

Layout for legislation

Rob Waller April 2015

This paper reports on design explorations made for a series of consultation workshops organised by the Clear Law initiative in 2013/14. Thanks for their comments to David Emmet, Helena Haapio, Daphne Perry, Francesca Quint, Hayley Rogers and Jenny White.

Legislation presents one of the hardest reading tasks imaginable.

It is highly technical in nature, using language with precision rather than for rhetorical effect. It is interconnected: a typical Act amends one or more previous Acts, and may itself be amended by future ones. So even though the Office of the Parliamentary Counsel have made significant efforts to use clearer English, the reader may still encounter much older and archaic Acts. Primary legislation does not represent the whole of law: it is complemented by other documents such as regulations, orders, byelaws or Orders in Council, known as secondary legislation, as well as case law. And it is generally supported by Explanatory Notes, which explain the background and anticipated effect of the legislation, but are not part of it.

For a long time it was easy to ignore the technical nature of legislation, because relatively few people encountered it in its raw state. But since it has been made available online the legislation.gov.uk website receives over 2 million unique visitors in an average month – most will not have had legal training. A usability study commissioned by the National Archive and the Office of the Parliamentary Counsel¹ found that

the comprehension level of legislative texts by both legally qualified and non-legally qualified users was generally quite low and that all users found it challenging to read legislation and demonstrate their understanding of it. (page 19)

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1 *When laws become too complex: A review into the causes of complex legislation*, Office of the Parliamentary Counsel, Cabinet Office, March 2013. Downloadable from <https://www.gov.uk/government/publications/when-laws-become-too-complex>

The Good Law initiative² is an attempt to address the difficulties faced by users, organised by the Office of the Parliamentary Counsel. It has involved consultations both with the general public and with specialists – including imaginative events such as hackathons, creative workshops and Parliament Week. Its premise is that ‘good’ law must be necessary, effective, clear, coherent and accessible.

I was asked to join in these consultations as part of a group from Clarity,³ the organisation that advocates clear legal communications.⁴ The consultation took place over a series of workshops, looking at a wide range of issues such as content architecture, publishing channels, and communication quality.

My approach was to focus on the layout of legislation, largely suppressing the information designer’s instinct to rewrite the text, or to rethink the way the intended effect is achieved. I wanted to explore and demonstrate how small changes to the layout and access structure might make the reader’s job easier.

Typography that supports the reader

Without graphic structural signals, most functional documents are unusable even if they are still comprehensible at some level. This excerpt, with formatting removed, from the *Marriage (Same Sex Couples) Act 2013* makes the point well. We can understand the words, but without the graphic signals, including numbering, it is impossible to make proper sense of it.

In this section ‘1949 Act’ means the Marriage Act 1949; ‘armed forces overseas marriage Order’ means an Order in Council under Part 3 of Schedule 6; ‘person’ includes a religious organisation; does not include a registrar, a superintendent registrar or the Registrar General. ‘Relevant marriage’ means a marriage of a same sex couple solemnized in accordance with section 26A or 26B of the 1949 Act (marriage in a place of worship or in another place according to religious rites or usages), Part 5 of the 1949 Act (marriage in a naval, military or air force chapel), section 1 of the Marriage (Registrar General’s Licence) Act 1970 (deathbed marriage), where the marriage is according to religious rites or usages, or an armed forces overseas marriage Order, where the marriage is according to religious rites or usages, including any ceremony forming part of, or connected with, the solemnization of such a marriage.

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² <https://www.gov.uk/government/collections/good-law>

³ <http://clarity.shuttlepod.org>

⁴ The group comprised Daphne Perry, of Clarifynow (Daphne is the Clarity organiser for the UK); Jenny White, lawyer and parliamentary adviser; David Emmet of the City Law School, London, Francesca Quint, of Radcliffe Chambers, London; and myself.

The original is shown in Figure 1. Here, graphic signalling is definitely of the essence, but it is almost entirely restricted to what would have been achievable with a typewriter, using a numbering hierarchy and indention to show the information structure.

Figure 1. There are about 8 levels of indention in this page, but very little typographic variation or use of vertical space to chunk information.

(4) In this section—
 “1949 Act” means the Marriage Act 1949;
 “armed forces overseas marriage Order” means an Order in Council under Part 3 of Schedule 6;
 “person”—
 (a) includes a religious organisation;
 (b) does not include a registrar, a superintendent registrar or the Registrar General;
 “relevant marriage” means—
 (a) a marriage of a same sex couple solemnized in accordance with—
 (i) section 26A or 26B of the 1949 Act (marriage in a place of worship or in another place according to religious rites or usages),
 (ii) Part 5 of the 1949 Act (marriage in a naval, military or air force chapel),
 (iii) section 1 of the Marriage (Registrar General’s Licence) Act 1970 (deathbed marriage), where the marriage is according to religious rites or usages, or
 (iv) an armed forces overseas marriage Order, where the marriage is according to religious rites or usages,
 including any ceremony forming part of, or connected with, the solemnization of such a marriage; and
 (b) a marriage ceremony read or celebrated in accordance with section 46 of the 1949 Act in respect of a same sex couple (religious ceremony after registrar’s marriage of same sex couple);
 and a reference to conducting a relevant marriage is to be read accordingly.

(5) In section 110 of the Equality Act 2010 (liability of employees and agents), after subsection (5) insert—
 “(5A) A does not contravene this section if A—
 (a) does not conduct a relevant marriage,
 (b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or
 (c) does not consent to a relevant marriage being conducted, for the reason that the marriage is the marriage of a same sex couple.

(5B) Subsection (5A) applies to A only if A is within the meaning of “person” for the purposes of section 2 of the Marriage (Same Sex Couples) Act 2013; and other expressions used in subsection (5A) and section 2 of that Act have the same meanings in that subsection as in that section.”

