

Introductory note by Francis Bennion

By the following announcement in the issue of the Bar journal *Counsel* for August 2004 I inaugurated a service known as NESSSI, standing for New Scientific System of Statutory Interpretation. The service was discontinued at the end of 2006, but the useful NESSSI method can of course still be used by any practitioner. <http://www.francisbennion.com/2007/004.htm>.

'Bennion starts statutory interpretation service'.

A new service for members of the Bar has been set up by Francis Bennion, former Parliamentary Counsel and author of three books on statute law. Most cases require reference to Acts of Parliament and/or statutory instruments. Often their legal meaning is in question, but finding this out can be problematic.

The Service (confined to UK enactments) is formulated on the exploration of precision legislative drafting using Bennion's New Scientific System of Statutory Interpretation (NESSSI). The system is based on his 1,000-page textbook *STATUTORY INTERPRETATION* (4th edn, 2002).

Aided by his assistants, and making full use of computer aids, Bennion produces a printed Opinion giving technical advice on the statutory interpretation problem and how it should be argued in court. This employs the NESSSI method, and refers to relevant passages in *STATUTORY INTERPRETATION*. Helpful extracts from these are printed out in an Annex. The Opinion and Annex are also provided electronically by email. The modest fee includes a printed/electronic post-delivery service responding to questions.

The first step in statutory interpretation is to find out and set down the exact terms of eachbtful enactment, stripping it of unnecessary words. Then the opposing constructions which could be put forward by either side are worked out step by step. The construction favouring the client's case needs to be supported by all the relevant interpretative criteria, and these are identified in the Opinion. (The interpretative criteria consist of (1) rules of interpretation; (2) principles derived from legal policy; (3) presumptions based on the nature of legislation; and (4) linguistic canons of construction.) Relevant case law is also cited.

This process is highly specialised, and busy Counsel find it difficult to fit in. Yet the success of a case often depends on it.

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