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**Article:**

Jones, B.C. (2012) Do short bill titles matter? Surprising insights from Westminster and Holyrood. *Parliamentary Affairs*, 65 (2). pp. 448-462. ISSN: 0031-2290

<https://doi.org/10.1093/pa/gsr060>

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RESEARCH NOTE: DO SHORT BILL TITLES MATTER? SURPRISING INSIGHTS FROM  
WESTMINSTER AND HOLYROOD

By

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Key Words: Short Bill Titles, Legislative Drafting, Legislative Processes, Westminster  
Parliament, Scottish Parliament

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## ABSTRACT

The note is based on an exploratory investigation into the importance of short bill titles in the Westminster and Scottish Parliaments. Given the dearth of research and the commonly innocuous nature of short titles throughout the years, such titles are not provided much significance in either jurisdiction, either from a bill drafting or legislative process perspective. Drawing on a small sample of interviewees close to both processes in Westminster and Holyrood, it is demonstrated that short titles do indeed matter for a variety of reasons. Many MPs, MSPs, bill drafters and government employees acknowledged that short titles: do not serve merely as referential points; are important in the lawmaking process; could assist in the passage of legislation from a bill to a law; and that some short titles were written to manipulate or persuade individuals into favouring legislation. Although clearly in the minority, there were also legislators in both jurisdictions who stated that such titles affected them when voting on legislation.

It could be argued that the most evocatively titled piece of legislation from British history is the Magna Carta ('Great Charter'), granted by King John in 1215.<sup>1</sup> Beyond this Britain's bill titles have remained blandly innocuous, almost to the point of boredom. They certainly do not compare to other common law jurisdictions, such as their commonwealth partner Australia (e.g. the More Jobs, Better Pay Bill, the Fair Prices and Better Access for All Bill)<sup>2</sup> or their transatlantic neighbour the United States (e.g. USA PATRIOT Act<sup>3</sup>, No Child Left Behind Act<sup>4</sup>). In fact, most major pieces of major UK legislation throughout the years do not even come close to resembling the evocative tones of the 'Great Charter'. The Petition of Right 1628 contained laws on taxation, arbitrary imprisonment and use of martial law commissions.<sup>5</sup> The Act of Settlement 1700 included provisions related to throne succession. Yet both of these monumental Acts had quite modest titles. Other major constitutional Acts were innocuously titled as well, such as: the Act of Union with Scotland 1707, the Parliament Acts 1911 and 1949, the Crown Proceedings Act 1947, the European Communities Act 1972, the Scotland Act 1998, and the Human Rights Act 1998.<sup>6</sup> So while other countries appear to be using evocative short titles for overtly political purposes, Westminster, and the Scottish Parliament for that matter, appear to have refrained from doing so. Thus, it begs the question of whether or not short titles bear much significance in the UK past their referential designations. Using interviews from some individuals closest to the legislative process (MPs, MSPs, bill drafters and governmental employees), this note questions whether such titles are worthy of more consideration.

There is virtually no academic or legal research related to short bill titles in the UK. In fact there is not much research related to bill titles in any jurisdiction, even those that practice evocative bill title naming (i.e. Australia, United States). Some anecdotal evidence from other works seem to suggest that bill naming can be important in particular instances,<sup>7</sup> but none of

these materials are specifically about short titles, and therefore do not elaborate on their significance or potential effects. Authoritative texts on statutory drafting such as Bennion<sup>8</sup>, McLeod<sup>9</sup> and Thornton<sup>10</sup> mention short titles, but not to any significant degree;<sup>11</sup> and legislative processes texts such as Craies<sup>12</sup> and Miers and Page<sup>13</sup> do not touch on bill naming much either. Additionally, the latest Hansard Society text on *Making Better Law* stresses the importance of long titles, but does not mention short titles at all.<sup>14</sup> Even contemporary Erskine May texts provide minimal information about short titles, as the topic is only given a couple paragraphs under the ‘Form of a bill’ section.<sup>15</sup> It seems quite easy to discount short titles, as the handful of words that make up these names are usually not all that enticing.

