Keepers of the Statute Book: Lessons from the space-time continuum

Janet Erasmus[1]

Abstract:

As legislative counsel, we are responsible for maintaining the legal and linguistic coherence of the statute book for our jurisdiction. It is this responsibility that leads to our being known as "keepers of the statute book". The statute book is not static, and so there is the question of how we might evaluate the development of this responsibility. This paper offers a quantitative approach to that issue, considering the statute book from two perspectives. The first perspective is the change in volume of the statute book over time, the space aspect of the title. The second is the longevity of Acts within our current statute book, the time aspect. For each aspect two jurisdictions are considered: Canada and British Columbia for space, Australia and British Columbia for time. Thoughts are offered on lessons to be learned from these analyses.

Introduction

Francis Bennion has named legislative counsel as "keepers of the statute book". What a lovely word, that – keeper – with its echoes of custodian, preserver and protector. As Bennion has it, this is a role that encompasses the linguistic and the juridical state of the statute book.[1] Or, as Colin Wilson expressed our keeper aspirations in his presentation to the 2007 CALC conference,

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1 Chief Legislative Counsel (British Columbia, Canada). The author wishes to express considerable thanks to Dr. Mark Yunker, husband and organic geochemist/environmental chemist, for his assistance with the data analysis for this paper. No doubt it was much less challenging than the PCA (principal components analysis) used in much of his published work. This paper was presented at the CALC Conference in Hong Kong, 1-5 April 2009.

"the parliamentary counsel also has in mind the logical and principled development of the law and the legal system; and the need to ensure the coherence of the statute book." [2]

However the description is articulated, legislative counsel have heard truth in the title. We recognize that it fits and is fitting. I see this as being particularly true for those of us in Commonwealth jurisdictions where a legislative drafting office serves the executive within a Westminster-style system of responsible government. We draft Bills to give legal effect to government's intentions, as that government changes over time. Legislative counsel in those legislative drafting offices are the ones who appreciate the full scope of the statute law for their jurisdiction. They draft to achieve the consistency in language that will support consistency in interpretation and recognize the need for coherency, both in language and substance between its component Acts.

One might reasonably say that fulfilling the role of keeper is much easier in these modern days than in times past, that modern technology allows us to access its entire content and to identify specific provisions and matters within that content. This access and identification will at least be true for those of us who work in jurisdictions with on-going electronic consolidations that allow us to quickly find the current state of a statute. With a few clicks of the mouse and a few strokes on the keyboard we can conduct a search across the statute books for provisions that deal with related matters or that deal with different matters in a similar way. And legal publishers are providing more and more databases that allow us to locate judicial consideration of particular statutory provisions or particular words and phrases.[3]

The exploration

We have better tools to manage our statute book, but do we have a better sense of what *is* our statute book? And how do we judge the development of our statute book?

This presentation is an exploration of these questions, undertaken by looking at two particular aspects of the statute book, aspects which lead to the title for this presentation – lessons from the space-time continuum:

- *Space* – how has the size of the statute book changed over time
  (the size on the shelf, as it were)
- *Time* – how old are the statutes within the statute book
  (their longevity and demographics)

This exploration is done by way of quantitative analysis of two representative statute books for each aspect. It is not about a search for certain answers, but rather is intended to provide a way towards better questions.

Perhaps a warning is in order at this point. I am sure you caught that "quantitative" word a few moments back. This is a presentation about numbers. And it comes with graphs. I appreciate

that this is not the usual fare for legislative counsel whose stock-in-trade is words and whose craft is their precise construction into statements of particular legal effect. You will not find me saying that a picture is worth a thousand words, but here I hope the pictures will provide a different perspective on many, many thousand words.

The Data

The statute books I am using are, for the space aspect, those from my own jurisdiction of the Province of British Columbia and from the federal Parliament of Canada. For the time aspect, they are from British Columbia and the federal Commonwealth Parliament of Australia. [4]

For both space and time, I am looking at what I will call "principal Acts". These are the main Public Acts intended to have continuing legal operation. Excluded are—

- amending Acts,
- annual Acts such as appropriation Acts, supply Acts and tax rate Acts, and
- validation Acts and transitional Acts that look backwards and forwards, respectively, but have limited temporal application.

