

## Review of the third edition (1997) of Francis Bennion's textbook *STATUTORY INTERPRETATION*

The book aims not only to present the law governing *STATUTORY INTERPRETATION* in common law countries as it exists, but also to explain how it forms a consistent whole and what the underlying theory is. Lord Justice Sedley said in *London Review of Books* (2 April 1998) that it 'substitutes for the conventional categories a series of derived principles and propositions which make it possible often to crack a problem of interpretation by approaching it laterally'.

The main part of the book is a Code consisting of 418 numbered sections, each followed by a detailed comment. The law which is the subject matter of the book is constantly changing. Updating is achieved through new editions, supplements, and an annual article contributed by Francis Bennion to the All England Law Reports Annual Review (Butterworths). The latest Supplement was published by Butterworths in 1999.

The book has been described as 'both descriptive and prescriptive' (W Twining and David Miers, *How To Do Things With Rules* (4th edn, 1999), p 371n). This recognises that it not only describes the prevailing rules but says they ought to be complied with. The system ought to be complied not because it cannot be improved but because it *is* the system. Those operating within it should conform to it because otherwise they will be failing in their duty and will not be doing what people have a right to expect of them.

Reviewing the second edition, Beverley Lang wrote in *Public Law* (Spring 1993, pp. 211-2): 'Over the past eight years it has become an indispensable reference book for practitioners. It is a treasure trove of useful references to decided cases and academic articles on every topic which it covers . . . the practitioner searching for an authority in support of a particular proposition of law in *STATUTORY INTERPRETATION* will often strike gold in the pages of *Bennion* . . . this is a book well worth buying'.

A review in *Public Law* of the first edition said '. . . Bennion's *STATUTORY INTERPRETATION* is undoubtedly ambitious in its aspirations and execution . . . It is multi-layered, the narrative being pitched at different levels of detail and of comprehension. It is aimed, like legislation itself, at an audience comprising many different kinds of interpreters who are invited to read the book at different levels according to their purpose. The text depends upon several key organising principles to which, like a well-crafted statute, the narrative cross-refers each time they are used . . . This is a weighty book, both literally and metaphorically, and contains much to admire . . . It is an immensely valuable work of reference which eclipses earlier books on statutory interpretation.'

The Code presented in this book spells out rules, principles, presumptions and canons currently prescribed by law. The Code consists of twenty-nine Parts, arranged in seven Divisions. *Division One* deals in turn with the interpreter, the instrument he or she interprets, and the part of the instrument, known as an enactment, which forms the unit of inquiry in a particular case requiring statutory interpretation. *Division Two* discusses the *legal* meaning of an enactment, which is the meaning a court must apply. It is arrived at by discovering, weighing and balancing the interpretative factors which, in the light of the facts of the instant case, are applicable to the enactment under inquiry. *Divisions Three to Six* deal in turn with the four types of interpretative criteria which produce these factors, namely (1) rules of construction laid down by statute or the common law, (2) interpretative principles derived from legal policy, (3) interpretative presumptions based on the essential nature of legislation, and (4) linguistic canons of construction. *Division Seven* addresses European aspects.

The *Commonwealth Law Bulletin* called the book ‘... a timely and very special contribution by Mr Bennion, who is undoubtedly one of the specialists in this, still vexed, area of law’. Anupam Gupta, writing in *The Tribune* (India) (7 September 1998), said it is ‘... the most highly respected and up to date work on statutory interpretation available in the common law world... Comparisons are odious, but Bennion’s scholarship makes *Craies* and *Maxwell*, the two conventionally famous authorities on statutory interpretation, almost unworthy of reading in comparison’.

Writing in the *Cambridge Law Journal*, Professor Sir David Williams, Vice-Chancellor of Cambridge University, wrote: ‘Francis Bennion’s blend of old and new and his search for an ‘overall evaluation’ rather than hard and fast rules have resulted in a major work which can be used for purposes of reference (almost as a dictionary of statutory construction) and/or read as an original and challenging analysis of the subject. Statutory interpretation will never be the same again.’

The *New Law Journal* (7 August 1998) said: ‘This book is now in its third edition of 1,000 pages. The erudition of Francis Bennion is manifest. His book is a delight from start to finish. All government and local government public sector in-house lawyers, all chambers and every serious firm of solicitors will want a copy. For the workaholic, this book can be read with amusement on a beach during the summer holidays. The checklist of interpretative criteria in the preliminary questions to be asked and the possible guides to legal meaning of an enactment are themselves capable of paying for the book...’