

Introductory Note by FB

The article below is a further addition to my writings on the use of plain language in legislation. Others are included within the Topic 'Plain language law'. The Topic can be found on this website at www.francisbennion.com/topic/plainlanguagelaw.htm.

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Interviewed on 24 August 2006 about the draft Coroners Bill on the BBC Radio 4 *Today* programme, the Constitutional Affairs minister Harriet Harman said "We've written the bill in plain English". Those are her exact words, which I carefully wrote down when listening to a repeat on the BBC website. They suggest there is something new about the draft Bill. As a former Parliamentary Counsel (draftsman of Government Bills), I can say that the bill is drafted in the usual way. All that is new is that the explanatory notes are more extensive than normal.

This is a continuation of a Government campaign to pretend that it is carrying out a reform in the way legislation is drafted. It led the Times's Rosemary Bennett to go wide of the mark in her article titled 'At last, a piece of legal history – it's the law in plain English' (7 June 2006).

In my days as one of the Parliamentary Counsel I always strove to be as plain as possible, while observing the need to fit in with existing legislation as one must. My colleagues did likewise. A former First Parliamentary Counsel, Sir Peter Graham, is quoted by the plain English campaigner Martin Cutts as writing:

"We do not needlessly make things complicated: we have as great a love of the English language as the next man: we do draft against a background of judicial decisions, rules of interpretation, the basic premise that statute law is an intrusion into the common law and, perhaps most important, the salutary rule that all enactments are construed against the Crown (using that expression in its widest sense) and in favour of the subject" [Set out in Martin Cutts, *Lucid Law* (2nd ed., London, 2000) at p. 44.]

Also see:

<http://www.francisbennion.com/pdfs/fb/2006/2006-025-nlj0311-plain-english-1.pdf>

<http://www.francisbennion.com/pdfs/fb/2006/2006-026-plain-english-2-unpublished.pdf>

<http://www.francisbennion.com/pdfs/fb/2006/2006-027-plain-english-3-unpublished.pdf>