(6) In Schedule 3 to the Equality Act 2010 (services and public functions: exceptions), after Part 6 insert—
 “PART 6A
 MARRIAGE OF SAME SEX COUPLES IN ENGLAND AND WALES
Marriage according to religious rites: no compulsion to solemnize etc

25A (1) A person does not contravene section 29 only because the person—
 (a) does not conduct a relevant marriage,
 (b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or
 (c) does not consent to a relevant marriage being conducted, for the reason that the marriage is the marriage of a same sex couple.

(2) Expressions used in this paragraph and in section 2 of the Marriage (Same Sex Couples) Act 2013 have the same meanings in this paragraph as in that section.”

These days every office computer offers bold type, horizontal rules and boxes, and the ability to set up style sheets to maintain consistency. So I have simply used these features, and have applied something closer to current best practice in information typography (Figure 2).

With the exception of repositioning some instances of ‘and’ and ‘or’, I have left the words alone. The improvements include:

- reduced punctuation and simplified numbering
- bold terms and horizontal rules to show the structure
- a solution to the problem of ‘and’ and ‘or’ relationships
- a solution to the problem of showing amendments to other Acts.

Figure 2. Redesign of the same page using a wider range of typographic resources,

2.4

In this section—

1949 Act means the Marriage Act 1949;

armed forces overseas marriage Order means an Order in Council under Part 3 of Schedule 6;

person—

- includes a religious organisation;
- does not include a registrar, a superintendent registrar or the Registrar General;

relevant marriage means—

a

a marriage of a same sex couple solemnized in accordance with—

- section 26A or 26B of the 1949 Act (marriage in a place of worship or in another place according to religious rites or usages),
- or
- Part 5 of the 1949 Act (marriage in a naval, military or air force chapel),
- or
- section 1 of the Marriage (Registrar General's Licence) Act 1970 (deathbed marriage), where the marriage is according to religious rites or usages,
- or
- an armed forces overseas marriage Order, where the marriage is according to religious rites or usages, including any ceremony forming part of, or connected with, the solemnization of such a marriage;

and

b

a marriage ceremony read or celebrated in accordance with section 46 of the 1949 Act in respect of a same sex couple (religious ceremony after registrar's marriage of same sex couple);

and a reference to conducting a relevant marriage is to be read accordingly.

2.5

In section 110 of the Equality Act 2010 (liability of employees and agents), after subsection (5) insert—

5A

A does not contravene this section if A—

a

does not conduct a relevant marriage,

or

b

is not present at, does not carry out, or does not otherwise participate in, a relevant marriage,

or

c

does not consent to a relevant marriage being conducted, for the reason that the marriage is the marriage of a same sex couple.

5B

Subsection (5A) applies to A only if A is within the meaning of “person” for the purposes of section 2 of the Marriage (Same Sex Couples) Act 2013; and other expressions used in subsection (5A) and section 2 of that Act have the same meanings in that subsection as in that section.”

2.6

In Schedule 3 to the Equality Act 2010 (services and public functions: exceptions), after Part 6 insert—

Part 6A: Marriage of same sex couples in England and Wales

25A

Marriage according to religious rites: no compulsion to solemnize etc

1

A person does not contravene section 29 only because the person—

a

does not conduct a relevant marriage,

or

b

is not present at, does not carry out, or does not otherwise participate in, a relevant marriage,

or

c

does not consent to a relevant marriage being conducted, for the reason that the marriage is the marriage of a same sex couple.

2

Expressions used in this paragraph and in section 2 of the Marriage (Same Sex Couples) Act 2013 have the same meanings in this paragraph as in that section.”

Reduced punctuation and simplified numbering

Every design element or item of punctuation needs to do a job of work. So anything that's unnecessary has been stripped out here. This includes:

- Parentheses around numbers.
- Paragraph letters or numbers, unless they are to be cross-referenced, or where they are meaningful in themselves.
- Indentation that has no function. In the new version the bullets or numbers are aligned directly under their stem or heading, which reduces the raggedness of the left hand edge, and helps the stem-plus-list to form a visual block.
- Quotation marks around defined terms, which are now in bold. (A possible counter-argument for this is the need for the text to survive translation into other formats where bold type is not available.)

However, no other punctuation is touched, including commas or semi-colons at the end of lists and the em-dashes at the start of lists.

Bold terms and horizontal rules to show the structure

Definitions are now in bold, to act as search targets. This helps the reader move from a word in the main text, to its definition.

It is easy to lose sight of the overall structure of multiple nested lists. So horizontal rules visually reinforce the breaks between content items at the top level, and help the reader quickly see the boundaries between major blocks of text. New sub-sections have bold numbers and are separated by bold rules and generous space.

Figure 3.

The bold type and definitions make it easy to scan the defined terms.

The paragraph letters (a) and (b) have been omitted here, as they are an isolated series not linked to a level above. In effect the letters just acted as bullet points.

In this instance, the letters **a** and **b** are retained as they provide a contrastive pair, and they avoid the nesting of bullet points.

2.4	In this section—
	1949 Act means the Marriage Act 1949;
	armed forces overseas marriage Order means an Order in Council under Part 3 of Schedule 6;
	person —
	• includes a religious organisation; • does not include a registrar, a superintendent registrar or the Registrar General;
	relevant marriage means—
	a a marriage of a same sex couple solemnized in accordance with—
	• section 26A or 26B of the 1949 Act (marriage in a place of worship or in another place according to religious rites or usages), - or • Part 5 of the 1949 Act (marriage in a naval, military or air force chapel), - or • section 1 of the Marriage (Registrar General's Licence) Act 1970 (deathbed marriage), where the marriage is according to religious rites or usages, - or • an armed forces overseas marriage Order, where the marriage is according to religious rites or usages, including any ceremony forming part of, or connected with, the solemnization of such a marriage;
	and
	b a marriage ceremony read or celebrated in accordance with section 46 of the 1949 Act in respect of a same sex couple (religious ceremony after registrar's marriage of same sex couple);

The problem of 'and' and 'or' relationships

There is a general problem with the conjunctions 'and' and 'or' in this type of text. For example, in Figure 4, items (i) to (iv) have an 'or' relationship, but it is only signalled by the 'or' at the end of the penultimate point. This could be many lines later or on the next page. Moreover, it could possibly be assumed that the logic is: i and ii and (either of iii or iv).

