

Letter regarding Baroness Onora O'Neill's
Second Annual *Jurisprudence* Lecture
by Francis Bennion

17 December 2011

The Rt Hon Baroness O'Neill of Bengarve CBE PBA
House of Lords
London
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[Dear Lady O'Neill]

I have been invited to attend your lecture on 20 January. I shall be unable to do this because at the age of 89 my mobility is much reduced, so I am writing instead. I have spent more than sixty years working and seeking improvements in this field, and have published much about it. My views may therefore be of interest to you

The blurb for your lecture is not promising. It says that the laws that are enacted in the UK are often a source of despair, and continues:

“Common complaints are that there is too much new law, much of it hyper complex and incomprehensible to those who have to comply, and some of it dysfunctional. How much can we say about these problems or their solution? Have political philosophers, human rights advocates and their journalistic interpreters proposed impossible or inadequate standards of justice? Do governments table Bills prematurely and too casually? Does Parliament provide inadequate scrutiny? Do the institutions fail to implement? Are improvements feasible?”

I have attended or read many lectures of this kind and given some myself. They are of little use because the subject-matter is too broad and complicated for a lecture. In 1968 I founded the Statute Law Society for the purpose of statute law reform. It is still going and has striven much but achieved little. I was granted an interview with Edward Heath when he was Leader of the Opposition and persuaded him that it was necessary to set up a departmental enquiry. This was later done under the chairmanship of David Renton, but not much resulted. I have myself written three textbooks on the subject of statute law and interpretation, and many articles. I hope they have been some use, but the basic difficulties remain. I would that say they are in practice insoluble.

The blurb omits a basic consideration, which is that half our laws are imposed on us by the European Union. Each of the six questions posed deserves a book to itself, and this would only scratch the surface. For example the words “much of it hyper complex and incomprehensible to those who have to comply” require detailed discussion of just one question: should laws be drafted for lay people to read? My answer is that it can be dangerous for a non-lawyer to think he or she can understand a law without skilled advice, but many would disagree.

[Yours sincerely,

Francis Bennion]

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References: None