

Introductory Note by Francis Bennion

Other relevant documents are included on this website in the topic *Pepper v Hart* (www.francisbennion.com/topic/peppervhart.htm).

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What MPs say about the meaning of Bills

I believe Hugo Charlton (letter, 13 March 2001) is gravely mistaken in suggesting that GM crop protesters are excluded from the Terrorism Act because Jack Straw said so in the debates on the Bill. As Lord Wilberforce observed in a leading case in 1975, it is the function of the courts, not politicians, to say what is to be the application of words in a Bill to particular cases or particular individuals.

The law lords forgot that salutary rule when in the disaster known to lawyers as *Pepper v Hart* they said that in case of doubt Hansard could be referred to. This purported to reverse the previous exclusionary rule. It arose from a misapprehension of the law applying in *Pepper v Hart* and a failure to understand the British constitution. It should not be taken as a valid precedent.¹

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¹ *The Times*, 15 March 2001. For details of the mistake see [3.3.7.29](#).