Figure 4.

“relevant marriage” means —

- (a) a marriage of a same sex couple solemnized in accordance with —
 - (i) section 26A or 26B of the 1949 Act (marriage in a place of worship or in another place according to religious rites
 - (ii) Part 5 of the 1949 Act (marriage in a naval, military or air force chapel),
 - (iii) section 1 of the Marriage (Registrar General’s Licence) Act 1970 (deathbed marriage), where the marriage is according to religious rites or usages, or
 - (iv) an armed forces overseas marriage Order, where the marriage is according to religious rites or usages, including any ceremony forming part of, or connected with, the solemnization of such a marriage; and
- (b) a marriage ceremony read or celebrated in accordance with section 46 of the 1949 Act in respect of a same sex couple (religious ceremony after registrar’s marriage of same sex couple);

and a reference to conducting a relevant marriage is to be read accordingly.

This ‘and’ seems to be a simple connective, and means ‘so’ or ‘therefore’.

This ‘or’, hidden at the end of the line, defines the relationship between (i), (ii), (iii) and (iv)..

This ‘and’ defines the relationship between (a) and (b).

In the redesigned version, ‘or’ is repeated at the start of each point each of the series. The important ‘and’ is in bold and sits between **a** and **b** in the same bold font.

Figure 5.

relevant marriage means —

a a marriage of a same sex couple solemnized in accordance with —

- section 26A or 26B of the 1949 Act (marriage in a place of worship or in another place according to religious rites or usages),
- or • Part 5 of the 1949 Act (marriage in a naval, military or air force chapel),
- or • section 1 of the Marriage (Registrar General’s Licence) Act 1970 (deathbed marriage), where the marriage is according to religious rites or usages,
- or • an armed forces overseas marriage Order, where the marriage is according to religious rites or usages, including any ceremony forming part of, or connected with, the solemnization of such a marriage;

and

b a marriage ceremony read or celebrated in accordance with section 46 of the 1949 Act in respect of a same sex couple (religious ceremony after registrar’s marriage of same sex couple);

and a reference to conducting a relevant marriage is to be read accordingly.

In Figure 1 there is a potential confusion between ‘or’ relationships. As in the previous example, the ‘or’ relationship of all items in the list is signalled at the end of the penultimate line only. But in this case, (b) also includes a ‘nested or’ list within the same sentence.

This clause is also problematic in a way that typography alone cannot solve. A collision of negatives is a known cause of comprehension problems:¹ ‘A does not contravene this section if A does not...’.

Figure 6.

- “(5A) A does not contravene this section if A —
- (a) does not conduct a relevant marriage,
 - (b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or
 - (c) does not consent to a relevant marriage being conducted, for the reason that the marriage is the marriage of a same sex couple.

To fully cure this would involve redrafting, but it helps to put the ‘or’ at the front.

Figure 7.

- 5A** A does not contravene this section if A—
- a** does not conduct a relevant marriage,
 - or **b** is not present at, does not carry out, or does not otherwise participate in, a relevant marriage,
 - or **c** does not consent to a relevant marriage being conducted, for the reason that the marriage is the marriage of a same sex couple.

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¹ Wright, P., & Hull, A. (1986). Answering questions about negative conditionals. *Journal of Memory and Language*, 25, 691–709.

Showing amendments to other Acts

The section from the Marriage (Same Sex Couples) Act 2013 shown in Figure 1 includes sections to be inserted in other legislation. This means that the numbering system of the other legislation can appear to clash with the numbering system of this document.

The solution is to clearly delineate the inserted material by placing it in a box.

Figure 8.

2.6 In Schedule 3 to the Equality Act 2010 (services and public functions: exceptions), after Part 6 insert—

Part 6A: Marriage of same sex couples in England and Wales

25A Marriage according to religious rites: no compulsion to solemnize etc

- 1 A person does not contravene section 29 only because the person—
 - a does not conduct a relevant marriage,
 - or b is not present at, does not carry out, or does not otherwise participate in, a relevant marriage,
 - or c does not consent to a relevant marriage being conducted, for the reason that the marriage is the marriage of a same sex couple.
- 2 Expressions used in this paragraph and in section 2 of the Marriage (Same Sex Couples) Act 2013 have the same meanings in this paragraph as in that section.”

A further thought is that the format of the original might be ‘quoted’ here also, to make it easier to visualise it as part of the other document (although in its online form, all legislation takes on a similar appearance).

Figure 9.

2.6 In Schedule 3 to the Equality Act 2010 (services and public functions: exceptions), after Part 6 insert—

“PART 6A

MARRIAGE OF SAME SEX COUPLES IN ENGLAND AND WALES

Marriage according to religious rites: no compulsion to solemnize etc

- 25A (1) A person does not contravene section 29 only because the person—
- (a) does not conduct a relevant marriage,
 - (b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or
 - (c) does not consent to a relevant marriage being conducted, for the reason that the marriage is the marriage of a same sex couple.

This practice of inserting amendments in older Acts illustrates the complexity of the reader’s task. The older Act still exists in its original form, so the amendments are deemed to be inserted, rather than actually being inserted. The reader of the original Act needs to check what subsequent amendments have been made to it. There could be many, distributed amongst a wide range of other documents.

