



HOUSE OF LORDS

Library Note

Volume of Legislation

This Library Note looks at the volume of legislation from the perspective of the House of Lords. In particular, it provides figures on the volume of primary legislation since 1930, on the number of Acts of Parliament in broad subject areas since 1983 and on the number of Statutory Instruments made since 1961. The note also contains information on the size of the “statute book” and on the number of reported cases based on the interpretation of legislation.

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Introduction

The purpose of this House of Lords Library Note is to provide an indication of the volume of Acts of Parliament since 1930 from the perspective of the House of Lords, and of the number of Statutory Instruments made since 1961. In relation to the former, the figures in table 1 (Volume of Government Acts) have been compiled from the Queen's Printer's copy of bound statutes from 1930 to 2012. For 2012, the individual parts were used, as the bound volumes were not available at the time of writing. The Acts have been presented by calendar year and not by regnal year or parliamentary session, in order to even out the differences caused, for example, by elections. It should be noted that the size of the bound volumes changed in 1987, from A5 to A4, and that therefore a direct comparison of the volume of Acts before and after 1987 may not necessarily be possible. The enumeration has been tailored to the House of Lords by excluding those Acts which may have received significantly less consideration by the House than others. These are the finance, consolidated fund and appropriation Acts, statute law revision and repeal Acts, consolidation Acts made under the Consolidation of Enactments (Procedure) Act 1949 and consolidation Acts made under the Law Commissions Act 1965, and marked as such by the Queen's Printer. Only public government Acts have been included.

In table 2 (Government Acts by Select Subjects) an attempt has been made to categorise government Acts by session since 1983 under the broad headings of constitution, criminal justice, education, health and immigration. This has been done on the basis that an Act's main policy objective is in one of these areas. The heading of "constitution" includes legislation on devolution, the European Union, parliament and discrimination. However, those Acts which are primarily concerned with the law in Northern Ireland, Scotland and Wales instead of with devolution have been excluded. For these reasons the categorisation should be considered indicative rather than definitive.

The data compiled in tables 1 and 2 show the amount of primary legislation passed—it does not show how much primary legislation is in force at any one time, or the cumulative increase. In other words, it does not provide an insight into the extent of the "statute book". This aim may be served by looking at the change in the number of volumes of the various editions of *Halsbury's Statutes* presented in table 3 (Volumes of Halsbury's Statutes). *Halsbury's Statutes* is a multi-volume publication comprising the primary legislation of England, grouped under an alphabetical title scheme. The Acts are annotated with cross-references, relevant cases and subordinate legislation. Although it may be problematic comparing the editions of *Halsbury's Statutes* due to variations in the title scheme, a broad picture can nevertheless be presented of the volume of statute law in force over time.

The second major source of legislation is subordinate legislation¹, sometimes referred to as secondary or delegated legislation. The most common type of subordinate legislation are Statutory Instruments², which are made for a variety of purposes, such as to commence or amend Acts or to allow Ministers to make more detailed provision on a subject. There are a number of ways in which the volume of SIs can be tabulated, for example by using the legislation.gov.uk website or one of the commercial legal databases. The problem with using such sources is that a large number of SIs are included in the tally which may not be directly relevant, such as local SIs or revoked instruments. For this reason, the figures presented in table 4 have been compiled by counting the number of SIs

¹ See further chapter 3 of *Craies on Legislation*.

² Statutory Instruments are defined by section 1 (as amended) of the Statutory Instruments Act 1946, regulation 2 of the Statutory Instruments Regulations 1947, SI 1948/1 and article 1 of the Statutory Instruments (Confirmatory Powers) Order 1947, SI 1948/2: see further chapter 3 of *Craies on Legislation*; House of Lords Briefing, [Looking at the Small Print: Delegated Legislation](#), 2009; and House of Commons Information Office, [Statutory Instruments](#), 2008.

included in the bound annual edition published by the Queen’s Printer³. Using the annual edition allows a consistent set of figures applicable to England to be created back to 1961, although this methodology may not exclude SIs which themselves add little to the *corpus juris*, such as commencement orders. The total and average number of pages of SIs is also increased through the inclusion of explanatory memoranda. Furthermore, as in the case of Acts, the size of the bound annual edition changed in 1987, from A5 to A4, and direct comparisons before and after 1987 therefore may not be possible. It should be noted that the figures presented in table 4 do not necessarily allow conclusions to be drawn as to the workload of the House of Lords, as not all SIs are subject to parliamentary procedure, and those that are may not be included in the annual edition.

