

STATUTES

INTRODUCTION TO PRIMARY LEGISLATION

Statutes (Acts of Parliament) are both primary legislation and primary sources of law. They are the most important source of law for England and Wales. Statutes are published individually in paper format, and also on the free internet by the Office of Public Sector Information (OPSI), and by the UK Statute Law Database (SLD). Statutes are also available online via various subscription databases (see below, Sections 4 and 5).

Statute law changes constantly. Each year around thirty-five new Acts are created. Furthermore, existing Acts may be repealed, or individual sections of Acts will be amended or revoked. In most cases you will need to quote current law, so it is vital that you use statutes **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 original text of statutes as **enacted**.

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 With regard to statutes as originally enacted by Parliament, the Law Library holds only a representative sample of *Public General Acts*. Most statutes passed by Parliament are called *Public General Acts* because they deal with matters of general public interest. The Law Library also holds some 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, then please consult the series listed below in Section 3. Please note that the series *Statutes Revised*, and the series *Public General Acts and Measures*, are held in the J.B. Priestley Library on main campus.

FINDING STATUTES AS ENACTED

To find statutes as enacted by Parliament, use the series listed below. Note 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give no indication as to whether an Act is still in force, or as to whether parts of an Act have been amended or repealed.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 King George III 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.

Office of Public Sector Information (OPSI) website

- The full text of statutes as enacted from 1987 are available online. This is a free service. Go to: <http://www.opsi.gov.uk/>. Select **Legislation**, and under **Type of Information**, tick **Acts**.

- Prior to 1987, enacted legislation is only available in its original print format.

FINDING STATUTES CURRENTLY IN FORCE

To find statutes currently in force, i.e. incorporating 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** which contain 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 steps:

1. Consolidated Index
2. Main Volume
3. Cumulative Supplement
4. Noter-up Service

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**.

Follow these instructions for each step:

1. 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.
2. 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.
3. 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**.
4. Check the **Noter-up Service** (a loose-leaf binder) for any recent developments.

Online, to find statutes currently in force, use the following:

Westlaw UK

- Subscription database containing all UK Public General Acts in force.

Lexis® Library

- Subscription database containing all UK Public General Acts in force.

UK Law Statute Law Database (SLD) website

- A free service. Go to: <http://www.statutelaw.gov.uk/>. All revised legislation held on SLD has been updated with effects of legislation made up to of 2002. At the time of writing (January 2010) about half of all legislation from the end of 2002 to the present is also up-to-date. The remainder is presently being up-dated.

SECONDARY LEGISLATION

Secondary legislation is important for implementing details which are not feasible to incorporate into a main Act of Parliament.

- Secondary legislation often takes the form of **Statutory Instruments (SIs)**.
- If you are referred to a **Regulation**, an **Order** or a **Rule**, it usually means a Statutory Instrument. Like statutes, Statutory Instruments are also primary sources of law.
- Statutory Instruments are sometimes called “**subordinate legislation**” or “**delegated legislation**” because the original statute has delegated power to some other authority (usually a Minister of the Crown) to make detailed rules and regulations on a general principle determined by the statute, e.g. various Road Traffic Acts allow the Secretary of State for Transport to impose speed limits on certain stretches of road, and to vary those limits where appropriate.
- The advantage of Statutory Instruments is that rules can be readily changed without Parliament having to debate and approve such amendments.

CITING STATUTORY INSTRUMENTS

Each Statutory Instrument published during the year is given its own number and the official way of citing is: S.I. year / number, e.g.

Horse Passports (England) Regulations 2004 is cited as either **S.I. 2004/1397** or as **S.I. 2004 No.1397**.

FINDING STATUTORY INSTRUMENTS

The Library does not keep individual Statutory Instrument in paper copy. However, the most important 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 either:

Lexis® Library or Westlaw UK

- Online subscription databases.

Office of Public Sector Information (OPSI) website

- This is a free service. Go to: <http://www.opsi.gov.uk>. Select **Legislation**, and under **Type of Information**, tick **Statutory Instruments**.
- Provides access to the full text of Statutory Instruments from 1987. Be aware that Statutory Instruments held on OPSI are **not** revised.

UK Law Statute Law Database (SLD) website

- This is a free service. Go to: <http://www.statutelaw.gov.uk/>
- Provides access to the full text of Statutory Instruments from 1991. Be aware that Statutory Instruments held on SLD are **not** revised.

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.) (2009) *Blackstone's statutes: EU treaties and legislation 2009-2010*. 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, contact:

Neil Carter

University of Bradford Management & Law Librarian

Management & Law Library

Emm Lane

Bradford DB9 4JL

e-mail: n.b.carter@bradford.ac.uk

Tel: 01274 234402