The problem of multiple amendments

This section (Figure 10), from the Disabled Persons' Parking Badges Act 2013, includes a large number of insertions and substitutions, including amendments to earlier insertions from other Acts. For example, (5) amends a 2004 amendment to a 1970 Act.

Figure 10.

1 Form of parking badges

- (1) In the Chronically Sick and Disabled Persons Act 1970 ("the 1970 Act"), section 21 (badges for display on motor vehicles used by disabled persons) is amended as set out in subsections (2) to (6).
- (2) In subsection (1), the words "of a prescribed form" are omitted.
- (3) After that subsection there is inserted –
“(1A) A badge issued under this section must be in valid form, which means –
 - (a) of a form specified or approved by the Secretary of State, in the case of a badge issued by a local authority in England and Wales;
 - (b) of a prescribed form, in the case of a badge issued by a local authority in Scotland.”
- (4) In subsection (4B), for "of a form prescribed under this section" there is substituted "in valid form".
- (5) In the subsection (4BA) inserted by section 94 of the Traffic Management Act 2004, for "of a form prescribed under this section" there is substituted "in valid form".
- (6) In the subsection (4BA) inserted by section 73 of the Transport (Scotland) Act 2001, for "of a form prescribed under subsection (1) above" there is substituted "in valid form".
- (7) In section 117 of the Road Traffic Regulation Act 1984 (wrongful use of disabled person's badge), in subsection (1)(a), for "of a form prescribed under section 21" there is substituted "in valid form, within the meaning given by section 21(1A)".
- (8) Any provision of regulations in force on the commencement of this section that prescribes the form of a badge issued by a local authority in England and Wales continues to have effect (until revoked) as if the reference to specifying a form in subsection (1A) of section 21 of the 1970 Act (inserted by subsection (3) above) included a reference to prescribing a form.

2 Cancellation of parking badges

- (1) Section 21 of the 1970 Act is further amended as follows.
- (2) After subsection (7A) there is inserted –
“(7AB) A local authority in England and Wales may cancel a badge issued by them under this section if it appears to the authority that the person to whom it was issued no longer holds the badge, either –
 - (a) because the person notifies the authority that it has been lost or stolen, or
 - (b) for any other reason.A cancellation under paragraph (b) above takes effect only when the authority give notice of the cancellation to the person.”
- (3) In subsection (7B), after "subsection (7A)" there is inserted "or (7AB)".
- (4) In subsection (7D), after "which is required to be returned to the issuing authority by virtue of subsection (6) above" there is inserted ", or which is cancelled under subsection (7AB) above,".

In the redesigned version below (Figure 11), the two extensive insertions have been given the boxed treatment, but this would not work for the small amendments dealt with in short clauses.

Figure 11.

1	Form of parking badges
1.1	In the Chronically Sick and Disabled Persons Act 1970 ("the 1970 Act"), section 21 (badges for display on motor vehicles used by disabled persons) is amended as set out in subsections (1) to (6).
1.2	In subsection (1), the words "of a prescribed form" are omitted.
1.3	After that subsection there is inserted— "(1A) A badge issued under this section must be in valid form, which means— - a of a form specified or approved by the Secretary of State, in the case of a badge issued by a local authority in England and Wales; - b of a prescribed form, in the case of a badge issued by a local authority in Scotland."
1.4	In subsection (4B), for "of a form prescribed under this section" there is substituted "in valid form".
1.5	In the subsection (4BA) inserted by section 94 of the Traffic Management Act 2004, for "of a form prescribed under this section" there is substituted "in valid form".
1.6	In the subsection (4BA) inserted by section 73 of the Transport (Scotland) Act 2001, for "of a form prescribed under subsection (1) above" there is substituted "in valid form".
1.7	In section 117 of the Road Traffic Regulation Act 1984 (wrongful use of disabled person's badge), in subsection (1)(a), for "of a form prescribed under section 21" there is substituted "in valid form, within the meaning given by section 21(1A)".
1.8	Any provision of regulations in force on the commencement of this section that prescribes the form of a badge issued by a local authority in England and Wales continues to have effect (until revoked) as if the reference to specifying a form in subsection (1A) of section 21 of the 1970 Act (inserted by subsection (3) above) included a reference to prescribing a form.
2	Cancellation of parking badges
2.1	Section 21 of the 1970 Act is further amended as follows.
2.2	After subsection (7A) there is inserted— "(7AB) A local authority in England and Wales may cancel a badge issued by them under this section if it appears to the authority that the person to whom it was issued no longer holds the badge, either— (a) because the person notifies the authority that it has been lost or stolen, or (b) for any other reason. A cancellation under paragraph (b) above takes effect only when the authority give notice of the cancellation to the person."
2.3	In subsection (7B), after "subsection (7A)" there is inserted "or (7AB)".
2.4	In subsection (7D), after "which is required to be returned to the issuing authority by virtue of subsection (6) above" there is inserted ", or which is cancelled under sub section (7AB) above,".

This is one experimental approach considered – the deleted text is struck out and the new text provided in bold:

Figure 12.

- 1.4 **Subsection (4B)**
of a form prescribed under this section > **in valid form.**
- 1.5 **Subsection (4BA)** inserted by section 94 of the Traffic Management Act 2004
of a form prescribed under this section > **in valid form.**
- 1.6 **Subsection (4BA)** inserted by section 73 of the Transport (Scotland) Act 2001
of a form prescribed under subsection (1) above > **in valid form.**

But this approach does not cope with the full range of information about insertions, deletions, and their locations.

Here is an alternative tabular approach in which all the amends in a section are grouped together systematically.

Figure 13.