The volume of Acts and Statutory Instruments presented in tables 1 and 4 is rendered in a diagram in figure 1 (Pages of Acts and SIs 1990 to 2009). The data for the total number of pages of Acts and SIs per year, as well as the sum of both, are shown. Although the data on Acts underlying figure 1 has been adjusted to represent those most likely to undergo scrutiny in the House of Lords, the graph nevertheless provides an indication of relative changes in volume over time.

Finally, figure 2 (Proportion of Cases Reported in the All England Law Reports Considering Legislative Provisions) is based upon data provided by the editorial team of the *All England Law Reports*. It shows the percentage of cases concerned with primary or secondary legislation that have been included in the *All England Law Reports* since 1936. The graph shows an increasing trend over the last decade to select cases for reporting that are concerned with the interpretation of legislation. While it is not possible to draw conclusions without detailed analysis, this trend may be linked to the increasing size of the “statute book” and a shift in emphasis towards statute law rather than common law.

Although the tables and the figures themselves do not enable conclusions to be drawn as to the quality of legislation, a number of commentators⁴ have discussed both the quality and volume of legislation. The issue of quality has also arisen in a number of judgments⁵, as well as the subject of a recent review published by the Office of the Parliamentary Counsel.⁶

The authors of this Note are grateful for the help and advice given to them by the editorial teams of the *All England Law Reports* and *Halsbury’s Statutes*. Any errors or omissions are those of the authors.

³ The annual edition is published in pursuance of regulation 10 (as amended) of the Statutory Instruments Regulations 1947, SI 1948/1. The annual edition excludes instruments revoked by the date of compilation, instruments made by Welsh Ministers and Northern Ireland instruments. The tally in table 4 has also excluded the selected local instruments and proclamations published in the annual edition.

⁴ See, for example, Sir William Dale, *Legislative Drafting: A New Approach—A Comparative Study of Methods in France, Germany, Sweden and the United Kingdom*, 1977; Sir Roger Toulson, ‘Law Reform in the Twenty-first Century’, in *Legal Studies*, 2006, vol 26, No 3, pp 321–328; Vareem Vanterpool, ‘A Critical Look at Achieving Quality in Legislation’, in *European Journal of Law Reform*, 2007, vol 9 No 2, pp 167–204; Daniel Greenberg, ‘The Volume and Complexity of the United Kingdom Legislation Today’, in Simon Hetherington (ed), *Halsbury’s Laws of England: Centenary Essays*, 2007; and Ruth Fox and Matt Korris, *Making Better Law*, 2010.

⁵ See, for example, *Pepper (Inspector of Taxes) v Hart* [1993] AC 593; *R v Bradley* [2005] All ER (D) 78 (Jan); *R v A* (appeal under s 58 of the Criminal Justice Act 2003) [2005] All ER (D) 242 (Dec); *R v Lang and other appeals* [2005] EWCA Crim 2864; *R v Campbell* [2006] All ER (D) 137, March; and *R v Chambers* [2008] All ER (D) 170, Oct.

⁶ Office of the Parliamentary Counsel, *When Laws Become Too Complex*, March 2013.

Table 1: Volume of Government Acts

Year	No of Acts	No of Pages	Average No Pages
1930	39	745	19
1931	51	322	6
1932	47	1031	22
1933	50	1012	20
1934	56	630	11
1935	49	1466	30
1936	50	1472	29
1937	61	928	15
1938	3	15	5
1939	117	1336	11
1940	54	442	8
1941	43	400	9
1942	34	189	6
1943	44	445	10
1944	42	468	11
1945	58	845	14
1946	64	1180	18
1947	62	1952	31
1948	61	1851	30
1949	89	2138	24
1950	45	746	17
1951	59	628	11
1952	58	1227	22
1953	48	479	10
1954	62	1061	17
1955	46	675	15
1956	54	875	16
1957	56	1012	18
1958	70	1020	15
1959	69	1163	17
1960	60	1028	17
1961	61	938	15
1962	56	1183	21
1963	54	1202	22
1964	93	1322	14
1965	63	942	15
1966	45	771	17
1967	75	1573	21
1968	64	1879	30
1969	59	1542	26
1970	51	636	12
1971	66	1300	20

