



## **Teaching Legislation in United Kingdom Law Schools: Summary of Survey Results**

In 2011, the Statute Law Society conducted a survey of UK Law Schools to find out how they teach about legislation. This document sets out the results. They may be summarised in two propositions:

- (i) UK Law Schools provide a significant amount of teaching about legislation;
- (ii) There is no single model of teaching legislation: the topic is addressed in very different ways, and there is no clear pattern or standard that emerges.

### *Aims of the Survey*

The Statute Law Society is a charitable organisation which aims to educate legal professionals and the public about the legislative process and to encourage improvements to statute law. It was founded in 1968 and has members throughout the United Kingdom, Europe and the Commonwealth.

The survey is part of the Society's ongoing 'Teaching Legislation Initiative' which aims to promote and improve the teaching of statute law. The purpose of the survey was to find out

- to what extent UK Law Schools provide students with knowledge about the preparation, creation, enactment and interpretation of legislation, and
- to what extent UK Law Schools furnish students with practical skills for handling legislation.

Furthermore, we wanted to know whether teaching about legislation is provided

- in dedicated courses on legislation,
- in courses which are not dedicated to legislation but nevertheless aim to cover important aspects of the study of legislation, or
- in courses that do not fall into one of the two previous categories.

### *Background: Sample and Procedure*

The survey was designed and conducted by Stefan Vogenauer, Professor of Comparative Law at the University of Oxford, with active input and advice from members of the Statute Law Society's Council and with research assistance by Emily R Paulin, MPhil Student at the University of Oxford. The Society is grateful to the United Kingdom Centre for Legal Education (UKCLE) and the Oxford

Institute of European and Comparative Law (IECL) for their financial and administrative support of the project.

According to the UKCLE, there are 98 Law Schools in the UK. All of these were invited to participate in the survey by way of an email sent to their respective Heads by the UKCLE on 17 March 2011 (see Appendix 1, below). A reminder was sent out on 4 April 2011. Moreover, as many Heads of Law Schools as possible were contacted by telephone and/or individual email in order to solicit participation by their School. The survey was kept open until mid-July. Overall, 48 Law Schools participated, resulting in a response rate of 47.04%. We are extremely grateful to all of the law teachers who volunteered their time to provide input for this piece of research.

We used a web-based questionnaire, which participating Law Schools completed via a link. Clicking the link led them to a webpage summarising the objectives of the survey (see page 4, below). Clicking the 'Continue' button led them to the survey itself.

### *Summary of Results*

The results are set out on pages 5-40, below. They are aggregated so that it is impossible to identify the teaching patterns of any individual Law School (participants having been assured that this would be the case).

The questionnaire was in four parts. The first part (Questions 1 and 2) aimed to establish which kinds of Law School were participating and whether they offered a Qualifying Law Degree. All of them did offer such a degree. However, Law Schools from the 'Russell Group' of large research-intensive universities were slightly overrepresented in our sample, while those belonging to universities with a focus on business and in post-1992 universities were slightly underrepresented.

The second part of the questionnaire (Questions 3-12) asked whether respondents offered dedicated courses on legislation. Less than a fifth do so. Moreover, even for those who said they offer 'a dedicated course or teaching unit on legislation', it must be kept in mind that different institutions use different terminology, such as 'courses', 'modules', 'programmes', 'units' etc. A 'course or teaching unit' may therefore refer to anything from a couple of lectures to a year-long course. More than three quarters of the courses or teaching units identified by respondents are mandatory, with the majority taught in the first year of the law degree. While nine out of ten of such courses provide students with some knowledge of the preparation, creation, enactment and/or interpretation of statute law, only slightly more than half of them furnish students with practical skills in handling legislation. Three out of ten of the Law Schools that do not offer a course dedicated to all aspects of legislation were interested in creating one. The major obstacles to increasing or enhancing teaching in this area are the already crowded curricula and lack of resources.

The third part of the questionnaire (Questions 13-28) asked whether and to what extent teaching about legislation is provided in courses which are not dedicated to legislation but nevertheless aim to provide students with knowledge of the preparation, creation or interpretation of statute law. All

participating Law Schools do this, particularly in courses on Legal Methods, Administrative or Public Law, Introduction to the Legal System, Legal Skills, and Constitutional Law, and, to a lesser extent, in courses on Legal Philosophy or Jurisprudence. Most of these courses are mandatory. More than three quarters of Law Schools also use such courses to furnish students with practical skills in handling legislation.

The survey also enquired about individual aspects of the study of legislation and about the amount of time dedicated to these aspects in courses not primarily dedicated to legislation. Overall, we found that issues covered most prominently are those of constitutional relevance, such as parliamentary procedures, the relationship of legislation to the common law, the Human Rights Act or EU law. Coverage of statutory interpretation is also fairly comprehensive. Slightly less emphasis is given to more political and sociological aspects, such as the function of legislation in general and the role of the various actors and groups in the legislative process. Even less attention is given to the ways in which legislation is drafted in the UK and to the law-making process, styles of legislative drafting, and the interpretation of legislation in other national jurisdictions and in public international law. However, these issues are dealt with much more extensively with regard to EU law. We are, of course, aware that some of the respondents' estimates of the study hours dedicated to specific topics may be over-optimistic: students do not always live up to the expectations of self-study.

The fourth part of the questionnaire (Questions 29-37) attempted to tease out the extent to which teaching about legislation occurs quasi-incidentally in subjects which are largely based on statute law but do not normally focus on the preparation, creation, enactment or interpretation of legislation. With regard to statutory interpretation, this occurs in nearly three quarters of the Law Schools surveyed. Six out of ten ask students to conduct exercises requiring basic library or research skills in such subjects, and nearly half of them discuss issues of preparation, creation and enactment of legislation in this context. However, practical drafting exercises are very rare.

The fifth and final part of the questionnaire (Question 38) solicited further views and comments on teaching legislation in UK Law Schools. It provided respondents with the opportunity to raise further issues or make concluding remarks. The responses ranged from satisfaction with the status quo to calls for improvement to teaching legislation.

#### *Further Work and Consultation*

Based on these results, the Statute Law Society will decide whether it should formulate specific recommendations for the teaching of legislation. The Society would welcome comments on this survey by 1 October 2012. These may be sent to the Society's administrator, Mary Block, at [statutelaw@aol.com](mailto:statutelaw@aol.com).

Further information about the Society, its Teaching Legislation Initiative (including a link to a number of recently produced visual teaching materials on the legislative process), its further activities and contact details can be found at <http://www.statutelawsociety.org/>.



Dear Respondent,

Thank you very much for your participation in this survey. Its purpose is to establish to what extent legislation is taught in UK Law Schools. Your participation is crucial for the success of this research project and we are very grateful for your cooperation.

The questionnaire is designed to help us find out:

- to what extent Law Schools provide students with knowledge of the preparation, creation, enactment and interpretation of legislation, and
- to what extent they furnish students with practical skills in handling legislation.

Furthermore, we intend to find out whether the teaching of legislation is provided:

- in dedicated courses on legislation,
- in courses which are not dedicated to legislation but nevertheless aim to cover important aspects of the study of legislation, or
- in other courses.

The survey is conducted by the Statute Law Society, a charitable organisation dedicated to the teaching and the improvement of statute law. The Society is grateful for the financial and administrative support it received by the United Kingdom Centre for Legal Education (UKCLE) and the Oxford Institute of European and Comparative Law.

Responding to this survey will take no more than 15-20 minutes. The results will be aggregated in a way that will ensure the anonymity of each individual Law School. If you are interested in receiving these results please follow the link below, which will take you to a separate page so that you might provide us with your contact information. This will be kept separate from your responses to the following survey, ensuring anonymity. Once you have provided your email, please use the 'Back' button in your internet browser to return to the survey.

We are extremely grateful for your time and support.

Sincerely,

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**Institute of European  
and Comparative Law**

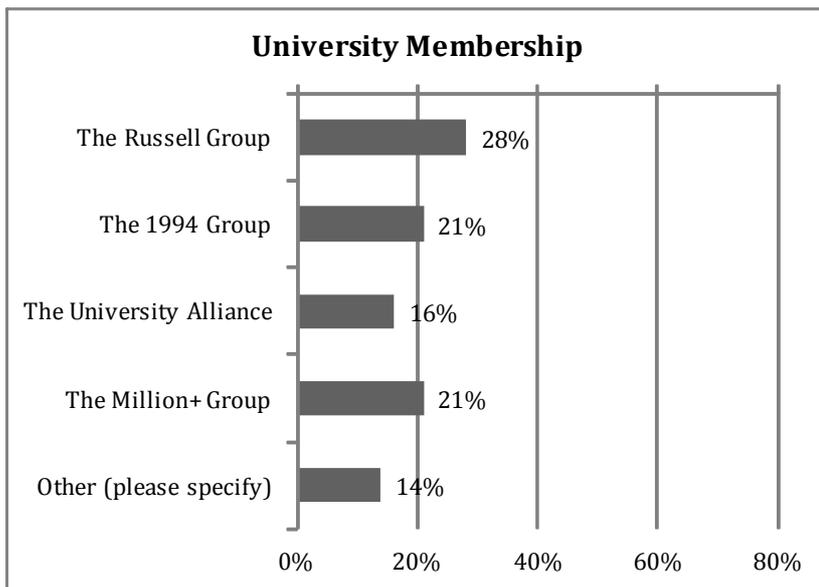
Faculty of Law



## Part I: Respondents

**Question 1:** Is your Law School based in a University belonging to:

- a. The Russell Group [i.e., 20 big research intensive universities]
- b. The 1994 Group [i.e., 19 smaller research intensive universities]
- c. The University Alliance [i.e., 24 universities which focus mainly on business]
- d. The Million+ Group [i.e., 26 universities incorporated post-1992 and university colleges]
- e. Other



If 'Other' please specify:

Pre-1992 outside any form of group.
University of Chester.
Scottish University.
None of above Scottish post 1992.
Non aligned.

**Question 2:** Does your Law School offer a Qualifying Law Degree?

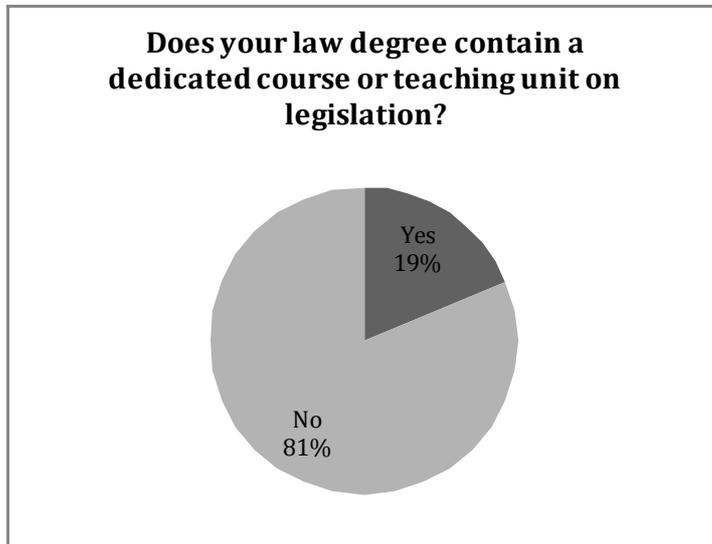
- a. Yes/No

All respondents offer a Qualifying Law Degree.

## Part II: Dedicated Courses on Teaching Legislation

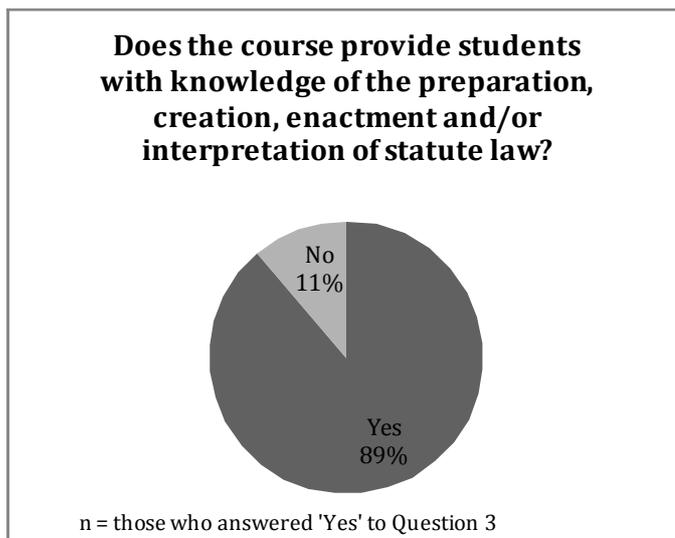
**Question 3:** Does your law degree contain a dedicated course or teaching unit on legislation?

