How to Use Halsbury’s Statutes

1 INTRODUCTION

Halsbury’s Statutes comprises the statute law of England and Wales from the earliest times to the present day. Every important Public General Act and Church of England Measure currently in force is included, together with a number of private and local Acts and certain Scottish Acts (or provisions thereof) which also apply to England and Wales.

The current (fourth) edition was published initially between 1985 and 1992. It comprises:

- 61 substantive volumes (divided into 114 subject titles)
- Cumulative Supplement
- Six Current Statutes Service looseleaf binders
- Noter-up looseleaf binder
- Tables of Statutes and Consolidated Index volume
- Is it in Force?
- Statutes Citator
- Consolidated Table of Cases
- Consolidated Table of Statutory Instruments
- Destination Tables.

2 PLAN OF THE WORK

Volumes

Halsbury’s Statutes operates on the reissue principle i.e. volumes are reissued when they become substantially affected by the passage of relevant legislation.

Each volume sets out the correct and amended texts of all the statutes that fall within the scope of the titles in that volume. The text of each statute is thoroughly revised to include all amendments and repeals up to the time of publication of the volume in which it is published. For a complete list of the current volumes, see Halsbury’s Statutes Title Scheme pages in the Tables of Statutes and Consolidated Index, or the end papers in the main volumes.

The Halsbury’s Statutes title scheme makes reference easy and straightforward. Each Act (or part of an Act) is allocated to a particular title, and each title (or part of a title) sets out the legislation in chronological order. Each statute relevant to a particular title, which has been passed since the publication of the volume which contains that title, is published in the looseleaf Current Statutes Service until it is incorporated in a reissue volume.

Annotations are set out immediately after each section of, or Schedule to, each Act. They give concise information necessary for understanding and applying the Acts, relating to:

- amendments, commencement and repeals
- cross-references to other provisions of the Act
- cross-references to other relevant provisions in Halsbury’s Statutes
- derivation notes in the case of consolidating legislation
judicial interpretation

subordinate legislation

references to words specifically defined in the Act.

Current Statutes Service Binders
There are six looseleaf binders which contain legislation post-dating the volumes. The Acts are filed in a parallel title scheme to that used in the volumes. When a volume is reissued, the material contained in the binder for that title is incorporated into the reissue volume. For further information, see “How to use the Current Statutes Service” at the end of this guide.

Cumulative Supplement
The Cumulative Supplement summarises and explains the effect of new Acts, statutory instruments and case law on existing legislation published in both the volumes and the binders. Only the latest edition of the Cumulative Supplement should be used, and all earlier editions should be thrown away. For further information, see “How to use the Cumulative Supplement” at the front of that volume.

Noter-up Service
There is one further looseleaf binder, namely the Noter-up binder. Updating material that has been digested since the publication of the latest Cumulative Supplement is filed in this binder as well as any updating material required for Is it in Force?. For further information, see “How to use the Noter-up Service” in the Noter-up binder.

Tables of Statutes and Consolidated Index
This volume contains alphabetical and chronological lists of all statutory provisions published in the volumes and the Service binders at the time of going to press. The volume also contains a comprehensive subject index relating to the volumes and the Service. For further information, see the Publisher’s Note at the front of that volume.

Is it in Force?
This volume details the exact commencement dates of every provision of every Public General Act and Measure of the General Synod of the Church of England passed since 1960. It also lists provisions of earlier Acts for which no commencement dates have yet been appointed. The volume is updated regularly in the Noter-up binder. Is it in Force? includes repeals of provisions which were never brought into force, but for the current status of Acts and Measures, reference should be made to the Halsbury’s Statutes Citator or to the main Halsbury’s Statutes volumes and the Cumulative Supplement and Noter-up. For further information, see the Preface to the current Is it in Force?.