1972	68	1763	26
1973	61	1949	32
1974	45	1405	31
1975	62	1870	30
1976	71	1590	22
1977	44	897	20
1978	46	943	20
1979	40	688	17
1980	52	1620	31
1981	56	1490	27
1982	47	1597	34
1983	47	671	14
1984	48	1712	36
1985	62	1716	28
1986	60	2185	36
1987 [†]	51	1194	23
1988	46	1975	43
1989	40	2290	57
1990	39	1679	43
1991	58	1492	26
1992	46	1210	26
1993	38	1914	50
1994	35	1936	55
1995	43	2121	49
1996	54	1979	37
1997	57	1445	25
1998	43	2249	52
1999	32	2003	63
2000	41	3543	86
2001	21	1363	65
2002	39	2730	70
2003	41	3221	79
2004	34	3291	97
2005	19	2150	113
2006	46	3342	73
2007	28	3066	110
2008	27	3088	114
2009	23	2800	122
2010	30	2224	74
2011	22	2121	96
2012*	20	1886	94

[†]Change in size of Queen's Printer's bound volumes from A5 to A4

*Provisional figures

(Source: House of Lords Library)

Table 2: Government Acts by Select Subjects

Session	Constitution	Education	Health	Criminal Justice	Immigration
1983–1984	3	1	1	6	0
1984–1985	2	0	1	2	0
1985–1986	3	3	1	3	0
1986–1987	4	1	0	2	1
1987–1988	6	1	0	5	0
1988–1989	3	0	1	3	0
1989–1990	1	1	2	3	0
1990–1991	4	2	0	5	0
1991–1992	4	2	1	1	1
1992–1993	9	1	1	3	1
1993–1994	1	1	0	5	0
1994–1995	5	0	2	3	0
1995–1996	3	4	3	6	1
1996–1997	2	1	2	7	0
1997–1998	15	4	1	5	1
1998–1999	6	0	2	2	1
1999–2000	6	1	0	5	0
2000–2001	5	1	0	5	0
2001–2002	3	1	3	4	1
2002–2003	5	0	2	5	0
2003–2004	4	2	2	2	1
2004–2005	3	1	1	2	0
2005–2006	11	1	4	8	1
2006–2007	7	1	2	3	1
2007–2008	4	2	2	3	0
2008–2009	4	1	1	2	1
2009–2010	3	1	1	3	0
2010–2012	6	2	1	7	0
Total	132	36	37	110	11

(Source: House of Lords Library)

Table 3: Volumes of Halsbury's Statutes

Edition	Year	Number of Volumes
First	1929	20
Second	1948	26
Third	1968	39
Fourth	1985	50
Fourth Reissued	2010	74

(Source: *Halsbury's Statutes* Editorial Team, April 2010)

