

CROSS- STATUTORY INTERPRETATION. By SIR RUPERT CROSS, JOHN BELL AND SIR GEORGE ENGLE (2nd Edition). [London: Butterworths. 1987. xviii + 206 pp. Softcover: £10.95]

I FIRST read the late Sir Rupert Cross' *Statutory Interpretation*<sup>1</sup> when I was studying the subject as an undergraduate. I did it for two main reasons: it was one of the shortest books on the subject and the style was lucid and simple. It was therefore with great enthusiasm that I returned to that book when reviewing this new edition. Some 11 years have elapsed between the publication of the first edition and the second and I am pleased to say that the authors of the latter have done an excellent job in upkeeping the reputation of Cross' earlier work.

Very often, subsequent editions to noted books by other editors fail to retain the qualities of the predecessor volume. I am glad to note that the efforts of Dr John Bell and Sir George Engle have enhanced the qualities of the original version and will no doubt succeed in making "available Cross' insights to a new generation of students by updating some of the examples and by applying Cross' approach to recent developments both in the case-law and academic writings."<sup>2</sup> Much material has certainly been added — this edition is twenty-six pages longer than the first — and some omitted. Substantively. Chapters 2 and 8 have been extensively revised and rewritten. In terms of clarity and organisation, I must confess to preferring the new edition. While maintaining Cross' lucidity and clarity, the authors have managed to re-arrange certain chapters in a more readable, if not more logical format. For example, in Chapter 2, which was and still is entitled "Jurisprudential", Cross originally examined the works of Blackstone, Bentham, Austin and Gray as a prelude to his discussion of "canons of interpretation" and "the meaning of the 'intention of Parliament' ".<sup>3</sup> The first-year student, tackling the subject for the first time, will find it difficult to understand why these particular jurists have been singled out by Cross for discussion. It is also difficult to see how this discussion necessarily flows into the fifth sub-heading entitled "The Canons of Interpretation". Bell and Engle have re-organised that part of the chapter by first discussing the "Subject Matter of Interpretation", the three constitutional reasons for retaining the notion of "intention of Parliament"<sup>4</sup> and then examining the various Jurisprudential views in context.

In the same chapter of the first edition, Cross also went into a long discussion of *Magor and St. Mellons Rural District Council v. Newport Corporation*<sup>5</sup> which seemed to me to be out of context. Of course this case has long been a favourite among both students and teachers of statutory interpretation since it so aptly demonstrated and contrasted the pro-liberal Denning and arch-conservative Simmonds approach to statutory construction. However, Cross did not tell the reader why he thought this case merited such detailed scrutiny<sup>6</sup> and how it fitted into

<sup>1</sup> Sir Rupert Cross, *Statutory Interpretation* (London: Butterworths, 1976).

<sup>2</sup> See Preface to Second Edition at p. v.

<sup>3</sup> See Cross, *supra* note 1 at pp. 17-27.

<sup>4</sup> See p. 28.

<sup>5</sup> [1952] A.C. 189.

<sup>6</sup> See Cross, *supra* note 1 at pp. 37-40.

his jurisprudential discussion. This discussion has been appropriately condensed and cast in context in the new edition. This makes for easier reading and the student can now see where the material is leading him or her. Clarity has also been enhanced by the addition of new headings and sub-headings cast in bold print. This makes the key points far more accessible and reading all the more enjoyable. For instance in Chapter 6, the heading "Miscellaneous" in the first edition<sup>7</sup> has been retitled "Informed Interpretation" in this edition.<sup>8</sup>

In bringing out this new edition, Bell and Engle have done more than just updated Cross' original work. They have enhanced it and in certain instances have also departed from Cross' original views. For example, the present authors feel that Lord Escher's point that an act should be "construed as if one were interpreting it the day after it was passed" should not be regarded as a rule of general application, but should instead be confined "to the interpretation of Acts intended to apply only to particular grievance current at the time of enactment."<sup>9</sup> This is in contradistinction to Cross' view of general applicability.<sup>10</sup> In addition to improvements to the original work, the present authors have also had the benefit of recently decided cases which they cite liberally. For me, the second edition still retains those two qualities which induced me to read the first: its clarity and conciseness. It is not a book for those seeking equally ample authority for both sides of a dispute. For that, one has to turn either to *Maxwell* on the *Interpretation of Statutes* or *Crates' Statute Law*. Instead, Cross is a discussion of general principles and the role of judges in the political and constitutional environment. In this respect, I have no hesitation in recommending it to all those who may be interested in statutory interpretation.

<sup>7</sup> *Ibid.*, at p. 122.

<sup>8</sup> Seep. 140.

<sup>9</sup> Seep. 49.

<sup>10</sup> See Cross, *supra* note 1 at p. 45.