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Review Article on Statute Law Database

Abstract: This article has been written by Janice Sayer, a freelance information manager, who has extensive and unrivalled experience of working on the content of the Westlaw UK legislation database.

Keywords: legislation; legal databases

Introduction

UK legislation has been freely available on the internet since 1996, when HMSO (now OPSI) first started publishing new legislation online. A few years later, legislation dating back to 1988 was added to the website. This was of limited value, as it was published in its original form and users could never be sure whether what they were viewing was still in force or had been amended. What was needed was a database which showed the law in force, with all amendments applied, and also an archive of historical versions of legislation, so that lawyers dealing with long-running cases could refer to legislation as it stood at a particular point in time.

This problem has been solved to a certain extent by the Statute Law Database (SLD), which contains revised versions of UK legislation and is publicly available, free of charge, on the internet. First mooted in 1991, it was finally released to the public at the end of 2006, by which time it was often understandably preceded by the words

“long awaited” whenever it was mentioned. For those interested in the history of its development, there is a detailed article on the Wikipedia website.

In the late 1990s, I was working on the legislation for the Westlaw UK database, so I followed the progress of the SLD with interest and some trepidation. After all, who would subscribe to a commercial service if they could get the official government version of revised legislation for free? Westlaw UK was eventually launched in 1999, but we were still waiting for the SLD to be released, although, from our experiences of the volume and complexity of legislation, we had a good idea why it was taking so long. Eventually, the SLD was made available on the web in December 2006.

Content

The SLD contains primary legislation (Acts and Measures) and secondary legislation (Statutory

Instruments and Church Instruments). The primary legislation, apart from local acts, is held in revised form, i.e. as amended by subsequent legislation, and includes UK Public General Acts, Acts of the Scottish Parliament, Acts of the Northern Ireland Assembly, and Church of England Measures. When the SLD was first launched, the 'Update Status of Legislation' page listed about 40 acts which hadn't been loaded to the system. This list has now been whittled down to 10 acts (as at August 2008) although these include major tax and social security acts.

Amendments to the text of primary legislation on SLD have created a series of historical (and future) versions, showing how legislation stands at any particular date. If no date has been appointed for an amendment, a "prospective" version has been created showing how the legislation will look, if and when it does come into force. Amendments are also made for particular geographical extents. For example, a section of an act may operate in England, Wales, and Scotland, and may be amended differently for each country, resulting in three concurrent versions which are all in force at the same time.

This versioning of primary legislation is an invaluable feature, and must have taken a huge amount of editorial time and technical expertise. However, some of the primary legislation has not yet been revised to the present day; this is indicated in an act's 'Table of Contents' page. It is possible for users to apply the missing amendments using the SLD's 'Tables of Outstanding Effects', although they would need to understand the structure and terminology used in legislation. Another deficiency concerns secondary legislation, which is held in its original form and has not been updated. There are no online 'Tables of Effects' which would allow users to update this legislation.

The omitted and non-updated primary legislation and the lack of updated secondary legislation really need to be addressed if users are ever going to be able to rely on the SLD to find the law in force. Until this work is done, the SLD cannot compete with the commercial services. However, work is in progress on completing the loading and amending of the primary legislation, and the House of Lords Select Committee on the Merits of Statutory Instruments has requested that secondary legislation should also be updated, although there is no timetable for this yet.

Up-to-dateness

The Home Page provides information on the load status of the current year's acts and links to a table showing what has been loaded in the past week. It normally takes two to four weeks for an act to be published on the SLD following its enactment because of the editorial processes involved. The time taken to load new acts is not significant, as they are available on the OPSI website not long

after receiving Royal Assent. Statutory instruments (SIs) are loaded more quickly. For example, in mid-August 2008, SIs were being loaded to the SLD within a week of being added to the OPSI web pages.

Searching and navigation

Browsing is possible via alphabetical and chronological indexes, which can be restricted by legislation type, e.g. "Act (Scottish Parliament)". There are two search options: simple and advanced. Simple search allows users to search by a combination of title, year, number, and legislation type. Advanced search allows users to perform very sophisticated queries, e.g. searching for a particular phrase occurring in acts over a range of years and different geographical extents, and restricting the results to a particular date. For example, it is possible to just search for English and Welsh legislation containing the term "special education" published between 1980 and 2000, specifying that the versions should be as they stood at 1 March 2004. This functionality is invaluable for both academics and practitioners.

Clicking on a title from the list of results will open the table of contents for that piece of legislation. From this contents list, users can open individual provisions, parts, schedules, etc, or the whole enactment. Having opened a single provision, it is not possible to click through to the next (or preceding) provision: users must return to the contents and navigate from there. The remedy for this minor shortcoming is to select entire parts or larger structures and scroll through them.

Display function

The design makes it very easy to read the text of legislation. Sub-levels are indented, amended text is in blue and provisions to be inserted in other legislation are green. Footnote indicators are hyperlinked to the footnote text, and some amending and amended provisions are also linked, but this functionality is not available for most of the legislation.

The SLD uses icons to indicate that a version is provisional, or that there are concurrent versions, etc. When the database was launched, there was some criticism of the proliferation of icons but, given that users are keen to see future and concurrent versions of legislation, the SLD has to include these variant provisions, and has to alert users about them, otherwise it would be failing in its aim.

The SLD only provides a print option; there is no option to email or save the results, but this functionality is available to some extent in both Internet Explorer and Firefox.

Help function

The amount and detail of information given in the SLD's 'Help' section is excellent and far superior to that of the commercial services. The different types of primary and secondary legislation are explained, as are the geographic extents, the editorial processes used to create the SLD, and the different annotations, in addition to the normal searching and navigation instructions. Any students or researchers interested in the eccentricities of UK legislation and how it is amended could well use the SLD 'Help' pages as a starting point.

Recent developments

Recently, some of the SLD's revised statutes have been loaded to the OPSI website. It is expected that this will make legislation more accessible to laypeople, who would find the complexity of the SLD off-putting. Of course, the content still suffers from being incomplete. For example, the OPSI version of the Firearms Act 1968 has the note:

"This version of this statute is extracted from the UK Statute Law Database (SLD). It is not in the form in which it was originally enacted but is a revised version, which means that subsequent amendments to the text and other effects are incorporated with annotations.

There are effects on this legislation that have not yet been applied to SLD for the following year: 2007. See the Tables of Legislative effects and the Update status of legislation page on the SLD website."

This may well be confusing to some users, but those who are already familiar with OPSI's legislation may be encouraged to investigate the SLD.

Conclusion

Although the SLD cannot yet compete with the commercial online legislation databases, it does have the potential to provide an excellent free alternative. Before its launch, it was reported that only the law in force would be free and that historical versions of legislation would only be available on a commercial basis. Lawyers, librarians and journalists protested about this; after all, the database is publicly funded and contains public sector information. Fortunately, the Department for Constitutional Affairs (now the Ministry of Justice) decided that all the data and functionality would be free, although options are being explored regarding commercial reuse of the data and the development of functionality for specialist users. It is to be hoped that the SLD obtains sufficient funding, from whatever sources, for all UK primary and secondary legislation to be loaded and brought up-to-date.

Biography

Janice Sayer worked as a law librarian at a commercial law firm in Leeds before becoming a legal editor for Legal Information Resources (now subsumed into Sweet & Maxwell). She progressed from managing editor of the Current Law Legislation Citator to senior editorial analyst, working on the design and implementation of the Westlaw UK legislation database before leaving to become a freelance legal checker and copy editor for Oxford University Press.