Space – how has the size of the statute book changed over time?

We will start with space, for which I am looking at two analyses—

- the size of the statute book, and
- the rate of change in size over time.

The size of the statute book provides us with a measure of our responsibilities. I see this as a reasonably effective measure in that, regardless of the number of Acts into which a statute book is divided, we are keepers for all its pages. The rate of change over time speaks to how quickly or slowly that weight of responsibility is increasing or decreasing.

To state the obvious, a quantitative view of how the statute book has changed in size over time requires being able to identify that size at specific points in time. That is, we need snapshots of the statute book as at some particular dates. On-going print consolidations (whether governmental or private) are just that, on-going. They do not provide the needed data. But statute revisions do.

As I explained in my 2005 CALC conference presentation,[5] Canadian jurisdictions have a history of regular statute revision. From earliest days, the federal Parliament of Canada and the provincial Legislative Assemblies have authorized official revisions of the statute book.

This presentation will be looking at the federal *Revised Statutes of Canada* and the provincial *Revised Statutes of British Columbia*. They provide a data set of 6 editions for Canada and 10 editions for British Columbia.

Table 1: Revised Statutes: Canada and British Columbia

Canada	British Columbia
Dominion of Canada 1867	Province of British Columbia 1871
1886	1877
1906	1888
1927	1897
1952	1911
1970	1924
1985	1936
	1948
	1960
	1979
	1996

In statute revisions, all amendments are consolidated into their principal Acts and provisions that are repealed, spent or without legal effect are omitted. The collective statute book is re-numbered, re-sorted and, in our jurisdictions, refurbished under an authority to alter language to achieve a clear and consistent style.[6]

These statute revisions, published in the form of hardbound books, provide page length as a measurement for judging the changing size of the statute book. The raw data is not lengthy for the space aspect, so I offer the Canadian statute information.

Table 2: Revised Statutes of Canada: actual page length

Year	Pages	Volumes	Notes
1886	2246	2	English only
1906	2940	4	English only
1927	4302	4	English only
1952	5987	4 + 1 Supplement	English only
1970	9497	7 + 2 Supplements	English & French; larger pages, far more text on page
1985	14475	8 + 2 Supplements	English & French; text even more compressed

What started as 2 volumes became 10 volumes over the course of 100 years.

But, as Table 2 indicates, the pages numbers before 1970 are for English-only publications. They are, in effect, only half the statute book. For the 1970 and 1985 revisions, the English and French revisions were published side-by-side in columns on each page. At the same time, the page size itself was larger, the font size was smaller and the text was much denser on the page. Some adjustment for proper comparison is needed.

The adjustment was done by randomly identifying Acts that had not been amended, or had only been minimally amended (a few words) since 1952, then considering the changes in page length between revisions –from 1952 to 1970, and from 1970 to 1985. This allows the pre-1970 revisions to be adjusted to an estimated page length as if the French versions had been included, and for the 1985 revision to be adjusted to the 1970 format.[7]

