

The Rt Hon the Lord Clyde

The Rt Hon the Lord Clyde

The Rt Hon the Lord Clyde took over as Chairman of the Statute Law Society from the Rt Hon Lord the Lord Slynn of Hadley last year. He gives his opinions on the challenges facing the Society, its members and all those involved with the legislative process.

The Statute Law Society was founded 30 years ago to 'procure and further the making of technical improvements in the form and manner in which statutes and delegated legislation are expressed and published with a view to making the same more readily intelligible'. Its second primary objective is to educate the public in the processes and scope of legislation of all kinds.

At present the style and content of European Union legislation is very much on members' minds; current topics which may engage the Society's attention include the incorporation of the European Convention on Human Rights into UK law and the legislative implications of devolution.

The Society traditionally holds an occasional major meeting outside London, and preparations are well advanced for a two day seminar entitled *Anti-discrimination legislation in Europe: issues of drafting and interpretation*, to be held at the Jean Moulin University of Lyon on 4 and 5 November. The seminar will be a comparative study of the subject, with speakers from France, the

European Court in Luxembourg and England.

Lord Clyde was appointed a Lord of Appeal in Ordinary in 1996 and has been chairman of the Joint Parliamentary Select Committee on Consolidation of Bills from 1998. Chairing the committee has made him see statutory drafting in a new light:

'I found the task of trying to achieve greater clarity within the very narrow limits of the consolidation process a very interesting experience. On a number of occasions one finds that successive Acts have trodden on each others' toes and produced minor anomalies between them which can only be sorted out when this kind of opportunity arises.'

He is well aware that the Statute Law Society, which is administered from Charles Clore House, is about to enter a key period in its history.


'I am beginning to feel that this is a time of reappraisal. There is an opportunity for the development of closer links with the IALS, and that would be a very satisfactory partnership for the future.'

At the moment the Council and I are looking around to explore various

possibilities before deciding in which direction we should be going – for example we are looking at the seminars which we have run to see whether we can develop them to be more attractive to a larger audience and serve a larger purpose.

I would also like to see closer links built with those involved in the drafting process, as well as those involved in the interpretation and application of statutes. Those drafting statutes face a number of problems, including the high technical content in today's Acts and the continuing growth in the creation of secondary legislation and codes of practice.

The amount of secondary legislation is growing by leaps and bounds. It is not a true reflection of the democratic process. Not only is the substance of secondary legislation less exposed to scrutiny before it is passed, but the drafting of it may not be sufficiently studied in advance.

Legislation must be intelligible and accessible – coherence becomes more and more important as statutes and the statute book become larger.' 

Julian Harris

Senior Information Officer, IALS

CURRICULUM VITAE

James John Clyde was educated at Edinburgh Academy, Corpus Christi College, Oxford (BA, Hon Fellow 1996) and Edinburgh University (LLB). He was called to the Scottish Bar in 1959, becoming a QC (Scotland) in 1971. He served as Chancellor to the Bishop of Argyll and the Isles from 1972–85 and from 1972–85 as a Judge of the Courts of Appeal of Jersey and Guernsey. He was a senator of the College of Justice in Scotland from 1985–96 and became a Lord of Appeal in Ordinary in 1996. He has been chairman of the Joint Parliamentary Select Committee on Consolidation of Bills from 1998. His many other appointments include chairman of the Medical Appeal Tribunal from 1974–85, the Scottish Valuation Advisory Council from 1987–96 (member 1972–96), and chairman of the Orkney Children Inquiry 1991–92. He was chairman of St George's School for Girls from 1988–96, a governor of Napier Polytechnic (now University) from 1989–93, and has maintained a long association with Edinburgh University, including as assessor to the Chancellor of Edinburgh and Vice-Chairman of Court from 1989–97 and as chairman of the Europa Institute from 1990–97. Lord Clyde is joint editor of *Armour on Valuation* (3rd ed., 1961, and 5th ed., 1985), and co-author of a new book on *Judicial Review* (W Green & Son Ltd, 2000).