a. Yes/No



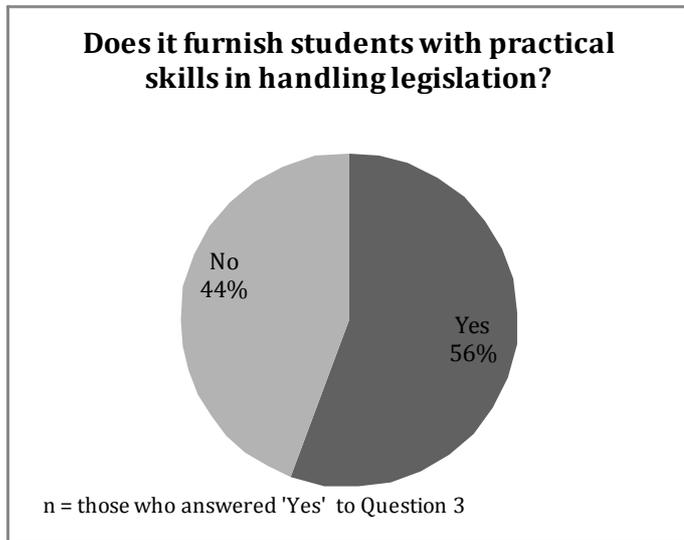
**Question 4:** Does the course provide students with knowledge of the preparation, creation, enactment and/or interpretation of statute law?

a. Yes/No



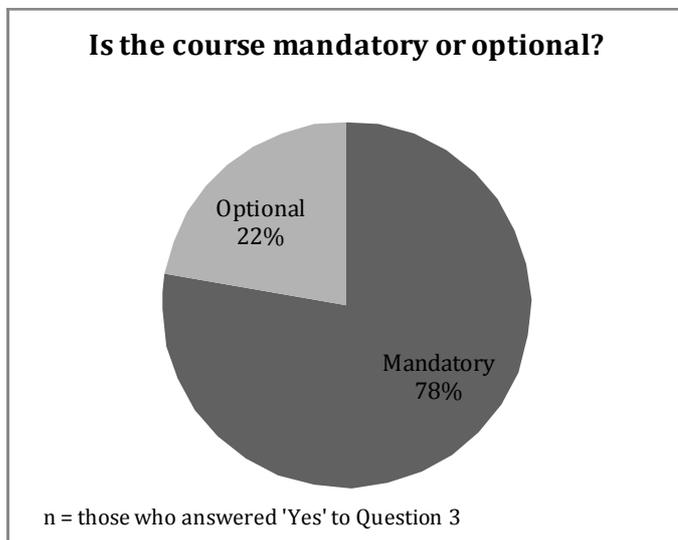
**Question 5:** Does it furnish students with practical skills in handling legislation?

- a. Yes/No



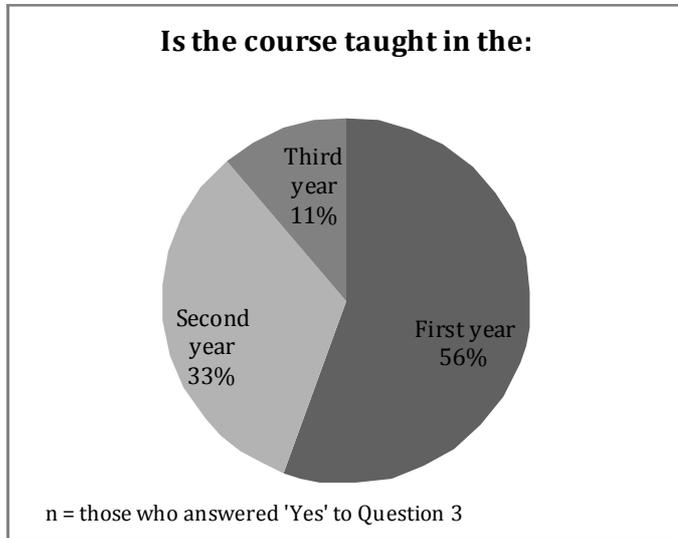
**Question 6:** Is the course:

- a. Mandatory
- b. Optional?



**Question 7:** Is the course taught in the:

- a. First year
- b. Second year
- c. Third year?



**Question 8:** Please give details of specific coverage.

This forms part of Legal Skills and is an integral part of the law degree.

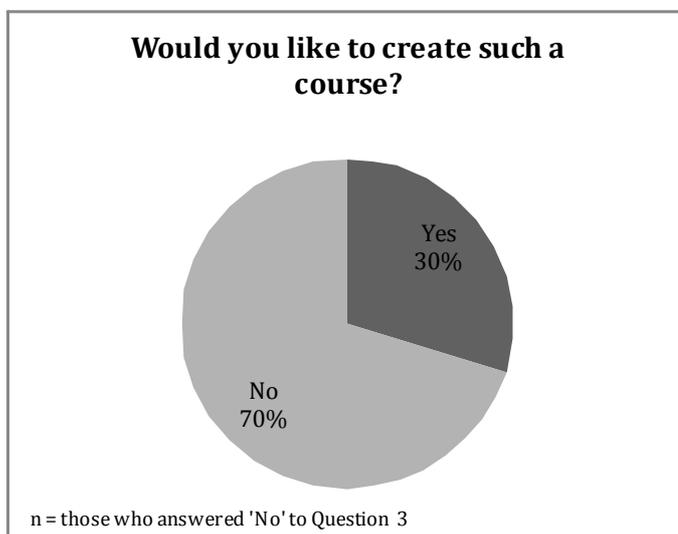
English Legal System - BL1168 - Sources of Law, Primary Legislation, Statutory Interpretation, EU Legislation  
Legal Research - Primary Sources & Locating Legislation - Citing Legislation

**Question 9:** We would be most grateful if you could email the syllabus of your course to us at [teachinglegislation@gmail.com](mailto:teachinglegislation@gmail.com). We will not share it with third parties.

No participant emailed a syllabus.

**Question 10:** Would you like to create such a course?

a. Yes/No



## Question 11: What, if any, are the obstacles to introducing such a course?

The subject (though important) does not seem so to students.
Syllabus already too crowded.
Resource constraints, including staff expertise; and an already over-loaded curriculum.
Finding space in an increasingly crowded curriculum, which means persuading colleagues and students of its value.
Staffing time; available expertise; level of student interest.
Understanding and using legislation are generic skills. However, we think that it is better that the teaching and practice of such skills are integrated into courses on substantive law rather than dealt with in stand-alone modules. Having said that, we do not attempt to divide the teaching and practice of such skills evenly. There is a particular emphasis on legislation in the first year public law course. One of the advantages of this approach is that it enables the study of statutory interpretation in the same course as the study of legislative enactment process, and facilitates teaching of the constitutional dimension of statutory interpretation.
Sources of law are taught in many units through the LLB to enable students to appreciate all sources. I see no particular basis for needing a unit dedicated to Statute Law.
Lack of time/space in the undergraduate curriculum.
Limited scope for new options - need to match optional modules with academic staff research interests - financial constraints.
Difficult to see how it could fit into an already crowded programme.
One obstacle is the limits within the LLB degree course and the time and resources such a module would require.
The requirements of the Law Society/Bar Qualifying Law Degree and the significant other pressures and demands on the syllabus.
Finding the teaching resources to introduce a new course.
Perceptions that students might not be interested in this as an optional module. Problems with an already very over crowded syllabus in making this a core module.
We run a course on statutory interpretation and case law - running one purely on legislation would seem undesirable.
The total number of optional courses in Law is fixed by central university rules. Legislation would therefore have to replace an existing course.
We have recently introduced a unit (to run for the first time in 2011-12) on introduction to law, which will run for the three weeks of the academic year for all new law students. It covers legal system and legal skills. The legal skills component focuses very much on both case and statute law, and the skills which students need to deal with case and statute law. Given that statute law obviously forms part of what is taught on the remainder of the curriculum, no consideration was given to a separate statute law unit.
The teaching of legislation should be integrated with the teaching of other legal sources - in particular case law. But also the general method of studying, analysing and appreciating law.
Teaching of legislation should be integrated into the core syllabus.
Need for limits on the number of optional modules. Judgments about the level of student interest. The argument that legislation is already dealt with in several/many modules.
No obstacles as such, but we currently include statutory interpretation as part of a Legal Skills module (non assessed) and have taken the view that statutory interpretation as a required skill is more likely to engage students through the substantive areas of the curriculum.
No particular obstacles - we do introduce students to basic ideas on law creation in Legal Systems and Skills, in preparation for teaching statutory interpretation and would consider that to be adequate.
Curriculum already crowded.
The LLB is quite full as it is.
None.
Already full curriculum.
Pressure on staff time and room in the teaching timetable/programme of study. We do, however, teach the legislative process in Public Law and statutory interpretation in English Legal Process.

**Question 12: Do you wish to add any further comments?**

Many colleagues would argue that coverage of legislation is already sufficiently embedded in other courses.

The answer above should be maybe, and if so, not before 2013-14.

Within the confines laid down by the professional bodies for qualifying law degrees, there is little space for the creation of courses like this. Our philosophy is to offer only double modules (30 credit) rather than single (15 credit) modules, and it is unlikely such a course would fit within that framework.

Legislative process and interpretation of legislation are incorporated within other modules - Constitutional and Administrative Law and Legal System and Reasoning.

Learning and teaching of legislation is integrated throughout the whole programme.

The location and interpretation of legislation is currently part of the Skills for Academic Learning module and is also examined as part of the lecture on judicial reasoning in the English Legal System module. Both these modules are taught in the first semester at Level 1. The degree programme is being re-validated and a new module of Legal Communications will be studied in the second semester of Year 1 that builds upon Legal Skills studied in the first semester. This new module will develop legal communication skills and arguments, such as problem solving and presentation that may involve the interpretation of legislation.

Clearly legislation is important to the study of law and teaching on it is reflected in our syllabus. Hence, we would expect the majority of law units to contain considerable reference to statute law and the interpretation and application of statute law has always been a fundamental component of our teaching of Law. In addition, three units on our degree programme (which comprises approximately 15% of the degree) include significant elements which deal with the legislative process (in particular scrutiny) and the interpretation of statute law. However, we would generally take the view that a module just on legislation would represent a rather narrow topic.

I'm optimistic we will be able to introduce a course on legislation and the politico-legal process within the next couple of years. We have the person to do it, but need to find a way of covering other duties.

We do have a module on statutory interpretation that is about hermeneutics.

The importance of legislation is not really reflected in the current focus within the law curriculum.

We operate a strategy whereby we integrate skills into core modules. I think statute analysis - and statutes understanding (if different) fits in this skills bracket. As such we prefer to approach the skills through the substantive material - so we deal with Statutes in the Land Law module.

Our optional modules reflect our research strengths, generally, so this would not be included.

Legislation is touched upon in a variety of foundational year modules but not focused on at any single point.

Legislation is a cross-cutting topic in Law and should not be hived off from the various modules where it can be taught in context.

We think that legislation should be viewed as part of the rich tapestry of sources of law and studying or working with legislation should not be done in isolation from other aspects of legal method so we don't see a need for a discreet module.

To be fair we have not considered teaching a legislation course, like in many institutions legislation is taught in a methods course and through the cores.

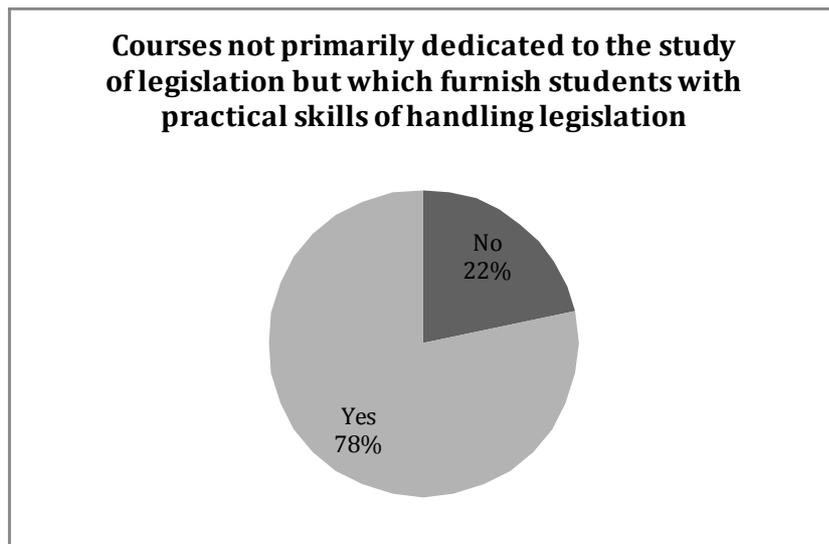
### Part III: Courses Not Primarily Dedicated to Teaching Legislation

**Question 13:** Does your law degree contain one or more courses which are not primarily dedicated to the study of legislation but which nevertheless aim:

- a. to provide students with knowledge of the preparation, creation or interpretation of statute law:  
Yes/No
- b. to furnish them with practical skills in handling legislation:  
Yes/No?

