

NOTES ON THE STYLE OF THE LAW

On re-typesetting the Referendum Reference

by

ELIJAH Z GRANET



A MOMENTOUS decision was handed down on Wednesday 23rd November by a unanimous Supreme Court, ruling on a reference from His Majesty's Advocate, that a proposed bill on a referendum on Scottish independence was on a reserved matter under the Scotland Act 1998, and thus without the competence of the Scottish Parliament. The *per curiam* judgment in the case, is written in a clear and careful style, perfectly calibrated for the wide public audience which a case of this significance naturally attracts. In turn, the significance of *Reference re Referendum Bill*² calls for a resplendent judgment reading. To aid in the art of this reading, I have re-typeset the judgment, and added a headnote. This version is appended *infra*, preceded by my notes on its preparation.

Notes on preparation

The style of my re-typesetting was strongly influenced by the ICLR's law reports. These, in many ways, are a gold standard of judgment reading, and I have consequently followed them in their use of Tschichold's Sabon for the body text, with a sans-serif face (Gill Sans) for the page numbering. I even used a bit of bold to follow the ICLR, despite my general preference against this. Similarly, I followed the ICLR layout of the heading and catchwords, as well as of the relative type size of the headnote. I tried to restrict the headnote to a clear, direct style; no one needs a florid headnote! As a slightly silly flourish, I did put the Lord Advocate's title in small-caps. This is to be taken as me having fun in a project, and not as general typographic advice. For the

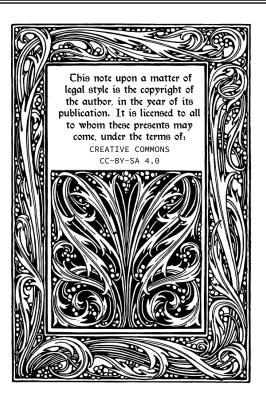
- 1 [2022] UKSC 31
- 2 For more on how I name reference cases, see my previous note on the subject.
- 3 For more on the art of judgment reading, see my previous post on the topic.

names of counsel, I used an initials and honorifics format, checking via chambers directories or regulatory pages to confirm honorifics.

An early draft of the re-typeset used the English *Cur adv vult*to indicate that the Court took time for consideration. I am grateful to a user of a popular microblogging platform, 'Alasdair Chaluim', who rightly pointed out that, as this is a Scottish case, this should be *Avizandum*. I have revised it accordingly. The names of their Lordships in the panel judging this case are unwieldy in size and present a relatively unsightly block of text. This was designed to imitate the ICLR, but could use some revision in future.

Due to limits on my own time, and a desire to prepare this re-typeset quickly, I was limited in my options for quickly re-doing paragraphs. As a result, they are done list-style, with a line space between them and the number hanging within the left margin. This is sub-optimal and outside my normal template for a law report, but this was a quick project and some things had to be sacrificed for speed. Similarly, I have not corrected the judgment for style (so double-quotation marks are left in, instead of being changed to single-quotation marks). Section headings are a simple italic, and quotations are handled by a simple indent with some leading above and below. The closing note ('Reference disposed') is a guess at the proper style of the closing note for a reference case; this is a matter for further consideration.







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