Table 3: Revised Statutes of Canada: page length adjusted to 1970 format

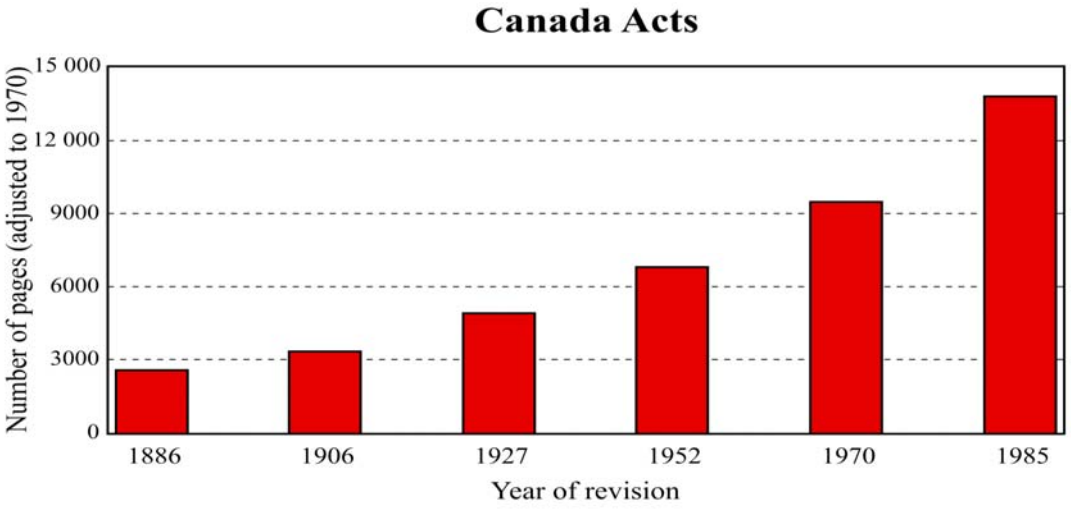
Year	Pages	Adjusted Pages
1886	2246	2550
1906	2940	3338
1927	4302	4884
1952	5987	6797
1970	9497	9497
1985	14475	13788

Similar adjustments were needed for B.C. revisions to recognize their format changes overtime, particularly as the 1996 B.C. statute revision moved to a plain language format that used larger paper but significantly increased the white space on a page.[8]

Space – the Canadian statute book experience

From numbers now to pictures. Let us first consider Canada.

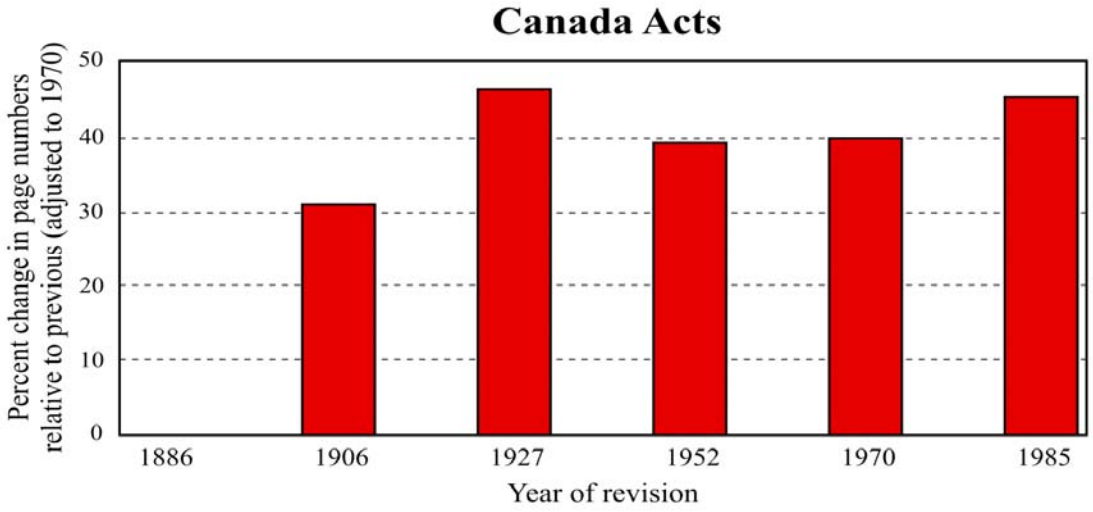
Figure 1: Canada — pages over time (adjusted to 1970 format)



For Canada, the 1985 statute book is close to 5.5 times the size of its 1886 ancestor [9] — considerable growth in the 99 years between the first and last revisions. The changes in size appear as a rising curve. That is, we have had a constantly increasing statute book. But is the rate of increase increasing?

Another graph, this time of the percentage change in page numbers between revisions.

