# PRACTICAL LEGISLATION; THE COMPOSITION AND LANGUAGE OF ACTS OF PARLIAMENT AND BUSINESS DOCUMENTS

Published @ 2017 Trieste Publishing Pty Ltd

### ISBN 9780649515202

Practical Legislation; The Composition and Language of Acts of Parliament and Business Documents by Henry Thring

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd. Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

# **HENRY THRING**

# PRACTICAL LEGISLATION; THE COMPOSITION AND LANGUAGE OF ACTS OF PARLIAMENT AND BUSINESS DOCUMENTS

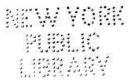


# PRACTICAL LEGISLATION:

# THE COMPOSITION AND LANGUAGE OF ACTS OF PARLIAMENT AND BUSINESS DOCUMENTS,

BY LORD THRING, K.C.B. 1818 - 1907.

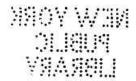
GEORGE N. MORANG & COMPANY, LIMITED
BOSTON
LITTLE, BROWN, AND COMPANY
1902



THE NEW YORK
PUBLIC LIBRARY
676570

ARTOR, LENOX AND
TRIBEN FOUNDATIONS.
IN 1814

Entered according to Act of Parliament of Canada, in the year Nineteen Bundred and Two, by Gazonos N. Monann & Company, Limited, at the Department of Agriculture.



## .TABLE OF CONTENTS.

₩1000,000 M100 M100 M100 M100 M100 M100 M		PAGE
The state of the s	•	1
PREPACE TO FIRST EDITION	•	13
CHAPTER I.		
INTRODUCTORY OBSERVATIONS.		
Mode in which a deapteman should prepare him	KLP	
TO DRAW ACTS	840	21
EXPLANATION OF CERTAIN TERMS USED IN WORK .	•	26
CHAPTER II.		
ARRANGEMENT OF SUBJECT-MATTER OF AN A	CT.	
DIFFICULTY OF ABRANGEMENT		28
SELECTION AND STATEMENT OF PRINCIPLES		28
ILLUSTRATIONS OF SELECTION AND STATEMENT OF P.	RIN-	
CIPLES IN SIMPLE ACTS	100	80
ILLUSTRATIONS OF SELECTION AND STATEMENT OF P	RIN-	
CIPLES IN COMPLEX ACTS	89	88
OBSERVATIONS AS TO MODE OF FRANING PRINCIPAL	AND	
	CERRORIO Ine	85
GENERAL BULES OF ARRANGEMENT OF ACT. RULE 1		38
GENERAL RULES OF ARRANGEMENT OF ACT, RULE 2		41
GENERAL BULBS OF ASSANGEMENT OF ACT, RULE 3	1070	42
GENERAL RULES OF ARRANGEMENT OF ACT, RULE 4		43
GENERAL RULES OF ABBANGEMENT OF ACT, RULE 5	100	44
	INTRODUCTORY OBSERVATIONS.  Mode in which a deapteman should prepare hims to draw Acts.  Explanation of certain terms used in work.  CHAPTER II.  ARRANGEMENT OF SUBJECT-MATTER OF AN ACT ARRANGEMENT OF SUBJECT-MATTER OF AN ACT SELECTION AND STATEMENT OF PRINCIPLES.  ILLUSTRATIONS OF SELECTION AND STATEMENT OF PRINCIPLES IN SIMPLE ACTS.  ILLUSTRATIONS OF SELECTION AND STATEMENT OF PRINCIPLES IN COMPLEX ACTS.  OBSERVATIONS AS TO MODE OF FRANING PRINCIPAL SUBORDINATE ENACTMENTS  GENERAL BULES OF ARRANGEMENT OF ACT, RULE 1  GENERAL BULES OF ABBANGEMENT OF ACT, RULE 2  GENERAL BULES OF ABBANGEMENT OF ACT, RULE 3  GENERAL BULES OF ABBANGEMENT OF ACT, RULE 3	CHAPTER I.  INTRODUCTORY OBSERVATIONS.  MODE IN WHICH A DEAFTSMAN SHOULD PREPARE HIMSELY TO DRAW ACTS.  EXPLANATION OF CERTAIN TERMS USED IN WORK  CHAPTER II.  ARRANGEMENT OF SUBJECT-MATTER OF AN ACT.  DIFFICULTY OF ARRANGEMENT  SELECTION AND STATEMENT OF PRINCIPLES  ILLUSTRATIONS OF SELECTION AND STATEMENT OF PRINCIPLES IN SIMPLE ACTS  LLUSTRATIONS OF SELECTION AND STATEMENT OF PRINCIPLES IN COMPLEX ACTS  CIPLES IN COMPLEX ACTS  OBSERVATIONS AS TO MODE OF FRANING PRINCIPAL AND SUBORDINATE ENACTMENTS  GENERAL RULES OF ARRANGEMENT OF ACT, RULE 1  GENERAL RULES OF ARRANGEMENT OF ACT, RULE 2  GENERAL RULES OF ARRANGEMENT OF ACT, RULE 3  GENERAL RULES OF ARRANGEMENT OF ACT, RULE 4

11. 12 Weald - 1 the is for 19 " " 11.35

vi	TABLE	OF	CONTENTS.
**	* 11111111	VI	CONTRACTO.

