

Statutory interpretation



Statutory Interpretation Introduction Statutory interpretation is the act or process of interpreting and applying legislation. It is the principles developed by courts for interpreting statutes. ON the other hand it can also be referred to as statutory construction. Sometimes the words of a statute contain have a plain and direct meaning. However in most cases they contain some ambiguity or vagueness in the words of the statute which needs to be resolved by the judge.

In this respect various tools and methods of statutory interpretations, including traditional canons of statutory interpretation, legislative history, and purpose are used by the judge to find meanings of statutes. The four rules used for interpretation are the literal rule, the golden rule, the mischief rule and the purposive rule.

Tools for Analyzing a Statute

Ideally although some statutes appear simple and straightforward at first glance, upon further examination one may find that, the terms of the statute do not directly address your legal issue. Statutory terms may be ambiguous because the enacting legislature did not consider the exact factual situation that you are analyzing when the statute was being drafted and debated. Furthermore changing circumstances may require that an old statute be applied to new issues that the enacting legislature did not expect or could not have foreseen. However several tools are there that can help you to suitably interpret the meaning of ambiguous words of statutes or to choose between multiple but plausible interpretations of the same statute.

Plain Meaning

In general terms courts may assume that the words of statute mean what an ordinary person would reasonably understand them to mean. Moreover some

courts adhere to the principle that if the words of a statute are clear and unambiguous, then the court need not inquire into the meaning of the statute. While a person's own experience and the knowledge of grammar and the in-depth understanding of language is a good starting point, it would mean a lot to consult other sources of authority to determine whether a particular word or phrase has a specific meaning. Perhaps one could begin with the primary source: the statute itself, case law, administrative regulations...before looking beyond to secondary source: dictionaries, legal encyclopedias e. t. c.

Context

This doctrine of statutory construction suggests that you can determine the meaning of an ambiguous term by reference to the words associated with it.

This doctrine is useful when the terms you are trying to interpret are grouped together with two or more terms that contain similar meanings.

These terms may provide important clues on how broadly or narrowly a term should be reasonably interpreted.

Canons of Construction

Certain forms of statutory construction have been used so often that they have become formalized into canons (Cross, 2009). Notably, unlike the tools of interpretation, these canons are not particularly useful for discerning the meaning of a statute. However many courts still find them persuasive, and you may use these canons to justify and provide support for a particular interpretation of a statute. It is instructive to note that for each canon that supports your interpretation(rule), there is often an opposite canon that can be used to defeat your interpretation, or to support an alternative interpretation of the statute in question(counter rule).

Work Cited

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Cross, Frank B. *The Theory and Practice of Statutory Interpretation*. Stanford, Calif: Stanford Law Books, 2009. Internet resource