by a member of the Parliamentary Counsel Office has been the autobiographical *Kent*, covering the period 1933-1953. There have however been various articles (see, e. g., Graham Harrison's 'An Examination of the Main Criticisms of the Statute Book and of the Possibility of Improvement' and Hutton's 'Legislative Drafting Technique in the United Kingdom'). An official experiment in drafting by computer took place in the Parliamentary Counsel Office in 1975 (described in Bennion's article 'A Computer Experiment in Legislative Drafting').

The leading general work on legislative drafting in Britain and the Commonwealth is *Thornton*, first published in 1970. This contains thirteen chapters respectively covering such matters as the nature of language, syntax, style, the stages of drafting, and the framing of subordinate legislation. Also useful is Part One of *Robinson*, which deals with general principles of drafting. A popular short work (dealing with legal drafting generally) is *Piessie and Smith*. *Miers and Page* has a valuable chapter on the drafting process (chap. 4). *Russell* was the leading manual in colonial days.

American drafting methods are ably described in the two books by *Dickerson*, while the Canadian approach is set out in *Driedger's The Composition of Legislation*. All three are leading works, of considerable interest in relation to British conditions.

In Bennion's *Statute Law*, chapter 2 deals with selected drafting topics, including the drafting office and the contrast between common-law and civil-law (or European) drafting styles. The latter theme is developed at length by *Dale*, who argues that Britain should switch to the European method of generalized drafting. Bennion's *Statute Law* describes (chap. 3) the parameters that dictate the draftsman's method (and often cause the defects that give rise to criticism).

Linguistic considerations are dealt with in *Coode*, a monograph that has enjoyed a remarkable and persisting success. A thorough and comprehensive treatment of verbal aspects on historical grounds is *Mellinkoff*. For a discussion of LEGOL, a special legislative language developed under Stamper at the London School of Economics, see Bennion's article 'LEGOL and the Electronic Home Lawyer'. A valuable collection of essays on jurimetrics, or the scientific investigation of legal problems, is *Allen and Caldwell*. This includes six essays on the use of modern logic in composing and interpreting legislative texts, and eight essays on the value of decision theory in relation to drafting. A landmark article is that by Layman Allen on symbolic logic.

Criticism of drafting technique

There has been much criticism of British drafting technique. In modern times this was first drawn together by the Statute Law Society in the *Heap Report*. Suggestions for reforming the deficiencies catalogued in the Heap report were put forward by the Society in the *Stow Hill* and *Marshall Reports*. In response to pressure from within and outside the profession, the Government set up the Renton Committee, whose report contains proposals for improvement. Though numerous, these can fairly be described as little more than tinkering. Because of behind-the-scenes opposition from the Parliamentary Counsel Office, few even of these modest reforms have been implemented. The frustration engendered in the chairman, Lord Renton, by this failure, together with evidence put to the Renton Committee by the Statute Law Society and Francis Bennion, is set out in the Society's publication *Renton and the Need for Reform*.

STATUTORY INTERPRETATION

The most important and difficult aspect of statute law is concerned with interpretation. The search is for order. Parliament attempts to achieve this in its enactments, but not always with success. That is why, as Lord Hailsham of St Marylebone LC observed in *Johnson v Moreton* [1980] AC 37, at p 53, nine-tenths of all cases reaching the House of Lords turn on statutory interpretation. In his 1983 Hamlyn lectures (*Hailsham*, p 65), Lord Hailsham broadened even this striking remark by saying that over nine out of ten cases heard on appeal before the Court of Appeal or the House of Lords either turn upon, or involve, the meaning of words contained in enactments of primary or secondary legislation. A similar proportion no doubt applies in reported cases generally.

It follows that textbooks on statutory interpretation assume great importance. As mentioned above (p 000), the leading English authorities for more than a century have been *Craies* and *Maxwell*. To them must be added *Odgers*, which first appeared in 1939 and is concerned also with the interpretation of deeds and wills. The only full-length English work exclusively devoted to the construction of statutes which has appeared in this century is Bennion's *Statutory Interpretation*, published in 1984 and running to 1,200 pages. Mention should also be made of *Cross*, a short but distinguished handbook for students. These five works will now be briefly discussed.

Craies has already been partly described (p 000). It is still highly regarded, though some of its statements need to be treated with caution in the light of modern developments. By basing itself on different rules for when the meaning is 'plain' and when it is not 'plain', *Craies* overlooks the fundamental principle that a meaning can never be said to be plain or otherwise unless a fully informed view is taken. Nor would it now be considered sound to lay down such categorical rules as that 'if the meaning is plain the consequences are to be disregarded' (pp 64-79). However *Craies* contains a wealth of illustrative cases, and remains a valuable work of reference.

