

## Letter in New Law Journal

### Dolly the sheep and the legal meaning of a word

G D McLeish (147 NLJ p 682) submits that Dolly the cloned sheep would be held by the courts not to be an 'animal' within the meaning of the Animals Act 1971. I disagree.

McLeish cites Lord Reid's well-known dictum in *Brutus v Cozens* that the meaning of an ordinary word is not a question of law. That is true, but the *legal* meaning of any word as used in legislation *is* a question of law.

Actually I believe Dolly to be an animal within the ordinary meaning of that word. Even if I am wrong, a court certainly ought to hold that she is within the legal meaning of the word as used in the 1971 Act. In demonstrating why I will cite numbered sections in my book *Statutory Interpretation* (2nd edn, as modified by 2nd supplement).

The legal meaning of a word, which is not always the same as its grammatical meaning, is what counts (section 2). It would be absurd to hold that Dolly is not an animal (for the presumption against absurdity see section 312). It would be against common sense (for the commonsense construction rule see section 197).

The mischief against which the 1971 Act is directed requires Dolly to be treated as falling within the Act (section 289). This is also the result of giving the Act a purposive construction (section 303).

Finally, if there is really any doubt the emergence of cloning since 1971 should be dealt with by giving an updating construction to the word 'animal' (section 288).

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