



Factsheet L12 Legislation Series

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House of Commons Information Office

Tracing Acts of Parliament

The House of Commons Information Office is often contacted by people who are aware of the existence of an Act of Parliament, either in force or superseded, and wish to trace it. Depending on the age and currency of the Act, this may be a simple or an extremely complex task; and it is the purpose of this Factsheet to point out the principal ways in which the job may be tackled. For information on how legislation is passed, please see Factsheets L1, L2 and L4.

This Factsheet is available on the internet at:
<http://www.parliament.uk/factsheets>

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Acts of Parliament

Acts of Parliament can be divided into two types: public acts and private acts.

Public acts are legislation of universal application and change the general law. Private acts (also known as local and personal acts) affect the powers of individual groups, such as companies or local authorities.

Prior to 1798, all acts, both public and private, were published together with private acts listed as "local and personal acts declared private". Since 1798 printed acts have been divided into two series: "public general acts" and "local and personal acts" (which are further subdivided).

Public Acts

There are a number of tools that are useful when tracing public acts; the most helpful of which are listed below:

- **Index to the Statutes:** published by the Stationery Office (TSO) contains comprehensive cross-referencing by subject. Each section starts with a chronological list of the acts in force on that subject followed by a detailed breakdown of the subject with reference to the appropriate acts.
- **Chronological Table of the Statutes:** published by TSO. Includes both repealed and in force Statutes, in date order. Can also prove useful if it is known to within five or ten years when an Act was passed
- **Halsbury's Statutes of England:** published by Butterworths. This is another subject based index which aims to provide the user with an up to date version of all Public General Acts. Halsbury's Statutes is available online at <http://www.butterworths.co.uk> and is a subscription based service.
- **POLIS:** From 1979, Acts (of all types) are indexed on the POLIS computer database (used by the House of Commons Information Office). Information from 1997 onwards is available on the internet at www.polis.parliament.uk
- **LEXIS/NEXIS:** and the full texts of English Statutes in force are available on the LEXIS/NEXIS database (mainly confined to legal practitioners' offices).
- **Statute Law Database:** will provide comprehensive access to British Statute law texts. It is being made available in stages by the Lord Chancellor's Department.¹
- **The Internet:** The full text of public acts, since 1988, and local acts, since 1991, is available at: <http://www.hmso.gov.uk/acts.htm>

Repealed Acts

With the consolidation of law into single acts, component acts are removed from the Index to the Statutes. Also, statutes are regularly repealed, in whole or in part, both by new legislation on the subject and by Statute Law Revision Acts, which comb out obsolete or superseded acts from the statute book. Tracing a repealed twentieth century act does not present great difficulty: old editions of **Index to the Statutes**, **Halsbury's Statutes** and the **Chronological Table of the Statutes (CTS)** should prove useful.

In **CTS**, acts wholly or partly in force are entered in bold type; those repealed in italic type. Importantly, if an act has been amended, the act(s) which amended it are noted, section by section; if it has been repealed, the act which finally repealed it (but not previous amendments) is noted.

¹ <http://www.lcd.gov.uk/lawdatfr.htm>

Old Public Acts

Tracing older acts can be more difficult. The cumulative indexes to the **Commons Journals** and to the **Lords Journals** include references to every bill, public and private, whether they were passed or not. Both **CTS** and **Index to the Statutes** were first published in 1870 (the latter under the title **Index to the Statutes in Force**) and first editions of both are valuable sources for the statute law of mid-Victorian England. Failing this, recourse must be had to contemporary law books, such as **Bacon's Abridgement**.

If the date of a reputed act is known to within a decade, any edition of **CTS** may certainly be used, but with one caveat. In the eighteenth century and before, it was common for Parliament to pass "omnibus" Acts (what we would now probably call Miscellaneous Provisions Acts) about a number of subjects. For instance, the Act of 3 Geo 3 cap 29, which **CTS** show just as *Price of Bread, etc*, dealt with: price of bread, bankruptcy, Papists' wills, Protestant lessees, and poor-law settlement certificates and removals. This is a problem which seriously complicates the finding process and can only be overcome by going through the long titles in the annual volumes of Statutes. (acts have long titles, the full details of what they will do, and short titles, an abridged version of this which is legally acceptable.)