Halsbury’s Statutes Citator
The citator provides a quick and easy-to-use one-volume guide to the current status of statutes. It contains a comprehensive alphabetical list of over 7,000 statutes from 1236 to the present day which shows which statutes are still in force. It includes, where relevant, details of a statute’s repeal or amendment by further legislation. Case citations are noted to provisions which have been judicially considered. For further information, see the Introduction at the front of the citator.
Consolidated Table of Cases
This volume contains in Part 1 an alphabetical list of all cases that are printed in the current volumes of Halsbury’s Statutes, the current Cumulative Supplement and the Noter-up. Part 2 contains the same cases, arranged according to the Statutes to which they relate.

Consolidated Table of Statutory Instruments
This volume contains in Part 1 an alphabetical list of statutes with current statutory instruments arranged, as amended, underneath each Act. Part 2 has all these instruments arranged in an alphabetical list, which allows an instrument to be located when only the title is known.

Destination Tables
This volume contains tables detailing the repeal and re-enactment of legislation by all consolidation Acts passed during the years 1983 to 2007 and a selection of other tables relating to important consolidations passed during earlier years as far back as 1957. It also contains a consolidated table of destinations which allows the destination of an enactment to be traced where only that repealed enactment is known. For further information, see the Introduction at the front of that volume.

3 FINDING ACTS AND OTHER INFORMATION IN HALSBURY’S STATUTES
There are several routes to finding accurate, up-to-date information in Halsbury’s Statutes, for example,

• through the Tables of Statutes and Consolidated Index
• by the title scheme of the work.

Through the Tables of Statutes and Consolidated Index
The Tables of Statutes and Consolidated Index may be used to find information quickly where the name of the Act is both available and unavailable. It is also a useful source of further information where the name of the principal Act relating to a certain area is known, and you wish to check whether there is any other legislation on that subject. By looking up the relevant subject area in the Consolidated Index you can identify other Acts dealing with that subject matter.

In addition, there is a comprehensive index at the back of each volume which enables the user to find specific information.

EXAMPLES
Where do I find the Data Protection Act 1998?
• Use the Alphabetical List of Statutes at the front of the Tables of Statutes and Consolidated Index which shows the Act as being printed in Volume 7, p 542.

Where do I find the Mental Health Act 2005?
• As above, but the reference to 28(S) Mental Health 1 means that the provisions are printed in the looseleaf Service; Acts allocated to Volume 28 appear in Binder C.

Where do I find legislation relating to the Guildhall Museum?
• Use the Tables of Statutes and Consolidated Index. Under the heading “Guildhall Museum”, there is a cross-reference to “Museum of London”. Under that heading an index entry refers you to the Guildhall Museum collections. Details of the transfer of the Museum’s collections appear in Volume 24, under individual reference number [194] (on p 159).
By Title Scheme

The title scheme used by Halsbury’s Statutes covers the main areas of legal practice and you will be able to locate the required information if the precise name of the relevant legislation is not known, but you have a good general idea of the particular area of law about which you wish to learn.

Care must be taken when locating an Act on its likely title alone, as some Acts are “split” and will appear in more than one title eg the Care Standards Act 2000, parts of which are printed in the titles Children and Public Health and Environmental Protection. In such a case time could be wasted seeking the required sections of the Act, and it is preferable to use the Alphabetical List of Statutes in the Tables of Statutes and Consolidated Index which lists the volume number and title in which specific provisions of a split Act are to be found.

EXAMPLE
Where do I find legislation relating to pensions?
• Spines or lists of titles. A glance at the spines of the volumes or through the list of titles, which is printed at the front of each volume and at the front of the Tables of Statutes and Consolidated Index volume, shows that Volume 33(1) (2007 Reissue) contains the title Pensions and Superannuation, where legislation relating to pensions appears.

In addition, the Table of Statutes in each volume lists in alphabetical and chronological order the statutes printed in the volume.

Where do I find the Companies Act 2006?
• Table of Statutes. The Table of Statutes at the front of the Companies title in the current Volume 8(1) shows that the Companies Act 2006 starts on p 216.