	Act	Location	Omit	Insert
1.2	The Chronically Sick and Disabled Persons Act 1970 ("the 1970 Act"), section 21 (badges for display on motor vehicles used by disabled persons).	Subsection 1	of a prescribed form	
1.3		New Subsection 1A to follow Subsection 1		A badge issued under this section must be in valid form, which means— a of a form specified or approved by the Secretary of State, in the case of a badge issued by a local authority in England and Wales; b of a prescribed form, in the case of a badge issued by a local authority in Scotland."
1.4		Subsection 4B	of a form prescribed under this section	in valid form
1.5		Subsection 4BA inserted by section 94 of the Traffic Management Act 2004	of a form prescribed under this section	in valid form
1.6		Subsection 4BA inserted by section 73 of the Transport (Scotland) Act 2001	of a form prescribed under this section	in valid form
1.7	The Road Traffic Regulation Act 1984 (wrongful use of disabled person's badge), subsection (1)(a)	Section 117	of a form prescribed under section 21	in valid form, within the meaning given by section 21(1A)

Numbering systems

Numbering and lettering systems are used to show hierarchy and also for cross reference. The new design relies on typography for hierarchy, but might be thought of little use for cross reference.

Here is a suggestion for a discreet, hierarchy-neutral reference system. Each heading, paragraph or bullet point would be numbered in a simple sequential list.

Subsequent amends would add a further full point, thus:

2.4: the beginning of section 2.4

2.4.1, 2.4.2, etc: any item within section 2.4

2.4.1.1: an additional item inserted between 2.4.1 and 2

Figure 14.

2.4	In this section—	2.4
	1949 Act means the Marriage Act 1949;	2.4.1
	armed forces overseas marriage Order means an Order in Council under Part 3 of Schedule 6;	2.4.2
	person —	2.4.3
	• includes a religious organisation;	2.4.4
	• does not include a registrar, a superintendent registrar or the Registrar General;	2.4.5
	relevant marriage means—	2.4.6
	a a marriage of a same sex couple solemnized in accordance with—	2.4.7
	• section 26A or 26B of the 1949 Act (marriage in a place of worship or in another place according to religious rites or usages),	2.4.8
	or • Part 5 of the 1949 Act (marriage in a naval, military or air force chapel),	2.4.9
	or • section 1 of the Marriage (Registrar General's Licence) Act 1970 (deathbed marriage), where the marriage is according to religious rites or usages,	2.4.10
	or • an armed forces overseas marriage Order, where the marriage is according to religious rites or usages,	2.4.11
	including any ceremony forming part of, or connected with, the solemnization of such a marriage;	2.4.12
	and	2.4.13
	b a marriage ceremony read or celebrated in accordance with section 46 of the 1949 Act in respect of a same sex couple (religious ceremony after registrar's marriage of same sex couple);	2.4.14
	and a reference to conducting a relevant marriage is to be read accordingly.	2.4.15

Layered text

Layering is a centuries old technique for displaying parallel narratives. In medieval times religious texts commonly contained a passage of scripture, with parallel comments, and even comments on the comments – and indeed these layouts are still in use (Figure 15¹).

Figure 15.

TEXT MISHNAH PAGE	TRACTATE NAME	CHAPTER NUMBER	CHAPTER NAME	REMARKS BASIS
¹ TEXT MISHNAH (Heb., 'additions') The text of the Mishnah is the primary record of the teaching, decisions, and disputes of a group of Jewish religious and judicial scholars, known as <i>Tannaim</i>, who were active from about 50 BCE to 200 CE, mostly in the areas now known as Israel and Palestine. Originally transmitted orally, the Mishnah was reduced into its current form and committed to writing around the year 200 CE by Yehuda haNasi. The language of the Mishnah is Hebrew. The Mishnah is divided into sixty-three 'tractates', which are organized into five 'orders' according to their subject matter. ² REMARKS BASIS (Heb., 'foundation of the law') The Mishnah is the primary record of the teaching, decisions, and disputes of a group of Jewish religious and judicial scholars, known as <i>Tannaim</i>, who were active from about 50 BCE to 200 CE, mostly in the areas now known as Israel and Palestine. Originally transmitted orally, the Mishnah was reduced into its current form and committed to writing around the year 200 CE by Yehuda haNasi. The language of the Mishnah is Hebrew. The Mishnah is divided into sixty-three 'tractates', which are organized into five 'orders' according to their subject matter.	³ TOSAFOT The Tosafot (Heb., 'additions') The Tosafot are medieval commentaries on the text of the Talmud, compiled mainly in the twelfth and thirteenth centuries. They are the product of a single author or school of commentators, but are rather the work of a variety of medieval scholars living mainly in France, Germany, and Spain. While Rashba's commentaries focus on the plain meaning of the text, the Tosafot tend to be more analytical, often dealing with difficult passages, exploring issues, contradictions, and problems raised by the text of the Gemara. Often the Tosafot approach a subject using the logic and style of inquiry of the Gemara. Occasionally Tosafot address an interpretation or explanation of a text, but they do not move through or to present an alternative approach to the subject.	⁴ RASHI Rashi (an acronym for <i>Rabbi Shlomo Yitzchaki</i>) was an eleventh century scholar active in France. Rashi compiled the first complete commentary on the Talmud. His commentary focuses on helping students understand the plain meaning of the text. Both the Mishnah and Gemara are written in a brief, terse style, without the use of punctuation or vowel markings. Rashi's comments are therefore directed toward helping readers understand their way through the text and understand its basic form and content. Rashi also offers explanations of unusual or rare vocabulary and concepts and occasionally indicates preferred readings in cases where manuscripts differ. Rashi's commentary is always set in a semi-cursive typeface called <i>Rashi script</i>, is positioned on the gutter side of a printed page of Talmud.	⁵ GLASSES Most modern printed Talmud editions include glasses, which define terms, and cross references from other parts of the Talmud. Among the most famous of these are those of R. Eliezer ben Azaria (11th c., France), R. Isaac ben Ezra (12th c., France), and R. Shlomo ben Yehuda (13th c., France). The glasses are usually printed in a small, semi-cursive typeface called <i>Glasses script</i>, and are positioned on the gutter side of a printed page of Talmud.	

of different talmudic laws. Different commentaries in this area. Among these are the commentaries of Rabba bar Barhina (11th c., Tannaitic era), R. Yohanan bar Nafai (12th c., Tannaitic era), R

In the Good Law consultations, the group tasked with looking at language and style considered layered solutions, and the examples that follow are based on the *Children and Families Bill, Part 3*.