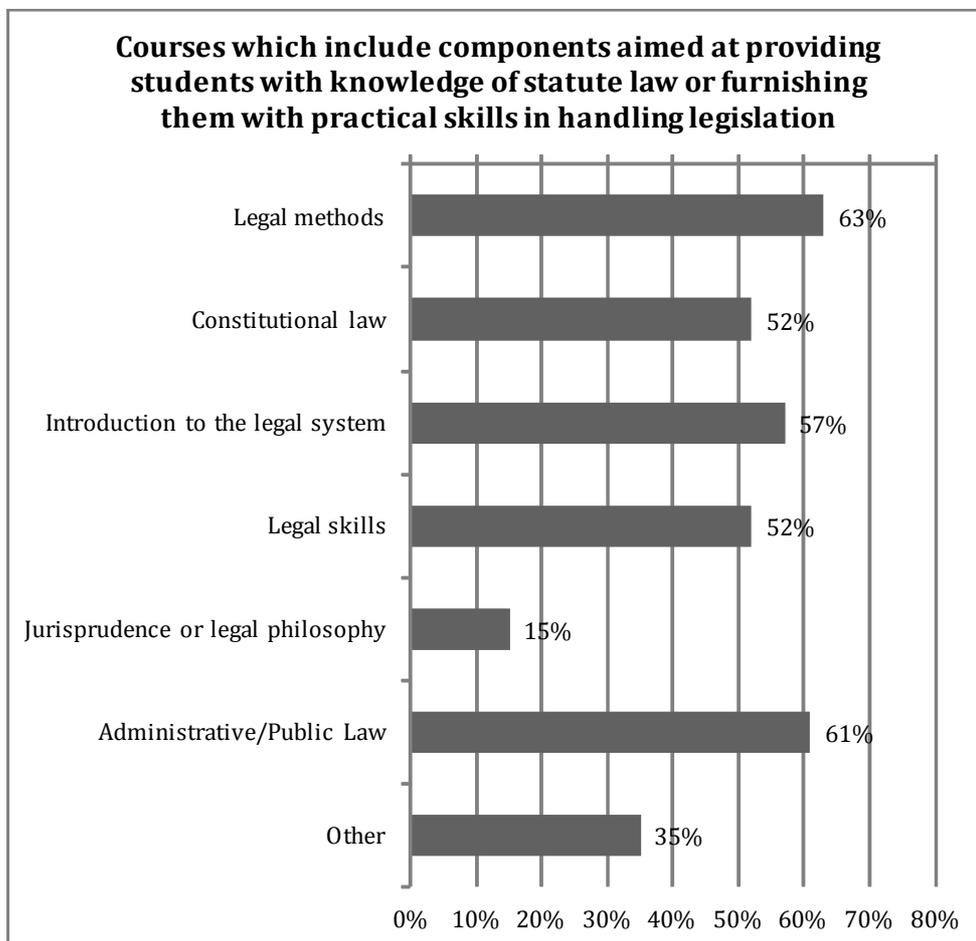
a. All respondents offer courses which are not primarily dedicated to the study of legislation but which nevertheless aim to provide students with knowledge of the preparation, creation or interpretation of statute law.

b.



**Question 14:** Please select from below all courses that include a component which aims:

- to provide students with knowledge of the preparation, creation, enactment or interpretation of statute law; or
  - to furnish them with practical skills in handling legislation
- a. Legal methods
  - b. Constitutional law
  - c. Introduction to the legal system
  - d. Legal skills
  - e. Jurisprudence or legal philosophy
  - f. Administrative/Public law
  - g. Other (please specify).

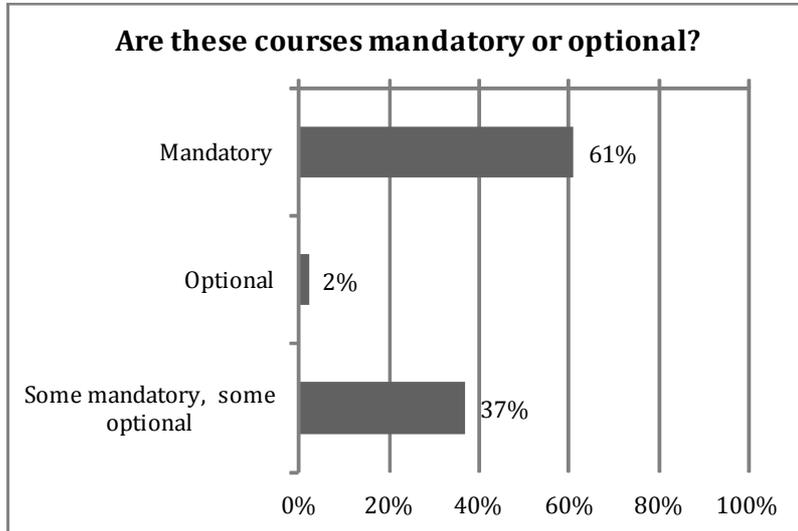


If 'Other' please specify:

Skills, Processes and Scholarship at Level 4 + Public Law at Level 5.
Public international law (treaties).
Course combines introduction to the legal system, legal method and some jurisprudence.
Other courses where statute law is important have elements within the teaching framework to ensure that students can use statutes, statutory instruments etc.
Legal Method and Skills.
Civil Justice System.
1. English Legal System 2. Human Rights & 3. EU Law.
Understanding Law 1 and Understanding Law 2.
Nearly all our modules cover statutory interpretation.
Advanced Legal Method, taught in the second year, reinforces first-year Legal Method skills in handling legislation.
Many other units cover this ground – e.g. employment law, European law etc.
Land Law.
Business Crime.
Legal System and Skills.
Land Law, EU Law, French Law and Method, PIL, UK Human Rights Law, European Human Rights Law.
Student Law Office (Clinic).

**Question 15:** Are these courses mandatory or optional:

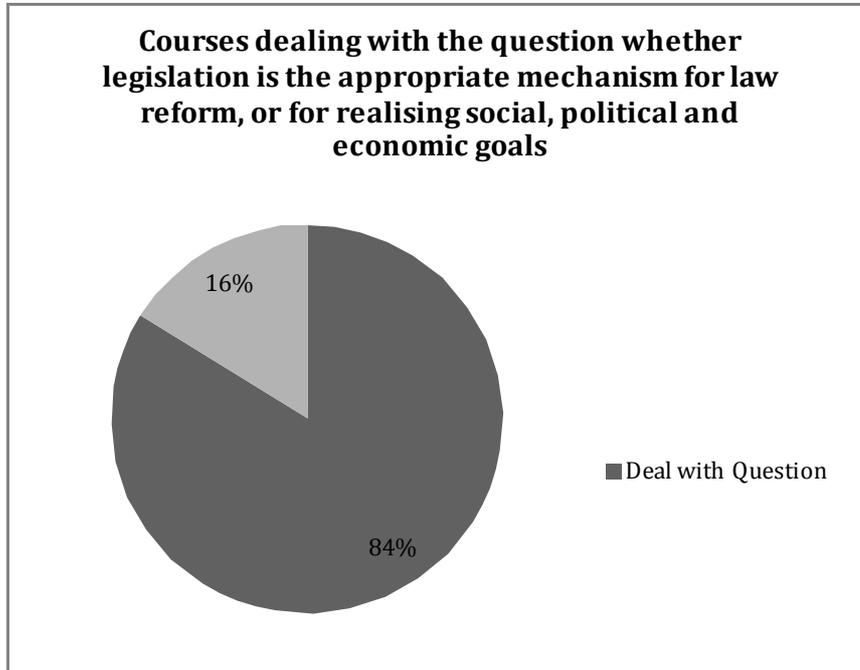
- a. Mandatory
- b. Optional
- c. Some mandatory, some optional?



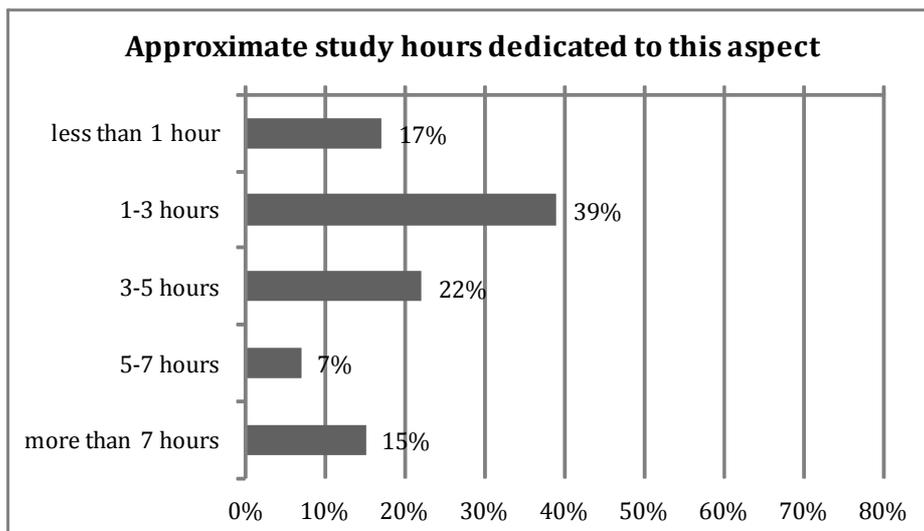
**Question 16:** Do any of these courses deal with the following aspect:

The question whether, in a given situation, legislation is the appropriate mechanism for law reform or, more broadly, realising social, political and economic goals?

a. Yes/No



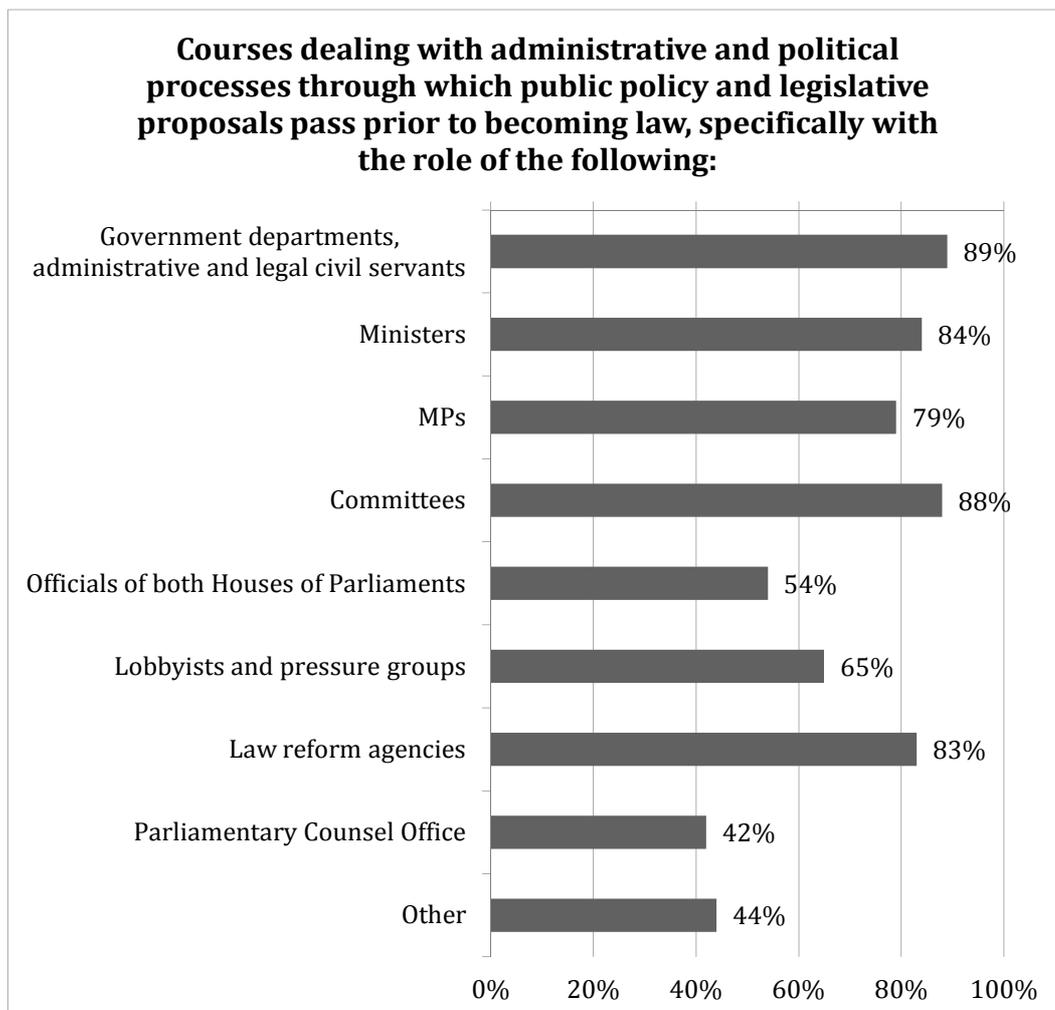
**Question 16B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



**Question 17:** Do any of these courses deal with the following aspect:

The administrative and political processes through which public policy is formulated and legislative proposals pass before they become law; in particular, with the role that is exercised in identifying and formulating legislative proposals by:

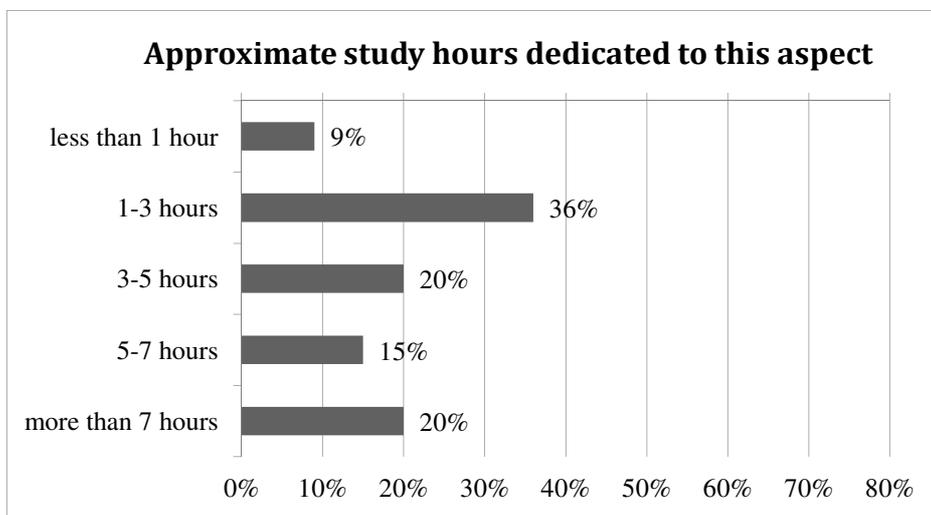
- a. Government departments, administrative and legal civil servants
- b. Ministers
- c. Individual MPs
- d. Committees
- e. Officials of both Houses of Parliament
- f. Lobbyists and pressure groups
- g. Law reform agencies (e.g. the Law Commission, Royal Commissions)
- h. The Parliamentary Counsel Office
- i. Other (please specify)?



