Statutory Interpretation: A Code

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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.
The term statutory interpretation refers to the action of a court in trying to understand and explaining the meaning of a piece of legislation. Many cases go to appeal on a point of interpretation. Indeed, Lord Hailsham, a senior English judge, once said that "probably 9 out of 10 cases heard by the Court of Appeal and the House of Lords turn upon or involve the meaning of words contained in statute or secondary legislation." Why is this the case? First, laws must be drafted in general terms and must deal with both present and future situations. Often, a law which was drafted with one particular 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 Heydon'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.