Maxwell, still the authority most widely relied on by the judiciary, is arranged in thirteen chapters. It bases itself on the old threefold concept of the literal rule, the golden rule, and the mischief rule, the theory apparently being that the interpreter selects one or other as the basis for his judgment. (The unsoundness of this was brilliantly, if somewhat crudely, exposed in the influential article by Willis.)

The chapters of *Maxwell*, like those of *Craies*, show no very scientific scheme of arrangement. In both works there are understandable attempts to lay down binding rules, for example about when a restrictive interpretation will be given, and when an expansive. This tends to lead to confusion however, because unfortunately the behaviour of judges does not lend itself to such certainty. *Odgers*, being a twentieth-century work, gives rise to less unease on this score. It is well written, and provides a crisp and often helpful treatment.

Nevertheless the inadequacy of these three works was felt by many, including Lord Hailsham and the late Sir Rupert Cross. The latter's little book is an attempt, as he put it, to overcome the 'malaise' induced in him by the so-called English rules of interpretation. Cross confessed to being 'as much in the dark as I had been in my student days about the way in which the English rules should be formulated' (p v). His book, though stimulating and popular with students, is admittedly tentative. It ends, fittingly enough, with a section headed 'Concluding Questions'.

Bennion's *Statutory Interpretation* was written partly in response to the challenge thrown down by *Cross*. It recognises that the courts have moved on from the old simplistic view. No longer is a problem of statutory interpretation settled by applying some talisman called the 'literal rule', or the 'golden rule', or the 'mischief rule'. Nowadays we have purposive construction, coupled with respect for the text and a recognition by judges that interpreting a modern Act is a matter sophisticated and complex.

Between the grammatical meaning and the overall legal meaning, courts now draw a conceptual

distinction. The two usually correspond, but sometimes there is doubt. Here the question is always: does the grammatical meaning truly give effect to Parliament's imputed intention? If it does not, the legal meaning will be something else. In searching for the legal meaning of a doubtful enactment, the court now proceeds by identifying, determining and weighing. It identifies the general interpretative criteria that are relevant in the instant case (of which there may be many). It determines by reference to these criteria the specific factors that, on the wording of the enactment and the facts of the instant case, are decisive. It weighs the factors that tell for or against each of the opposing constructions put forward by the parties.

The aim of Bennion's *Statutory Interpretation* is to describe this modern common-law system of statutory interpretation, presenting it in a coherent, self-consistent way. A former parliamentary draftsman, Bennion has framed the book in the form of a code. This runs to 396 sections, and is accompanied by a critical commentary. It shows that, in the last analysis, an enactment is given either a literal or a strained interpretation. For sound constitutional reasons, judges dislike admitting this. Nevertheless it holds the key to the whole problem of statutory interpretation.

Legislative intention is the paramount criterion in statutory interpretation, so the code sets out the guides to arriving at that intention. These are called the interpretative criteria, and are divided into (1) binding *rules*, (2) *principles* derived from general legal policy, (3) *presumptions* as to what Parliament had in mind, and (4) linguistic *canons* of construction. A doubt is resolved by first assembling the *relevant* guides to legislative intention, or interpretative criteria, out of the many that exist. From them the interpreter extracts, in the light of the facts of the instant case and the wording of the enactment, the relevant interpretative *factors*. The two 'bundles' of factors respectively favouring each of the opposing constructions put forward by the parties are figuratively weighed one against the other. Whichever, all things considered, comes out heavier in the juristic scales is preferred.

Further assistance may be gathered from two leading works on interpretation recently respectively published in Australia (*Pearce*) and Canada (*Driedger's The Construction of Statutes*). A nineteenth-century American classic is *Sedgwick*. Help on the meaning of particular expressions may be sought from *Broom*, *Stroud* or *Words and Phrases Legally Defined*. In addition *Beal* remains a mine of useful dicta. Helpful English articles (of which there are too many to list fully) include those by M. S. Amos and Mann respectively (the latter dealing with uniform statutes in international law). Max Radin's article is an irreverent, if not destructive, examination of the concept of legislative intention. Valuable light is thrown on the use of Interpretation Acts in the two articles by Leitch, and Leitch and Donaldson, respectively. The official *Index to Statutory Definitions*, which many people found useful, is no longer updated.

In the Commonwealth, Australia has recently been the most active in reforming its rules on statutory interpretation. Barwick's article, and the two final entries in the bibliographical section of the present chapter, illustrate this. Corry's Canadian article is instructive in relation to administrative law.