If 'Other' please specify:

Devolved administration
The Scottish Parliamentary institutions
EU institutions and processes for EU law-making
European Court of Human Rights decisions

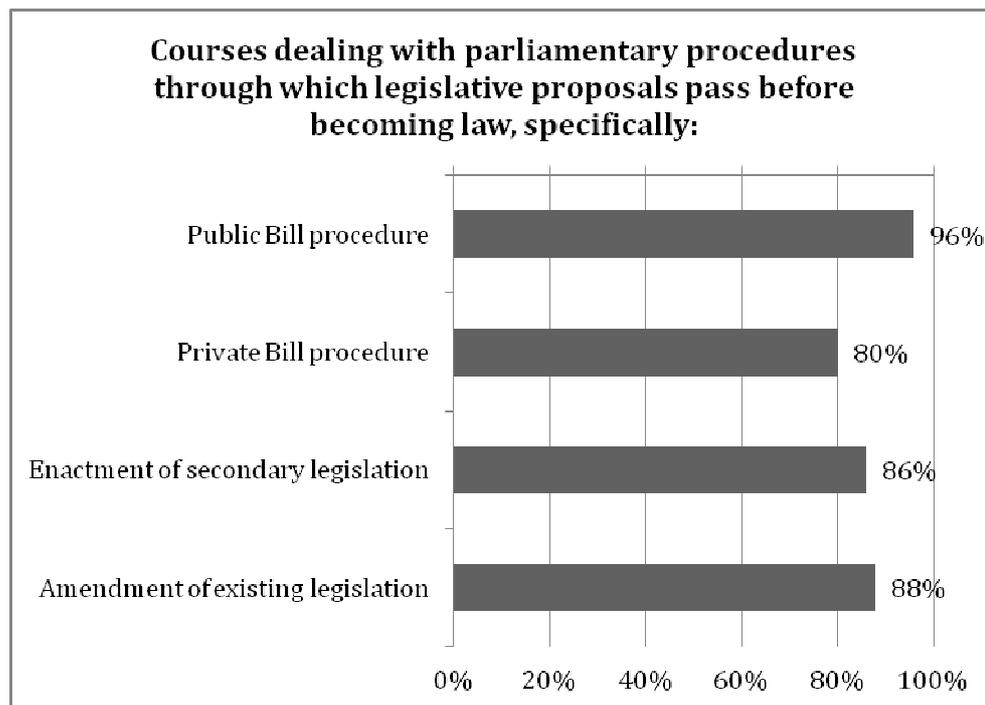
**Question 17B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



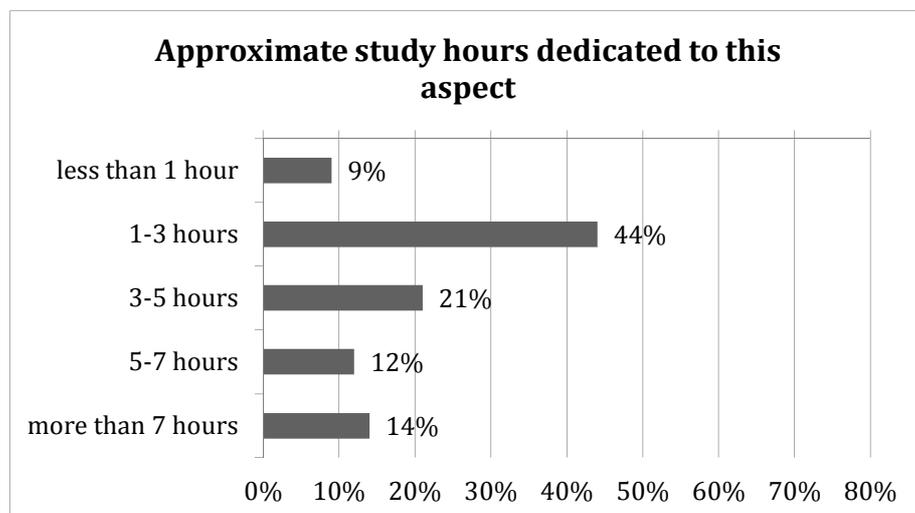
**Question 18:** Do any of these courses deal with the following aspect:

The parliamentary procedures through which legislative proposals pass before becoming law; in particular:

- a. The Public Bill procedure
- b. The Private Bill procedure
- c. The enactment of secondary legislation
- d. The amendment of existing legislation?



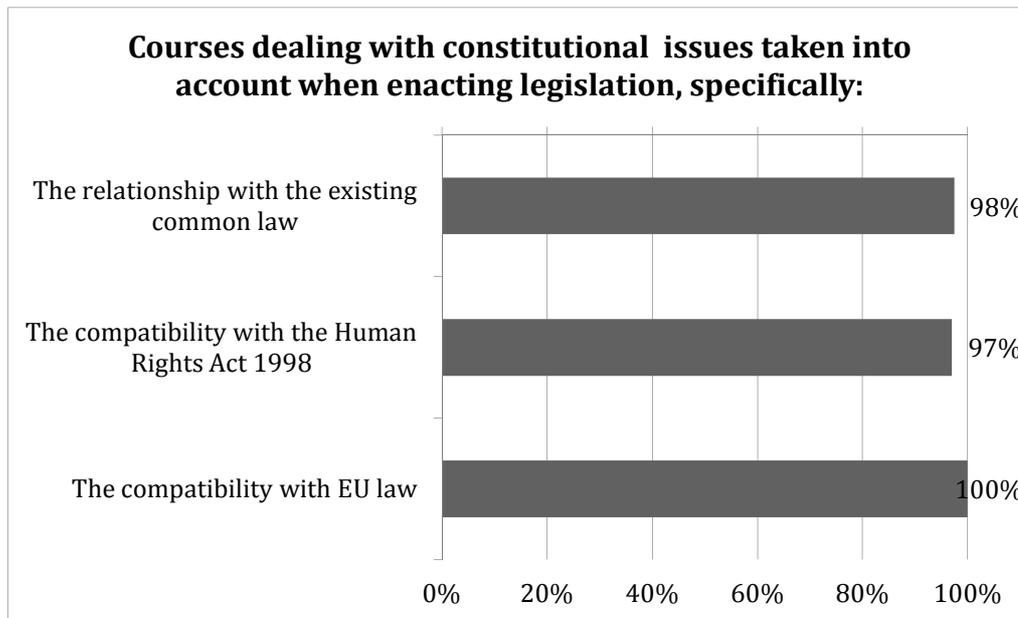
**Question 18B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



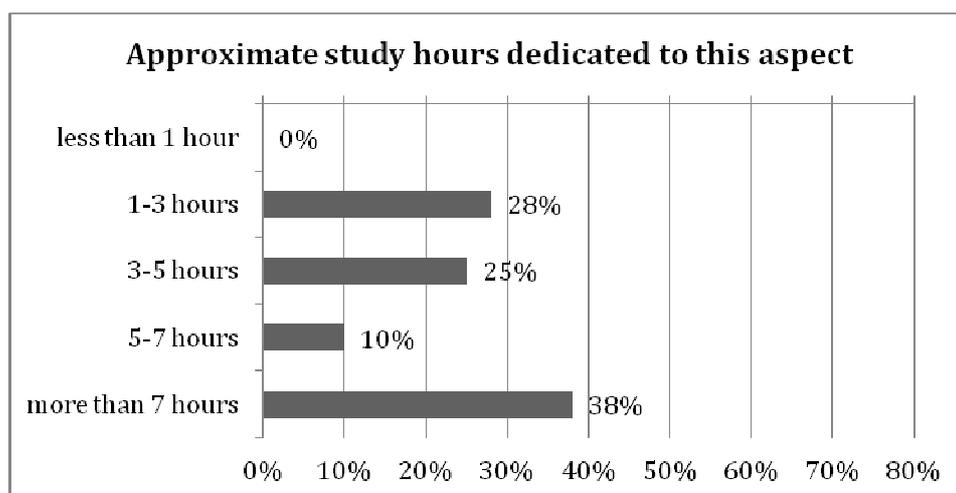
**Question 19:** Do any of these courses deal with the following aspect:

The constitutional issues, which have to be taken into account when enacting legislation; in particular:

- a. The relationship with the existing common law
- b. The compatibility with the Human Rights Act 1998
- c. The compatibility with EU law?



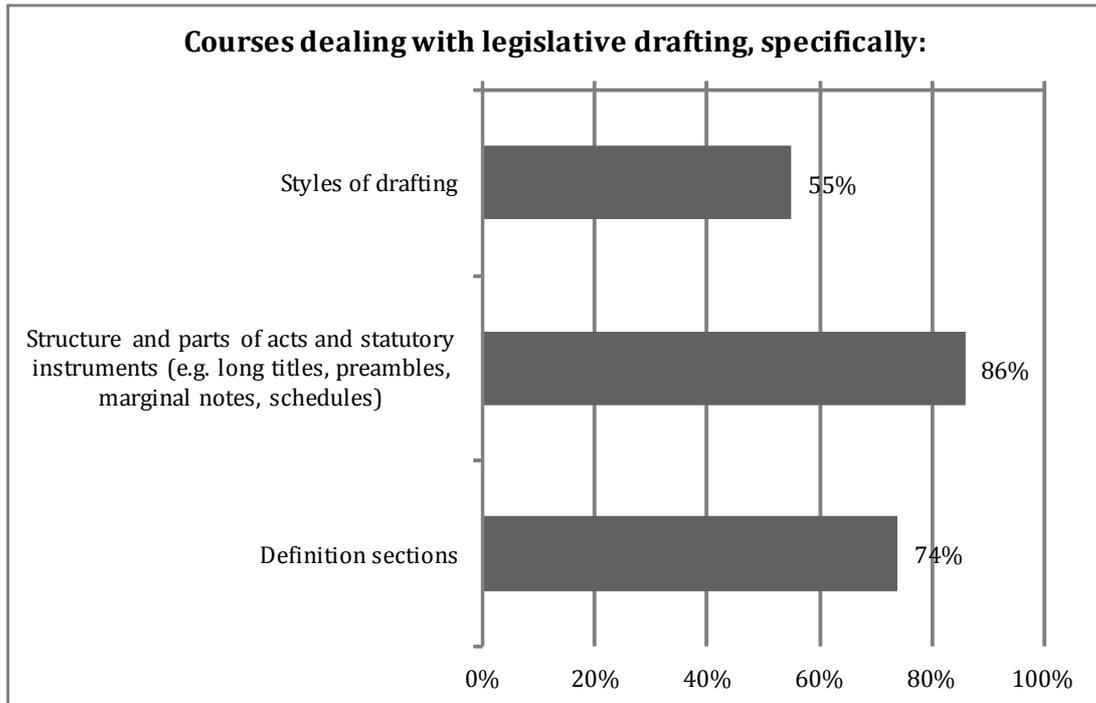
**Question 19B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



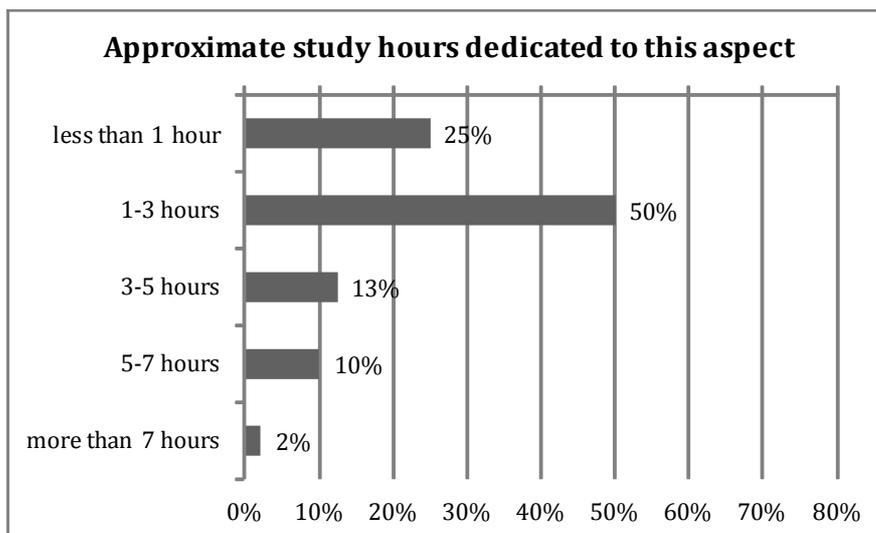
**Question 20:** Do any of these courses deal with the following aspect:

Legislative drafting; in particular:

- a. Styles of drafting
- b. Structure and parts of acts and statutory instruments (e.g. long titles, preambles, marginal notes, schedules)
- c. Definition sections?



