

Review of the 1st edition of *Statutory Interpretation*

Statutory Interpretation by F.A.R. Bennion, MA, Published by Butterworth. Price £85.

This erudite extensive and major work by Mr. Francis Bennion formerly Parliamentary Counsel and sometime lecturer and tutor in Jurisprudence at St. Edmund Hall, Oxford, successfully achieves a codification of the one thousand and one interpretative criteria which the superior courts have set down in determining the principles of statutory interpretation. None knows better than the practitioner who daily appears in courts whether great or small, the complexity which attends this function and he will be greatly assisted by the critical commentary which Mr. Bennion provides for each section of his code which enables an examination in detail to be made of these principles by reference to illustration and example.

That many Acts of Parliament are prepared unscientifically and in haste is plainly indisputable. Practitioners know only too well that statutes often fail to achieve a literal rendering of a presumed Parliamentary intention as in *S.J. Grange Ltd v Commissioners of Customs and Excise* (1979) where Lord Denning MR said “I can see the force of (the argument). It is literally correct. But it leads to such impracticable results that it is necessary to do a little adjustment so as to make the section workable. This can be done by reading in a few words ...” This example of interpretation described by the author under S. 114 of the Code as “interstitial articulation’ or “filling in the detail” in effect amounts to a declaration by the courts of the unexpressed words that were to be taken as implied thus giving precise guidance as to what the law on the point is and it illustrates one of innumerable instances where defective statutes are made workable by the courts.

The Code prepared by the author consists of 396 sections, each accompanied by a commentary which is well researched and presented and contained in 884 pages of text. Appendices containing an advocate’s guide to the steps by which an interpretation is arrived at and a checklist of the criteria by which it is determined should prove to be of considerable benefit when one is faced with this most difficult area of law.

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