

Interpretation of Statutes and Legislation

Introduction to Statutory Interpretation

It is easiest to characterise a Statutory Interpretation as the competence of a court or judges to interpret Parliamentary legislation. It is a way to explain what a piece of law implies. Therefore, Statutory Interpretation is the process through which judges seek to determine the intent of Parliament when enacting new laws. The term "statutory interpretation" suggests that a Parliamentary Act is difficult to understand. However, on the other hand, the definitions of laws have had extremely detailed wording, so the courts will still require it (Connolly, 2018). It is unclear why this happens or how legislation's language may be detailed while including nuance and ambiguity. As a result, many judges would have difficulty making their decisions in a case if the statutory interpretation were not available.

Laws, despite their precision, may be riddled with ambiguities and confusing wording that must be explained by the courts before their full force and impact can be completely recognised. Most disputes before the Court of Appeal and the House of Lords are decided on the interpretation of language in statutes or secondary legislation, according to Lord Hailsham, a prominent British Judge (De Silva, 2021). It implies that many cases are appealed at a question of interpretation. *There is a need for this study to provide a framework for the understanding of statutes in court designed through legislation since laws are not "written in broad terms." As a result, legislation should be framed broadly and consider both the present and the future in mind.*

Need for Statutory Interpretation

The courts may be requested to interpret a law if there are conflicts regarding the intention of a word or phrase in legislation. There are several reasons why these disagreements may emerge. The long-held belief is that words are a poor medium for conveying ideas. For example, omissions may have happened throughout the writing process because of ambiguous language or phraseology, changes in the meaning of words over time, or a failure to keep up with new advancements in law-making (Gales and Solan, 2019). Judiciary involvement may be necessary for interpreting statutes due to this situation. In its broadest sense, statutory interpretation is figuring out what a piece of writing means (Gales and Solan, 2019).

The purposive technique refers to a methodology that combines the literal, golden, and mischief rules with an integrative approach. Since each technique will be reviewed in-depth and examples given for each one, this section will focus on each one.

In *the literal rule*, words are interpreted according to their literal meaning. Defendant Fisher v Bell [1960] 3 All ER 731 was prosecuted for "offering for sale" an offensive weapon according to the Restriction of Offensive Weapons Act 1959 when His storefront display of a price-tagged flip knife contravened the law. In his case, High Court ruled that the term "offer for sale" should be interpreted contractually and that the store's display of the weapon was no more than an offer to treat" (Ali, 2020). For the most part, common-law terminology was kept out of the writings of parliamentary drafting professionals since it was considered that they were conversant with legalese.

The golden rule generalises the statutory interpretation that may be applied both narrowly and broadly and is used whenever the literal power leads to ludicrous results. According to Adler v George [1964], All ER 628 is the case in the strictest sense. In the area of a banned location, Adler blocked an armed member of Her Majesty's military who was performing security responsibilities. He maintained that since he was really in the forbidden

area, he could not be considered "in the vicinity" of the prohibited area (Connors et al., 2018). According to the strictest interpretation in its entirety, the Official Secrets Act of 1920 allows demonstrators to protest inside military sites however not outdoor. It was not the objective of the legislation. Adler was sentenced for the offense because "in the vicinity of" should be construed to imply "on or near" the forbidden territory (Xanthaki, n.d.). To prevent a immoral situation, the court might alter the sense of terms in their broadest sense, as in *Re Sigsworth* [1935] Ch 89, if an individual expires unrepresented and leaves behind families, the country estate transfers to the children (Connors et al., 2018). Section 46 of the Administration of Estates Act 1925 said this: Even though the defendant's mother died without a will, he was entitled to receive her money as the "issue" of the dead. Because they had slain their parents, the court ruled that "issue" would not be eligible and entitled to retain their parents' estate under the golden rule (Connors et al., 2018).

Using *the mischief rule*, judges have a little more freedom. It focuses on the void or the harm the law was meant to prevent. It was found that the plaintiff endured racial abuse in the workplace and that the employers were legally responsible for it under section 32 of the Race Relations Act 1976. Discriminatory actions performed "in the course of work" are assigned every day instead of tort law, meaning, as the Court of Appeal explained, using a purposeful approach (Bray, 2020). Section 32 underlying policy and legislative structure conflicted with any alternative interpretation.