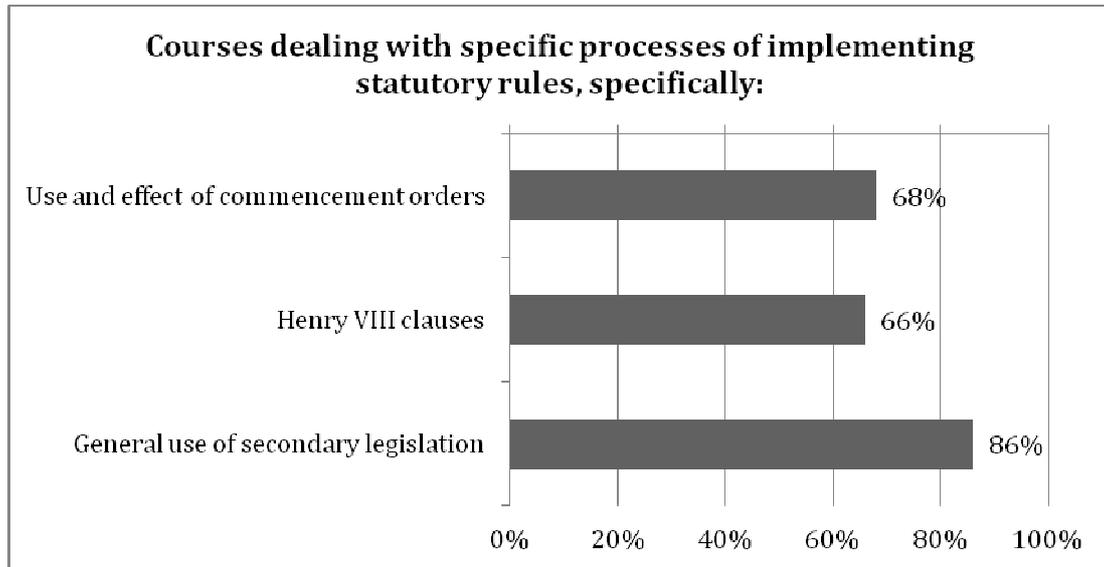
**Question 20B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



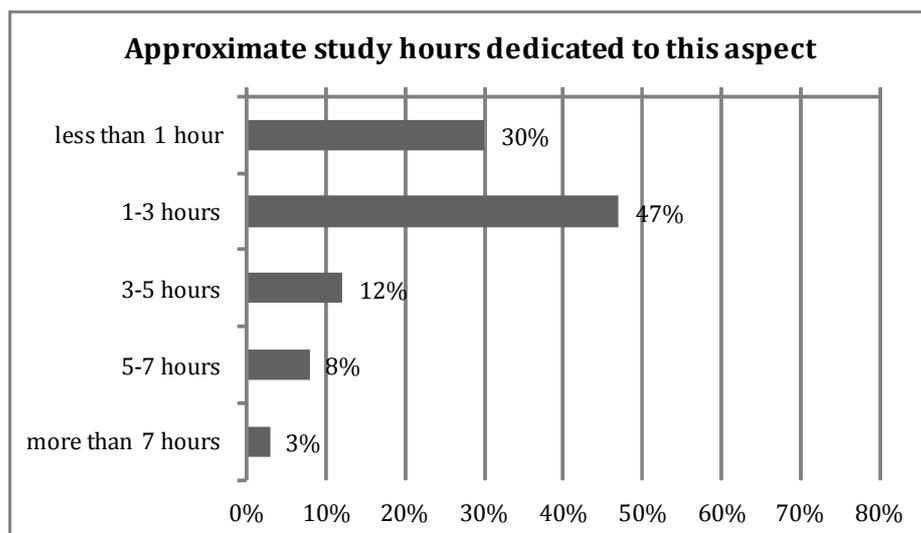
**Question 21:** Do any of these courses deal with the following aspect:

The process of implementing statutory rules; in particular:

- a. The use and effect of commencement orders
- b. Henry VIII clauses
- c. The more general use of secondary legislation?



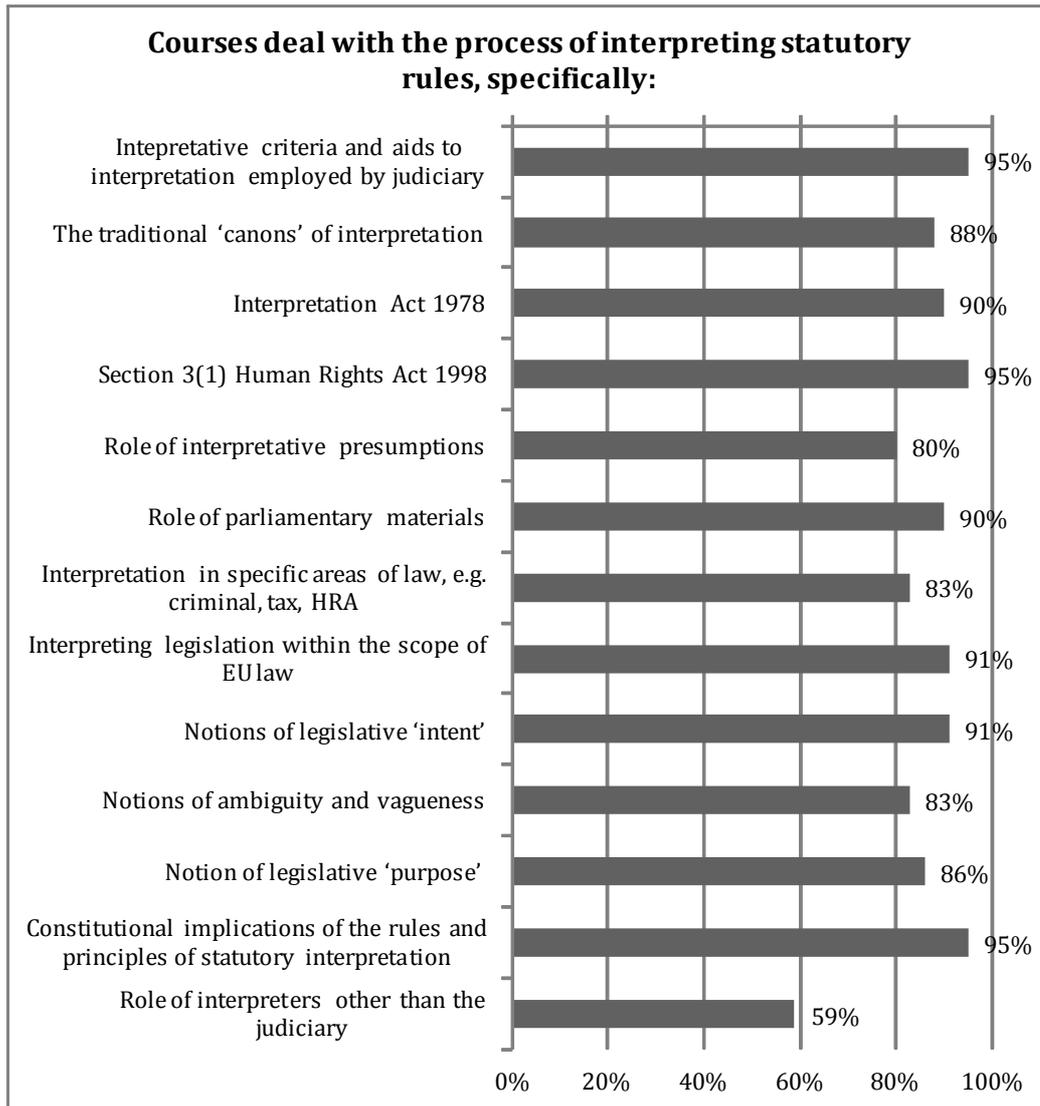
**Question 21B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



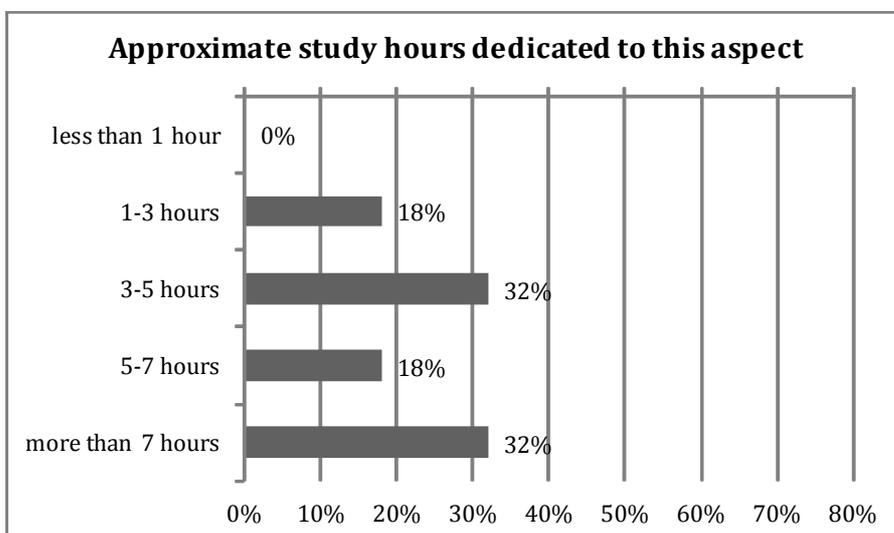
**Question 22:** Do any of these courses deal with the following aspect:

The process of interpreting statutory rules; in particular:

- a. The range of interpretative criteria and aids to interpretation employed by the judiciary
- b. The traditional 'canons' of interpretation (e.g. *eiusdem generis*, *expressio unius*)
- c. The Interpretation Act 1978
- d. Section 3(1) Human Rights Act 1998
- e. The role of interpretative presumptions
- f. The role of parliamentary materials
- g. The particularities of interpretation in certain areas of the law (e.g. interpretation of criminal law, tax law, the Human Rights Act)
- h. The particularities of interpreting legislation within the scope of EU law (the *Marleasing* principle or doctrine of indirect effect)
- i. The notion of legislative 'intent'
- j. The notions of ambiguity and vagueness
- k. The notion of legislative 'purpose'
- l. The constitutional implications of the rules and principles of statutory interpretation (e.g. legislative supremacy, rule of law, separation of powers, judicial independence)
- m. The role of interpreters other than the judiciary (e.g. civil servants, policemen, tax officers)



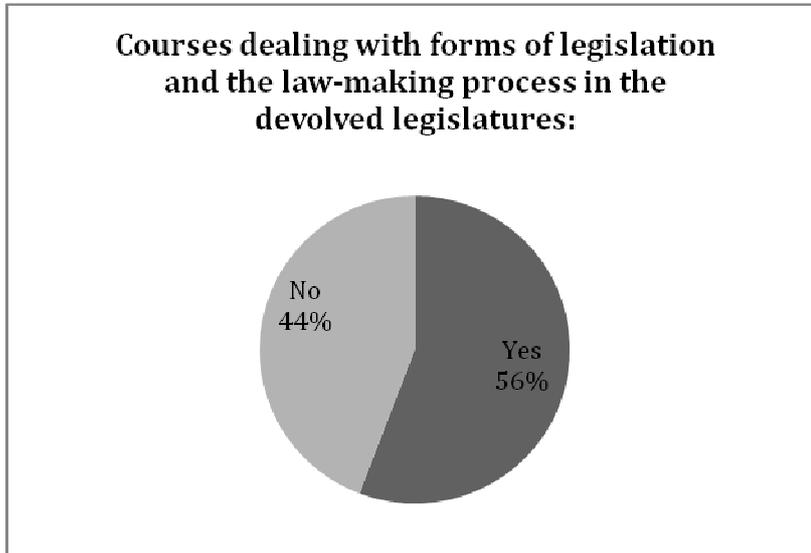
**Question 22B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



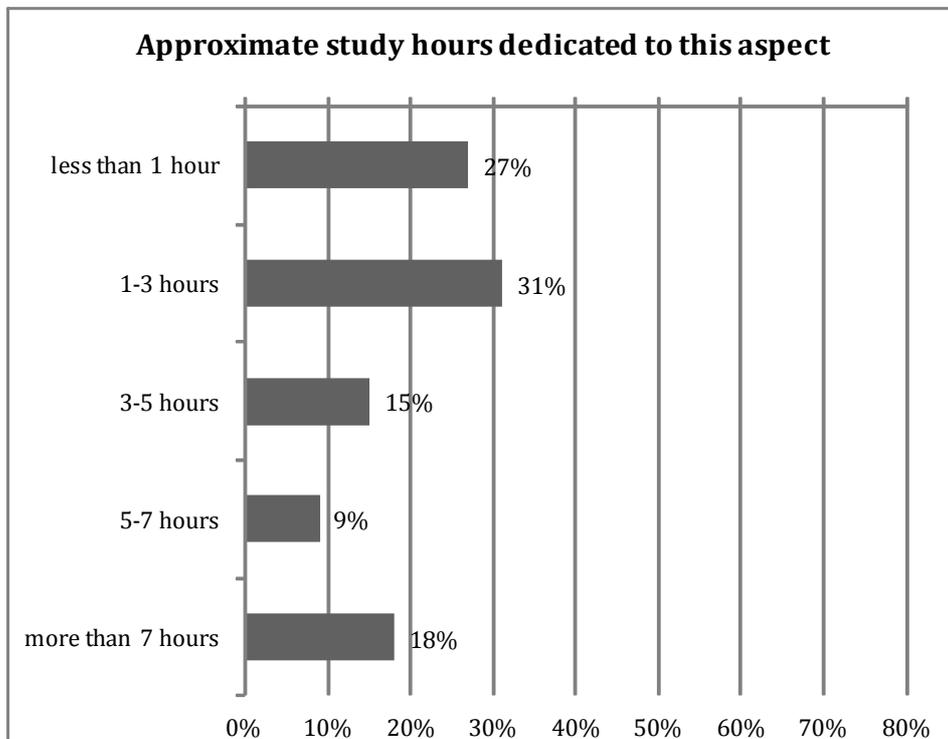
**Question 23:** Do any of these courses deal with the following aspect:

