

Subject: Developing the Detail Response (LETR: Discussion Paper 02/12)  
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I note that your consultation on Discussion Paper 02/2012 ends today.

Question 1 of the Paper welcomes further input as regards the preferred scope of Foundation subjects, and/or views on alternative formulations of principles or outcomes for the QLD/GDL.

The Office of Parliamentary Counsel is responsible for drafting the government's primary legislation and therefore has a professional interest in helping to spread as widely as possible an understanding of legislation.

We would like to see law students develop a good understanding of statutory interpretation and the role of legislation in the law and we believe that one way to achieve this would be to specify it as an outcome for the QLD/GDL.

Doing so would reflect the importance of the subject. Primary and secondary legislation form the main body of our law and are of direct relevance to the citizen. Every lawyer needs to access and understand legislation.

Doing so would also act as a modest counter-weight to an over-concentration on the teaching of the common law which has traditionally formed a major part of the teaching of law but which has become less important over time as more and more areas of law have become subject to statutory regulation.

And it would reflect the fact that legislation is a cross-cutting subject which is relevant to individual core subjects but which also involves the teaching of general principles (such as those of statutory interpretation). The survey of UK Law Schools undertaken by the Statute Law Society in 2011 shows that there are a variety of ways in which legislation can be taught and specifying an outcome would encourage it to be taught on individual courses in an integrated way but without being unduly prescriptive about the means to be used.

Of course, we recognise the many conflicting demands on teaching time and the need for QLDs in particular to teach broader academic skills alongside purely legal skills. However, we would argue that specifying our suggested outcome for the QLD/GDL need not result in significant extra teaching time or the need for significant extra space in the syllabus. It might, for example, simply involve doing what is already being done but in a slightly more focused way or using the opportunities that already arise in teaching other subjects to shed additional light on statutory interpretation and other aspects of legislation.

I would be very happy to discuss our views further if you so wish.

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