REFORM

The leading agency for statute law reform in England and Wales is the Law Commission. In Scotland the Scottish Law Commission performs a similar function. Both were set up by the Law Commissions Act 1965, which still regulates them. The moving spirit for setting them up was Lord Gardiner, whose *Law Reform NOW* indicated the way. Other agencies include the Lord Chancellor's Law Reform Committee and the Home Secretary's Criminal Law Revision Committee. The *List* of reform bodies periodically published by the Institute for Advanced Legal Studies has worldwide coverage, being arranged in alphabetical order of countries.

The duty of the Law Commissions in relation to statute law is set out in s 3(1) of the 1965 Act. Under the supervision of the Lord Chancellor, they are required to 'take and keep under review all the law with which they are respectively concerned with a view to its systematic development and reform, including in

particular the codification of such law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law'.

The work of the Law Commission to 1979 is summarized in *Raistrick*. Law Commission reports are published by HMSO in a numbered series with the prefix LAW COM. No. ... Each year the Law Commission publishes an Annual Report which contains a cumulative list of all its published working papers, reports etc.

The problems of improving the form of the law are still relevantly expressed in Thring's *Simplification of the Law*, which has a vigorous, even racy, approach. The leading reformer in the field of statute law is usually said to be Jeremy Bentham. *Dillon* is a helpful summary of his more wide-ranging contribution. *Brougham*, another leading nineteenth-century reformer, expresses himself even more vigorously than Thring (notably on the topic of criminal law codification). Also vigorous, and erudite to boot, is Jamieson's article from New Zealand. The numerous proposals set out in Bennion's *Statute Law* are listed in the index under *Reform, Proposals for*.

Interpretation

The Law Commissions' proposals for reform of the system of statutory interpretation are set out in their 1969 report. As to the unsuccessful attempts to implement this report see Bennion's article 'Another Reverse for the Law Commissions' Interpretation Bill'.

Codification and restatement

There is a wide literature on codification. A useful account of the rise of the Anglo-American codification movement in the nineteenth century is given in *Hepburn*. The difficulties of producing an English code are ably discussed in *Sheldon Amos*. Source materials on American codification and restatement, including writings by the leading American codifier David Dudley Field, will be found in *Honnold*. The treatment in *Zander* forms a helpful summary of the modern English position, particularly in relation to the Law Commission's duty to codify. The difficulties and delays in that programme are mercilessly exposed in the two articles by Hahlo. Lord Scarman's two articles show how the then chairman of the Commission viewed his task at the outset.

Problems of codification are interestingly reviewed in *Stoljar*, while the article by Donald is another useful Australian contribution. The short article by Lawson is full of penetrating insights. The English relationship to European codification is shown in the report on the 1973 Franco-British colloquium. Particular English aspects are dealt with in the articles by Diamond (contract law) and Smith (criminal law).

Consolidation and statute law revision

A useful brief account of the Law Commission's function of consolidation of enactments and statute law revision is given in *Miers and Page* (see pp 38-47). Chapter 7 of Bennion's *Statute Law* is devoted to this topic, while an important detailed treatment is given in the article by Simon and Webb. Hutton's article 'Mechanics of Law Reform' is an illuminating account by a former First Parliamentary Counsel.

PUBLICATIONS OF LEGISLATIVE TEXTS

Public general Acts

Each public general Act is published separately by HMSO shortly after royal assent. This is noted in the *Daily List of Government Publications* and in the monthly list entitled *Government Publications* (both

The following is a selection of what are considered the most useful authorities. A lengthy bibliography of British and Commonwealth statute law materials is published by the Commonwealth Secretariat, Marlborough House, London SW1. Help can also be obtained from *Dane and Thomas*. The journal of the subject is the *Statute Law Review* (published by Sweet & Maxwell Ltd in association with the Statute Law Society).

Textbooks

Sir Carleton Allen's *Law and Orders* (3rd ed, Stevens, 1965).

Sir Carleton Allen's *Law in the Making* (7th ed, Oxford University Press, 1964).

Layman E. Allen and Mary E. Caldwell's *Communication Sciences and Law: Reflections from the Jurimetrics Conference* (1st ed, Bobbs-Merrill, 1965).

Sheldon Amos's *An English Code: its difficulties and the modes of overcoming them* (1st ed, Strahan & Co. London, 1873).

Matthew Bacon's *Abridgment of the Law* (7th ed, A. Strahan, 1832) tit. Statute.

Daines Barrington's *Observations upon the Statutes* (2nd ed, Dublin, 1767).

