Chapter Twenty-Seven

Aiding Text-comprehension (2): Composite Restatement

For the statute user, it is a matter of indifference whether the law on the point he is concerned with is contained in an Act of Parliament or a statutory instrument. He just wants to know what the law is; and he would like to find it in one place. He needs a simple system to direct him to the place. Once there, he wants the point dealt with as simply and comprehensibly as the subject-matter allows. He also needs the provisions to be in up-to-date form.

These needs are self-evident, and scarcely need confirmation. One example of such confirmation is furnished by a note in what is perhaps the legal practitioner's most used publication, the Supreme Court Practice or White Book. This regrets that as a result of the enactment of s 31 of the Supreme Court Act 1981 (dealing with judicial review) the advantage has been lost of enabling a relevant rule of procedure 'to be found in one instrument instead of partly in a statute and partly in rules' (1982 edn, para 53/1 - 14/2).

Composite restatement is designed to meet all these needs, while retaining the official wording in its entirety. As will be seen, it provides an answer to all the vices of statute law examined in chapter 11. A restatement is far easier to understand than the source material it processes; it is far more reliable than any summary, precis, digest or abridgment. Coke said long ago what is still true today (and was indeed used as the epigraph for Smith's *Leading Cases):*

> 'It is ever good to rely upon the book at large, for many times *compendia sunt dispendia* (summaries are unreliable) and *melius est petere fontes quam sectari rivulos* (it is better to go to the source than to follow streamlets).'(Co Litt 305b.)

The composite restatement method outlined

Choice of topic. A topic is selected which is largely regulated by statute law.

(The method does not cover codification of common-law rules.) Restatement is more useful the more Acts and statutory instruments are involved in the topic. Topics largely dealt with by ancient Acts, or by a short Act standing alone, are unsuitable. So are topics dealt with by formal Acts, Acts only of concern to officials, Acts relating to overseas territories, Statute Law Revision Acts and other special categories. Otherwise all legislation is suitable.

The restater. The person constructing the restatement (whom we may call the restater) should have some experience of legislative drafting. He needs to have a thorough understanding of text-creation, text-validation and general principles of legislation. This includes use of the Interpretation Act, styles of drafting and techniques of commencement, amendment, repeal etc.

Text-collation. The restater assembles the original official texts of all Acts and statutory instruments to be included in the restatement, including of course amending Acts and instruments.

Structure of the restatement. There are a number of ways a restatement might be arranged but this account follows the system I myself have devised and used. The basic textual unit is the *paragraph.* Groups of paragraphs dealing with an aspect of the topic are arranged in *divisions,* the first division consisting of *definitions.* A paragraph may stand alone or may consist of two or more *subparagraphs.* A paragraph or subparagraph usually consists of a single sentence, but unless very short the sentence is broken up spatially into *clauses.*

Numbering. Divisions are numbered from 1 onwards. In numbering paragraphs allowance is made for future additions, so they are numbered in fives. The sign *§* is used as a prefix, so the first paragraph in Division 1 is referred to as 1 § 5. If §5 is broken up into subparagraphs they are referred to as§5A, §5B, etc. Clauses are given marginal numbers (1), (2) etc, so clause (2) of §5B is referred to as §5B(2).

Headings. Each division is given a heading, and if convenient there are cross-headings within the division. Each paragraph and subparagraph is also given a heading. Again if convenient, cross-headings are supplied within a paragraph or subparagraph.

Example. Division 6 of my book *Consumer Credit Control* (Bennion 1976 (4)) begins as follows:

CURRENCY OF AGREEMENTS

6§5 Variation of regulated agreement under power contained in agreement

6§5A Notice requirements (general rule)

INTRODUCTORY

(1) Where under a power contained in a 'regulated agreement' other than a 'non-commercial agreement'

(2) the 'creditor' or 'owner' varies the agreement

(3) the variation does not take effect before clauses (4) to (6) below are satisfied (or by virtue of *6§5B* or *6§5C* are treated as satisfied).

