

LAW – STATUTES AND STATUTORY INSTRUMENTS

1. INTRODUCTION TO PRIMARY LEGISLATION

- Statutes (Acts of Parliament) are the most important sources of law for England and Wales. Statutes are both *primary legislation* and *primary sources of law*.
- Statutes are published individually in paper format by Her Majesty's Stationery Office (HMSO), and also on the *Legislation.gov.uk* website maintained by the National Archives on behalf of the Government. Statutes are also available online via the subscription databases, *Westlaw UK* and *Lexis®Library* (see below, Section 5).
- Statute law changes constantly. Each year around thirty-five new Acts are passed by Parliament. For example, in the Parliamentary session 2009 – 2010, thirty-two new Acts were passed, whilst 2005-2006 was a very busy year with fifty-five new Acts being created. Furthermore, Parliament will amend or repeal individual sections of existing Acts, and even entire Acts may be completely revoked.
- Consequently, in most cases you will need to quote current law. It is therefore vital that you use statutes that are **currently in force**. However, at times you may need to consult the original wording of a statute, so you also need to know how to find the text of statutes as they were originally **enacted**.

2. STATUTES AS ENACTED

The Law Library holds various collections of statutes in paper copy. With regard to statutes as originally enacted by Parliament, the Law Library holds only a representative sample of *Public General Acts* in paper copy.

- Most statutes passed by Parliament are called *Public General Acts* because they deal with matters of general public interest.
- The Law Library also holds samples of *Local Acts and Personal Acts*, i.e. statutes which are of very limited application.
- If you wish to see the text of other statutes as enacted in paper format, please consult the series listed below in Section 3. Note that the complete series of

Statutes Revised, and the series *Public General Acts and Measures*, are held in the J.B. Priestley Library on main campus.

3. FINDING STATUTES AS ENACTED

To find statutes as originally enacted by Parliament, use the series listed below. Please remember that these collections give no indication as to whether an Act is still in force, or as to whether parts of an Act have been amended or repealed.

For statutes from 1235 to the 19th century, consult:

Statutes Revised

- Published by His / Her Majesty's Stationery Office (HMSO).
- Content: abridged versions of English statutes from 1235-1886.
- Shelved in the J.B. Priestley Library on main campus, Floor 2, within the British Government Publications collection.

Statutes of the Realm

- The authoritative source for older English statutes. Originally published by command of the monarch in 1820 "*from Original Records and Authentic Manuscripts*".
- Content: Statutes from 1235 to 1713.
- Available online via **HeinOnline**: under [Subscribed Libraries](#), click on [English Reports, Full Reprint](#), and select [Statutes of the Realm](#).

For statutes from the 19th century onwards, consult:

Public General Acts and Measures

- Published by His / Her Majesty's Stationery Office (HMSO).
- Content: Statutes from 1886-1995, arranged in chronological order, as they were passed by Parliament.
- Shelved in the J.B. Priestley Library on main campus, Floor 2, within the British Government Publications collection.

Current Law Statutes Annotated

- Published by Sweet & Maxwell.
- Content: Statutes 1951 – onwards. This series, arranged in chronological order, gives the full text of Acts as passed by Parliament. As the title of the series indicates, the collection includes notes ("annotations") for all Acts, with

more detailed commentary for major Acts. The series also includes references to *Hansard*, thus allowing you to track down the Parliamentary debates that preceded each Act.

- Shelved in the Law Library.

Legislation.gov.uk

- This free website managed by the National Archives on behalf of the Government provides the full text of all statutes as enacted from the Magna Carta to the present day. Go to: <http://www.legislation.gov.uk/>

4. FINDING STATUTES CURRENTLY IN FORCE IN PAPER COPY

To find statutes currently in force, i.e. the revised versions of legislation which incorporate amendments and / or repeals made by subsequent legislation, use the following service in paper copy:

Halsbury's Statutes (4th ed.)

- 50 grey coloured **Main Volumes** containing the amended text of statutes, arranged by subject.
- The statutes in the **Main Volumes** are up-dated each year by referring to the **Annual Cumulative Supplement**, and up-dated monthly by referring to the **Noter-up Service**. The **Main Volumes** are re-issued periodically when the number of changes affecting them warrants publication of a new volume.

To use *Halsbury's Statutes*, follow these instructions:

- **Step 1: Consolidated Index:** Look up the Act you require in the **Consolidated Index** (a soft-back volume) which lists all statutes alphabetically and chronologically. This will give you a reference in **bold** to the **Main Volume**, followed by a page number in lighter type.
- **Step 2: Main Volume:** Follow this reference to the relevant **Main Volume**. There are 50 **Main Volumes**, arranged in an alphabetical scheme of over 160 subjects. The entry in the **Main Volume** gives the text of the statute as it stands on the date that the individual **Main Volume** was published.
- **Step 3: Cumulative Supplement:** Check the annual **Cumulative Supplement** for any revisions which post-date the **Main Volume**. The **Cumulative Supplement** is arranged in the same volume, title and page order of the **Main Volumes**.
- **Step 4: Noter-up Service:** Finally, check the **Noter-up Service** (a loose-leaf binder) for any recent developments.

Note also the **Current Statutes Service**: six loose-leaf binders labelled **A** to **F** that correspond to the subject areas of the **Main Volumes**. These binders provide the text of recent Acts not yet included in the **Main Volumes**.

5. FINDING STATUTES CURRENTLY IN FORCE ONLINE

To find statutes currently in force online, use the following services:

Westlaw UK

- A subscription database containing all UK Public General Acts in force.

Lexis®Library

- A subscription database containing all UK Public General Acts in force.