A very useful index to the Statutes from Magna Carta to 1809 is **Raithby's Index**, composed of an alphabetical subject index, published in 1814. Raithby's index is also to be found, in an adapted form, in both alphabetical and chronological sequences, in the Public Records set of the Statutes.

A useful source for determining the exact details of the many acts referred to by a more popular name other than their short title is **Jowitt's Dictionary of English Law**.

Private Acts

Non-public legislation is much more difficult to trace than public acts. Private acts were not officially printed until 1798. From 1705 some privately printed acts are available, but most of these acts are in fact bills.

From 1798 private acts of a local nature have been printed in regular series known by different names in different periods.

Series of Private Acts

These are listed (in the printed volumes described in the following paragraph) as:

- (a) Private Acts (until 1802);
- (b) Local and Personal Acts, not printed (1802-1814); Private Acts (1815-date) (titled Personal Acts from 1948). All private acts have been printed since 1922.

Local and Personal Acts

These started in 1798 and include:

- (c) Public Local and Personal Acts (1798-1802);
- (d) Local and Personal Acts to be judicially noticed (1803-1814); Local and Personal Acts declared public and to be judicially noticed (1815-1867);
- (e) Provisional Order Confirmation Acts (regarded as public acts of a local character) (1867-1963);
- (f) Local and Personal Acts (1868);
- (g) Local and Private Acts (1869);

(h) Local Acts (1870 onwards).

The differences between all these series can often be set aside, except in searching out the actual texts from library shelves. However, it is normal to cite acts in a standard way, despite what may appear on the document itself.

Local and Personal Acts 1801-Date

There are subject indexes published by HMSO, covering the years 1801-1966. A comprehensive title Index, 1850-1990, was published in 1996 by HMSO: The 1801-1966 indexes are arranged in sections according to the type of act. Hence all railway acts are together, subdivided by company, all industrial and commercial company Acts; those dealing with canals, gas supply, etc. There are separate sections relating to Personal Acts concerning estates, marriage, naturalisation, etc.

The **Chronological Table of Local Legislation** without subject division covering 1797 to 1992 was compiled by the Law Commission and published in 4 volumes by HMSO in 1996. This was updated to 1997 in 1999. Further printed supplements now cover the period to the end of 2000, while the internet version is complete to the end of 2002. This compilation has made it much easier to decide if an old local act is still in force.

A fairly reliable chronological list (divided by subjects within years) of these acts passed between 1727 and 1812 is to be found in **Bramwell's Analytical Table**, published in 1813. The list is annotated, and there are appendices forming indexes to estate and enclosure acts (see also below). It excludes those which were "declared public" - such as those relating to bridges, canals, roads, docks, poor law, and so forth. Some of the latter appear in **CTS** in the lists of public acts.

More specialised sources include W E Tate's **Domesday of English Enclosure Acts and Awards** and Thomas Vardon's **Index to the Local and Personal and Private Acts 1798-1839**. **Raithby's Index** is well worth consulting, since it includes many acts which nowadays would be local rather than public.

Citation of Acts

It is normal nowadays to cite all acts of whatever period in accordance with present practice. So variable has the actual numeration of different centuries been, that the regnal year and chapter number printed on any one edition of a Statute may be different from those appearing on other editions of the same item. The **CTS** gives details of known variants in the regnal year, etc.

In particular, it is now usual to cite public acts of all periods with arabic figures and post-1797 non-public acts with roman numerals. Personal Acts have italic arabic figures, and it is a service to the reader to supply the information (*Not Printed*) after the citation of any such act known never to have been printed. The **CTS** is a useful guide for citing public acts of whatever age.

The regnal year is not used after 1963, when the method of citation was changed to calendar years. It is sensible to abbreviate the word Chapter to "cap" - not "c", so as to obviate confusion with the roman numeral "c". The monarch's name is usually abbreviated. Most abbreviations are obvious, but James is often **Jac** (Latin *Jacobus*) and Charles, **Car** (*Carolus*).