STATEMENT OF RULE

(4) A notice in 'writing' setting out particulars of the variation
(5) must be 'given' to the 'debtor' or 'hirer' (or to each of them if more than one)
(6) not less than *seven days* before the variation takes effect.

Source notes. Following each subparagraph its source is stated. The source note to the example given above cites five different provisions of the Consumer Credit Act 1974 and three different sets of regulations.

Typography. As the example shows, different typefaces and other typographical devices are used to aid clarity. Understanding is assisted by splitting up the clauses so that the reader does not have to work out for himself where the breaks in sense occur. Single quotation marks are used to indicate defined terms, the definitions being set out alphabetically in Division 1. Another typographical device is to italicise key words or phrases to draw them to attention (see clause (6) of the example).

Restater's task. The structure in which the restated texts are arranged is designed to present the relevant statutory provisions to the reader in the most logical and helpful manner possible. The restater must at the start work out the best way to do this. Then he takes the official texts and fits them together accordingly. He is not inhibited about mixing provisions of an Act with those of a statutory instrument. For this purpose the two are of equal rank, and the restater's function is to carry out once and for all the task of conflation that otherwise needs to be attempted by each user who comes to the topic. In doing so he must be careful not to change the official language more than is strictly necessary for purposes of 'carpentry'.

A modern Act removes detail from the body of the Act, and avoids repetition, by allotting a label to detailed provisions and using that instead. The restater can sometimes improve on the Act or instrument in this respect. He can further simplify the substantive provisions of the restatement by devising additional definitions. This does not involve any change in meaning, but aids the reader who seeks only the main outline.

Another simplification is to omit provisions of no immediate interest to the user, such as regulation-making powers or provisions not yet operative. Ideally the restatement should be published in loose-leaf form so that it can be updated as legislative changes occur. It should consist of all currently-operative law on the topic, but not law which is not yet in force or has ceased to operate.

A further aid is the spelling-out in detail of applied provisions, thus curing the difficulty referred to on p 123. This is further discussed below (p 295).

Textual notes. Sometimes the preparation of the restatement brings to light

ambiguities, obscurities or omissions. Unless the true intention is so plain that the restater feels no doubt that a court would give effect to it, the errors must be reproduced. Either way, the restater's treatment of the point is explained in a *textual note.*

The Analysis. Preparation of the restatement as a logical structure produces a valuable by-product. If the headings of divisions, paragraphs and sub-paragraphs are printed by themselves in numerical order they form a useful *outline* of the legislative provisions applying to the topic. This outline, which may be called the analysis, also has valuable computer applications. I have collaborated in this respect with one of the information providers under the Prestel service operated by the Post Office. The analysis from *Consumer Credit Control* was put on to the Prestel data base, accompanied by abbreviated references to the enactments corresponding to each analysis heading. This means that Prestel subscribers who do not possess the book can nevertheless use the analysis to locate relevant passages in the Acts and statutory instruments concerned. It would of course be possible to enter the entire restatement in the data base. The logical arrangement, with its comprehensive numbering system, would provide the kind of purpose-designed format which we have suggested is needed for computer use (see p 284).

Annotation of the restatement

Since the restatement presents the current statutory provisions in logical order, suitably conflated, it serves as a sound basis for explanation and commentary. We are accustomed to annotated Acts and statutory instruments, but the notes are themselves rendered inadequate by the inadequacies in presentation of the official texts. Now the expert commentator can do a more effective job.

The annotator. There is no reason why the restater and the annotator should be the same person. The skills required are different. A restater needs no special knowledge of the topic with which his restatement deals. The annotator on the other hand should be knowledgeable in the topic. He need not wait for completion of the restatement to begin work. The essence of the composite restatement method is that the official language is retained, and this of course is available to the annotator from the outset.

Method. To achieve maximum utility, a composite restatement needs copious annotation. As we have seen, the statutory text by itself is but the dry bones. It needs to be fleshed out by explanations and examples. While notes on sources, and any textual notes, need to be drafted by the restater, the other notes, as we have said, can be compiled by a different person. Apart from general introductory explanations, it is best if these notes follow each paragraph or sub-paragraph.