Table 4: Statutory Instruments

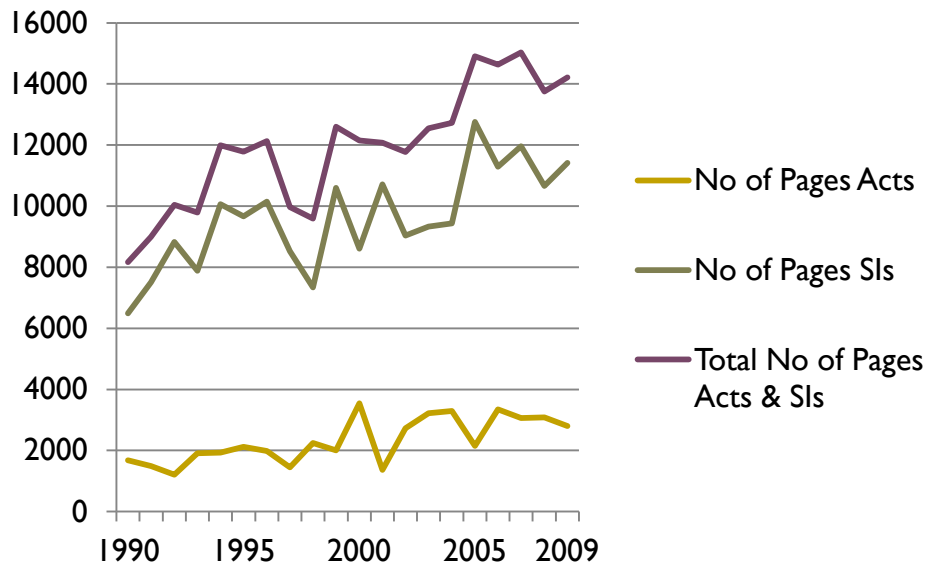
Year	No of SIs	No of Pages	Average No Pages
1961	747	4525	6
1962	735	4029	5
1963	761	4639	6
1964	838	5115	6
1965	899	6330	7
1966	790	5061	6
1967	951	5260	6
1968	916	5500	6
1969	925	5707	6
1970	1041	6567	6
1971	1116	6305	6
1972	1125	6089	5
1973	1243	7951	6
1974	1254	8555	7
1975	1340	8379	6
1976	1086	6216	6
1977	1140	6188	5
1978	1020	5781	6
1979	936	4706	5
1980	1178	7372	6
1981	1047	6516	6
1982	1062	5509	5
1983	1088	6394	6
1984	1101	6056	6
1985	1181	6454	5
1986	1327	9020	7
1987 [†]	1176	6256	5
1988	1257	6278	5
1989	1243	6580	5
1990	1389	6487	5
1991	1508	7506	5
1992	1676	8829	5
1993	1556	7880	5
1994	1654	10061	6
1995	1625	9667	6
1996	1800	10151	6
1997	1634	8522	5
1998	1534	7344	5
1999	1742	10602	6
2000	1582	8608	5
2001	1861	10711	6
2002	1574	9039	6
2003	1488	9328	6
2004	1470	9435	6

2005	1559	12758	8
2006	1408	11289	8
2007	1513	11961	8
2008	1395	10662	8
2009	1420	11414	8

†Change in size of Queen's Printer's annual edition from A5 to A4.

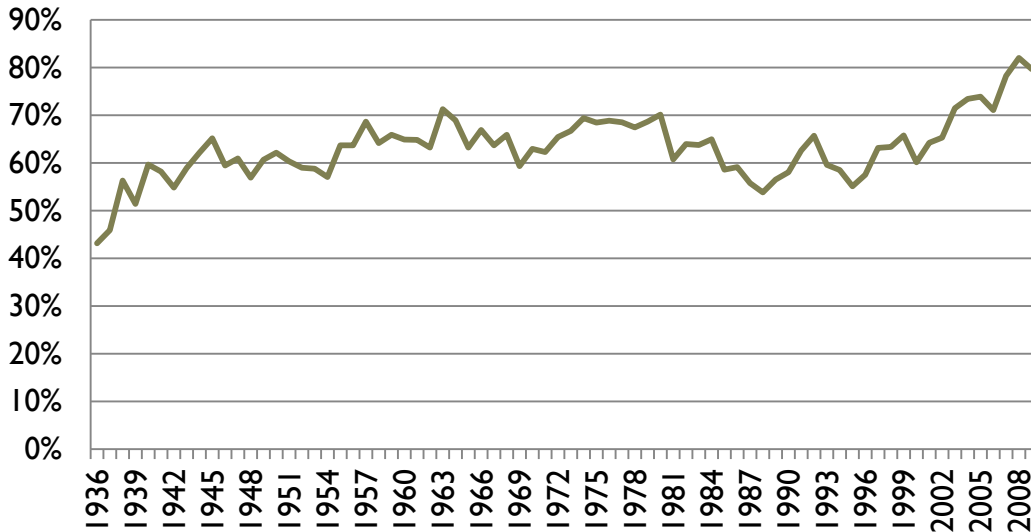
(Source: House of Lords Library)

Figure 1: Pages of Acts and SIs 1990 to 2009



(Source: House of Lords Library)

Figure 2: Proportion of Cases Reported in the All England Law Reports Considering Legislative Provisions



(Source: All England Law Reports Editorial Team, April 2010)