

RENTON AND THE NEED FOR REFORM

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INTRODUCTORY

Where mystery begins justice ends, as Burke remarked. There is much mystery about what statute law provides, and the citizen is often baffled. Even the citizen's expert adviser, the lawyer, accountant or other professional, is gravely troubled by the law's obscurities. To seek, and press for adoption of, solutions to these problems the Statute Law Society was founded in 1968.

Following pressure from the Statute Law Society and others, the government set up the Renton Committee to review the drafting of Parliamentary Bills with a view to achieving greater simplicity and clarity in statute law. The Committee reported in 1975.¹ Their Report confines itself to useful, but relatively minor, suggestions for reform. The composition of the Renton Committee, and its desire to restrict itself to proposals with a good chance of being carried out, precluded sweeping recommendations.

The last Government gave a guarded reception to the Renton proposals. In the Commons the Solicitor-General moved a resolution that the House "takes note" of the Report, rather than one accepting it.² In the Lords it was left to a law lord to instigate a debate on the Report.³

Despite the modest nature of the Renton proposals, little has been done to implement them. More fundamental changes, proposed by the Statute Law Society and separately by Francis Bennion, the Society's former chairman, seem far from adoption. To draw attention to these matters, and make the arguments more widely available, the Society decided to publish this collection of papers.

The collection opens with remarks about the non-implementation of the report of the Renton Committee expressed by its chairman, the Rt. Hon. Sir David Renton, Q.C., M.P. These are followed by a transcript of oral evidence given to the Renton Committee on behalf of the Statute Law Society by Hedley Marshall, C.M.G., Q.C. and Brian Russell. This amplified the written evidence by the Society which has already been published.⁴ Finally we reproduce the written and oral evidence given to the Renton Committee by Francis Bennion. At the time of giving this evidence Mr. Bennion was one of the Parliamentary Counsel.

Ten years after the founding of the Statute Law Society, it has to be admitted that little progress has been made in attaining its objects. In Britain the drafting of legislation remains an arcane subject. Those responsible do not admit that any problem of obscurity exists. They resolutely reject any dialogue with statute law users. There is resistance to change, and to the adoption (or even investigation) of new methods. The economic cost of statute law obscurity is enormous, yet official interest has been lacking. We hope that in a modest way publication of these materials will help towards the solution of an important social problem.

¹ Cmnd.6053.

² For the ensuing debate see H.C. Deb., cols. 114-191 (November 3,1975).

³ J H.L. Deb., cols. 945-1038 (December 10,1975).

⁴ StatuteLaw:ARadicalSimplification(SweetandMaxwell, 1974).