As additional assistance to legislative interpretation, courts may rely on principles of terminology, intrinsic and extrinsic aids, and presumptions established by precedent. Intrinsic material may be discovered inside the text of a law itself (Bray, 2020). Section headings and schedules are included, a prologue and comments, and a short and long title and punctuation. It's defined as anything not part of the statute itself (Bray, 2020). It comprises a dictionary,

the Law Commission's report, a textbook, and Hansard's transcripts and analysis of Parliament debates.

The clarity in Legislating Statutes

The clarity in the legislative process goes beyond a simple question of "good law." Laws must be accessible, understandable, plain, and predictable, according to one of Lord Bingham's eight criteria for the rule of law put forth in his article on the subject (Jerome, 2017). In addition, the British Academy noted that "intelligibility is of particular relevance to English law owing to the role played in the application of the law by non-specialist ordinary people as representatives of a jury." Since the Office of Parliamentary Counsel has laid forth criteria, witnesses are requested to explain what degree they meet them (Jerome, 2017).

When crafting legislation, parliamentary counsels must deal with several competing demands. Trying to attain both usability and accuracy simultaneously is a challenge. Law Commission Commissioner for Criminal Law and Evidence Professor Ormerod believed that it was vital to consider both audiences as far as possible, stating: "Clearly, the policy must be robust, and this representation of policy in the legislative formula must be true" (Walton, Sartor and Macagno, 2018). A more important consideration is who will be affected by the law, not just how it has been written. The litigator, the citizen, the dealer, the businessman, or anybody else it may be, must be able to comprehend the law. Laws must be understood by the general public and traders, people in business, and others.

According to many recommendations for improving legislation's effectiveness, stakeholders should be included in drafting a law to increase its clarity (Walton, Sartor and Macagno, 2018). In addition to this, it may be beneficial to advice on the structure of laws. University of Cambridge professor Dr Farrington said that "many volunteers who could examine draught legislation and identify difficulties related clarity" should be used. When it

comes to the legislative process, Daniel Greenberg proposes "granting intervener status to important stakeholders so that their comments are not simply another consultation response but are considered significant elements of the parliamentary process as it takes occurring as you analyse Bill."

Statutory Interpretation in Access to Justice

When a word is used in a sentence, the context in which it is used may significantly impact its interpretation. Legal interpretation is necessary to prevent judges from making their individual verdicts in matters. They cannot revise the law; therefore, they cannot discontinue the course of statutes if they find a flaw. In this system, Parliament is the law-making institute, while the courts are responsible for enforcing the law (academic.oup.com, n.d.).

The importance of statutory interpretation cannot be overstated in gaining access to justice. When judges utilise statutory interpretation, it is clear that it may be seen as a talent of speech rather than a legal requirement. Traditional norms of performance are implemented under the legislation's ambiguity and tend to cancel one another out (McLachlan and Webley, 2021). To understand the principles of language and how the system works, it is essential to look at both internal and external sources of information. The judicial system and Parliament both benefit from statutory interpretation since it aids in the efficient and effective implementation of the law.

Conclusion

To sum it up, statutory interpretation refers to the approach that courts use when interpreting legislation passed by Parliament. Interpretation of statutes as applied by judges is referred to as "statutory interpretation." Regardless matter how apparent the aim of a piece of

legislation is, the courts have broad discretion in interpreting its specific words and terms. The interpretation of the law is another area where many cases are appealed. There are three primary guidelines for legislative arrangements, the Literal, Golden, and Mischief Rules, commonly followed. Statutory interpretation rules are no rules in the strict sense since they might all lead to various solutions to the same issue. If a court is not compelled to follow a specific rule, there are no hierarchies of rules to follow. These are just recommendations for the courts to use when dealing with statutory interpretation issues. Due to the need to extensively test new legislation before it is introduced into Parliament, it is recommended that it be tested extensively by members of both the Executive and Parliamentary branches, underlining the importance of legal relevance and the need to promote adequate legislative examination. As law moves through the legislative process, it should be given greater attention to its publishing and distribution following Royal Assent.

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