Edward Beal's *Cardinal Rules of Legal Interpretation* (3rd ed, Stevens, 1924).

F. A. R. Bennion's *Statute Law* (2nd ed, Oyez Longman, 1983).

F. A. R. Bennion's *Statutory Interpretation* (1st ed, Butterworths, 1984).

Herbert Broom's *Legal Maxims* (10th ed, London, 1939).

Lord Brougham's *Letters on Law Reform* (1st ed, London, 1843), Letter I Criminal code.

Sir Cecil Carr's *Delegated Legislation* (1st ed, Cambridge University Press, 1921).

Frederick Clifford's *History of Private Bill Legislation* (1st ed, Butterworths, 1885-1887).

L. Collins' *European Community Law in the United Kingdom* (2nd ed, Butterworths, 1980).

Sir John Comyn's *Digest of the Law of England* (5th ed, London, 1882), tit. Parliament, R.

George Coode's *Legislative Expression; or, the Language of the Written Law* (2nd ed, United States, 1845). Reprinted in Driedger's *The Composition of Legislation* 317-378.

W. F. Craies' *Statute Law* (7th ed, Sweet & Maxwell, 1971).

Sir R. Cross's *Statutory Interpretation* (1st ed, Butterworths 1976).

Sir W. Dale's *Legislative Drafting: A New Approach* (1st ed, Butterworths, 1977).

Jean Dane and Philip A. Thomas's *How to use a Law Library* (1st ed, Sweet & Maxwell, 1979).

Reed Dickerson's *Legislative Drafting* (1st ed, Little, Brown & Co, 1954).

Reed Dickerson's *Materials on Legal Drafting* (1st ed, West Publishing, 1981).

Elmer A. Driedger's *The Composition of Legislation* (2nd ed, Queen's Printer Ottawa, 1976).

Elmer A. Driedger's *The Construction of Statutes* (1st ed, Butterworths, 1974).

Sir Fortunatus Dwaris's *Statutes* (2nd ed, London, 1848).

M. L. Friedland's *Access to the Law* (1st ed, Carswell/Methuen, Toronto, 1975).

Gerald Gardiner and A. Martin ed. *Law Reform NOW* (1st ed, Gollancz, 1963).

J. A. G. Griffith's *Parliamentary Scrutiny of Government Bills* (1st ed, Allen & Unwin, 1974).

Lord Hailsham of St Marylebone's *Hamlyn Revisited: the British Legal System Today* (1st ed, Stevens, 1983).

Sir W. Graham Harrison's *Notes on the Delegation by Parliament of Legislative Powers* (1st ed, 1931).

C. M. Hepburn's *The Historical Development of Code Pleading in America and England* (1st ed, Cincinnati: W. H. Anderson & Co, 1897; extracted in *Select Essays in Anglo-American Legal History* 1st ed, Cambridge University Press ii 643 to 690).

Sir W. S. Holdsworth's *History of English Law* (1st ed, Methuen, 1903 to 1972) xi 364-387.

Sir W. S. Holdsworth's *Sources and Literature of English Law* (1st ed, Oxford, 1925).

John Honnold ed. *The Life of the Law* (Collier- Macmillan, London, 1964).

Sir Courtenay Ilbert's *Legislative Methods and Forms* (1st ed, Oxford University Press, 1901).

Sir Harold S. Kent's *In on the Act* (1st ed, Macmillan, 1979).

Sheila Lambert's *Bills and Acts* (1st ed, Cambridge University Press, 1971).

Neil MacCormick's *Legal Reasoning and Legal Theory* (1st ed, Oxford, 1978).

Sir P. B. Maxwell's *The Interpretation of Statutes* (12th ed, Sweet & Maxwell, 1969).

Sir T. Erskine May's *The Law, Privileges, Proceedings and Usage of Parliament* (20th ed, Butterworths, 1983).

D. Mellinkoff's *The Language of the Law* (1st ed, Little, Brown & Co, 1963).

David R Miers and Alan C. Page's *Legislation* (1st ed, Sweet & Maxwell, 1983).

Sir Charles E. Odgers' *Construction of Deeds and Statutes* (5th ed, Sweet & Maxwell, 1967).

D. C. Pearce's *Statutory Interpretation in Australia* (2nd ed, Butterworths, 1981).

E. L. Piesse and J. Gilchrist Smith's *The Elements of Drafting* (3rd ed, Stevens, 1965).

Theodore F. T. Plucknett's *Statutes & Their Interpretation in the First Half of the Fourteenth Century* (1st

ed, Cambridge University Press, 1922; reprinted William S. Hein & Co. Buffalo N. Y. 1980).