Forms of legislation and the law-making process in the devolved legislatures?

a. Yes/No



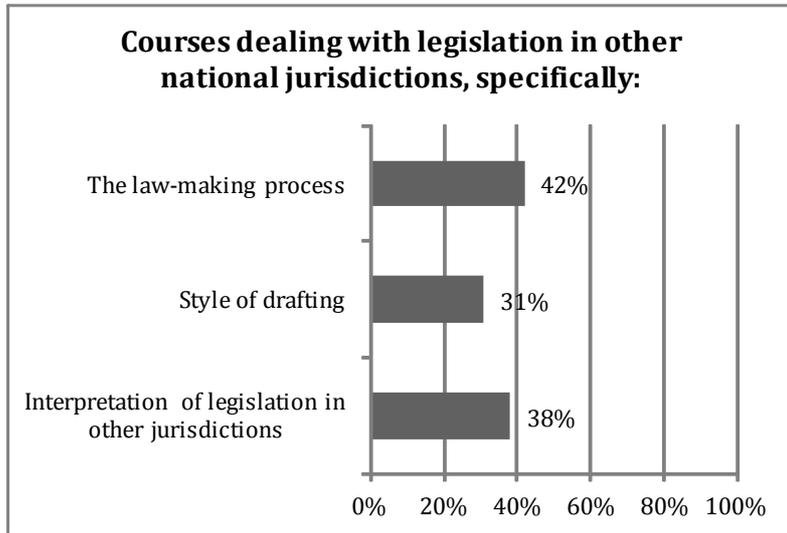
**Question 23B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



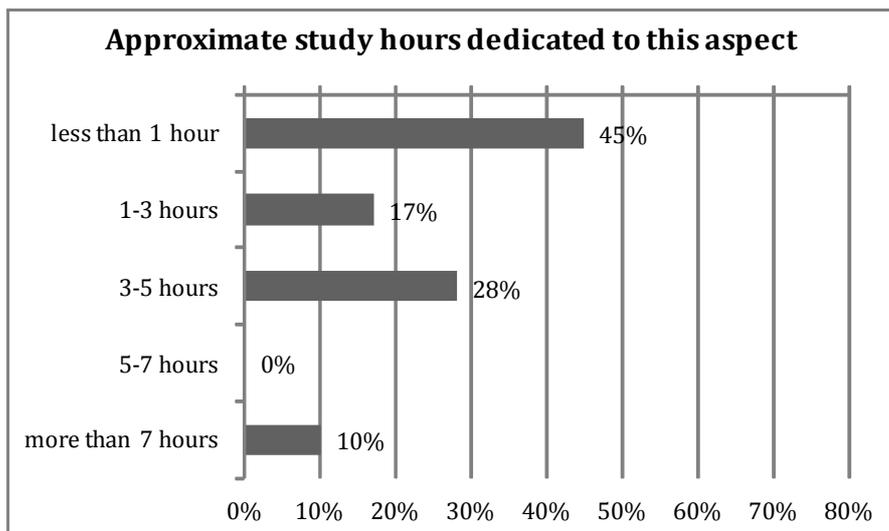
**Question 24:** Do any of these courses deal with the following aspect:

Legislation in other national jurisdictions; in particular:

- a. The law-making process
- b. The style of drafting
- c. The interpretation of legislation in other jurisdictions?



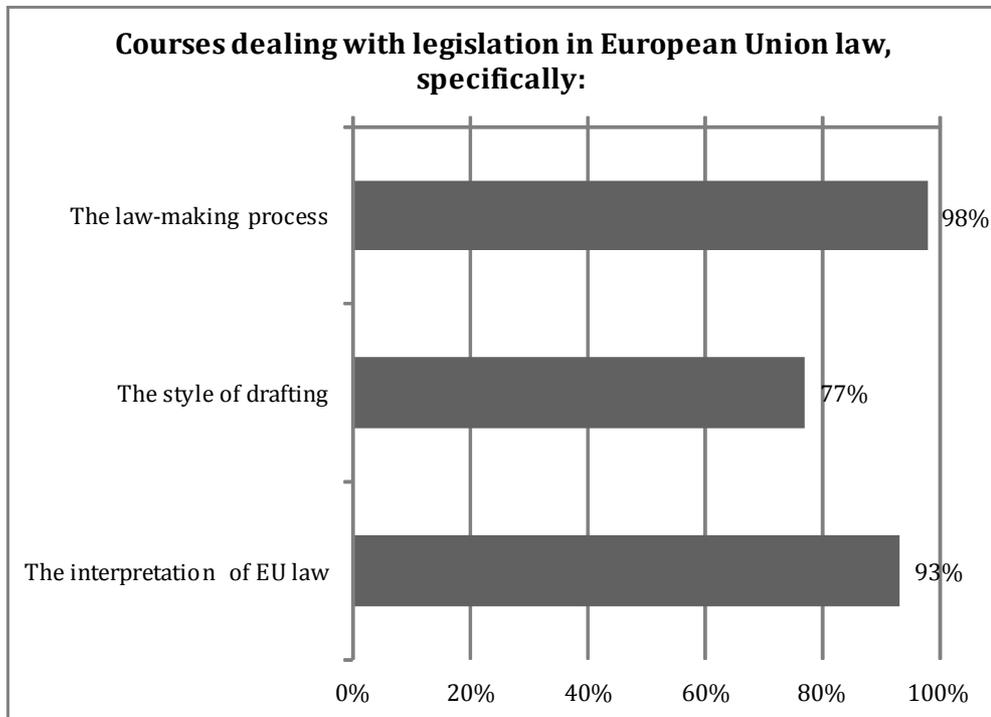
**Question 24B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



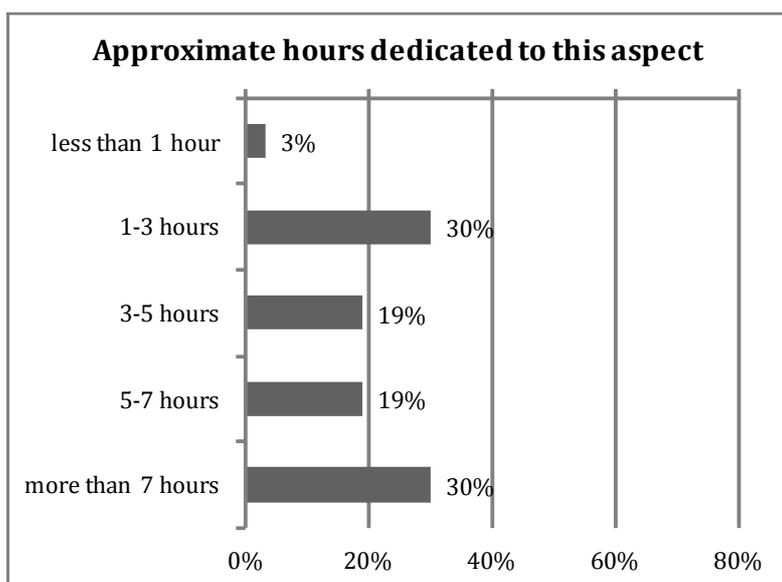
**Question 25:** Do any of these courses deal with the following aspect:

Legislation in European Union law; in particular:

- a. The law-making process
- b. The style of drafting
- c. The interpretation of EU law?



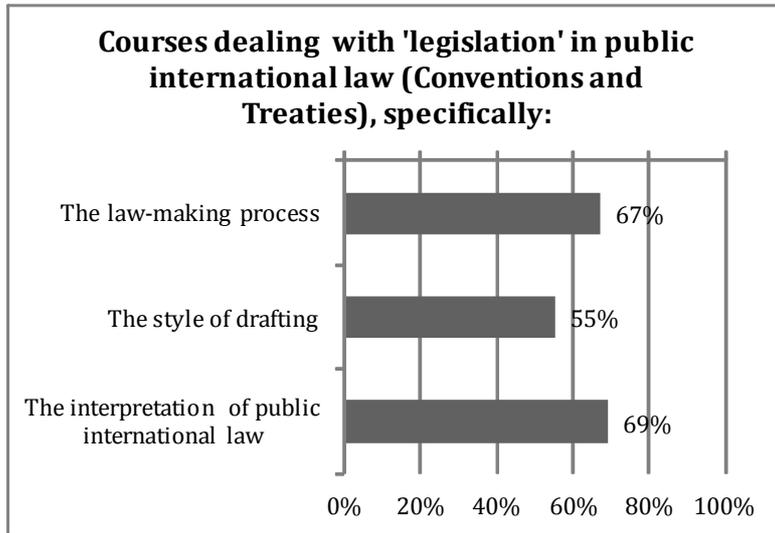
**Question 25B:** Approximately how many study hours (class contact, plus self-study) are dedicated to this aspect?



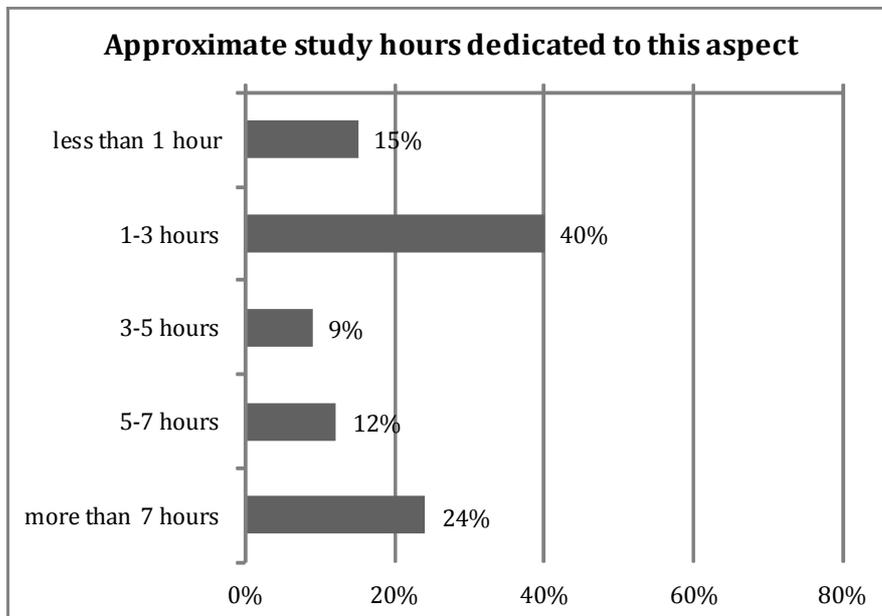
**Question 26:** Do any of these courses deal with the following aspect:

'Legislation' in public international law (Conventions and Treaties); in particular:

- a. The law-making process
- b. The style of drafting
- c. The interpretation of public international law?



**Question 26B:** Approximately, how many study hours (class contact, plus self-study) are dedicated to this aspect?

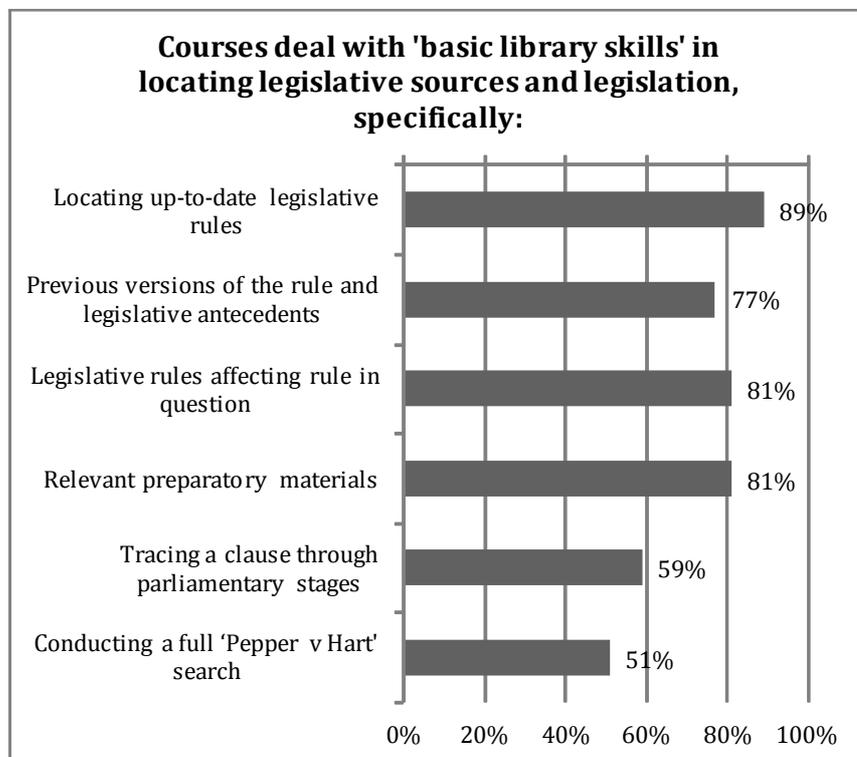


**Question 27:**

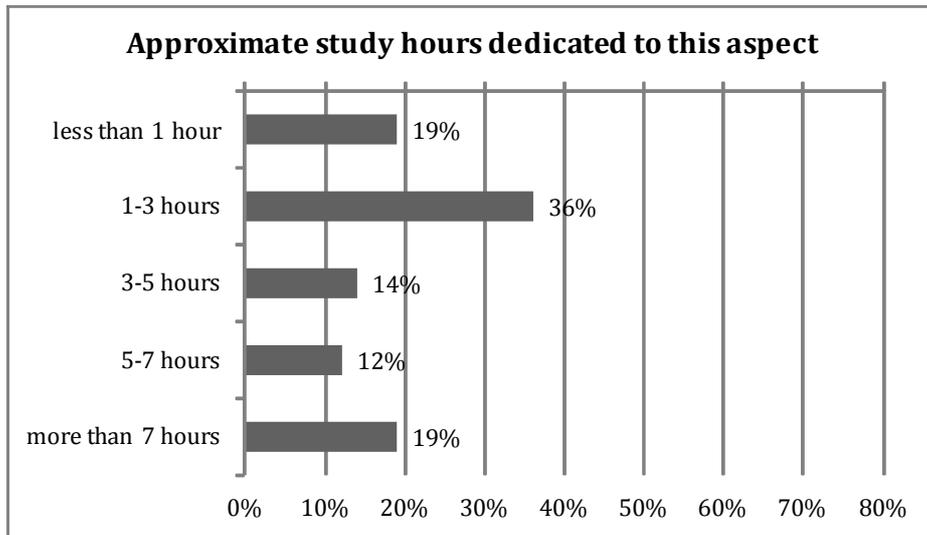
Do any of these courses deal with the following aspect:

