

BOOK REVIEW

F. A. R. Bennion, *STATUTORY INTERPRETATION*, Second edition, Butterworths, 1992. cxlix + 925 pp. £130.

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When the first draft of this review had been completed, a protein plaque or two moved in the reviewer's senile brain and he remembered that he had in fact reviewed the first edition for this journal.¹ This was indeed fortunate as it prevented him from revealing the fossilization of his mind by repeating much of what he had written in 1986. It also led to an investigation of whether anything said in that review had been noticed by the author. A complaint made then that the definition of 'Scotland' did not mention the Island of Rockall Act 1972 which made Rockall part of Scotland has had effect; the reviewer now ungraciously points out that the discussion of what is 'England' does not mention section 10 of the Channel Tunnel Act 1987, which incorporates the tunnel system up to the 'frontier' into England. Moreover, there remains the failure to refer to the lukewarm approach of the House of Lords to the *Barras* principle, the presumption that when Parliament continues to use a word which has been interpreted by the courts it intends the word to continue to have the judicial meaning, but the author can no doubt contend that the doctrine has been given a new lease of life by the Court of Appeal in *EWP Ltd v. Moore*,² and *A-G v. Brotherton*.³

The new edition is even larger than the last and runs to 925 pages, partly because of some repetition; for example, the full name of the Privy Council is given twice on the same page as is the statement that its jurisdiction extends only to Great Britain. A host of new cases has been added. In recognition of the enlightened recruitment policies of the Parliamentary Counsel Office the 'draftsman' has now become the 'drafter'.

The main change in this edition, however, is a rearrangement of the order of the sections of the Code, the content of the sections being largely as before. The first of the six divisions deals with 'Interpreter, Instrument and Enactment'. Many of these sections are descriptive rather than prescriptive and contain sentences such as 'Most legislators are not lawyers, however, and need to rely on skilled advice'. Partly, this is because the author rightly recognizes that many users of the Statute Book approach it in a different way from a judge who is presented with two opposing interpretations with supporting

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Act should have been proved by an expert witness and not merely put before the judge; this does raise sharply the difference between argument and evidence. As this review was going the House of Lords has permitted the citation of Hansard; Mr Bennion will have to start on his next edition.

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¹ [1986] Stat. LR 605

² [1992] 1 All ER 880.

³ [1992] 1 All ER 230.