Bertha Haven Putnam's *The Enforcement of the Statutes of Labourers* (1st ed, Columbia University, 1908).

Donald Raistrick's *Law Commission Digest* (1st ed, Professional Books, 1979).

S. Robinson's *Drafting* (1st ed, Butterworths, 1980).

Sir A. Russell's *Legislative Drafting and Forms* (4th ed, Butterworths, 1938).

T. Sedgwick's *A Treatise on the Rules which Govern the Interpretation and Construction of Statutory and Constitutional Law* (2nd ed, New York, 1874).

S. J. Stoljar ed. *Problems of Codification* (1st ed, Australian National University Canberra, 1977).

F. Stroud's *Judicial Dictionary of Words and Phrases* (4th ed, Sweet & Maxwell, 1971).

G. C. Thornton's *Legislative Drafting* (2nd ed, Butterworths, 1979).

Lord Thring's *Practical Legislation* (1st ed, John Murray, 1902).

Lord Thring's *Simplification of the Law* (1st ed, Bush, London, 1875).

W. Twining and D. Miers' *How To Do Things With Rules* (2nd ed, Wiedenfeld & Nicolson, 1982).

S. A. Walkland's *The Legislative Process in Great Britain* (1st ed, Allen & Unwin, 1968).

Edward Wilberforce's *Statute Law* (1st ed, Stevens, 1881).

Glanville Williams' *Learning the Law* (11th ed, Stevens, 1982).

Michael Zander's *The Law-Making Process* (1st ed, Weidenfeld & Nicolson, 1980).

Words and Phrases Legally Defined (2nd ed, Butterworths, 1969).

Articles

Layman E. Allen's 'Symbolic logic: a razor-edged tool for drafting and interpreting legal documents' (*Yale Law Journal*, 66, 1957, 833-879).

Sir M. S. Amos's 'The Interpretation of Statutes' (*Cambridge Law Journal*, 1934, 163-175).

Sir Garfield Barwick's 'Divining the Legislative Intent' (*Australian Law Journal*, 35, 1961, 197).

F. A. R. Bennion's 'A Computer Experiment in Legislative Drafting' (*Computers and Law*, November 1975, 8-10).

F. A. R. Bennion's 'Another Reverse for the Law Commissions' Interpretation Bill' (*New Law Journal* 131, 1981, 840).

F. A. R. Bennion's 'LEGOL and the Electronic Home Lawyer' (*Law Society's Gazette*, 1981, 1334).

F. A. R. Bennion's 'The Need for Training in Statute Law' (*Law Society's Gazette*, 1982, 219 and 664).

J. A. Corry's 'Administrative Law and the Interpretation of Statutes' (*University of Toronto Law Journal*, 1,

- 1935). Reprinted in Driedger's *The Construction of Statutes* 203-234.
- Lord Devlin's 'Statutory Offences' (*Journal of the Society of Public Teachers of Law*, 1958, 206; reprinted in Lord Devlin's *Samples of Law-Making* (1st ed, Oxford University Press, 1962, 67-82).
- A. L. Diamond's 'Codification of the Law of Contract' (*Modern Law Review* 31, 1968, 361).
- J. F. Dillon's 'Bentham's influence in the reforms of the nineteenth century' (*Select Essays in Anglo-American Legal History*, Cambridge University Press, 1907, i 492-515).
- Bruce Donald's 'Codification in Common Law Systems' (*Australian Law Journal*, 47, 1973, 160).
- Elmer A. Driedger's 'Subordinate Legislation' (*Canadian Bar Review*, 38, 1960). Reprinted in Driedger's *The Construction of Statutes* 273-314.
- P. J. Fitzgerald's 'Are Statutes Fit for Academic Treatment?' (*Journal of the Society of Public Teachers of Law*, 11, 1971, 142.)
- H. R. Hahlo's 'Here Lies the Common Law: Rest in Peace' (*Modern Law Review*, 30, 1967, 241, 607).
- H. R. Hahlo's 'Codifying the Common Law: Protracted Gestation' (*Modern Law Review*, 38, 1975, 23).
- D. R. Harris's 'The development of socio-legal studies in the United Kingdom' (*Legal Studies*, 3, 1983, 315- 333).
- Sir W. Graham Harrison's 'An Examination of the Main Criticisms of the Statute Book and of the Possibility of Improvement' (*Journal of the Society of Public Teachers of Law* 1935, 9-45).
- Sir N. K. Hutton's 'Legislative Drafting Technique in the United Kingdom' (*The Parliamentarian*, 60, No. 4).
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