

## **Review of the 1st edition of *Statutory Interpretation* in *Justice of the Peace***

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*Statutory Interpretation* by Francis Bennion, London: Butterworth. Price: £85.00.

The Continental style with statutes is fairly straightforward: the legislature lays down the principles and it is left to the Judges to fill in the details. On this side of the channel, Parliament attempts to do both. Paradoxically, this does not mean that the Judges are idle: the longer the statute the more scope for inconsistency and omission. It should be obvious to anyone that a system of law which is based upon statute should have at its heart and centre principles of interpretation which are generally accepted, clear and consistent. This has proved to be difficult in the common law systems because the very real subservience to Parliament which the Judges acknowledge compels them to play down their own interpretative role in law making. As a result the judgments abound with references to the “literal rule”, the “golden rule”, the “mischief rule” and any number of rules which can very often give different answers in the same case. Mr. Bennion believes that our courts have moved on from this old, simplistic view. “No longer is a problem of statutory interpretation settled by applying some talisman called the ‘literal rule’, or the ‘golden rule’, or the ‘mischief rule’. Nowadays we have purposive construction, coupled with respect for the text and a recognition by Judges that interpreting a modern Act is a matter sophisticated and complex. Rules of thumb are out. The only golden rule, as Shaw said, is that there are no golden rules”.

It is against this background that Mr. Bennion has written this substantial work of scholarship. It is in the form of a code, the text of which is followed by a critical commentary with illustrations. After a discussion of the role of the courts and others who have to interpret Acts of Parliament, the code deals with the text of statutes, the manner in which they are enacted, grammatical and strained constructions, the problem of legislative intention, commencement, amendment and repeal of enactments, the informed interpretation rule, the functional construction rule and such matters as presumptions and legal maxims, as well as linguistic canons of construction, such as the *ejusdem generis* principle.

As the author points out in a very useful introductory note, the book can be read in full or, more briefly, without the commentary. It can be used to solve a particular problem or to ascertain rules of construction. A check list of interpretative criteria is set out in one appendix and the steps to be gone through from the advocate’s viewpoint in arriving at the legal meaning of an enactment in another. Yet a further appendix usefully contains a list of all the terms defined or explained in the book, which is of course finished with all the usual indexes.

Mr. Bennion’s breadth of learning and incisiveness of reasoning have produced a work which should be a bench mark for the future construction of statutes.\*

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

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*Justice of the Peace* (16 Feb 1985) p. 110

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

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\* *Justice of the Peace* (16 Feb 1985) p. 110