The step-by-step method of using a restatement

One of the problems the draftsman of modern legislation faces is that while on the one hand the reader needs to perceive readily the outhne and principles of the legislation, so as to grasp its broad purport, on the other hand he frequently requires precise information on minute points of detail. The two needs are antithetical, but the draftsman must do his best to meet both without repeating himself. One method is to tuck detail away into schedules. Another, often forced upon the draftsman, is to leave such matters to be dealt with by statutory instruments. A third, which I particularly favour, is the use of defined terms. The Consumer Credit Act 1974 relies extensively on defined terms, and this method has been taken even further in the restatement contained in *Consumer Credit Control* (Bennion 1976(4)).

As an example we may take s 21 of the Act, which lays down the crucial requirement of licensing. It runs as follows:

> 21 (1) Subject to this section, a licence is required to carry on a consumer credit business or consumer hire business.
> (2) A local authority does not need a licence to carry on a business.
> (3) A body corporate empowered by a public general Act naming it to carry on a business does not need a licence to do so.

This meets directly the first of the two antithetical needs: it gives the broad outlines of the licensing requirement. The second need is met by use of defined terms. If the reader wants to know whether his business, which incidentally involves the granting of credit, requires to be licensed, he can find out by looking up the definition of 'consumer credit business'. There are four defined terms in s 21, the others being 'licence', 'consumer hire business', and 'local authority'.

Now let us look at how s 21 appears in the restatement.

> **3§5 Businesses needing a licence**
>
> *3§5A General provisions*
>
> (1) Either a 'standard licence' or a 'group licence' is required to carry on
> (2) a 'consumer credit business', *or*
> (3) a 'consumer hire business',
> *or*
> (4) an 'ancillary credit business',
> *unless*
> (5) the business is carried on by a 'local authority',

or (6) the business is carried on by a 'body corporate' which is empowered to carry it on by a 'public general Act' specifying the body corporate by name.

This converts the three subsections of s 21 into a continuous statement and, while retaining it within manageable bounds, brings in more information. Without looking elsewhere, one can now see that the licence required is either a standard licence or a group licence. Also the fact that a licence is required for a third type of business, an 'ancillary credit business' is stated here, whereas the Act consigns it to the far-away location of s 147. The defined terms, indicated by quotation marks, have grown from four to eight.

Now it may be that the reader who consults *3§5A* finds that it gives him directly all the information he needs. But if it does not, it gives him the means of going further and finding it. He knows that every term appearing in quotation marks is fully defined in Division 1 of the restatement, where all the terms appear in alphabetical order. If he is not sure whether the business he carries on is an 'ancillary credit business' he can look up the meaning of that term in Division 1. There he will find the following:

1§ 80 'ancillary credit business'

(1) An 'ancillary credit business' is any 'business' so far as it comprises or relates to
(2) 'credit brokerage', *or*
(3) 'debt-adjusting',
or
(4) 'debt-counselling', *or*
(5) 'debt-collecting',
or
(6) the operation of a 'credit reference agency'.

The reader may be irritated to find himself confronted in this definition with a further six terms within the quotation marks which indicate that they too are defined in Division 1. If so he should remember that this use of defined terms is intended to enable him to go step by step as deeply as his purposes require into the intricacies Parliament has thought it necessary to embody in this particular law. Parliament wished to control precisely and minutely credit and hire industries with very wide ramifications. The legislation devised for this purpose can scarcely be less intricate than the commercial field it regulates.

Now the reader may be satisfied that he is not carrying on a business falling

within the definition of 'ancillary credit business' except, perhaps, that he may have doubts about credit brokerage. So he will not pursue the other terms, but will look up the definition of 'credit brokerage'. Here he will I am afraid find that yet again there are terms in quotation marks. The concept of credit brokerage is very complex. It goes right to the heart of the system of control by using the term 'credit' which, since it is a defined term, appears in quotation marks in the definition of 'credit brokerage'. In its turn, the definition of credit is very complicated and contains no fewer than nine terms in quotation marks. It is clear therefore that the step-by-step method may take the reader a long way before he gets exactly what he wants. But at least each step is clearly signposted.