Figure 2: Canada — percentage changes between revisions

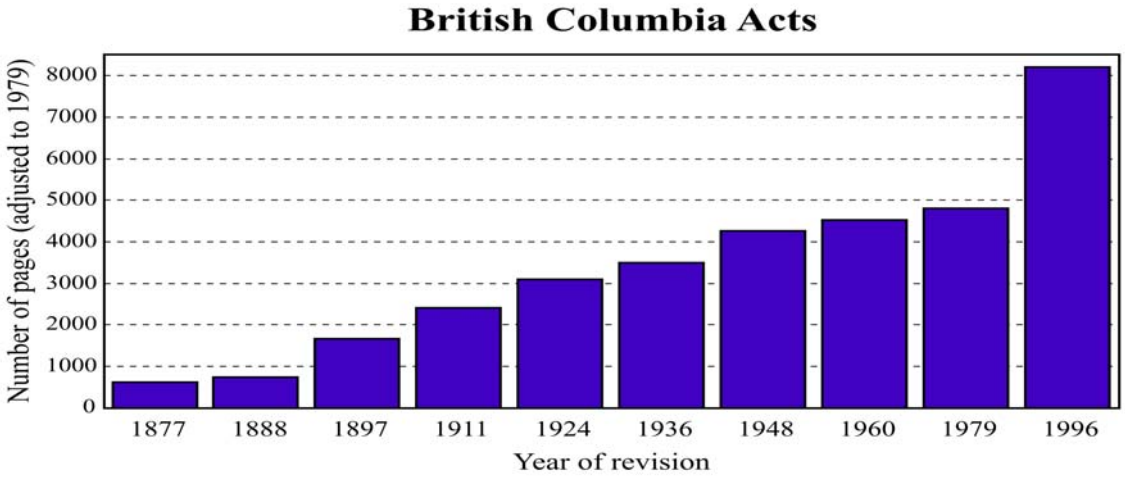


Let us consider the earlier years first. In the 20 years between the first revision and second revision, the Canadian statute book increased by 31%. Between 1906 and 1927, years that spanned the First World War, it increased by 46%, close to doubling in size. The next two revisions each had just over 39% increases, with the last revision having a 45% increase over its 1970 predecessor.[10] (And all this before computers became standard in drafting offices.)

Space – the British Columbia statute book experience

We look now at the British Columbia experience with the size of our statute book.

Figure 3: British Columbia — pages over time (adjusted to 1979)



Here we have a different shape, with a significant rise between 1888 and 1897, but a much less steep curve of growth than Canada through 1924 to 1979. The years between 1979 and 1996 resulted in another significant rise.

If one were to consider the change in size from the 1877 revision (with 815 pages actual and 614 adjusted) to the most recent 1996 revision (with 10 000 actual pages and 8200 adjusted), there would be a 13-fold increase in the statute book. But, in the case of British Columbia, the better starting point is the 1897 statute revision.

The first 2 revisions were smaller because a considerable portion of legislated law in the early years of the Province was Imperial law adopted through the Colony of British Columbia's *English Law Ordinance 1867*. It was not until the 1897 statute revision that the Imperial enactments were directly imported into our statute book.

If one uses the 1897 revision as our reference point, the 1996 statute book is just under 5 times the size of its 1897 ancestor.[11] Somewhat less than Canada's proportional increase over the equal 99-year period between first and last revisions.

And what has been happening to the rate of change for British Columbia?

Figure 4: British Columbia — percentage change over time

We see significant increases in the first 20 years of the twentieth century, followed by 50 years of low growth, then a very sharp rise in recent times. Here our 71% increase between the most recent statute revisions far outstrips the federal 45% increase.[12]

Space – some questions for the future

I have been able to use physical statute volumes here to determine the size of the statute book and to consider how it has grown, but it seems that this may soon become much more difficult. This leads to some thoughts for the future.

How will we know our statute book?

Space is indeed becoming a final frontier for the statute book. Its boundaries are lost as we move from paper to electronic consolidations, something that can be increasingly expected as jurisdictions statutorily mandate their electronic consolidations to be admissible as official evidence in court.[13] How will we know our statute book? Looking at numbers in the form of collective kilobytes does not provide the same immediate (and visceral sense) that we know the extent of just what it is we are keeping. Even with the technological wonders of search engines, how much greater will be the challenge of maintaining the integrity of our statute books?

