Statutory Interpretation: A Code

Francis Alan Roscoe Bennion

Statutory interpretation in its broadest sense is the process of determining the true meaning of a written document. The Interpretation Act 1978 provides limited scope to assist judges with statutory interpretation in that it only provides standard definitions to common provisions such as a rebuttable presumption that terminology in the masculine gender also include the feminine, and that the singular includes plural. In contrast, civil law is based upon provisions of codes and statutes, from which solutions to particular cases are to be derived. Common law courts use the adversarial system, in which two sides present their cases to a neutral judge.
Statutory Interpretation: General Principles and Recent Trends. Summary. The exercise of the judicial power of the United States often requires that courts construe statutes to apply them in particular cases and controversies. Judicial interpretation of the meaning of a statute is authoritative in the matter before the court. Though schools of statutory interpretation vary on what factors should be considered, all approaches start (if not necessarily end) with the language and structure of the statute itself. In this pursuit, the Court follows the principle that a statute be read as a harmonious whole whenever reasonable, with separate parts being interpreted within their broader statutory context. Still, the meaning of statutory language is not always evident. Statutory Interpretation Lecture. Notes from Smith & Bailey on the Modern English Legal System, Third edition 1996, p351-403; cases in Jacqueline Martin, The English Legal System, chapter 3. INTRODUCTION. Modern statutes commonly include “definition sections” in which the meaning of words and phrases found in the statute are explained, either comprehensively (X “means” ABC) or partially (X “includes” ABC). (a) the rules of statutory interpretation. 1. the mischief rule. The mischief rule is contained in Heydonâ€™s Case (1584) 3 Co Rep 7, where it was stated that for the true interpretation of all statutes four things are to be considered