Detailed advantages of restatement

Let us now look in a little more detail at the way restatement cures the defects described in chapter 11.

Compression by retaining and condensing material (pi 25). This is dealt with in restatement by taking as many separate paragraphs as are needed to expand the condensed material and separate out the various concepts. A degree of repetition is regarded as an acceptable price to pay for this. Separation into grammatical clauses is a further aid.

Compression by relegating material to a definition section (p 120). This form of compression is regarded as acceptable, and indeed is developed further where appropriate.

Compression by 'applying' provisions with modifications (p 123). This is not acceptable. The applied provisions are written out again, in modified form. Alternatively, it may be possible to save space by presenting the provisions in one place only, but with adaptations incorporated to extend their meaning. As we have seen, an example is provided by s 147 of the Consumer Credit Act 1974, which deals with the licensing of ancillary credit businesses. It applies with modifications Part III of the Act (which lays down a licensing system for credit and hire businesses only). The restatement in *Consumer Credit Control* (Bennion 1976(4)) deals with this by setting out in one place the licensing provisions as they apply to all three types of business (see p|293 above).

Another example is the new subsection added by s 42 of the Act to s 13 of the Tribunals and Inquiries Act 1971:—

> '(5A) Subsection (1) of this section shall apply to a decision of the Secretary of State on an appeal under section 41 of the Consumer Credit Act 1974 from a determination of the Director General of Fair Trading as it applies to a decision of any of the tribunals mentioned in that subsection, but with the substitution for the reference to any party to proceedings of a reference to any person who had a right to appeal to the Secretary of State (whether or not he has exercised that right); and

> accordingly references in subsections (.1) and (3) of this section to a tribunal shall be construed, in relation to such an appeal, as references to the Secretary of State.'

All that the Consumer Credit Act does for the reader is inform him that s 13(1) 'provides that on a point of law an appeal shall he to the High Court from a decision of any tribunal mentioned in that subsection or the tribunal may be required to state a case for the opinion of the High Court'. Everything else he must work out for himself. Even if (which is not the case) the government published updated texts of the 1971 Act, so that a reprint of s 13 as amended was available, the reader would not be much better off. Consider what he is asked to do:

1 Look up the text of the 1971 Act.

2 Read 13(1), which runs as follows:

> '(1) If any party to proceedings before any such tribunal as is specified in paragraph 2(b), 4, 6, 10,16, 17(b), 18(a), 21, 26, 28(a) or (b) or 32 of Schedule 1 to this Act is dissatisfied in point of law with a decision of the tribunal he may, according as rules of court may provide, either appeal therefrom to the High Court or require the tribunal to state and sign a case for the opinion of the High Court.'

3 Perform the not inconsiderable intellectual feat of reading subsection (1) again as if it were written in the way the new subsection (5 A) directs.

This involves:

(a) reading the words 'any such tribunal as is specified in paragraph *2(b)*, 4, 6, 10,16,17(6), 18(a), 21,26, 28(a) or *(b)* or 32 of Schedule 1 to this Act' as if they were the words 'the Secretary of State on an appeal under section 4 of the Consumer Credit Act 1974 from a determination of the Director General of Fair Trading';

(b) reading the words 'any party to proceedings' as if they were the words 'any person who had a right to appeal to the Secretary of State (whether or not he has exercised that right)';

(c) reading the words 'a decision of the tribunal' as if they were the words 'a decision of the Secretary of State';

and

(d) reading the words 'require the tribunal' as if they were the words 'require the Secretary of State'.

4 While keeping in his head the four adaptations listed in paragraph 3 above, apply subsection (1) as so modified. This involves deciding whether

or not he or his client is a person who had a right of appeal to the Secretary

of State (whether or not he has exercised that right). It also involves finding out which are the rules of court referred to and looking them up. They raise further similar problems, and the chase continues.