The solutions incorporate work contributed by David Emmet of the City Law School, one of our Clarity group. David analysed the bill and pointed out that it contains simple everyday words which have very particular meanings – 'child', 'young person' and 'education' are examples.

For instance, the term 'Child' in the context of this bill has to be understood as 'a person who is not over compulsory school age (see section 579 of the Education Act 1996, applicable because of section 73(6) of this Act)'.

So David's definitions, and links to other legislation where definitions may be found, form one of our layers (column 3).

In addition to the bill itself, our other layer contains the Explanatory Notes. These are not part of the legislation, and have different authorship and publication timetables – they are written by the civil servants in departments tasked with implementing legislation. However, non-specialist readers inevitably see them as related, will

1 Downloaded 21 May 2015 from http://www.joshua-parker.net/portfolio/resourceguides/talmud_layout.pdf.

Figure 16.

In these design samples we have used 'placeholder text' where the explanatory notes would be. The actual notes for this Act would have to be restructured to fit this design.

<i>This para represents a section level explanatory note. Occatium imporeped moluptas volessit utem fuga. Edis autendissime maia. Itatio opta sequidi dollit fugiasperum faci blandit atiaspero blabo.</i>	19 Local authority functions: supporting and involving children and young people 19.1 In exercising a function under this Part in the case of a CHILD or YOUNG PERSON, a local authority in England must have regard to the following matters in particular— - a the views, wishes and feelings of the child and his or her parent, or the young person; - b the importance of the child and his or her parent, or the young person, participating as fully as possible in decisions relating to the exercise of the function concerned; - c the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions; - d the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes.	Child. A child is a person who is not over compulsory school age (see section 579 of the Education Act 1996, applicable because of section 73(6) of this Act). Young person. A person over compulsory school age but under 25 (see section 73(2)). Education, educational. See section 73(3). Compulsory school age. This is approximately from age 5 to 16. For the precise definition see sections 8 and 579 of the Education Act 1996, paragraph 2 of the Education (Start of Compulsory School Age) Order 1998 (SI 1998/1607) and paragraph 2 of the Education (School Leaving Date) Order 1997 (SI 1997/1970). Mainstream school. See section 73(2). Maintained school. See section 73(2). Mainstream post-16 institution. See section 73(2). Relevant early years education. See section 73(2) which directs you to section 123 of the School Standards and Framework Act 1998, as amended by paragraph 34 of schedule 2 of the Childcare Act 2006. The amended section 123 needs to be read in conjunction with section 20 of the Childcare Act 2006.
<i>This para represents a section level explanatory note. Occatium imporeped moluptas volessit utem fuga. Edis autendissime maia. Itatio opta sequidi dollit fugiasperum faci blandit atiaspero blabo. Nimi, serum labo. Sequate la dunt ipsandigname num quuntem invenis dolorum in reiciet ea connim et od quat eosapeditat dit maioribus imus minctia decias plab ipis volum, sumque solorpore.</i>	20 When a child or young person has special educational needs 20.1 A CHILD or YOUNG PERSON has special EDUCATIONAL needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her. 20.2 A child of COMPULSORY SCHOOL AGE or a young person has a learning difficulty or disability if he or she— - a has a significantly greater difficulty in learning than the majority of others of the same age, or - b has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in MAINSTREAM SCHOOLS or MAINSTREAM POST-16 INSTITUTIONS. 20.3 A child under compulsory school age has a learning difficulty or disability if he or she is likely to be within subsection (2) when of compulsory school age (or would be likely, if no special educational provision were made). 20.4 A child or young person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been spoken at home. 20.5 This section applies for the purposes of this Part.	
<i>This para represents a section level explanatory note. Occatium imporeped moluptas volessit utem fuga. Edis autendissime maia. Itatio opta sequidi dollit fugiasperum faci blandit atiaspero blabo.</i>	21 Special educational provision, health care provision and social care provision 21.1 “Special educational provision”, for a CHILD aged two or more or a YOUNG PERSON, means educational or training provision that is additional to, or different from, that made generally for others of the same age in— - a MAINSTREAM SCHOOLS in England, - b MAINTAINED nursery schools in England,	

probably expect to find a similar structure, and might reasonably expect to see them juxtaposed.

Figure 16 shows our design. Design features to note include:

- The Bill is in a seriffed typeface, which gives it a greater degree of formality. The surrounding notes are in a **sans serif** typeface, which is a subtle rhetorical cue, and makes the design less dependent on layout alone to show the different status of text.
- All of the definitions relevant to each page are given on the page. In practice it could be extremely tedious to see very frequently recurring terms such as ‘child’ repeated page after page, so this needs further thought.

right Figure 18.

