

## **Review of the 1st edition of *Statutory Interpretation* by F A R Bennion MA, barrister**

*Statutory Interpretation* pp 904 + cii. 1984. Butterworths. £85 net.

**by H. McN. Henderson**

*Page 114*

A classic is born. This brilliant work covers, by virtue of its examination in depth and wealth of critical commentary, a much broader field than might be expected from its title alone. The author has put to expert use his experience as a former parliamentary counsel to draft the book in the form of a Code in a way similar to that used for statutes. He writes that the book 'is designed to serve at all levels, from mere dip to thoroughgoing research' and he even includes a guide how to approach it according to whether the user wishes to gain a competent grasp, have a bird's eye view or to solve a particular problem, along with many more variations and combinations.

Law makers as well as construers will gain much for themselves and for the public benefit by careful study of this publication. The author comments that 'learned judges lean to the delivery of impromptu and pithy (and therefore doubly inaccurate) descriptions of the nature of statutes and the principles governing their interpretation'. The Code (with commentary) is divided into two: (1) The common law system of statutory interpretation, containing seven parts, and (2) Supplementary provisions, divided into 22 parts. It is followed by five appendices, app D of which is an updated text of the Interpretation Act 1978, and the index.

The commentary is very well written, quite fascinating to read and abounding with examples and authorities. There is only space here to give a few random samples. On a parliamentary bill, the courts will take judicial notice of it where relevant; a person cannot establish a claim for misrepresentation based on a bill as he is taken to know that it may be changed before being passed or may never be passed at all. On the tort of breach of statutory duty, where it is presumed to be the intention, unless the contrary intention appears, that a person in such breach shall be liable to any person suffering consequential damage, examples are given of such contrary intention to be found in the Representation of the People Act 1949, Radioactive Substances Act 1960, Water Resources Act 1963 and Medicines Act 1968. The last time royal assent to a bill was refused was by Queen Anne in 1707, in relation to a Scottish militia bill. Archival drafting may import previous practice, such as that of proctors referred to in s 50(2) of the Solicitors Act 1974.

There is an enlightening exposition of types of Act of Parliament. A point which could be added here is the phenomenon of certain private legislation being effected and confirmed by a statute deemed to be a public Act of Parliament: cf s 7 of the Private Legislation Procedure (Scotland) Act 1936. On commencement provisions for Acts it is explained that often a fixed period after assent, usually either two or three months, is stipulated as the commencement date. Here it would be helpful if a detailed example could be added, eg the actual date of commencement of an Act to come into force three months after its passing date of 30 November.

The author and publishers of a book containing in its index 15 items under the heading 'Drafting error' and eight page references to 'Printing corrections', may welcome, for the sake of future editions, having their attention drawn to the following spelling slips or = misprints which caught the reviewer's eye: accommodation/ accommodates (pp 37, 40, 342), forgo (p 32), litigation (p 33), or (p 40); and a missing cross reference on p 379.

Website: [www.francisbennion.com](http://www.francisbennion.com)

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For full version of abbreviations click 'Abbreviations' on FB's website.