Given the blandly innocuous nature of short titles in the UK, and also dearth of research and attention them, at this point it is fair to make some realistic assumptions about them. This article provides five such assumptions: **(1)** that short bill titles are merely referential points; **(2)** that short bill titles are relatively unimportant in the lawmaking process; **(3)** that short bill titles do not affect the passage of a bill into a law; **(4)** that short bill titles do not affect legislators when voting on legislation; and **(5)** that short bill titles are not written in any way to manipulate or persuade the intended audience into favouring the legislation.<sup>16</sup>

Because of the lack of research and focus on bill titles in throughout academic and practical resources, it was determined that questioning individuals involved in the legislative process would be the most applicable way to gain a perspective on short title significance.<sup>17</sup> Therefore, in the summer and fall of 2009 twenty-two interviews were performed with legislators, bill drafters, and government employees from the Westminster and Scottish Parliaments.<sup>18</sup> The interview breakdown was as follows:

- Westminster: 11 interviews (7 MPs, 2 Lords, 1 Baroness, and 1 Bill Drafter)

- Holyrood: 11 interviews (7 MSPs, 2 Bill Drafters, and 2 Government Employees)

## Assumption 1: short bill titles are merely referential points<sup>19</sup>

Thornton notes that the sole purpose of a short title ‘is to enable facility of reference’, and states their main objectives as ‘identification first and description second’.<sup>20</sup> Indeed, they are often referred to as citation titles.<sup>21</sup> While a majority of interviewees in both jurisdictions agreed this was the case, many answers came with caveats, and some believed that such titles served multiple purposes. In fact, a UK Parliament bill drafter, and one who actually drafts short titles, thought that names served multiple purposes. He explained that there has always been a ‘tendency for ministers to want labels for their bills that immediately tell people what they are about from a political point of view’, and that providing a balance between law and policy was difficult, but attainable.<sup>22</sup> He found Westminster’s balance to be ‘about right’.<sup>23</sup> Complimenting this, a Labour MP declared that, ‘departments have tried to use these more descriptive titles, the sorts that you find in the United States of America, but...Parliamentary authorities here have protected the unwritten convention that we don’t use these’.<sup>24</sup>

The policy aspects of short titles were highlighted by some. A LibDem MP stated declared ‘there has always been an element, certainly in my political lifetime...of governments using the short title to make a political point’, but went on to say that their primary function is referential.<sup>25</sup> Agreeing, a Baroness stated they are primarily referential, but added that ‘there’s obviously some attempt to make them more evocative so they can resonate better in the public eye’.<sup>26</sup> One Commons member declared that short titles ‘should be informative’ for those not directly involved in lawmaking,<sup>27</sup> while another MP said that political sloganising [sic] in short titles is

‘wrong’, and noted that ‘the fact that a bill exists to have a political purpose doesn’t mean it delivers that purpose’.<sup>28</sup>

Ten out of eleven interviewees in Scotland stated that short titles still serve primarily as referential points. An experienced bill drafter said that ‘because of the sort of constraints around them, that is what short titles are really. They are a label and a descriptor of what a piece of legislation is.’<sup>29</sup> Another bill drafter stated the same, suggesting they ‘are very necessary, simply from the point of view of finding anything’.<sup>30</sup> Validating these statements, a governmental employee declared that ‘the main purpose of a bill, the short title of a bill, is to say, in as short a way as possible, what the bill does, and to act as an index in the UK statute book’.<sup>31</sup> Others confirmed the above notions, suggesting that this is even more true in Scotland, as their ‘hands are fairly tied by the outstanding set of protocols that bills names must describe, fairly succinctly, what they do. And, there’s not really a lot of scope, even if we want to, to...do anything that might suggest that it has a wider effect than it does’.<sup>32</sup>

The public was not altogether ignored, as one MSP noted that legislators are more ‘introspect[ive]’, and do not always take the public into consideration when titling bills.<sup>33</sup> However, an SNP colleague acknowledged that bills had ‘been tightened up quite a lot in the past few years’, especially when it comes to ‘having them reflect what they actually do’.<sup>34</sup>

## Assumption 2: short bill titles are relatively unimportant in the lawmaking process<sup>35</sup>

Texts such as the Hansard Society’s *Law in the Making*<sup>36</sup> and *Making Better Law*<sup>37</sup> provide no references to short titles, although the latter does mention that long titles are important.