	This passage represents a section level explanatory note. Occurunt impoerog molalet voluit utrum hagi liti autemillime mass. huto qutiq sequat doli fuyagunper fab blandit atqzopmo bladi. Nimi, age de volucru alijs et delictis volucris odicit lamet repozatur seque non durio Litis. Ibi quod nullat ubi estur res maxime ma aborno nos it ut officit accuzando volucris et ur, nullate ome et con cor conctus de voluntis, uti illius. Periplois eum dilicte tempore unget vol ut em amil lat et in modii nudge opato mole Itaque dilidit eum verdis. Datis roneia et i quide ducent ut volutugnot non dolorporat ad mole Itaque dolum normal mendi et ad obli diabit ditiones Genditiam roneica pene vidiq; abnorme molatium quafit et, quantim.		Child + Child is a person who is not our compulsory school age (see section 57(9) of the Education Act 1998, applicable because of sections 76(5) of the Act). Youth. A person over compulsory school age but under 25 (see section 76(2)). Education, educational. See section 76(3). Compulsory school age. This is approximately from age 5 to 16, for the precise definition see sections 8 and 57(4) of the Education Act 1998; paragraph 2 of the Education (Start of Compulsory School Age) Order 1998 (SI 1998/1607) and paragraph 2 of the Education (School Leaving Date) Order 1997 (SI 1997/1670). Mainstream school. See section 76(3). Maintained school. See section 76(2). Mainstream post-16 institution. See section 76(2). Relevant early years education. See section 73(2), which directs you to section 121 of the School Standards and Framework Act 1998, in amended by paragraph 14 of schedule 2 of the Children Act 2006. The amended legislation 121 reads to be read in conjunction with section 20 of the Children Act 2006:
	19 Local authority functions: supporting and involving children and young people In exercising a function under this Part in the case of a child or young person, a local authority has regard to the following matters in particular— - a the views, wishes and feelings of the child and his or her parent; - b the importance of the child and his or her parent, or of the young person, participating as fully as possible in decisions relating to the exercise of this function concerned; - c the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions; - d the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child's and young person and to help him or her achieve the best possible educational and other outcomes.		
	20 When a child or young person has special educational needs A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age, or a young person has a learning difficulty or disability if he or she— - a has a significantly greater difficulty in learning than the majority of others of the same age, or - b has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions. A child under compulsory school age has a learning difficulty or disability if he or she is likely to be within subsection (2) when of compulsory school age (or would be likely, if no special educational provision were made). A child or young person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been spoken at home. This section applies for the purposes of this Part.		
	21 Special educational provision, health care provision and social care provision for a child aged two or more "Special educational provision", for the provision aged two or more or a young person, means educational or training provision		

15

	This page represents a section level explanatory note. Occuram impeditat molisates velletis utem faga. Etsi autendine molo. Itanto opto sequati dolicti lugenismos facit blanditi atquepiato blatio. Nimi, apud et volutpat dignit in dolict volunt nollet maxime ne ablorio eis inquit mollit atquepiat nort maxime ne ablorio eis inquit mollit occurrando volens etiam, nullae cone i con con committis de voluptatis; uti fillobo Pangelius. Itanto voluptas tempus utemq; volar am ement laui et ei modii nulla quibus ma. Itaque doli nemumq; endinem. Etha nonnes ita e quids ducant qui voluptatem nomem dolictatibz demum blanditi delatorem motu con obla ducit itatemque Pac itetuelum spon lettemq; nomipit qui dicitur. Ut nemo em, inas dolictat utemq; omni vel meliorum arispem quon quon aliis em allectit. Etsi doli Imagini qd mollit luca veliquis rebus imperforat faga. Ut autem uterit etiam aliis vndeup expediente nortemq; blanditi remissiatu odit quatur		
19	Local authority functions: supporting and involving children and young people	18.1 In exercising a function of this Part in the case of a child or young person, a local authority in England must have regard to the following matters in particular— - a the views, wishes and feelings of the child and his or her parent, or the young person; - b the importance of the child and his or her parent, or the young person, participating as far as possible in decisions relating to the exercise of the function concerned; - c the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions; - d the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes.	<i>Impinged mollitas velletis utem faga. Etsi autendine molo. Itanto opto sequati dolicti lugenismos facit blanditi atquepiato blatio. Nimi, apud et volutpat dignit in dolict volunt nollet maxime ne ablorio eis inquit mollit atquepiat nort maxime ne ablorio eis inquit mollit occurrando volens etiam, nullae cone i con con committis de voluptatis; uti fillobo Pangelius. Itanto voluptas tempus utemq; volar am ement laui et ei modii nulla quibus ma. Itaque doli nemumq; endinem.</i>
		Etsi autendine molo. Itanto opto sequati dolicti lugenismos facit blanditi atquepiato blatio. Nimi, apud et volutpat dignit in dolict volunt nollet maxime ne ablorio eis inquit mollit atquepiat nort maxime ne ablorio eis inquit mollit occurrando volens etiam, nullae cone i con con committis de voluptatis; uti fillobo Pangelius. Itanto voluptas tempus utemq; volar am ement laui et ei modii nulla quibus ma. Itaque doli nemumq; endinem.	Itanto opto sequati dolicti lugenismos facit blanditi atquepiato blatio. Nimi, apud et volutpat dignit in dolict volunt nollet maxime ne ablorio eis inquit mollit atquepiat nort maxime ne ablorio eis inquit mollit occurrando volens etiam, nullae cone i con con committis de voluptatis; uti fillobo Pangelius. Itanto voluptas tempus utemq; volar am ement laui et ei modii nulla quibus ma. Itaque doli nemumq; endinem.
			Child A-CH2A a person who is not over compulsory school age (see section 57(9) of the Education Act 1996, applicable because of section 73(6) of this Act). Young person. A person over compulsory school age but under 25 (see section 71(2)). C education, educational (see section 73(3)). omphology school. This is approximately from section 1 of the general definition see sections 8 and 17(9) of the Education Act 1996, paragraph 2 of the Education Staff of Compulsory School Age Order 1988 (SI 1988-6007) and paragraph 2 of the Education Staff of Voluntary Date Order 1987 (SI 1987-1919). Mainstream school. See section 73(3). Maintained school. See section 73(2). Mainstream post-16 institution. See section 71(1). Relevant early years education. See section 71(3) which refers to section 12 of the Education Standards and Framework Act 1998, in relation to paragraph 14 of schedule 2 of the Children Act 2006. The amended section 121 needs to be read in conjunction with section 20 of the Children Act 2006.
	This page represents a section level explanatory note. Occuram impeditat molisates velletis utem faga. Etsi autendine molo. Itanto opto sequati dolicti lugenismos facit blanditi atquepiato blatio. Nimi, spon lettemq; nomipit qui dicitur. Ut nemo em, inas dolictat utemq; omni vel meliorum arispem quon quon aliis em allectit. Etsi doli Imagini qd mollit luca veliquis rebus imperforat faga. Ut autem uterit etiam aliis vndeup expediente nortemq; blanditi remissiatu odit quatur		
20	When a child or young person has special educational needs	20.1 A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special additional provision to be made for him or her— A child of COMPULSORY SCHOOL AGE or a young person has a learning difficulty or disability if he or she—	
		a has a significantly greater difficulty in learning than the majority of others of the same age;	
		b has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in MAINSTREAM SCHOOLS or MAINSTREAM POST-16 INSTITUTIONS.	
		A child under compulsory school age has a learning difficulty	

