

LAW – STATUTES AND STATUTORY INSTRUMENTS

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 The Stationery Office (TSO) 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.

Statute law changes constantly. Each year around thirty-five new Acts are passed by Parliament. For example, between January 2013 and July 2013, thirty new Acts were passed and received Royal Assent. The year 2006 was particularly busy, with fifty-five new Acts being created.

Please remember that 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**.

Finding statutes currently in force

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

Westlaw UK is a subscription legal database containing all Acts currently in force.

Lexis®Library is a subscription legal database containing all Acts currently in force.

Legislation.gov.uk (<http://www.legislation.gov.uk/>) is a free service, managed by the National Archives on behalf of the Government, and it provides the full text of all UK Public General Acts in force, and all UK Local Acts.

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To find statutes as originally enacted by Parliament, use the series listed below.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give **NO** indication as to whether an Act is still in force, or as to whether parts of an Act have been amended or repealed.

Public General Acts and Measures

Most statutes passed by Parliament are called *Public General Acts* because they deal with matters of general public interest. Statutes from 1886- onwards are arranged in chronological order, as they were passed by Parliament. These are shelved in the J.B. Priestley Library on the City Campus.

The Law Library holds several collections of statutes in paper copy. With regard to statutes as originally enacted by Parliament, the Law Library holds a representative sample of *Public General Acts*, 1952-1997, in paper copy, plus a number of *Local Acts and Personal Acts*, for example statutes which are of very limited application. The Law Library also holds:

Current Law Statutes Annotated

Content: Statutes 1951 – 2007. 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.

Halsbury's Statutes (4th ed.)

50 grey coloured **Main Volumes** containing the amended text of all statutes arranged by subject and in force until 2009.

Please note: because statutes are easily found online, the Law Library no longer subscribes to any statutes in paper copy. However, the Law Library retains various printed collections of statutes as you may be set exercises which require you to consult these.

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**.

Examples:

Short title: *Finance Act 2013*

Long title: *"An Act to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with finance."* The long title summarises the aims of the statute.

Official citation: *2013 c.29*. The official citation indicates the year the Act was passed by Parliament, plus its chapter number. This example shows that the Finance Act was the 29th Act to receive the Royal Assent in 2013.

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.

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 implemented using **Statutory Instruments (SIs)**. Secondary legislation is very important for implementing details which are not feasible to incorporate into an Act (for example 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. Statutory Instruments thus have the advantage of allowing rules to be readily changed without Parliament having to debate and approve such amendments.

Around two thousand Statutory Instruments are made each year, but during the year 2012 a remarkable number of SIs were created, totalling 3,328 altogether.

Finding Statutory Instruments

To find Statutory Instruments, use the subscription databases or free service:

Westlaw UK is a subscription legal database containing all SIs currently in force.

Lexis®Library is a subscription legal database containing all SIs currently in force.

Legislation.gov.uk (<http://www.legislation.gov.uk/>) is a free service, managed by the National Archives on behalf of the Government, provides the full text of all SIs currently in force

Please note: because Statutory Instruments are easily found online, the Law Library no longer subscribes to SIs in paper copy. However, the most important SIs in force until 2009 are reproduced in Halsbury's Statutory Instruments.

Halsbury's Statutory Instruments

There are 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.

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 **SI year and number**.

Example: The *School Teachers' Pay and Conditions Order 2013* is cited as either *SI 2013/1932*, or alternatively as *SI 2004 No.1932*. This example shows this was the 1,932nd SI made during the year 2013.

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.) (2013) *Blackstone's EU Treaties & Legislation 2013-2014*. 24/e. Oxford: Oxford University Press.

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, and Year.

All EU documents are assigned a unique reference number. Thus, 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*, 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

EUR-Lex is a part of the **Europa** free website at: <http://new.eur-lex.europa.eu/homepage.html>

When you have entered the database, click on the type of record you want to search: Treaties, Legislation in force, or Preparatory acts.

HELP

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