Conversely, many interviewees from both jurisdictions considered short bill titles important in the lawmaking process.

The Westminster bill drafter interviewed stated that bill names have ‘a role in fixing the context in which the bill is debated’, as ‘the context in which that scrutiny takes place begins with the name of the bill’.<sup>38</sup> Another lawmaker agreed, stating it was a useful tool in ‘controlling the debate’.<sup>39</sup> Others argued that short titles could be used to ‘improve the public’s understanding of and access to legislation’, but ‘it’s the quality of legislation that matters not the title’.<sup>40</sup>

Many thought that titles were important for other reasons, such as accuracy. A Conservative MP declared ‘I think it’s important to get it right. I think it’s important to have titles that are easy to remember, I think it’s important to keep it simple. I think it’s also important that the title is not misleading’.<sup>41</sup> A similar stance was advocated by a Lords member, who stated ‘I think it should not be so flowery and so theatrical that it diminishes the importance of what is in the bill or in the act. But I think there’s a lot of scope there for going towards theatricality on the one hand or being thoroughly boring on the other. And, I’m pretty tolerant on that middle ground.’<sup>42</sup>

Short titles in the opinion of some Commons members were regarded as less important. One lawmaker described them as being ‘an adornment’ or ‘a hook’<sup>43</sup> and another chided that ‘on a score of 1 to 10 about what is really important’, it was ‘way down at the bottom’.<sup>44</sup> Interestingly, one Labour member stated that short titles are ‘probably less important than legislators think’, but that most people outside of Westminster ‘actually don’t care what it’s called’.<sup>45</sup> And another Commons member acknowledged that, ‘it only becomes important if people seek to hijack it, which they haven’t done [here]’.<sup>46</sup>

An overwhelming number of Scottish respondents believed that the naming of legislation was important to the lawmaking process. Their collective responses challenged the above

assumption, which largely stressed legal accuracy. A member of the government declared ‘Yes, I think it’s absolutely important...we talked earlier about the [law] index and that’s important in itself. But far more important is to protect the neutrality of the language and that’s our main concern. It’s something that we’ll always be vigilant about, and any moves to be more lax about it, or to allow policy statements is something that we would resist quite strongly’.<sup>47</sup>

The above was quite a common response in terms of accuracy. A Labour MSP said that bill titles must ‘reflect the legislation that’s going to go forward’,<sup>48</sup> while a colleague concurred, stating what the legislation is ‘actually going to achieve’ is ‘the most important part’.<sup>49</sup> Additionally, a LibDem respondent said that they are important because ‘you’ve got to give an immediate impression about what a bill is about’,<sup>50</sup> while another MSP stressed that insufficient names ‘distract’ from the actual legislation, and declared that legislators could get into some ‘dangerous territory’ if bills are not discussed in a ‘clear, rational manner’.<sup>51</sup>

Precision in the statute book was another common reaction. A bill drafter stated that such titles are not ‘particularly important in the Scottish Parliament’, but that ‘from the perspective of an orderly statute book...we [must] have good and proper naming conventions’.<sup>52</sup> Similarly, another bill drafter affirmed that ‘absolutely’ naming was important, but explained that they are important to him because he ‘wants something he can find in an index’.<sup>53</sup> Adding to the breadth of these statements, a government employee stressed that ‘in future years if you’re starting from scratch and trying to find where bits of legislation sit, then it’s a tremendous advantage if it’s been halfway sensibly named’.<sup>54</sup>

**Assumption 3: short bill titles do not affect the passage of a bill into law<sup>55</sup>**

Surprisingly, both sets of interviewees were divided on this issue, and the above assumption was challenged. Five of ten interviewees in Westminster thought that at least sometimes a measure's chances of becoming law were affected by the short title.

