On citing Acts of Parliament and related law
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1. All indexers are liable to come across Acts of Parliament when compiling indexes—there are other Acts like Acts of Convocation, Acts of God and Acts of Grace. It is as well to know how an Act of Parliament is constructed, how it should be cited and some of the snags which can be met.

2. During the passage through Parliament an Act is known as a Parliamentary Bill, the numbered aspects of it being referred to as Clauses. On receiving the Royal Assent a Bill becomes an Act (sometimes called a statute or part of the Statutory Law meaning approved by Parliament as opposed to Common Law). The words Acts and Bills customarily carry initial capital letters. The same applies to Schedules (see below) and Treaties. Treaties have articles and may be subject to Acts of Parliament.

3. The statements of the law (formerly Clauses of the Bill) are then called sections (of the Act), numbered using Arabic numerals, which may or may not have sub-sections, also numbered with Arabic numerals but in parentheses; in addition these sub-sections can be further broken down to paragraphs which are lettered in italic Roman lower case, again in parentheses, i.e.

   s.1 = (and referred to as) section one.
   s.1(1) = (and referred to as) section one, sub-section one.
   s.1(1)(a) = (and referred to as) section one, sub-section one, paragraph a.

4. It sometimes happens that an Act of Parliament is subsequently amended by passing an amending Act, the ABC (Amendment) Act 19---, which brings in new sections to the original Act. In such cases these new sections may be referred to as (say) sections 14A and 14B of the ABC Act 19---, inserted by the DEF Act 19---, but there is no hard and fast rule. (Note the capital letter to avoid confusion with the lower case used for paragraphs.)

5. The sections within the Act are often split up into Parts; these are numbered in Roman Numerals (Part VIII), the Part being given a heading like 'Licences', shown in Roman capitals. An Act can consist of a single section or several hundred, the Merchant Shipping Act 1894, having over 700.

6. The sequential order of an Act varies but the tendency today is to standardize as far as possible into this arrangement:

   —the sections setting out the law, towards the end of which follow:
   —the sections conferring enabling powers (to make regulations or byelaws, or outlining the specific duties of a Government Department or a particular body or person—'the authority', 'the authorized person').
   —the sections dealing with enforcement.
   —the sections detailing offences and penalties for infringement.
   —the interpretation section setting out the exact meanings of terms used in the Act, such as 'the Minister' or 'minimum acceptable flow' in an inland water, and known as 'definitions' though sometimes (but wrongly) 'meanings'. (The word 'meaning' generally indicates the meaning given in a dictionary such as the Oxford English Dictionary, though others are also considered in offices and court rooms.)
   —the section detailing repeals (of Acts previously in force, or parts or sections of them; these may cease to be law from the commencement date of the new Act, or on a date specified).
   —the citation section (saying how the Act should be referred to).
   —commencement date provisions.

7. An Act may come into force immediately, that is on receiving the Royal Assent. It may come into force on an appointed day after the Royal Assent has been given, and this may be quite soon or, as in the Equal Pay Act 1970, with delayed effect to 1975. It may also happen that different provisions become operative while others, such as in the Control of Pollution Act 1974 (at the time of writing), have not yet become law.

8. Other Acts have a restricted life written into them absolutely—that is they lapse automatically on a stated day—or conditionally, i.e. unless they are specifically renewed before expiry; the Armed
Forces Acts are, for instance, renewable annually. Certain Acts are created every year like the Finance Acts and it does not follow that Acts of previous years are in any sense replaced, though the new Act may amend or repeal the Acts of previous years. The Finance Act 1965, which introduced Capital Gains Tax, demonstrates this aspect.

9. Where an Act contains lengthy, complicated administrative or technical matter, it is more often than not contained in a Schedule or a number of Schedules. These can also be in Parts which are given Roman numerals similar to the Parts of an Act. The Schedule as a whole is given an Arabic number, running, as in the case of the Local Government Act 1972, to 30 in number. Where there is only one Schedule, it is referred to as 'The Schedule'. If more than one it is called (as the case may be) 'Schedule 4' (abbreviated to 'Sch.4') (note upper case 'S' and the full stop after 'h' which distinguishes it from 's.' used for section) to the ABC Act 19—. Schedules have paragraphs, instead of the Acts' sections, and there may be paragraphs and sub-paragraphs. The Schedule itself can be set out as the Acts are, or it may appear as a table, or as an inventory; the Act dealing with the protection of birds has four Schedules, each listing a number of species.

10. There are two vital points to remember about making index entries citing Acts and the Regulations made under them (see below): First the exact wording of the title given in the text must always be used; you ought to be able to rely on the author quoting it correctly; second the year must invariably be given. (Always pick up an author who is careless about either of these since you cannot talk about the Companies Act as such because there are, among others, a Companies Act 1948, and the Companies Act 1967; this convention can be overcome to save space if there is a note at the head of an index indicating—'In this index reference to “the Act” means the ABC Act 19—.' A typically misquoted Act is the Trade Descriptions Act 1968, which people will call the Trades Description Act 1968. Note too (because they are not the same thing)—it is the Solicitors Act 1974; it is not the Solicitors' Act 1974 and it is the Employers' Liability (Compulsory Insurance) Act 1969.

