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.
A statute's structural features, such as its degree of transitivity, will control the applicability of many standard canons of interpretation. One of the most familiar canons is ejusdem generis: "where general words follow an enumeration they are to be held as applying only to persons and things of the same general kind or class specifically mentioned."
The thesis critically examines the judicial interpretation of statutory rules, now the source of most of our law. Courts in adopting a traditional two-step approach denoted as prospective interpretation (first ‘understand’ the meaning and then apply that meaning) have promulgated conditions that effectively rewrite statutory rules and limit their accessibility, so presenting a challenge to the separation of powers and to rule of law values. My research critically examines the tenability, completeness and utility of prospective interpretation, in particular by analysis of the work of Neil MacCo. The interpretation of statutes, more precisely, the juridical understanding of legal texts. Legislation, in other words, deals with the body of rules and principles which are used to construct the correct meaning of legislative provisions to be applied in practical situations. The use of these principles/rules is necessary for the following reasons: if the written and spoken words are imperfect renderings of human thoughts if in the case of legislation, the courts are obliged to use specific rules of interpretation to construe its meaning. The Importance of Statutory Law. The question whether st...