A Lords member maintained that some names could affect whether they become law, because in his view, 'in some bills the title is deliberately chosen to evoke support or to elicit support'.<sup>56</sup> Such advantages were noticed by others, as one MP declared that 'governments use those kinds of titles in order to a) prove to the popular media that they have taken action on an issue of current public concern, and [b] to some extent pressurize both their own supporters and the opposition that this is not something you can stand against because the popular media are in favour of it, and *the name of the bill is certainly a cause for that*' (emphasis added).<sup>57</sup> This same member went on to state that 'there's an argument, if I'm that cynical...*that you could just...pass the title and not bother with the bill*' (emphasis added).<sup>58</sup> A Conservative MP stated that it matters at the margins, and explained that 'It means that your constituents are more likely to pressure you. And that the pressure groups, and the charities and other organizations are likely to whip-up lobby groups in order to support or object to a particular bit of legislation. Then, the name clearly is evocative, and matters'.<sup>59</sup>

Some concentrated on ancillary factors when answering this question. Reiterating a previous statement, a bill drafter noted that it 'may set the tone of the debate on the bill...because, people will talk about the bill as if it is about what its title says it is'.<sup>60</sup> One LibDem MP noted that a good name could 'have a marginal effect', but that when it really mattered was when people were building coalitions for certain bills, and 'having a title like the Sustainable Communities Bill...it was a hook on which they could hang their case very easily'.<sup>61</sup> Another MP concurred, proclaiming that titles 'possibly have an impact from the wider community out there, because if

it's a bill that has a[sic] resonance...Climate Change Bill, Sustainable Communities Bill...then the interest groups will immediately know that that is their bill, that's their focus'.<sup>62</sup>

Legislators and bill drafters in Scotland provided similar answers, as they were split on whether short titles could likely or potentially affect a measure's chances of succeeding. One MSP replied 'of course they matter' when it comes to media and public attention, but suggested that 'it's hard to judge' whether or not they matter at the legislative stage.<sup>63</sup> Acknowledging that she could 'see the attraction in it', another MSP said that it would potentially give her 'something to campaign on' or a good 'sound bite', but further stated that she is happy the Scottish Parliament does not employ evocative bill titles.<sup>64</sup> A Scottish bill drafter took the view that 'a short title possibly influences any sort of legislation's chances' but noted that this would only make a 'small difference to a bill's chance' of success.<sup>65</sup>

MSP constraints were mentioned by a few interviewees. A bill drafter declared that 'people vote on party lines and they are whipped into voting. And if the government wants something, then it will go through'.<sup>66</sup> Others supported this argument, declaring that short titles are less influential because 'individual party members won't have much freedom',<sup>67</sup> and 'the public do not really tune into bills anyway'.<sup>68</sup>

#### Assumption 4: short bill titles do not affect legislators when voting on legislation<sup>69</sup>

Most of the legislators and bill drafters interviewed in Westminster suggested that legislators very infrequently feel pressure to vote for measures because of their names. One Lords member emphatically responded 'No, never ever. And I never would even if I were an MP'.<sup>70</sup> Many MPs

were in agreement that it was a ‘non-issue’. A Conservative member stated ‘No, no, no, I look at the substance of the bill always’,<sup>71</sup> while another concurred, stating ‘No...I would not take that into account. It wouldn’t influence me either way’.<sup>72</sup> And while seemingly acknowledging that some titles are evocative, another MP denied that it affected him, maintaining that ‘in opposition you recognize when the government is doing this, and if they are giving the bill a particular title, [it’s] because they want everyone to think it’s a good bill, even if it’s rubbish’.<sup>73</sup>

Yet other Westminster interviewees acknowledged that it did impact them at times. A Labour MP declared that he ‘found many quite irritating,’ as some of them amounted to ‘spin’.<sup>74</sup> Most significantly, he noted that *he has ‘voted against bills, because I thought they were posturing’* (emphasis added).<sup>75</sup> Another MP stated, ‘that’s maybe the way in which governments in this country will use a short title. Violent Crime Reduction...who in their right mind would be against the reduction of violent crime? You know, that’s nonsense’.<sup>76</sup>

Scottish respondents were adamant that legislators rarely, if ever, were impacted by legislative bill names, as nine out of eleven claimed this to be the case. Many legislators unabashedly responded that bill names have never had any type of impact on them to any significant degree.<sup>77</sup> One MSP triumphantly declared she was ‘prepared to stand up for anything I’ve voted against whether it’s controversial or not.’<sup>78</sup>