At least for Canadian jurisdictions, our statute revisions have allowed the regular development of consistent language. Search tools allow us to have reasonable confidence that we have identified most of relevant provisions when considering the use of specific statutory language.

There is some hope of dealing with the growing statute book. I can only imagine how much more challenging this is for other jurisdictions.

How much law is too much law?

To be a keeper of the statute book requires believing that law, at least law in a parliamentary democracy, is a good thing for society. But there is that oft-quoted saying that one can have too much of a good thing. How much law is too much law, and how will we know when we are there if we cannot see the physical evidence of its size?

Certainly in the area of regulatory law there have been for a number of years now loud complaints from the business community about the extent of unneeded legislation and its impact on the commercial world. Indeed, in British Columbia, our current government came into its first mandate in 2001 with a commitment to reduce the regulatory burden by 33% in 3 years. To do this, they started counting "musts" and the associated requirements in all statutes, regulations and policies of the province. They met their target and have continued with progress reports ever since.[14] To that extent, at least, the size of our statute book is being measured in some form.

Time – how old are the statutes in the statute book?

We are keepers of the statute book as received from our predecessors and, as legislative counsel, we may reasonably hope and expect that some of what we write will be passed into the care of our successors. How long our work is likely to survive can inform us about this responsibility to the future.

For a jurisdiction with any length of legislative history, much of what we write will be in the form of amendments to existing Acts, and quantitative consideration of such amending legislation would I expect be highly informative. But data for the longevity of amending legislation would be challenging to develop and more complex to analyse, and so the time aspect of this presentation is explored through consideration of principal Acts. Not only is the data available, but principal Acts are independently interesting.

Principal Acts are legislative responses to then-current issues, considered by our governments and parliaments to have sufficient importance to require a full Act as legislative response. Some will deal with matters only minimally touched before by legislation. Others will replace existing laws in a manner that has sufficient change to justify repealing the former Act. Looking at longevity provides information about how long such issues are likely to be relevant to our society.

So – how old are our laws? Let's look first at year-by-year data. As mentioned earlier, for the time aspect I am using Australian Commonwealth Acts and British Columbia Acts for consideration and comparison. (In this paper, Figure 5 presents the graphs for both jurisdictions and is shown on the next page.)

When looking at these graphs, you will note that the grid line values for the British Columbia charts are about one-half those for Australia. This is because the total number of British Columbia principal Acts in force is half that of Australia, with British Columbia coming in with 513 Acts and Australia with 1018 Acts. (This of course says nothing about relative size of the statute books, just the number of chapters into which they are divided.)

Time – the Australian statute book experience

One might reasonably expect that the Australian Acts-in-force balance would be heavily weighted towards recent years as the issues addressed by recent Acts are more likely to be currently relevant. And so the graph indicates.

Beyond this expected result, the graph gives us other information of interest.

For example, the first thing to strike me in looking at this graph was that some years were remarkably effective in producing surviving legislation, and not just recent years that were effective in this way. Consider, for example, the spikes shown for 1973 to 1975. Those years, over 30 years past now, provided Australia with 75 Acts that are still in force for the nation – 7% of the total statute book as measured by number of Acts.

Conversely, there are a number of gaps in the graph. These are years for which there are no surviving Acts. For Australia's there are 14 years unrepresented in the statute book.[15]