11. To illustrate the care needed, there are at least 25 Acts or sets of Regulations dealing with agriculture, all wholly or partly in force; variations in title are considerable, all entirely logical but nevertheless apt to be perplexing at first sight. We not only have the Agriculture Act 1957, and the Agriculture Act 1970, but the Agricultural Holdings Act 1948 (note -al, not -ure and no brackets), the Agricultural Holdings (Notice to Quit) Act 1977 (note -al again, the extra word 'Holdings' not bracketed, and the words in brackets), the Agriculture (Ladders) Regulations 1957 (note -ure this time and the word in brackets), the Agriculture (Safety, Health and Welfare Provisions) Act 1956, and the Agricultural Mortgage Corporation Act 1956, both of which are totally different from each other and from the Agriculture Act 1957, already cited.

12. The year of the Act is all important since for Children and Young Persons, there is the C & YP Act 1933, the C & YP Act 1963, and the C & YP Act 1969 (not to mention the Children Act 1948, another in 1958, still another in 1972 as well as the Children Act 1975, the Indecency with Children Act 1960, plus the Young Persons (Employment) Acts of 1938 and 1964 and other Acts still, starting with the word 'Infant'). The Index to Statutes is in two volumes of over 1,000 pages each.

13. Besides the citing of an individual Act as one entry in an index, it is possible to make any of these entries:

(I) Salmon and Freshwater Fisheries Acts 1951 and 1961 (meaning two different Acts passed with 10 years separating them).


(III) Electricity (Supply) Acts 1882 to 1936 (where a number of sets of Acts are collectively cited).

The words have to be the same even though the years differ. You would not be able to couple together the Salmon Fisheries Act 1861, with the Salmon Fishery Act 1865. On occasions Parliament at different times in the same year deals with different aspects of the same subject producing two Acts with the same title in the same year, giving us the Education Act 1968, and the Education (No. 2) Act 1968. There probably is, or has been, an ABC Act 19—, an ABC (Amendment) Act 19—, and an ABC (Amendment) (No. 2) Act 19—. Very occasionally old Acts are met such as 'Statute—Quia Emptores 1289' and the relatively recent 'Statute of Westminster 1931'.
14. Four other methods are in use to describe Acts of Parliament:

(a) They are sometimes referred to by the name of the introducer: examples are Fox's Act 1792 (the Libel Act 1792), resulting from the 'Junius' Letters episode; Lord Denman's Act 1843 (the Evidence Act); most confusingly Mr. Denman's Act 1865, on Criminal Procedure; and quite recently (the then Mr. A. P. ) Herbert's famous Matrimonial Causes Act 1937. It might be said that they are really colloquial references and the habit is falling into disuse. Mr. Speaker King's Retirement Act 1971 is, however, not one such, being an Act to regulate Lord Mowbray-King's personal pension.

(b) The second way is by reference to Session of Parliament when the Act was passed, dated by the regnal year(s) of the sovereign. Good examples of this are 7 Will II and 1 Vict. c. (lower case for chapter) 26, which is the Wills Act 1837 (still operative) and which became law during the session which began in King William IV's reign and ended in Queen Victoria's; and 52 & 53 Vict. c.63 (the Interpretation Act 1889) still very much in every day use.* Victoria being the only Queen of that name has no number following, and until 1952, neither did Elizabeth (1558-1603) but she has now become Eliz. I.

The chapter number was originally used to separate the different subjects which had been decided upon during a session of Parliament and which were recorded in a single 'statute' at the end of the Parliament. Individual Acts are still given 'chapter' numbers (which are in fact no more than serial numbers), although not now within regnal years. This method was discontinued with the passing of the Acts of Parliament Numbering and Citation Act 1962, Acts being numbered now consecutively from 1 each new calendar year.

(c) The laws concerning the Church are called Measures and are given Arabic numbers starting from 1 each new year, e.g. Benefices Measure 1972 No. 3.

(d) Local Acts, see below, are, since 1963, given lower case Roman numerals (xxxvii) and these numbers start at i each new year also.

15. Incidentally, Magna Carta, being 50 years before Parliament was established in 1265, is not, therefore, an Act of Parliament. Despite this the Index to Statutes starts at 1235 AD.

16. It should be noted also that, from 1963, the year of the Act is not preceded by a comma and ought never to be given in brackets; i.e. (Eliz.2) c.30 is the Civil Evidence Act 1972. Everything you do, from the moment you achieved a separate existence, throughout your life, and in certain circumstances after your death, is controlled by Act of Parliament; if you eat a pork chop it will have been subject to the Slaughterhouse Act 1958 unless perhaps imported from outside the E.E.C.!