After acknowledging that short titles can likely affect someone’s first reaction to a bill, a drafter went on to state that his ‘experience has shown that that’s [not] necessarily made people particularly supportive or less supportive of’ legislation, but it may give them ‘pause for thoughts’.<sup>79</sup> Governmental employees agreed: one noted that there are many ‘opportunities as a bill goes through for parties to make their arguments and state their cases’<sup>80</sup>, while another suggested that the short titles of their bills ‘probably wouldn’t prove to be a problem’.<sup>81</sup> Another

bill drafter acknowledged that ‘the party machine’ will almost always get its votes, and that ‘only an exceptional amount of public opinion...might make the government give way’.<sup>82</sup>

However, one legislator held that she was frequently affected by bill names, noting that ‘absolutely’ bill titles have influenced her in certain cases, and further noted that ‘I sort of balance everything that I have to vote on against my own sort of moral barometer’.<sup>83</sup> And though this was not the prevailing view in Scotland, this response is still cause for concern.

**Assumption 5: short bill titles are not written in any way to manipulate or persuade the intended audience into favouring the legislation<sup>84</sup>**

No specific question addressed this issue during my interviews, but many responses provided bits of information challenging the above assumption. Perhaps the most disconcerting sign from Westminster was that a bill drafter says he ‘quite often get requests’ for evocative short titles.<sup>85</sup> Furthermore, when asked if he thought that evocative names had any effect on the public or the media the drafter responded by saying, ‘I have no way of knowing. But, the people who ask for them think it does’.<sup>86</sup> Others thought that some short titles were problematic, as one MP noted that ‘although we don’t do it as sensationally as they do in the States, there is still a tendency, a drift in my mind, for governments to try and put labels on bills that...propagandize what the governments are trying to get across. They don’t necessarily describe what the bill is about...It’s what they want you to believe the bill is about’.<sup>87</sup>

One Lords member declared ‘that a good short title could be ‘a slightly titillating factor, which would work toward getting interest involved in it [a bill]’, but that is it.’<sup>88</sup> He further noted

his unhappiness with the specifics of some titles, and the wide range of offenses occurring underneath them.<sup>89</sup> Agreeing on the perhaps overly broad content of many bills, a LibDem MP stated that the ‘title of the bill becomes slightly misleading in a sense that it contains matters which are not related to the title’.<sup>90</sup> The noticeable challenge of balancing the title and the text seemed quite prevalent. Another MP acknowledged that ‘most government bills are huge things with lots of different bits and pieces. And I think sometimes they might struggle to find a nice short-hand for what the bill really is about’.<sup>91</sup>

But others provided evidence that complimented the above assumption. One MP noted ‘there are conventions in the way in which we title bills in this country which are quite strict. And the Parliamentary authorities here...enforce them. So, you know, there is a convention they have to be not argumentative or contentious...they are intended to be straightforward and factual. I suppose in one view they are intended to be objective, right, and not express any view implied, or expressed. So, they are boringly factual and objective’.<sup>92</sup>

Conversely, in the Scottish Parliament not as many overt examples challenging the above assumption were proffered. There were, however, a couple general comments that were cause for concern. One MSP maintained that ‘we have quite a straightforward procedure in bill names here, but they usually don’t much reflect what’s in the bill sometimes’.<sup>93</sup> She went on to suggest that the ‘title doesn’t explain the function’ of the legislation a lot of times, as she would like them to be more descriptive, and added that ‘the title should reflect the seriousness of the content’.<sup>94</sup> Another issue was the use of ‘etc.’ in bill titles. One government employee said that ‘In my limited experience of bills where that’s been used, it’s been used mainly as a way of getting around rules on the accuracy of titles’.<sup>95</sup>

However, many other interviewees provided examples that revealed accuracy was a forefront concern of short titles. In relation to his own personal style, a bill drafter said, ‘I tend to accommodate what people want to call it, but I won’t let somebody call a “transport bill” the “children’s bill”, you know, obviously...I know the constraints that we’re working under with the Presiding Officer’s Recommendations on short titles. So, if a working short title doesn’t conform to that, I will suggest to them what the short title should be’.<sup>96</sup> Not surprisingly, another bill drafter quoted the recommendations of the Presiding Officer in regards to bill names, noting that Rule 9.2.3 says ‘The text of a bill, including the short and long titles, should be in neutral terms, and should not contain material intended to promote or justify the policy behind the bill’.<sup>97</sup>