40	SUMMARY OF GREERAL RULES			son good L		62	PAGE
10.	OBSERVATIONS			. OEME	(T A)	HD.	45
14.	OBSERVATIONS ON REFERENTIAL PI	LOVI	BKOIH	VHERE	REFE	B-	77
CONTROL OF	ENCE MADE TO ANOTHER PART O						48
15.	OBSERVATIONS ON REFERENTIAL P	BOV	BHOIB	WHEN	REFE	R-	
	ENCE MADE TO OTHER ACTS	#8.	10 <b>0</b>	38 MARIEN		80. 180 <b>€</b> 81	53
16.	OBSERVATIONS ON REFERENTIAL W	ORD	8.	36		48	57
17.	OBSERVATIONS ON DIVISION OF	Act	B INT	PAR	TS AI	ND	
	HRADINGS	•			•		58
18.	OBSERVATIONS ON MARGINAL NOT		•		•	•	60
	CHAPTER	III	8				
	COMPOSITION OF S			8.			
19.	CLEARNESS; OBJECT OF PARLIAM	ENTA	RY DR	AFTIN	a	10	61
	ENACTMENT IN ITS SIMPLEST PO					AL	
	SUBJECT AND LEGAL PREDICATE		554500000 75 <b>4</b> 00	% - % ∴•			61
21.	Mode of Geouping Legal surje	CTE	3943	8		-	68
22,	Mode of Geouping Legal Preds	CATI	28 .	1		33	64
28.	Mode of Grouping independe	ENT	BHAO	MENT	3 OF		
	SIMPLE CHARACTER	20	5180				64
24.	MODE OF STATING CASE	4	( ·		1	•	68
25.	Mode of Stating conditions	900 1000	10 <b>4</b> 0	200 20 <del>0</del>	68 68	**	78
26.	Mode of stating exceptions	¥.	100	8	12		76
27.	Use of Provisors	\$3. •			<b>:</b>		80
28.	SUMMARY OF BULBS . ,	)60 )60	20 <b>0</b> 00	8 <b>0</b>	:		80
29	. SELECTION OF WORDS AND OTHER	MAT	TERS	234	32		81
80.	RECORMENDATION OF USE OF SEX	CERIO	TERM	18.	3		84
81	ENUMERATION OF PARTICULARS	•	10.00	586		•	89

		CI	IAP.	rer.	IV.					
	G	ENER	T O	BSER	VATIO	ONS.	i i			
82.	PREAMBLE .				¥				×	92
88.	SHORT TITLE OF	Acr						(*)	٠	98
84.	EXTEST OF ACT		e: :	•			•3	5. <b>.</b>	•	98
35.	COMMENCEMENT	or Ac	r	5 <b>.</b> 08		٠	*		9	94
36.	CONSTRUCTION O	F TERM	18	-		•			٠	95
87.	As to PLACE	и Ас	T OF	DEF	INITIO	MB	AND	CERTAI	ON	
	OTHER PERLIN	ENARY	MATT	TERS.	99			\$6	1	96
38.	Adjustment of	EXIST	MG A	ND NE	W LAT	•				97
89.	EXEMPTIONS AND	ELVAR O	TGB	•	٠		•	10.00	٠	98
40.	SCHEDULES		88 E		14		20	93 93 <b>4</b> 71	9	100

vii

. . . 185

TABLE OF CONTENTS.

41. ALTERATIONS DUBING PASSAGE OF ACT INTERPRETATION ACT, 1889 . . .

INDEX TO CONTENTS OF CHAPTERS .

[\$] \* 75. 200

## INTRODUCTION.

The following treatise was written many years ago for the instruction of the assistant draftsmen in the office of the Parliamentary Counsel. It was published by her Majesty's Stationery Office, and being now out of print, is republished, with the consent of the Government, with an introduction and with certain alterations required by recent legislation.

Mr. Austin, no mean authority, writes in his work on Jurisprudence, "I will venture to affirm that what is commonly called the technical part of legislation is incomparably more difficult than what may be called the ethical. In other words it is far easier to conceive justly what would be useful law, than so to construct that same law that it may accomplish the design of the law giver." Mr. Gladstone expressed his opinion to me that a Bill was the very soul of legislation, and one of the most learned men perhaps in modern times, Bishop Westcott, the late Bishop of Durham, points out the essential requisite in drawing Acts of Parliament, and indeed in all other sorts of serious composition when he says, speaking of the benefits that he had derived from the tuition of Dr. Prince Lee, the famous master of King Edward's school at Birmingham: "If I were to select one endowment which I have found most precious to me in the whole work of life, I should select the absolute belief in the force of words which I gained through the strictest verbal criticism."

For myself, I learnt from the instruction of those two great scholars, Dr. Kennedy and his brother George