Finding out whether the law has come into force

When legislation first appears in Halsbury’s Statutes, it has often not been brought into force. New legislation published in the looseleaf Current Statutes Service invariably contains a “Commencement” annotation, which refers to the commencement of the Act. For example, the Railways Act 2005, s 22 (Vol 36, title Railways, Inland Waterways and Pipelines), is followed by the note:

“Commencement
At the time of going to press, no orders had been made under s 60(2) post bringing this section into force …”

A quick way to see if the provision is in force is to refer to Is it in Force?, which shows that s 22 was brought into force on 1 Dec 2006 by SI 2006/2911.

Alternatively check both the Cumulative Supplement and Noter-up entries to s 60 to see if a commencement order has been made bringing s 22 into force.

4 HOW TO CHECK FOR CHANGE

Halsbury’s Statutes is updated as follows:
• periodically, by the reissue of specific volumes and
• regularly, by the publication of the Cumulative Supplement (annually) and the Current Statutes Service and Noter-up (four times per year).

It is essential to check that:
• the most recent volume is being used. This can be checked by looking at the Halsbury’s Statutes Check List at the front of Current Statutes Service Binder A. When a new reissue volume is published, the volume that is being replaced...
should be discarded in accordance with instructions set out at the front of the
new volume. The date at which the volume states the law is also stated at the
front of each volume.

- the correct year’s Cumulative Supplement is being used. The Supplement notes
changes to each title that appears in a volume and then to the Service material
for the corresponding titles in that volume. Being cumulative, the Supplement
incorporates all material from previous years’ Supplements where it is still
relevant. Previous years’ Supplements should be discarded in accordance with
instructions set out at the front of the new Supplement.

- the looseleaf elements (both the Current Statutes Service and the Noter-up)
are correctly filed and up-to-date. Clear filing instructions are given with
each issue. Again, the Halsbury’s Statutes Check List informs you which is the
latest Service issue.

When the information required has been found in the appropriate volume or
Current Statutes Service binder, refer to the Cumulative Supplement to check
whether the statutory provisions have been amended, repealed, supplemented by new
primary or secondary legislation, or judicially interpreted. The Supplement is
arranged in the same volume, title and page order as the volumes and reissue volumes,
and any development which affects a specific provision is noted to the relevant page.
Finally, the Noter-up in the Noter-up Binder should be consulted, where further
updating in Supplement style is set out. The Noter-up is usually up-to-date to within
a week of going to press.

5 SOME EXAMPLES

It should be noted that the following examples were all correct at the time of going
to press. However, the pace of legislative and consequently publishing activity renders
all the examples subject to alteration.

EXAMPLE 1

Your client wants to know what fee is payable for the renewal of her firearm certificate.

Answer:

- Look under the subject heading “firearm certificate” and then the sub-heading “fees” in
the current Tables of Statutes and Consolidated Index to find the relevant volume
and page reference (Vol 12(1), individual reference number [523]).

- Consult the current volume and text referred to in the index i.e Vol 12(1), title
Criminal Law, the Firearms Act 1968, s 32(1)(b).

- Refer to the appropriate sections in the Cumulative Supplement to see if there have
been any amendments since Vol 12(1) was reissued in 2005. There have been no
amendments to s 32(1)(b).

- Refer to the Noter-up to see if any changes have been made since the Cumulative
Supplement was published. There has been no further change.

EXAMPLE 2

Your client plans to set up as a dog breeder. You are asked to advise if he needs a licence.

Answer:

- Consult the Tables of Statutes and Consolidated Index under the subject heading
“dogs” to find the relevant volume and page references for “breeding establishment—
licence—requirement for” (Vol 2, p 308).

- Note that the entry is no longer up to date owing to the 2007 reissue of Volume 2. The
index at the back of this volume should be used instead.