'Basic library skills' in locating legislation and legislative sources; in particular:

- a. Locating the authoritative and up-to-date version of a legislative rule
- b. Locating previous versions of the rule and other legislative antecedents
- c. Locating other legislative rules that have a legal effect on the rule in question
- d. Locating relevant preparatory materials, e.g Commission reports, extracts from Hansard
- e. Tracing a clause through its parliamentary stages
- f. Conducting a full 'Pepper v Hart' search?

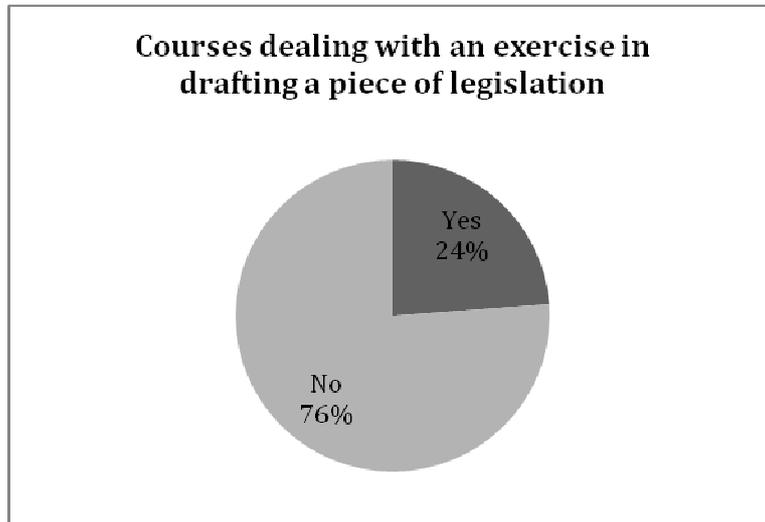


**Question 27B:** Approximately, how many study hours (class contact, plus self-study) are dedicated to this aspect?



**Question 28:** Do any of these courses deal with the following aspect:  
an exercise in drafting a piece of legislation:

a. Yes/No?



If 'yes' please specify:

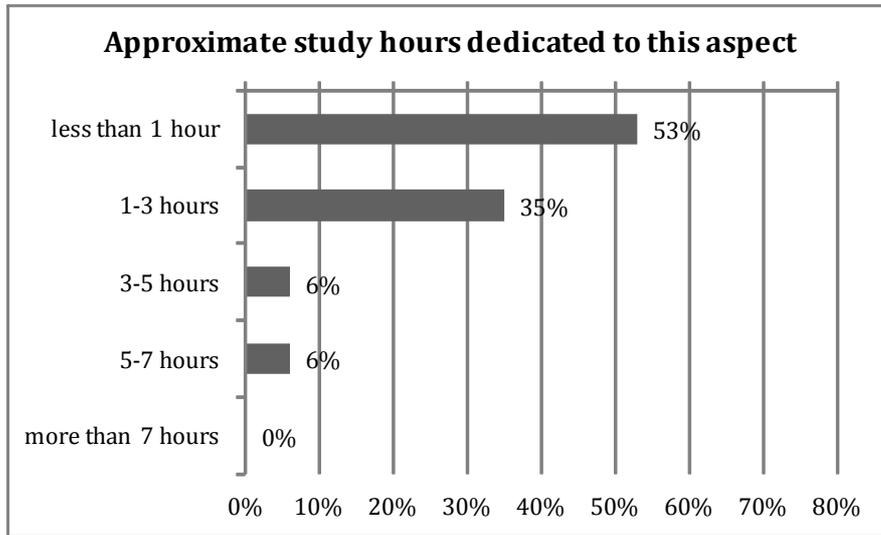
I am not sure - possibly. I used to in the first year course I ran.

1st year students participate in a workshop exercise in which they are asked to draft a specific piece of legislation (e.g. introduction of congestion charge in Birmingham City Centre, or, adopting the style of primary legislation, a student code of conduct.

Various.

It can crop up in any depending on the tutor's decision in any year.

**Question 28B:** Approximately, how many study hours (class contact, plus self-study) are dedicated to this aspect?



## Part IV: Other Courses

Your law degree is bound to contain subjects which are largely based on statute law but do not normally focus on the preparation, creation, enactment or interpretation of legislation (e.g. criminal law, family law, tax law).

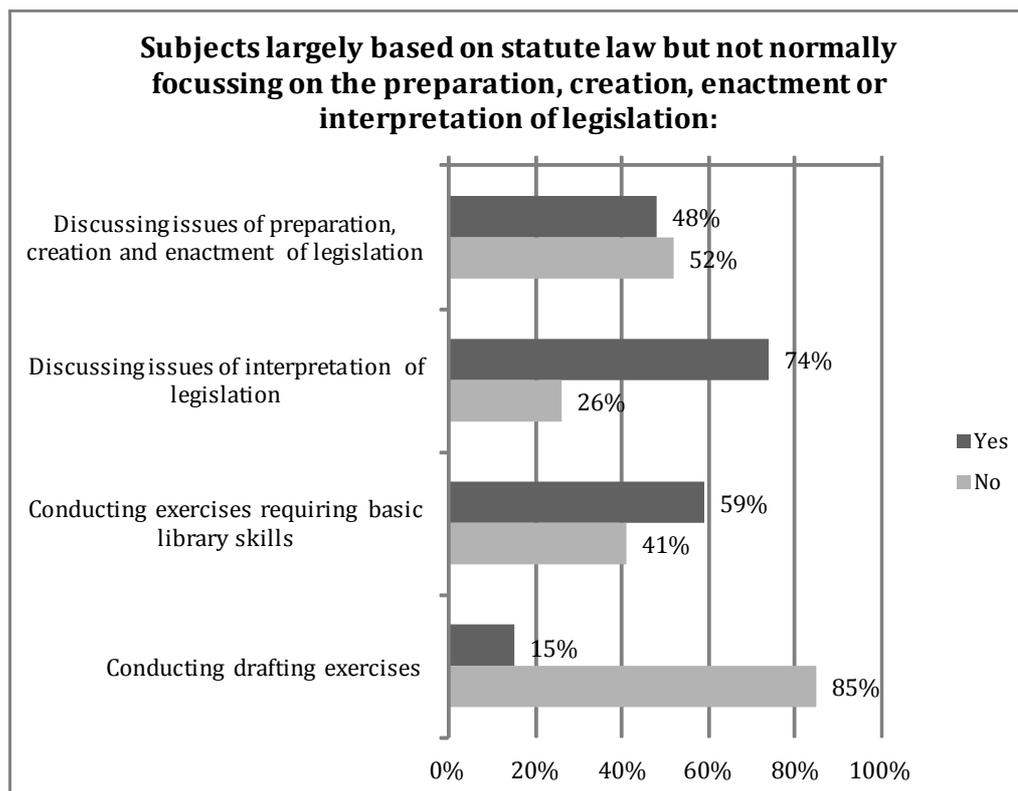
In teaching such subjects, do you tend to:

**Question 29:** Discuss general issues of preparation, creation and enactment of legislation?

**Question 30:** Discuss general issues of interpretation of legislation?

**Question 31:** Conduct or assign exercises which require basic library skills in locating legislation and legislative sources?

**Question 32:** Conduct or assign drafting exercises?



**Question 29B:** If you discuss general issues of preparation, creation and enactment of legislation, please specify:

Human Rights, Criminal Law, Employment Law, Family Law, Immigration Law.
ELS & LR Exercises.
In the Business crime and taxation courses.
E.g. plotting the history of criminal justice legislation.
Varies between semesters.
In addition to the core subjects such as EU and Public law I am aware that Tax and Crime explain the purpose behind the legislation.

**Question 30B:** If you discuss general issues of interpretation of legislation, please specify:

In Evidence module, interpretation, eg of character provisions within CJA 2003 is discussed.
In Civil Justice System.
Human Rights, Criminal Law, Employment Law, Family Law, Company Law, Immigration Law, Terrorism Studies, Police Studies, Commercial Law.
Integral to applying the law in the problem based scenario.
Inevitable in any study of statutes.
ELS & LR.
In the business crime and taxation courses.
E.g. interpretation of new crimes.
Varies between semesters.
This is considered in almost every course where legislation is considered - there has been an increase in the time and importance given to this.
General rules of interpretation.

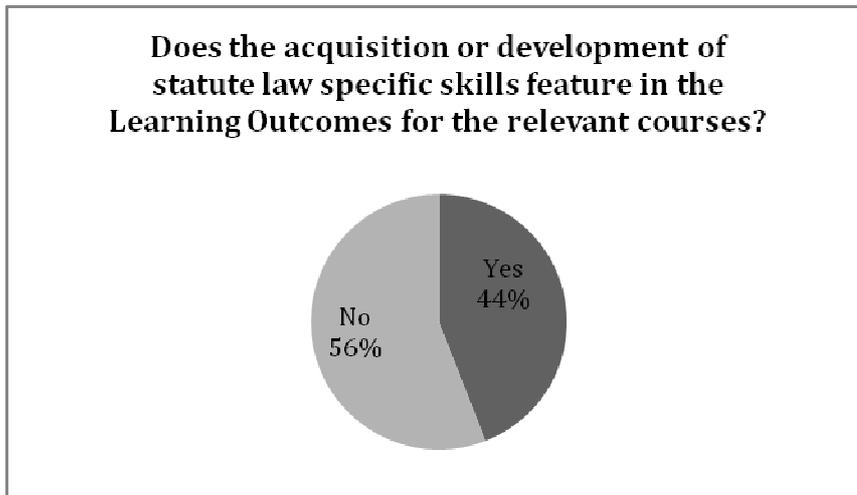
**Question 31B:** If you conduct or assign exercises, which require basic library skills in locating legislation and legislative sources, please specify:

In Evidence (and probably other modules) students conduct research in preparing to make legal submissions on a topic.
Many problem-solving exercises and essays presuppose such skills.
In Civil Justice System.
As per reading lists for seminars.
This is done as a specific exercise.
Legal research.
Numerous exercises e.g. finding consumer protection legislation.
Varies between semesters.
This is a requirement in our first year core module Legal Skills and Process.

**Question 32B:** If you conduct or assign drafting exercises, please specify:

More likely to ask students to draft advice of judgment than legislation - this might involve interpretation skills.
Varies between semesters.

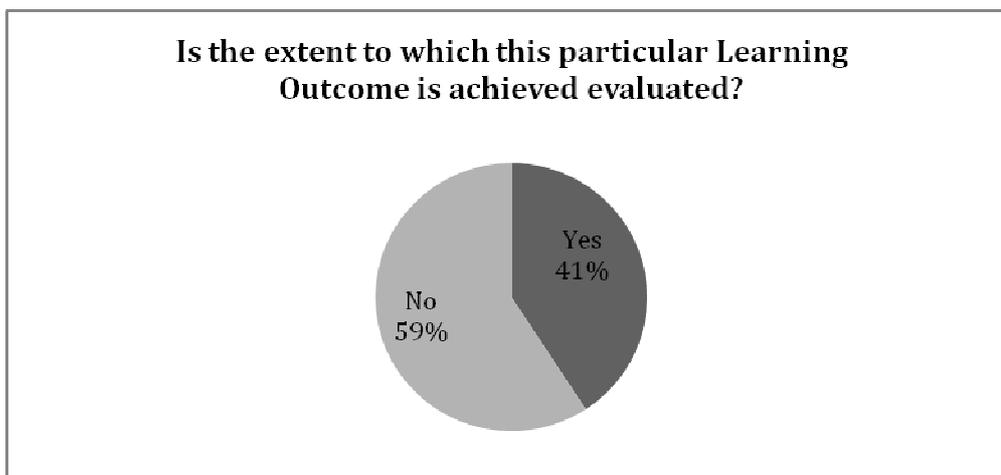
**Question 33:** Does the acquisition or development of statute law specific skills feature in the Learning Outcomes for the relevant courses?