A governmental employee acknowledged that even if there may be a tinge of policy in the title, ‘we do have to look at the bill and see whether the effect of the bill would be the prevention of something, and it’s not just that somebody thinks this would lead to a prevention. It has to be the actual effect of the bill and not just the policy intention’.<sup>98</sup> He further noted that the ‘pre-introduction stage is something that we would need to be very careful about’ in terms of short title language.<sup>99</sup> Others put forth possible reasons that Holyrood’s short titles are straightforward: one MSP observed that there is ‘much greater scrutiny of our legislation than would exist at the UK [Westminster] level’,<sup>100</sup> while another MSP stated that they have examined names in more detail than in the past ‘to make sure they actually reflect what’s going on’ in the legislation.<sup>101</sup>

## Conclusion

This note certainly does not claim to be a representative sample of either lawmaking body. However, if this article has brought one thing consistently into focus it is that: though seldom

acknowledged, short bill titles in Westminster and Holyrood are significant for a variety of reasons. Interviewees from both jurisdictions thought that short titles are important in the legislative process and could potentially affect the passage of legislation, and some provided evidence that titles have transformed beyond their referential designation. A small amount of interviewees even suggested that they were affected by short titles when voting on legislation. And in the Westminster Parliament primarily, respondents provided answers demonstrating that some were written to manipulate or persuade individuals into favouring legislation.

The underlying reason the Scottish Parliament does not employ evocative bill titling stems from the Presiding Officer's detailed rules on the proper form of bill drafting, which are unique to the Scottish Parliament.<sup>102</sup> These directives remind those involved in the drafting and legislative processes the boundaries by which such titles can be used. The UK Parliament has no such standard.<sup>103</sup> Yet whatever happens in the future regarding such titles, both jurisdictions should consistently be reminded that a 'political short title is a transient thing. You know, the politics is transient...the law is permanent'.<sup>104</sup>

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<sup>1</sup> A.W. Bradley and K.D. Ewing, *Constitutional and Administrative Law* (14th edn Pearson, Harlow, 2007), 14.

<sup>2</sup> G. Orr, 'Names Without Frontiers: Legislative Titles and Sloganeering' (2000) 21 *Statute Law Review* 3, 188-212.

<sup>3</sup> United States Public Law No: 107-56. Available here: <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:H.R.3162:>

<sup>4</sup> United States Public Law No: 107-110. Available here: <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:H.R.1:>

<sup>5</sup> A.W. Bradley, & K.D. Ewing, op. cit., 14). Although this is a monumentally important Act that uses the word 'right' in the title, it is important to note that the political significance of the word then was not as strong as it is today. The creation of the Universal Declaration of Human Rights (UDHR) in 1948 popularized the notion of 'rights' on an international level, and created a 'human rights movement' around the world that continues to this day. C Devine, CR Hansen, & R Wilde, *Human Rights: The Essential Reference* (Oryx, Phoenix, 1999), 59.

<sup>6</sup> Ibid, 15.

<sup>7</sup> D.A. Rochefort & R.W. Cobb, *The Politics of Problem Definition: Shaping the Policy Agenda* (University of Kansas Press, Lawrence 1994); E. Redman, *The Dance of Legislation* (University of Washington Press, Seattle 2001); W. Safire, *The Right Word in the Right Place at the Right Time: Wit and Wisdom from the Popular*

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*Language Column in the New York Times Magazine* (Simon & Schuster, New York 2004); F. Luntz, *Words That Work: It's Not What You Say, It's What People Hear* (Hyperion, New York 2008).

<sup>8</sup> F. Bennion, *Statutory Interpretation* (5th edn Butterworths, London 2008).

<sup>9</sup> I. McLeod, *Principles of Legislative and Statutory Drafting* (Hart Publishing, Oxford 2009).

<sup>10</sup> G.C. Thornton, *Legislative Drafting* (4th edn Butterworths, London 1996).