It has been officially reported that more than 100000 licences have been issued under the Consumer Credit Act 1974. It may be taken therefore that a very large number of determinations have been made in respect of which applicants might have wished to consider appealing. In every case they or their advisers needed to go through the intellectual processes just described. In a period of twelve months there are likely to have been hundreds of instances. Let us take a very conservative estimate and say five hundred. What does this mean?

Suppose it takes a lawyer one hour to work through these intellectual processes and find out whether there is a right of appeal, how it is to be exercised and so forth. Five hundred legal man-hours a year will be required. If a lawyer charges £10 an hour for his work this produces a cost of £5000. Now the fact is that this job could be done once, by a restater, and the results published for practitioners to use. Saving: 499 man-hours or £4990. But this is just one instance in one Act. How many man-hours and how much money would be saved if a service of this kind were provided for the statute book generally? How much more effective would legislation become? I suggest that the benefits would be very great indeed.

Anonymity (p 126). We have described the headings and typographical devices by which composite restatement signposts the features of the legislation.

Distortion (p ,127). Because the restater is able to survey ***all*** the relevant texts and fashion them into a coherent structure he can remove the traces of distortion due to text-validation factors.

Scatter (p 130). One of the main virtues of restatement is the way it can bring into one place scattered enactments dealing with the same point. This applies to all six causes of scatter listed on p 130, as well as scatter caused by the practice of indirect amendment (p 131). Of course no restatement is able to do without internal cross-references entirely. In particular these are needed to enable the system of hiving off detail into definitions to work.

For a more detailed explanation of the advantages of restatement see Bennion 1980(3).

Restatement in practice

Since the composite restatement method is being advanced here as something of a cure-all for the problem of text-comprehension, it may be useful to give an account of the only practical demonstration of it there has so far been. This was my book *Consumer Credit Control,* published in loose-leaf by Oyez Publishing Ltd in 1976. In the following seven years, no less than fifteen loose-leaf supplements have been needed to keep it up to date.

The book is based on the Consumer Credit Act 1974, and only restates provisions of the Act and subordinate legislation which are currently in force. This means that large areas of the Act, for which commencement orders have

still not been made, are not yet covered. Nevertheless the arrangement was designed from the beginning to include them. The Act is divided into twelve Parts, with the following headings:

I	Director General of Fair Trading
II	Credit Agreements, Hire Agreements and Linked Transactions
III	Licensing of Credit and Hire Businesses
IV	Seeking Business
V	Entry into Credit or Hire Agreements
VI	Matters Arising During Currency of Credit or Hire Agreements
VII	Default and Termination
VIII	Security
IX	Judicial Control
X	Ancillary Credit Businesses
XI	Enforcement of Act
XII	Supplemental

It seemed desirable that as far as possible the numbering of divisions in the restatement should correspond to the numbering of Parts of the Act, thus facilitating reference between them. But, as we have seen, the Act was subject to Distortion (pp 128-30). To correct this was essential, so a compromise was reached. Divisions 3 to 7 of the restatement correspond to Parts III to VII of the Act. The other five divisions of the restatement are arranged differently. The restatement is fully annotated, and the work also includes an introduction to the subject of consumer credit control and the texts of all enactments restated and other relevant Acts and statutory instruments.

The reviews of the book were encouraging; indeed there was not a single adverse comment. The opinion of the Solicitors' Journal was particularly significani:

> '[The restatement] . . . demands the earnest attention of everyone concerned with preparing, understanding and implementing new legislation, for it is this facet which potentially has the most far-reaching implications . . . The results undoubtedly call for the most serious consideration at every level of the legislative process, as this could point the way to a solution of the contemporary problems of too much legislation, too hastily enacted and too incomprehensible for lawyers let alone laymen . . . Readers and users of this fascinating, timely work may well feel that they are catching a revealing glimpse of the future . . . The author and his publishers may have blazed a trail which others later come to regard as the routine route to expounding and presenting parliamentary pronouncements'(Solicitors'Journal, 15 October 1976).