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- Consult the current text referred to in the index, i.e. the Breeding of Dogs Act 1973, s 1 (under individual reference number [366]).
- Refer to the appropriate sections by volume title and page number in the Cumulative Supplement to see if there have been any amendments since Vol 2 was last reissued: there has been no change since Vol 2 was reissued in June 2007.
- Refer to the Noter-up to see if further changes have been made since the Cumulative Supplement was published. There is no entry in the Noter-up for the Breeding of Dogs Act 1973 so there has been no further change to s 1 of that Act.

EXAMPLE 3
Your client wants to know the annual rate of vehicle excise duty in respect of buses.

Answer:
- Consult the Tables of Statutes and Consolidated Index under the heading “vehicle excise duty”, and then follow the sub-headings “rates of” and then “buses”. The index refers the reader to Vol 13, individual reference number [575].
- Look up the provision referred to by the index, i.e. the Vehicle Excise and Registration Act 1994, Sch 1, Pt III, para 3, Vol 13, title Customs and Excise. This paragraph gives the annual rates of duty for various classifications of buses. Text in square brackets indicates that amendments have been made, these are clarified in more detail under the “Amendments” note below.
- Refer to the appropriate provision, by volume and page number, in the Cumulative Supplement to see if there have been any amendments since the reissue of Vol 13 in 2004. There has been an amendment to para 3(1A) by the Finance Act 2006, s 7(1), (7), (10), (16), Vol 13, title Customs and Excise. This amendment substitutes a set rate of £165 for a bus with respect to which the reduced pollution requirements are satisfied.
- Refer next to the Noter-up to see if further changes have been made since publication of the Cumulative Supplement. No changes have been made.

EXAMPLE 4
Is the Environmental Protection Act 1990, s 32, still in force?

Answer:
- Consult the Tables of Statutes and Consolidated Index. The Alphabetical Table of Statutes refers to the Environmental Protection Act 1990, s 32 at Vol 35, p 729 (title Public Health and Environmental Protection).
- Refer to the appropriate section in the Cumulative Supplement: s 32 of the 1990 Act has been repealed by the Clean Neighbourhoods and Environment Act 2005, ss 47, 107, Sch 5, Pt 4, Vol 35, title Public Health and Environmental Protection.
- To see when that repeal came into force, consult the current Is it in Force?: the entry relating to Sch 5, Pt 4 states that the relevant repeal in the 1990 Act came into force on 18 Oct 2005 in relation to England and 16 Mar 2006 in relation to Wales (SI 2005/2896 and SI 2006/768 respectively).
- Alternatively check the Current Status section of the current Halsbury’s Statutes Citator (for further information, see “Halsbury’s Statutes Citator” above).

EXAMPLE 5
Have any regulations been made (either wholly or in part) under the Gangmasters (Licensing) Act 2004, s 6?

Answer:
- Look up the 2004 Act in Part 1 of the Consolidated Table of Statutory Instruments volume, and read through the list of instruments to see if any have been made under s 6.

Or:
- Consult the Tables of Statutes and Consolidated Index. The Alphabetical Table of Statutes refers you to Vol 1(S), Agriculture p 1 (to be found in Service Binder A).
Under the Arrangement of Sections on p 2 you will see that s 6 is on p 8. The note “Regulations under this section” to s 6 states that at the time of going to press no regulations had been made under that section.

Refer to the entry updating s 6 in the current Cumulative Supplement. The following regulations have been made under s 6: SI 2006/658.

To check if the regulations are still in force refer to the Noter-up for Vol 1 which shows that no further regulations have been made either amending or revoking SI 2006/658.

Alternatively, HSI subscribers can refer to the Halsbury’s Statutory Instruments Citator, which provides a quick and easy-to-use guide to the current status of statutory instruments.

To check whether statutory instruments have been made under an Act in the current calendar year, refer to the Table of Statutory Instruments in the Noter-up binder. This table lists the enabling powers under which current-year statutory instruments have been made. See further “How to use the Noter-up Service” in the Noter-up binder.