<sup>11</sup> Although, to be fair, Bennion does discuss short titles in his text far more than other texts do. He even mentions that some legislatures, such as the United States, use political short titles, and tries to point out where certain UK titles have been misleading in the past.

<sup>12</sup> D. Greenberg, *Craies on Legislation* (9th edn Sweet and Maxwell, London 9th ed, 2008).

<sup>13</sup> D. Miers and A. Page, *Legislation* (Sweet & Maxwell, London 1982). It should be noted that the updated, 1990 second edition of Meirs & Page's *Legislation* took out a good section of work on the particulars of legislation, including the section on the particular components of an Act, which included this reference. I have not seen any change in the regulations regarding this, so I assume that the statement is still valid.

<sup>14</sup> R. Fox and M. Korris, *Making Better Law: Reform of the Legislative Process from Policy to Act* (The Hansard Society, London 2010).

<sup>15</sup> Sir W. McKay, *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (LexisNexis, London 2004). There are other mentions, however, in relation to amending such titles.

<sup>16</sup> A reasonable person could examine these five assumptions and maintain that (3), (4) and (5) are closely related. The reason that (3) and (4) are separated is because they were two separate questions during my interviews. Also, conceptually, they are two different things: just because a bill name influences whether or not a bill becomes law, does not mean that such titles affect legislators when voting on legislation, and vice versa (i.e. a title may affect legislators, but they may vote against the bill anyway). Also, many of the interviewees seemed to give two distinct and varying responses to these questions, rather than lump their responses under the same umbrella. Assumption (3) was more of a general question, as there are a number of factors that need to be taken into consideration when analysing bill passage (not merely vote tallies), while assumption (4) asks about legislators from a more personal and psychological viewpoint, which I believe is valuable from the legislator and bill drafter/government employee perspectives. The inclusion and curious beauty of assumption (5), at least in this author's opinion, is that there was not a particular question presented for that assumption, but many interviewees provided interesting tidbits of information relating to it, adding somewhat of a theme to the topic. Also, assumption (5) does not have to directly affect passage either. In terms of the 'intended audience' of whom the bill is aimed at, this may not always be legislators, but could be the general public, journalists, public interest groups or others.

<sup>17</sup> The prospect of using other interviewees who encounter such legislation frequently, such as parliamentary journalists, judges, academics or others would surely have made for interesting research. However, this is an exploratory research note that has a specific focus, and thus the author chose to commence with those who encounter legislation most frequently: those involved in the legislative process.

<sup>18</sup> In respect to the Westminster MPs, there was a decent mix of interviewees in terms of political affiliation: two Conservatives, three Labour, four Liberal Democrats and one crossbench (Lords) member. All the major parties

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were represented with MSPs as well: four Scottish National Party (SNP), and one member each from Labour, Conservative and Liberal Democrat.

<sup>19</sup> This was a direct question to my interviewees, and was asked in the following manner: ‘Historically, the short titles of bills were employed to serve as an easy reference for legislators and those interacting with or citing the measure in question. Do you believe they still serve the same purpose?’

<sup>20</sup> Thornton, op. cit., 200.

<sup>21</sup> McKay, op. cit., 535.

<sup>22</sup> UKBD1 (United Kingdom Bill Drafter 1)

<sup>23</sup> Ibid

<sup>24</sup> HC3 (House of Commons Member 3)

<sup>25</sup> HC1 (House of Commons Member 1)

<sup>26</sup> HL1 (House of Lords Member 1)

<sup>27</sup> HC5 (House of Commons Member 5)

<sup>28</sup> HC6 (House of Commons Member 6)

<sup>29</sup> SCTBD1 (Scottish Bill Drafter 1). Specifically, the drafter here is likely referring to the Presiding Officer’s Recommendations on the Proper Form of Bills. Section 2.5 of the 3<sup>rd</sup> Ed Guide on Public Bills for Scotland states under ‘Content’, that they check ‘whether the Bill conforms to the Presiding Officer’s recommendations on the content of Bills – in particular, whether the short and long titles accurately and neutrally reflect what the Bill does’. Additionally, section 9.2.3 of the Scottish Standing Orders details that ‘the text of a Bill – *including both the short and long titles – should be in neutral terms and should not contain material intended to promote or justify the policy behind the Bill, or to explain its effect*’ (emphasis added).