For Public Acts, typical examples of the normal modern forms of citation are:

Disorderly Houses Act 1751 (25 Geo 2 cap 36)

Debtors Act 1869 (32 & 33 Vict cap 62)

County Courts (Penalties for Contempt) Act 1983 (cap 45)

and for Local Acts:-

Aberbrothwick Harbour Act 1839 (2 & 3 Vict cap xvii)

Epping Forest Act 1878 (41 & 42 Vict cap ccxiii)

British Railways (Liverpool Street Station) Act 1983 (cap iv)

and for Personal and Private Acts:-

Marquess of Abergavenny's Estates Act 1946 (9 & 10 Geo 6 cap 1)

Hugh Small and Norma Small (Marriage Enabling) Act 1982 (cap 2)

Access to Acts

Copies of current public acts will be found at most large public reference libraries; and most large library systems will have access to superseded public acts of the 19th and 20th centuries. The copyright libraries (the British Library, the Bodleian, Oxford, the University Library, Cambridge, the National Libraries of Wales and Scotland, and Trinity College Dublin) have excellent collections of these and of local acts; as has the Guildhall Library in London.

The **House of Lords Record Office** (HLRO) has the record copies of all English and UK Acts since 1497, including those never printed: they also hold a good range of printed texts of both public and local acts. Full contact details are given at the end of the Factsheet.

Public acts since 1988 and private acts since 1991 can be found on the internet at:
www.legislation.hmso.gov.uk/acts.htm.

Acts of the Scottish, Irish and Northern Ireland Parliaments

There are separate sequences of acts passed by the pre-Union Scottish and Irish parliaments. The former are listed in **CTS** (vol.II) and the latter in part I of the **Chronological Table of the Statutes Northern Ireland** published by HMSO Belfast. Part IV of this work lists the Acts of the Parliament of Northern Ireland (1921-72), Measures of the NI Assembly (1974-75) and Orders in Council (1972-) (see **Factsheet L8**).

It is usual to cite these acts in the form "Railways Act (NI) 1934 (24 & 25 Geo 5 cap 5)", and those of the pre-Union Irish Parliament as "Charitable Uses Act (I) 1763 (3 Geo 3 cap 16)". Pre-Union Scottish acts are cited as "Parricide Act (S) 1594 (James VI cap 30)". It is helpful to give the alternative reference to the duodecimo (or "Glendook") edition (also in **CTS**), since these are the most readily available texts, in the form [12mo ed: cap 224].

There were local acts of the Northern Ireland Parliament. These are cited as "Pier and Harbour Order (Larne Harbour) Confirmation Act (NI) 1936 (26 Geo 5 & 1 Edw 8 cap i)". There were also personal acts (including many relating to divorce) without chapter numbers, mainly before 1939. The local acts are appended to the annual volumes of Northern Ireland Statutes, at the back, after the Index to Public Acts.

The acts of the new Scottish Parliament can be found on the internet at:
http://www.oqps.gov.uk/scotlegislation/acts_scotparliament.htm

For further information regarding the Scottish Parliament, please contact their Public Information Service on 0131 348 5000 or by e-mail at sp.info@scottish.parliament.uk.

These notes are intended as a brief guide to a complex subject. Many aspects of the problem are not covered but, if further advice is required, please contact the House of Commons Information Office on 020 7219 4272 or by e-mail at hcinfo@parliament.uk.

Contact information

House of Commons Information Office
House of Commons
London SW1A 2TT
Phone 020 7219 4272
Fax 020 7219 5839
hcinfo@parliament.uk
www.parliament.uk

House of Lords Information Office
House of Lords
London SW1A 0PW
Phone 020 7219 3107
Fax 020 7219 0620
hlinfo@parliament.uk

Parliamentary Education Unit
House of Commons
London SW1A 2TT
Phone 020 7219 2105
Fax 020 7219 0818
edunit@parliament.uk

House of Lords Record Office
House of Lords
London SW1A 0PW
Phone 020 7219 3074
Fax 020 7219 2570
hlro@parliament.uk

Parliamentary Bookshop
12 Bridge Street
Parliament Square
London SW1A 2JX
Phone 020 7219 3890
Fax 020 7219 3866
bookshop@parliament.uk

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For your purposes, did you find this Factsheet

- | | | | | | |
|----------------|--------------------------|------------------|--------------------------|----------------|--------------------------|
| 1. Very useful | <input type="checkbox"/> | Fairly useful | <input type="checkbox"/> | Not much use | <input type="checkbox"/> |
| 2. Too long | <input type="checkbox"/> | The right length | <input type="checkbox"/> | Too short | <input type="checkbox"/> |
| 3. Clear | <input type="checkbox"/> | Not always clear | <input type="checkbox"/> | Rather unclear | <input type="checkbox"/> |

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