Legislation.gov.uk

- This free service, managed by the National Archives on behalf of the Government, provides the full text of all UK Public General Acts in force, and all UK Local Acts. Go to: <http://www.legislation.gov.uk/>

6. HOW TO CITE ACTS

The usual way of citing a statute is by its *short title*. Each Act also has a *long title* and an *official citation*. For example:

- *Short title*: Bribery Act 2010
- *Long title*: “An Act to make provision about offences relating to bribery; and for connected purposes.” The long title summarises the aims of the statute.
- *Official citation*: 2010 c.23. The official citation indicates the year the Act was passed by Parliament, plus its chapter number. This example shows that the Bribery Act was the 23rd Act to receive the Royal Assent in 2010.
- Be aware that a statute will not always come into force on the date of Royal Assent; different parts of an Act may come into force on different dates.
- When you write an essay, a statute should be cited in italics giving its short title and the year it was passed. For Example:
 - Clearly section 1(1) of the *Human Reproductive Cloning Act 2001* makes it an offence to place an embryo in a woman that has been created otherwise than by fertilisation...
- Alternatively, you may cite the statute in a footnote. For example:
 - It is an offence to place an embryo in a woman that has been created otherwise than by fertilisation.¹

Footnote

1. *Human Reproductive Cloning Act 2001*, s.1(1)

7. INTRODUCTION TO SECONDARY LEGISLATION

Acts of Parliament contain the essential principles of legislation. The finer details are then laid out by *secondary legislation*. Secondary legislation is technically known as **Statutory Instruments (SIs)**. Secondary legislation is very important for implementing details which are not feasible to incorporate into an Act (i.e. the primary legislation).

- If you are referred to a **Regulation**, an **Order** or a **Rule**, it usually means a Statutory Instrument. Please remember that, like statutes, Statutory Instruments are also *primary sources of law*.
- Statutory Instruments are sometimes called “**subordinate legislation**” or “**delegated legislation**” because an individual Act may delegate power to allow some other authority (usually a Minister of the Crown) to make detailed rules and regulations on a general principle determined by the Act. For example, various Road Traffic Acts allow the Secretary of State for Transport to impose speed limits on certain types of road. Various Statutory Instruments, however, are created to vary those limits where appropriate, for example on specific roads.
- The advantage of Statutory Instruments is that they allow rules to be readily changed without Parliament having to debate and approve such amendments.
- Currently, around two thousand Statutory Instruments are made each year. For example, in the Parliamentary session 2009 – 2010, 2,104 SIs were made, whilst during 2000-2001, 2,288 SIs were created.

8. FINDING STATUTORY INSTRUMENTS

The Library does not keep individual Statutory Instrument in paper copy, but the most important SIs are reproduced in:

Halsbury’s Statutory Instruments

- 22 grey coloured **Main Volumes**, which contain the full text of all major general Statutory Instruments, plus summaries of others. They are arranged by subject to match **Halsbury’s Statutes**, and also to match **Halsbury’s Laws of England**. They can be searched either by subject, or by SI number.
- To find Statutory Instruments online, use the subscription databases, either:

Lexis®Library or ***Westlaw UK***

- Or you can use:

Legislation.gov.uk

- This free service, managed by the National Archives on behalf of the Government, provides the full text of all UK Statutory Instruments currently in force. Go to: <http://www.legislation.gov.uk/>

9. HOW TO CITE STATUTORY INSTRUMENTS

Each Statutory Instrument published is given its own date of publication and its own number. When citing a Statutory Instrument, you must include the S.I. year and number. For example:

- The *Horse Passports (England) Regulations 2004* is cited as either *SI 2004/1397*, or alternatively as *SI 2004 No. 1397*.
- The above example shows this was the 1,397th SI made during the year 2004.

10. EUROPEAN UNION LEGISLATION

In 1973 the UK became a member of the European Community, which itself is now part of the wider European Union. Consequently, EU legislation is an integral part of UK law.

- The **primary sources** of EU legislation are the **Treaties**. These define the rights and obligations of the EU member states.
- The **secondary sources** of EU legislation are **Regulations, Directives, and Decisions**.

A very useful compilation of the main EU Treaties and legislation is:

- Foster, N. (ed.) (2010) *Blackstone's statutes: EU treaties and legislation 2010-2011*. Oxford: Oxford University Press, shelved at **D341.2422 BLA**

For online access to EU Treaties and legislation, use either our subscription databases – *Westlaw UK* and *Lexis®Library* – or the free website *EUR-Lex*

Westlaw UK

- Click on: **EU** tab at top of screen.
- This will bring you to a basic search screen. Under **Browse**, click on **Legislation**. This will allow you to search by the following: Free Text, Title, Document Number, Year.
- All EU documents are assigned a unique reference number. Example: to find *Council Regulation (EC) No 2679/98 of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the Member States*, simply type the reference number **2679/98** in the Document Number search box.

- To search for EU Treaties, return to basic search screen. Under **Browse**, click on **Treaties**. This option allows you to search and browse the Founding treaty, Accession treaties, and Other treaties and protocols.

Lexis®Library

- To find EU legislation, click on the **Legislation** tab and then choose **International Legislation**.
- The **Sources** default setting is to search **EU Legislation**, which covers *Decisions, Directives and Regulations* of the European Union.
- To search for EU Treaties use the pull down window and highlight **EU Treaties**.

EUR-Lex

- Part of the **Europa** free website. Go to: <http://eur-lex.europa.eu/en/index.htm>
- When you have entered the database, click on the type of record you want to search: Treaties, Legislation in force, or Preparatory acts.

For more detailed information on finding EU legislation, consult the Law Library guide titled: ***Finding European Union legal information at the University of Bradford***.

For further help, please contact:

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