

The Renton Report

Two years ago, when the usual chorus of complaint about the complexities of statute law rose to an unusually high crescendo, the Conservative government appointed a committee under Sir David Renton, a former Home Office minister, to review the form in which public bills are drafted 'with a view to achieving greater simplicity and clarity'. The committee, which included the Chairman of the Law Commission, a duke and six Q.Cs, but only one practising solicitor, reported on the 7 May ('The Preparation of Legislation', Cmnd 6053, HMSO, #2.45). Of the 121 recommendations, 87 call for changes in the present system but almost all are of a minor nature. The Renton Report points out that nowadays much statute law closely regulates highly complex activities. It is unreasonable to expect a regulating statute to be less complicated than the activity it is dealing with.

The most useful recommendations are those which insist that where in drafting a bill there is a conflict between what MPs need for understanding the legislative proposals, and what the practitioner needs when he consults the enacted law, the needs of the practitioner should prevail. This gets rid of the long standing 'four corners doctrine', which required the draftsman to word his bill so that MPs did not need to look beyond its four corners. We may now hope for greater use of textual amendment, enabling an amended Act to be reprinted in a form incorporating the amendments.

Statute Law Commission not recommended

The Renton Committee reject the suggestion that a Statute Law Commission should be set up as the keeper of the statute book. Instead, they want to load further duties on the Statute Law Committee. This consists of eminent and busy men (the Lord Chancellor is Chairman) and meets only once a year. It is directly responsible for the deplorable state our statute law is in, and can scarcely be expected to do better in future. The committee also reject the Statute Law Society's suggestion for a crash programme of consolidation, describing it as 'fantasy'. They dismiss most of the criticisms of legislation by reference.

Extension of government papers

On the positive side, the Renton Committee urge that the practice of publishing green or white papers in advance of legislation should be extended, and that there should be more explanatory material about bills and Acts. As a trial, they want to see some bills printed with explanatory notes opposite the clauses. In

the longer run, they call for computer typesetting as a prelude to the development of computerised information retrieval facilities for practitioners.

The committee offer little hope of improvement in tax legislation. They would like to see the scope of a charge or relief stated in general terms at the beginning of the sections dealing with it, but this has its difficulties. It involves saying the same thing twice, and draftsmen are reluctant to do that for the obvious reason that they may be found to have said it differently.

Timetable for bills

Practitioners will welcome the committee's timetable for bills. There should always be two weekends between publication and second reading, and 14 days between subsequent stages. The suggestion that bills should be 'tidied up' during the weeks after royal assent and then reenacted is less happy. It would require commercial publishers (on whom the working of our statute law system will continue to depend) to produce two successive sets of annotated Acts, and practitioners to buy them!

119 SJ (1975) 346.