17. This article deals only with the United Kingdom's system and even then some Acts or connected subsidiary legislation apply only to England and Wales, sometimes to Wales only, like the Marriage (Wales and Monmouthshire) Act 1962, or the Welsh Courts Act 1942; or they can apply to the whole realm; for Scotland there can be parallel legislation as in the Administration of Justice (Scotland) Act 1972. For good measure, some Acts, or parts of some, may only be, or may not at all be, applicable variously to Northern Ireland, the Channel Islands and or the Isle of Man. We can get purely local Acts like the Birkenhead Corporation (Mersey Tunnel Approaches) Act 1965. (In 1938, Parliament evidently thought it could do better than the Almighty when it passed the Dogs Amendment Act!)

18. Outside the United Kingdom the systems are usually quite different. For example Nigeria has Ordinances (from old colonial days), Decrees made by the Federal Government and Edicts made by the Regional states of the Republic.

19. Acts often include powers to make Rules, Regulations or Orders (drafted by civil servants) which must depend on the wording of the Act; these Statutory Rules and Orders (SR&O) or 'subordinate legislation' or since 1948 'Statutory Instruments' as they are now called, colloquially SIs, are seldom debated by the House, most being 'laid on the table' there; certain SIs are not published. Parliament is so busy giving powers to other people to make SIs, that they frequently exceed 2,000 a year.

20. These Rules, Regulations and Orders are what they say they are; each has a significant and precise intention and the three words are never interchangeable; we get:

The Building Societies (Special Advances) Order 1967.

*Now to be read in conjunction with the Interpretation Act 1978.
The Agriculture (Circular Saws) Regulations 1959.

The essential points are to use in the index the exact wording of the document and to quote the year. This it is of course, like the title of Acts, the responsibility of the author to provide correctly.

21. While not Acts of Parliament, it is also possible to meet Rules of the Supreme Court, last revised in 1965 issued as an SI with the approval of Judges, when a number of Rules can be made in one Order; starting from No. 1; thus we get Order 80, rule 2 (or O.80, r.2) and this reference must be exact.

22. There are occasions when tables of statutes and of subsidiary legislation are called for. These are not difficult to prepare. Do not mix statutes and SIs in the same table. Tables are always single column right across the page and are set out in year order and then alphabetically for those of the same year, or in alphabetical order irrespective of the year. References to pages are never condensed but shown individually as 1, 2, 3, 6, 8, 9, etc. It is normal practice to set out each individual section, rule or regulation (though seldom paragraph) as follows:

Justices' Clerks Rules, 1970 (here put pages
where no specific
rule is given)

r.1
p, p, p, p, etc

r.2
p, p, p, p, etc

(and where consecutive rules have the same
page references)

rr.4-12
p, p, p, p, etc

In tables the following abbreviations are in
standard use: s. (section, plural ss.); r. (rule, rr.);
reg. (regulation, regs.); Sch. (Schedule, Schs.);
and para. (paragraphs, paras. to prevent con-
fusion with 'p' for page). Unless expressly asked,
tables are extended only as far as sections (or as
the case may be) without going down to sub-
sections, and paragraphs, while Schedules have
'strings' which are not only acceptable but
correct, giving us 'Sch. 3' followed by perhaps
some 30 individual references against it.

23. The question of preparing tables for case law is exceedingly complex and outside the scope of this article. It may prove possible at a later date to write on this aspect if there is a general demand for it.

24. Unless you know what you are doing, NEVER try to paraphrase the law because you could so easily get it wrong; you may be absolutely sure that anything needing fewer (or other) words would have been used in the first place. Use key words only, without qualification such as saying whether permissible or not, which take the reader to the right page(s) there to decide for himself the correct interpretation of what he sees; then if he gets it wrong, that will be his fault, not yours. For example, section 8 of the Salmon and Freshwater Fisheries Act 1975 takes up some 25 or 26 lines in print; it includes, among others, reference to: fishing mill dams, salmon, migratory trout, unauthorized, fish passes, approved by the Minister, flow of water, using, facilitating, attempts to use, forfeiture of rights, powers of the Water Authority, cages, cribs, traps, boxes, cruives, and circumstances when guilty of an offence; your entry should be the minimum necessary like: 'fishing mill dams, taking salmon etc. by unauthorized,' or even just 'fishing mill dams' although if space allows this does not rule out cross-reference being made to any of the words underlined.

25. (i) When indexing, as shown in para 12, short-hand can save much time, using initials (for typing in full in due course) such as (always noting the year):

PCCA 1973 = Powers of Criminal Courts
Act 1973

T&CP 1971 = Town and Country Planning
Act 1971

CJA 1967 = Criminal Justice Act 1967

CJA 1972 = Criminal Justice Act 1972

LGA 1972 = Local Government Act 1972

(ii) But remember familiarity breeds contempt,
for CLA 1975 is the Community Land Act 1975
while CLA 1977 is the Criminal Law Act 1977.

26. From the foregoing it will be seen, therefore,
that great care is absolutely essential when in-
dexing Acts of Parliament or any of the
provisions made under them. It is hardly neces-
sary to add when indexing the provisions them-
selves, even greater care is required.

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