If 'yes' please specify:

In Civil Justice System.
Human Rights, Criminal Law, Employment Law, Family Law.
In LR & ELS.
Legal Systems and Skills in particular, but it is a common feature of many modules eg 'to be able to locate and correctly apply relevant legal provisions'.
Part of the Programme Specifications for the degree.
It is articulated in Legal Skills and Process 1 and in other core modules including Public law, EU law and Contract Law.

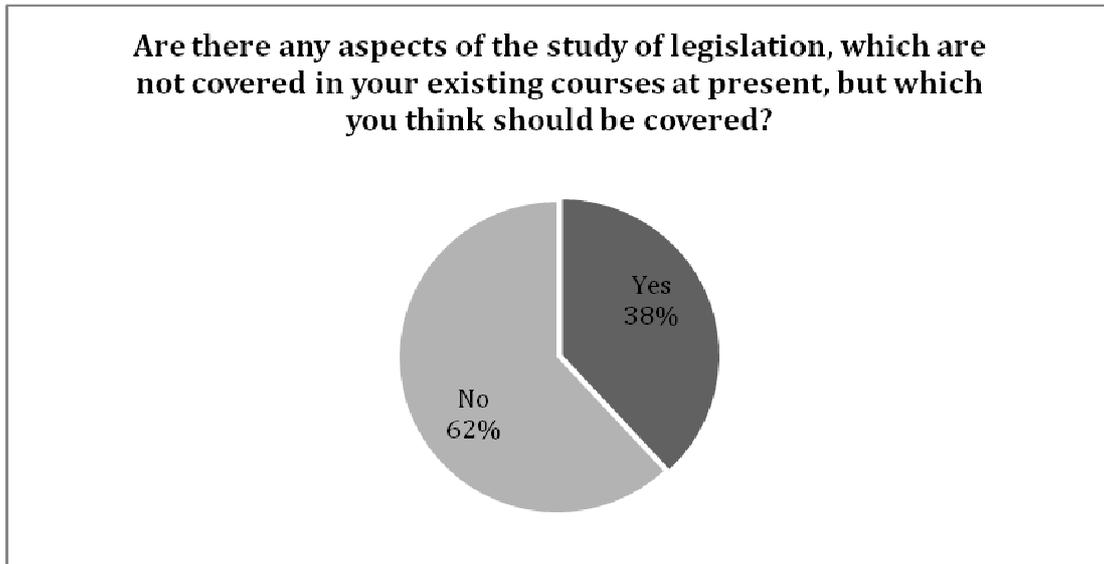
**Question 34:** Is the extent to which this particular Learning Outcome is achieved evaluated?



If 'yes' please specify.

In Civil Justice System.
Human Rights, Criminal Law, Family Law, Employment Law,
Not explicitly perhaps.
Often it is an intrinsic part of the assessment.
Exam interpretation will be part of the exam and possibly coursework.
Assessments are set for students in which they must achieve a minimum mark of 35% and an overall pass of 40% in the module.

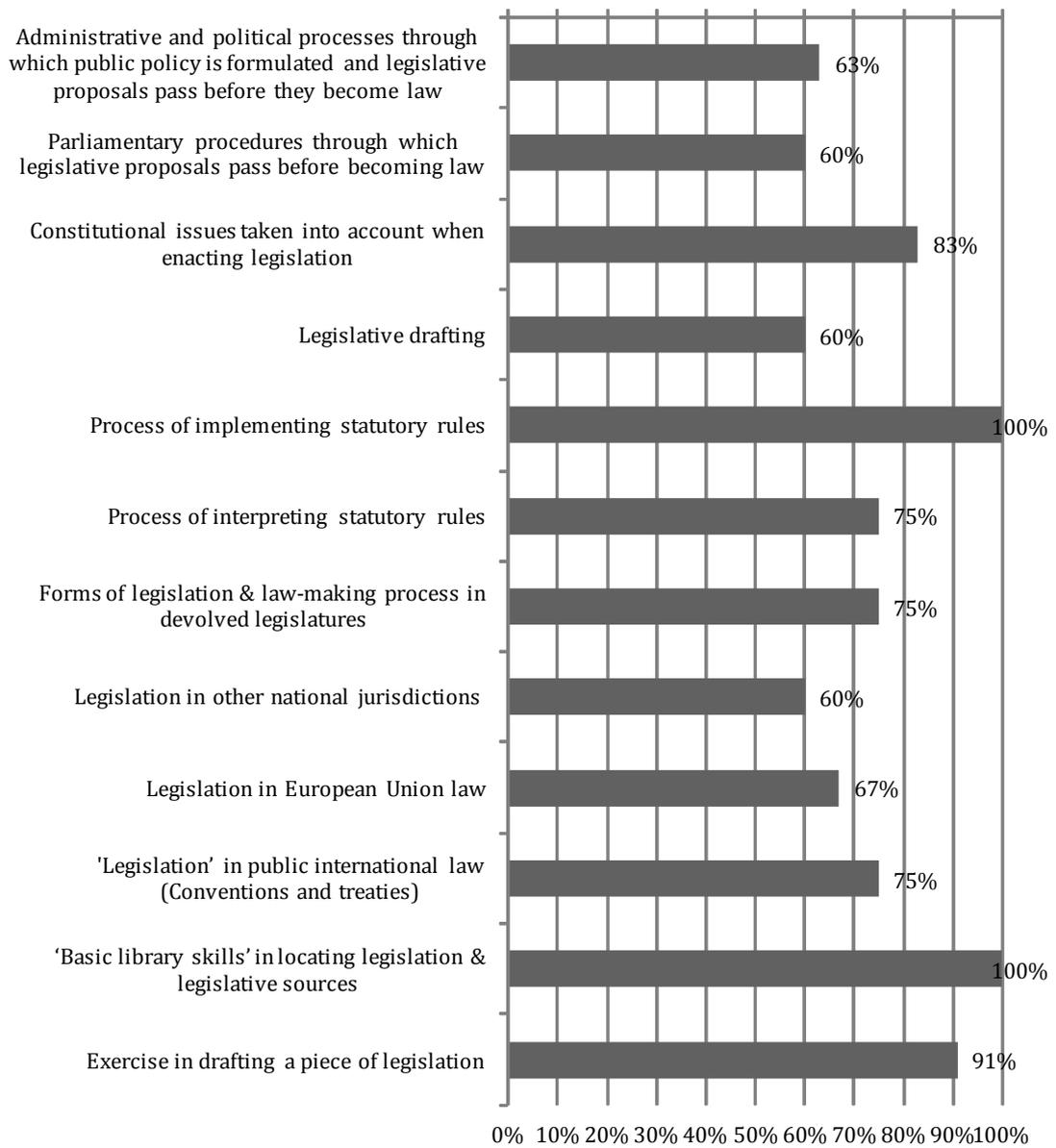
**Question 35:** Are there any aspects of the study of legislation, which are not covered in your existing courses at present, but which you think should be covered?



**Question 36:** If you answered yes, what are the aspects you would like to address? Pick all that apply:

- a. The Administrative and political processes through which public policy is formulated and legislative proposals pass before they become law
- b. The parliamentary procedures through which legislative proposals pass before becoming law
- c. The constitutional issues, which have to be taken into account when enacting legislation
- d. Legislative drafting
- e. The process of implementing statutory rules
- f. The process of interpreting statutory rules
- g. The forms of legislation and the law-making process in the devolved legislatures
- h. Legislation in other national jurisdictions, especially law-making process styles of drafting and the interpretation of legislation in those jurisdictions
- i. Legislation in European Union law, especially the law-making process, style of drafting and interpretation of EU law
- j. 'Legislation' in public international law (Conventions and Treaties), especially law-making process, style of drafting and interpretation of public international law
- k. 'Basic library skills' in locating legislation and legislative sources
- l. An exercise in drafting a piece of legislation

### Aspects respondents wish to address



**Question 37:** What, if any, are the obstacles to addressing these issues?

Lack of interest among students. They would rather hear about cases than apply their minds to the more abstract and intellectually demanding subject of legislation.

Time and other resources.

A task to be performed along with many others; as before, persuading colleagues that it is valuable.

Finding space in a crowded curriculum. This is a more pressing problem in Scotland given the broader range of subjects prescribed for professional practice. Although I have indicated that all of the aspects above bar one are covered, I would like the degree to devote more time to these topics.

Resources.

Time; curriculum pressures;

Most are covered to some extent; more would be good, but time is limited.

Time frame - skills on drafting would have to have an element of teaching or online resource to allow work to be satisfactory. Also difficulties of having integrated approach across several courses although we are quite effective at dealing with that.

Time!

Time limits. In a combined Legal Method/English Legal System course, there is already insufficient lecture time, but particularly insufficient seminar time.

Module time and spread our LLB students take 9 modules in the first year.

There are constraints on how much can be fitted into an LLB.

We cover all those aspects to some degree across the degrees.

Specific interest of the lecturers involved in these modules.

## Part V: Concluding Comments

**Question 38:** Do you wish to comment further on the teaching of legislation in your Law School or beyond?

Only to say that I do not think (this may be entirely anecdotal) that Law Schools/the legal academy has given sufficiently serious attention to this core aspect of our discipline.

A number of issues that are not covered in the specifically mentioned courses are covered across various modules taken during the course of the undergraduate degree.

The teaching of legislation is specifically addressed in two modules at present and will be further studied in a third module - all of which are compulsory and studied at Level 1. However, the teaching of legislation, including interpretation and evaluation, is continued in Level 2 compulsory modules and in options at Level 3.

Two comments: 1. Whether we do enough teaching on legislation and whether we do it to a satisfactory standard is a challenging question which we should include in our ongoing review of our syllabus. But we do cover the majority of what has been referred to in the questionnaire on an ongoing basis throughout the syllabus. 2. The only clear shortfall that I can identify is the drafting of legislation. Nevertheless, given the pressures on a law degree, I am not sure that this is a shortfall that is serious. Moreover, it would appear to me to be a specialist topic that generalist public lawyers/law teachers should be wary of teaching.

Some of the specific aspects you ask about are dealt with in courses which you do not list (eg International Law would be the place to study treaties, EU Law the place to study European legislation). In answering the questions I've assumed that those were on your original list.

I find the apparent assumption that you might be able to deliver a law course which did not look at statutory interpretation surprising.

Just a health warning: I have answered this questionnaire on behalf of the School because I teach public law, have been involved in establishing the new Introduction to Law, and have taught EU law in the past. But some of the answers, particularly the proportions of time spent on different aspects of the study, are necessarily highly impressionistic. The material is almost always integrated with other learning objectives, so is hard to separate out in the way this survey presupposes.

I can sometimes find it difficult to persuade my colleagues of its importance!

Legislation is so fundamental to an English law degree that all aspects appear across the various modules. The Legal Skills module provides some specific input, but otherwise statutes and their creation, implementation and interpretation are fundamental to all modules.

## **Appendix 1: Call for participants**

The following message was emailed by the UKCLE to the Heads of all 98 Law Schools in the UK on 17 March 2011:

*Please see below message sent on behalf of Stefan Vogenauer (University of Oxford)*

Dear Head of School,

I am writing to you in my capacity as a member of the Council of the Statute Law Society. It is the purpose of this message to invite your Law School to participate in a web-based survey on the teaching of legislation in UK Law Schools.

The Statute Law Society is a charitable body which aims to educate the legal profession and the public about the legislative process, with a view to encouraging improvements in statute law. It was founded in 1968 and has members throughout Britain, Europe and the Commonwealth.

The Society has recently launched a new initiative aimed at promoting the teaching of statute law. As a first step, it produced a number of teaching materials on the legislative process (a couple of DVDs with a lecture and a number of interviews). These ought to have been sent to you, together with a cover letter by the Society's chairman, Lord Rodger of Earlsferry, some three weeks ago.

We are now undertaking a new large-scale survey of the teaching of legislation in UK Law Schools. The survey is supported by the UK Centre for Legal Education (UKCLE). Its purpose is to find out

- to what extent Schools provide students with knowledge of the preparation, creation, enactment and interpretation of legislation, and
- to what extent they furnish students with practical skills in handling legislation.

The survey is web-based. Responding to it will not take more than 15-20 minutes.

We would be extremely grateful if you or one of your colleagues who is familiar with your syllabus were able to complete the survey by Monday, 11 April. We aim to gather a complete picture of this important field of legal education, so every response matters. The survey can be accessed at:

[http://ww2.unipark.de/uc/uk\\_uni\\_oxford\\_vogenauer\\_sl/682f/](http://ww2.unipark.de/uc/uk_uni_oxford_vogenauer_sl/682f/)

The results will be aggregated in a way that will not allow an identification of the teaching patterns of any individual Law School and they will be made available to participating Law Schools upon request.

Please feel free to address any questions you might have to: [teachinglegislation@gmail.com](mailto:teachinglegislation@gmail.com).

Thank you very much for your support in this matter.

Yours sincerely

Stefan Vogenauer  
Professor of Comparative Law, University of Oxford

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