This extract is reproduced here not to boost the author but to boost the method. For the fact is that those concerned with the legislative process have not taken the slightest notice. Although the founder of the Law Commission, Lord

Gardiner, praised the restatement idea in a widely-reported speech at the launch of the book, the Law Commission itself has appeared totally uninterested.

Practical use has confirmed the reviewers' opinion of the composite restatement method. Since 1976 I have chaired a number of one-week courses on consumer credit at which copies of the book have been issued to delegates. The restatement has formed the basis of tuition at each course. Many delegates have told me that once they get accustomed to the method they find it invaluable. The restatement, constantly updated, becomes a 'bible' for the busy practitioner.

Appendix B gives extended examples of the composite restatement method. Part I sets out the portion of the Analysis section of *Consumer Credit Control* relating to Division Nine. Part II sets out the whole of Division Nine omitting all annotations except those giving the sources and interpretation references.

An official restatement?

I believe that all statute users would gain if the main body of statute law were made available in the composite restatement form. There are three ways this might be done:

1 By parliament itself (the restatement might be enacted in the form of an Act of Parliament).
2 By one or more private bodies, such as commercial publishers or university law departments.
3 By a body, such as a Statute Law Commission, which has an official status (perhaps conferred by Act of Parliament) but has no power to override legislation.

In some ways an enacted restatement would be better than any other. It would itself constitute the law, and would repeal the Acts and subordinate legislation restated by it. The possibility of conflict between the enacted law and the restatement would be avoided, as would the need for anyone to consult both texts. Yet there are serious problems about an enacted restatement. First, the restatement must include not only Acts of Parliament but also statutory instruments the making of which parliament has delegated to Ministers. It has done this because statutory instruments concern matters of detail which parliament has not time to consider itself or because they relate to topics on which speedy action may be needed, or for similar reasons. Having delegated this responsibility parliament ought not to be asked to take it back by passing statutory instruments in the form of an Act of Parliament.

Second, parhament is unlikely to agree to enact the restatement without either being satisfied that it exactly reproduces the existing law (apart from formal or trifling departures) or allowing itself an opportunity to debate and

amend it. Either of these would be destructive of the object of the restatement. The history of the process of consolidation (always well behind requirements) shows the danger of insisting on slavish reproduction of the existing law, with all its obscurities and ambiguities. Even the freedom given first by the Consolidation of Enactments (Procedure) Act 1949 and later (to a wider extent) by the system of 'consolidation with Law Commission amendments' has not enabled the output of consolidation in Britain to keep pace with requirements, partly because even the abbreviated parliamentary procedures are time- and effort-consuming for the draftsman. To allow parliamentary debate and amendment on the other hand would be unworkable. Parliament has insufficient time for substantive legislation, and we should in any case be back with the problem of distortion of the legislative structure by amendments made in parliament.

The third objection to an enacted restatement is that it would have to take the form of a parliamentary bill, so that the improvements in structure and signposting effected by the restatement would be lost. This might be obviated by making the restatement a schedule to an Act, rather as some constitutions were treated in the days when Westminster provided constitutions for other countries. This is a clumsy device however. Of course if parliamentary procedure were changed so that the form of Acts could be improved that might get round the difficulty.

Fourthly, it would interfere with the exercise by Ministers of their delegated power of legislation if their regulations and orders were crystallized into legislation. Statutory instruments should remain under the control of those with power to make them (subject of course to overriding powers of annulment or affirmation retained by parliament). Government departments would not relish seeing their regulations picked up and remodelled without their control, and such control, if given, would be another delaying factor. Furthermore the amendment of statutory instruments would be difficult if they had become embedded in an enacted restatement. The text of the restatement would not distinguish between the origins of its provisions, and problems of *vires* might become acute.

It is true that the objections listed above did not prevent the enactment by Congress of the United States Code in 1926, described as 'the official restatement in convenient form of the general and permanent laws of the United States'. Clearly the possibility of an enacted Restatement is worthy of investigation.