<sup>30</sup> SCTBD2 (Scottish Bill Drafter 2)

<sup>31</sup> SCTGOV1 (Scottish Governmental Employee 1)

<sup>32</sup> SCTGOV2 (Scottish Governmental Employee 2)

<sup>33</sup> MSP2 (Member of Scottish Parliament 2)

<sup>34</sup> MSP3 (Member of Scottish Parliament 3)

<sup>35</sup> This was also a direct question to my interviewees, and was asked in the following manner: ‘Do you believe the naming of legislation is important in the lawmaking process? If so, to what extent?’

<sup>36</sup> A. Brazier, S. Kalitowski, G. Rosenblatt and M. Korris. *Law in the Making: Influence and Change in the Legislative Process* (Hansard Society, London 2008).

<sup>37</sup> R. Fox and M. Korris, op. cit.

<sup>38</sup> UKBD1

<sup>39</sup> HC3

<sup>40</sup> HC7

<sup>41</sup> HC4

<sup>42</sup> HL2

<sup>43</sup> HC1

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44 HC2

45 HC3

46 HC6

47 SCTGOV1

48 MSP5

49 MSP3

50 MSP7

51 MSP6

52 Ibid

53 SCTBD2

54 SCTGOV2

55 A question was asked directly to the interviewees in the following manner: 'Does evocative bill naming have any effect on the measures chances of becoming law? Why or why not?'

56 HL3

57 HC5

58 Ibid

59 HC7

60 UKBD1

61 HC1

62 HC4

63 MSP2

64 MSP3

65 Ibid

66 SCTBD2

67 SCTGOV2

68 MSP6

69 This was a direct question to interviewees, and was asked in the following manner: 'Have you ever felt pressured to vote for a bill because of the name, either because you were afraid of the consequences of voting against it (i.e. re-election campaigns), or would appear apathetic to a certain cause: such as the protection of children, protection from terrorism, etc.?' The question was changed for bill drafters and government employees to the following: 'Do you think that legislators have ever felt pressured to vote for a bill because of the name, either because they were afraid of the consequences of voting against it (i.e. re-election campaigns), or would appear apathetic to a certain cause: such as the protection of children, protection from terrorism, etc.?''

70 HL1

71 HC4

72 HC5

73 HC7

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<sup>74</sup> HC5

<sup>75</sup> Ibid

<sup>76</sup> HC1

<sup>77</sup> MSP1, MSP4, MSP2, MSP6

<sup>78</sup> MSP5

<sup>79</sup> SCTBD1

<sup>80</sup> SCTGOV1

<sup>81</sup> SCTGOV2

<sup>82</sup> SCTBD2

<sup>83</sup> MSP3

<sup>84</sup> Again, there was not a direct question presented to interviewees about this topic. However, as per footnote 16, it seemed to become a theme throughout my interviews, and therefore was included as a valuable piece of the research note topic.

<sup>85</sup> UKBD1

<sup>86</sup> Ibid

<sup>87</sup> HC5

<sup>88</sup> HL2

<sup>89</sup> Ibid

<sup>90</sup> HC6

<sup>91</sup> HC2

<sup>92</sup> HC3. However, it is unknown what conventions this legislator is referring to. One MP mentioned ‘unwritten conventions’ earlier in relation to short titles, but it is not clear if this is what HC3 is referring to. Anyhow, from the research this author has performed, it appears that the Westminster Parliament does not have any formal *written* conventions in relation to short titles.

<sup>93</sup> MSP3

<sup>94</sup> Ibid

<sup>95</sup> SCTGOV2

<sup>96</sup> SCTBD1

<sup>97</sup> SCTBD2

<sup>98</sup> SCTGOV1

<sup>99</sup> Ibid

<sup>100</sup> MSP2

<sup>101</sup> Ibid

<sup>102</sup> Guidance on Public Bills, 3rd edn Scottish Parliament, 2007, at:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/25656.aspx>, and

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/25697.aspx> (last visited 30 October 2011)

<sup>103</sup> Or, at least nothing that is explicitly made public.

