



NOTES ON THE STYLE OF THE LAW

'English' v 'English & Welsh'

by

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≈ guides ≈ prescriptivism ≈ phrasing ≈ word
choice ≈ demonyms ≈ series ≈



WHEN to use 'English' (or 'Welsh') as opposed to 'English and Welsh'? In this first entry in a series on the proper demonyms in law, I provide *prescriptive* guidance as an answer. Prescriptive guidance means that I have, in the interests of standardisation, made choices which I prescribe rather than simply identify as the existing accepted standard. It is my hope that this standard will provide a clear, unambiguous way to use these overlapping terms. In this entry, I focus on the narrow question of the terms applied to 'law'. The next entry will deal with the question of 'lawyers'. Please note: this guide makes use of the wonderful punctuation known as the 'swung dash' (∼) in its traditional use of saving space by representing the defined term in a definition.

English

ENGLISH LAW should be used to refer to the historic and current *system* of law, both statutory and especially created by judicial decisions, which arose in the Kingdom of England, and was imposed by a series of Acts between the 13th and 19th centuries onto Wales, and remains largely in force in Wales today. This means the system as a whole, including all substantive and procedural rules, and its sub-parts (*duties of company directors in ∼, vicarious liability in ∼*). Thus, the curriculum at a law school will also be on ∼, and general statements about 'the law' will use it as well (*∼ lacks a general duty to give reasons in administrative proceedings*). An ∼ or plural ENGLISH LAWS should be reserved for Acts of Parliament extending only to England (*English for ∼*), or for secondary legislation with similar geographic effect.

LAW OF ENGLAND beyond florid use invoking historical associations or for titular grandeur (*professor of the ~ at the University of Oxford*) should be reserved to cases where the law in question has a geographical extent only to England (*During the pandemic, the ~ was different to the law of Wales with regards to outdoor gatherings*)

Wales

WELSH LAW has two uses, first the (rare) references with to the historic systems of law which was applicable in the geographic area of Wales predating the imposition of English law, as applied by various Welsh kingdoms and states (*~ was first codified under King Hywel, and included the practice of gavelkind*). Alternately (most common) references to the law stemming from Acts of Parliament and UK secondary legislation extending only to Wales, Acts of Senedd Cymru (and similar instruments of its predecessors), and devolved secondary legislation (these sources being plural **WELSH LAWS** and individually *a ~*).¹ Also the body of case law created by Welsh tribunals, and case law and decisions of courts relating to devolution matters or the interpretation of the aforementioned legislation. Not to be used with reference to UK-wide law respecting the Welsh language, or the use of the Welsh language in court in Wales for, say, proceedings dealing with substantive offences set out in Acts common to England & Wales.

England & Wales

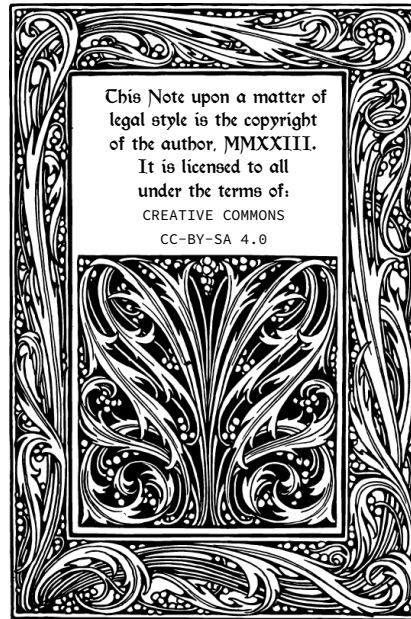
ENGLAND & WALES is the proper name for the jurisdiction,² and for economy is best written with an ampersand. Hence, for institutions of the jurisdiction, we have *courts of ~*, *Bar of ~*, *Lord Chief Justice of ~* ...

ENGLISH & WELSH LAW/S, **LAW OF ENGLAND & WALES** best refers to statute(s), regulation(s), and the collective body thereof applicable to both England & Wales in geographic effect. *Same-sex marriage was introduced ~ by the Marriage (Same Sex Couples) Act 2013*. It should not be used to refer to the legal system, which remains **ENGLISH LAW**.

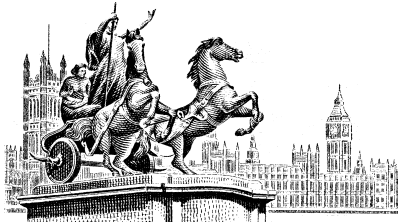


¹ See Government of Wales Act 2006, s A 2

² See the cross-heading to Government of Wales Act 2006, schd 7 A, para 8, 'Single legal jurisdiction of England and Wales'



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