There is of course nothing to prevent a university law department, commercial publisher or other private body from producing and publishing a restatement in some field of enacted law. It will have the value indicated by the skill and effort which has gone into it, but that will be difficult for outsiders to assess. It is true that many private compilations have won high renown — *Halsbury 's Statutes* being a notable example. Ideally the restatement should be fully comprehensive, and the effort required might be beyond the reach of any one

British publisher - though a consortium of commercial publishers and others might accomplish the task.

My own view is that it would be best for the restatement to be produced and promulgated by an official body such as the Law Commission, or a body set up for the purpose. The law restated would remain fully in force in its original form, and would be amended by Act of Parliament or statutory instrument in the ordinary way. It would be for the body responsible for the restatement to follow suit and issue its own amending material in accordance with such changes in the statute law. Similarly, the courts would retain their full authority to pronounce upon the meaning and effect of any enactment in the form in which it was passed by parliament or made by a Minister. The courts would no doubt treat the restatement as being of persuasive authority, but in any conflict the actual law would prevail — the restatement would not in itself be law.

It may be asked what is the use of the restatement if it is subordinate to statute law. Will it not be necessary for the practitioner to look at the statute law as well, so that his burden, far from being lightened, is actually doubled? I regard this question as the crux of the whole problem of whether a restatement is worth while.

The restatement is intended as a tool for practitioners who need to find out what the statute law on a particular subject is. I believe it is also capable of being used by laymen — at least in the form of the Analysis and as an outline exposition (i.e. without investigating defined terms). Tools of this kind are in common use by practitioners and laymen. For practitioners they take the form of annotated texts (such as Halsbury's *Statutes* or the *Annual Practice)* or textbooks (such as Stone's *Justices Manual* or Archbold's *Criminal Pleading, Practice and Procedure).* Very often the busy practitioner relies on statements of law which are not in the official form, and courts nowadays are ready to follow suit. The restatement, if issued by an official body, would merely give a better and more authoritative substitute source. In practice, reference to the official text would rarely be necessary. The position would become like that of the American Law Institute and its restatements, which in time attained far greater authority than at the outset was thought possible (Lewis 1945). As to the possibility of setting up on similar lines a British Statute Law Institute, which could perform the function of producing composite restatements, see above, above.

To yield its full value, the text of the restatement would need to be annotated. Statutory texts, however well drafted, require copious explanations and illustrations to become fully accessible to the reader. Should the official body responsible for the restatement also be responsible for the annotations? My answer is no. To produce the full range of annotations would greatly enlarge the task of the official body - already heavy if it is to be discharged adequately. It would be best if the official body gathered the best talent available to produce

the actual restatement but left it to commercial publishers and others to produce annotated editions. Indeed for the restatement to succeed it would be necessary for the efforts now devoted by commercial publishers to producing annotated texts of statutes to be switched to the restatement.

We can now attempt to answer the questions posed above. If the restatement were produced by an official body, as I have suggested, it would have strong persuasive authority but the enacted law would remain paramount. In practice it should be possible to proceed by consulting the restatement *instead* of the enacted law, especially if published commentaries cited the restatement rather than the enacted law. Only if difficulty arose over some obscurity or ambiguity would it be necessary to compare the texts. In such cases the existence of the restatement would be a valuable adjunct.

Commercial versions of the restatement with annotations might well become the most commonly used source books for statute law. I believe they would serve a useful public purpose in bringing statute law fully before those to whom it is directed in a form they could consult easily and understand.

It would of course be an immense task for a single organization, even when financed by the state, to produce a restatement of the entire body of statute law. I would propose that a programme of restatement should take the place of the programme of consolidation of enactments, so that the former could use the services of draftsmen who would be otherwise engaged on consolidation. Composite restatement is far more useful than consolidation. Even so, it is obvious that the restatement would have to be carried out by instalments. Fortunately its value does not depend on completeness. As I hope to have shown with my own restatement of consumer credit law, the method is useful even when confined to a single topic. For further information see the video cassette *Composite Restatement* (Oyez Longman 1982).