16

All designers of parallel texts have to cope with the fact that the parallel notes are occasionally longer than the main text.

Figure 17 shows a scenario where the notes are longer than the text they discuss – white space is forced into the main text to keep the notes and text parallel.

Figure 18 is an exploration of what might happen if the Explanatory Notes are a great deal longer than the bill text. This multi-column grid reflects the way a medieval book would typically manage the situation.

Figure 19.

	Children and Families Bill	
imporeped moluptas volessit utem fuga. Edis autendissime maio. Itatio opta sequidi doliit fugiasperum faci blandit atiaspero blaba.	19 Local authority functions: supporting and involving children and young people 19.1 In exercising a function under this Part in the case of a CHILD or YOUNG PERSON, a local authority in England must have regard to the following matters in particular— - a the views, wishes and feelings of the child and his or her parent, or the young person; - b the importance of the child and his or her parent, or the young person, participating as fully as possible in decisions relating to the exercise of the function concerned; - c the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions; - d the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes.	? [Icons: speech bubble, network, red circle] Child. A child is a person under 18 (source?) Young person. A person over compulsory school age but under 25 (see section 73(2)).
This para represents a section level explanatory note. Occatium imporeped moluptas volessit utem fuga. Edis autendissime maio. Itatio opta sequidi doliit fugiasperum faci blandit atiaspero blabo. Nimi, serum labo. Sequate la dunt ipsandigname num quuntem invenis dolorum in reiciet ea coninim et od quat eosapeditat dit maioribus imus minctia decias plab ipis volum, sumque solorpore.	20 When a child or young person has special educational needs 20.1 A CHILD or YOUNG PERSON has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her. 20.2 A child of COMPULSORY SCHOOL AGE or a young person has a learning difficulty or disability if he or she— - a has a significantly greater difficulty in learning than the majority of others of the same age, or - b has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions. Alan D • 7 Nov 2013 Note that 'child' is defined differently in other contexts – for example, the [Something] Act 1997	

In a digital version of this layout, the notes could simply scroll or pop up within the space available. Figure 19 is a wireframe design that extends this parallel layout into a digital version. Even more parallel resources – definitions, comments, links and publishers' resources – could be accessed using icons and pop-up windows. This should reduce the cognitive load and potential errors that come from working with multiple windows (that is, one for each information type), and to overcome the 'lost in space' experience of following too many hyperlinks.

The digital future of legislation

Of course it could be argued that digital channels render this whole exercise redundant. This has been a deliberately artificial exercise, designed to highlight the contribution that typography alone can make. The value of good design is as easily forgotten in the digital age as in any other – layout and typographic detailing have usually been overlooked as inessential when new communication technologies are developed.²

I remarked earlier that the page shown in Figure 1 used techniques available on a basic typewriter – upper and lower case letters, indention and numbering. But although technology has moved on to allow us fine control over fonts and spacing from our desktop, it has

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² Waller, R (2012): Graphic literacies for a digital age: the survival of layout, *The Information Society*, 28:4, 236-252



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since moved back again. Most websites are now responsive (that is, they change format according to the device they are displayed on). This means that the layout a reader sees is only partly the result of a deliberate choice, and, unless a locked format (for example, PDF) is used, designers cannot reliably use layout to signify meaning.

Underlying the layouts I have shown, and any future responsive version of them, is a concept of a digital repository of linked and tagged elements. From this it is obviously a small step to create dynamic digital layouts where even more parallel information sources could be accessed. And this is indeed what the www.legislation.gov website is addressing, based on the UK government's open data standards.³ At the 2014 Clearer Legal Information conference organised by the Simplification Centre, Carol Tullo of the National Archive outlined the work they are doing to develop new online formats for legislation, which would not only link explanatory notes to legislation, but which would also highlight those parts of an Act which had been amended or were not currently in force.⁴

Further reading

The Good Law initiative: www.gov.uk/good-law

Legislation.gov.uk – the online service from The National Archives: www.legislation.gov.uk

Clarity: www.clarity-international.net

Clearer Legal Information – papers from a conference held in April 2014: www.simplificationcentre.org.uk/events/clearer-legal-information/

Proactive and preventive law – the idea that compliance with the law requires that it is clearly understood. Helena Haapio writes extensively on this topic, in the context of commercial contracts: <http://www.lexpert.com/en/publications.htm>

Legal Design Initiative – a very useful resource from Stanford Law School: <http://www.legaltechdesign.com>

Legal Design Jams – designers and lawyers get together to visualise legal information: legaldesignjam.com.

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³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78892/Open-Standards-Principles-FINAL.pdf

⁴ Her presentation, 'Re-imagining legislation and official publications. By design?' is downloadable from <http://www.simplificationcentre.org.uk/events/clearer-legal-information/>