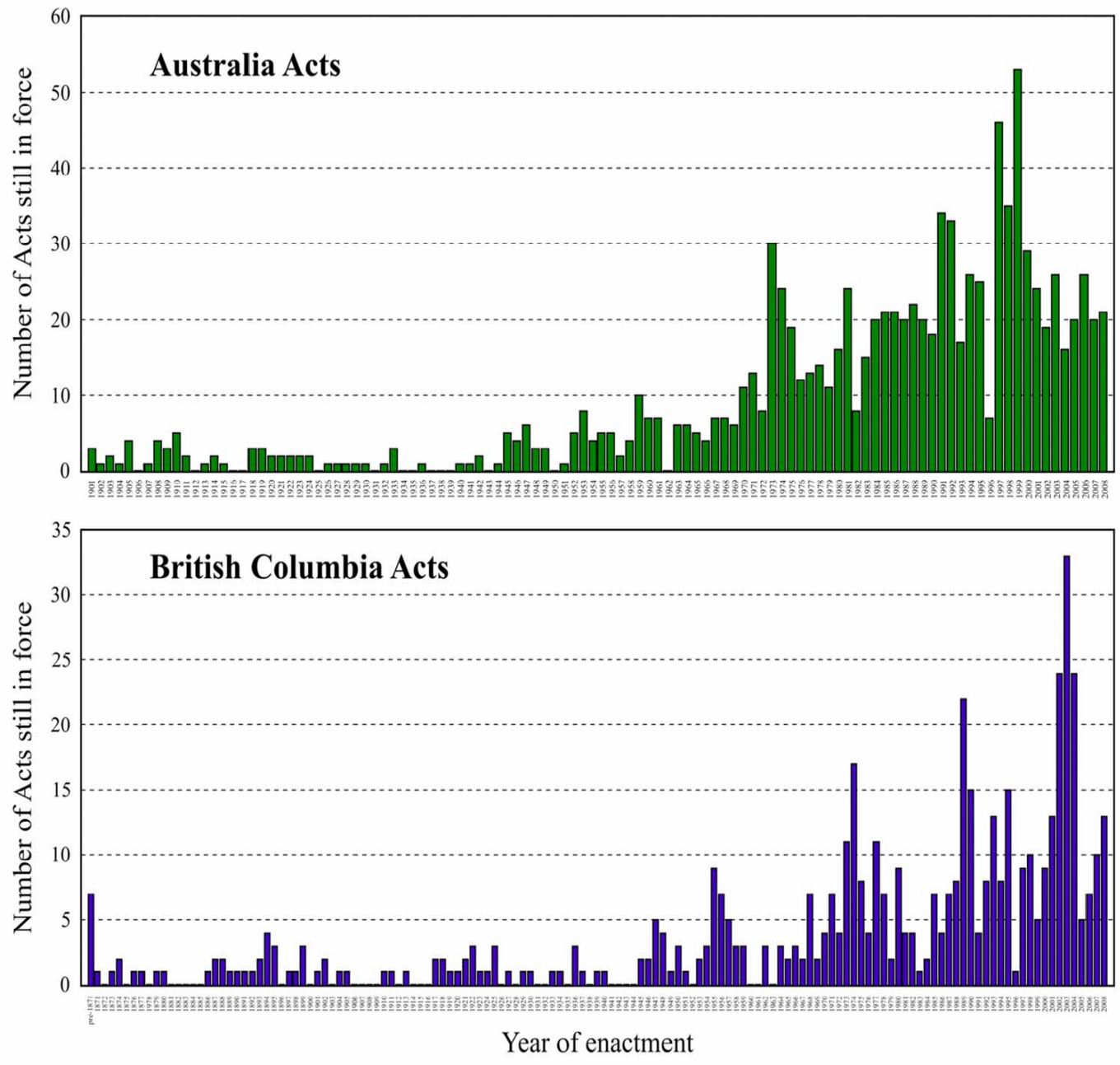
If survival of one's laws is any measure of a government, some clearly had more success than others. (Perhaps there may be some interesting information for political science consideration in the low points and high points of this graph.)

The second thing it tells us that, although there are gaps along the way, many Acts from the earliest days of the country are alive today. For example, Australia's earliest Acts include:

Acts Interpretation Act 1901	*Defence Act 1903*
Customs Act 1901	*Amendments Incorporation Act 1905*
Excise Act 1901	*Census and Statistics Act 1905*
Judiciary Act 1903	*Quarantine Act 1908*

These are not only alive as law, they are active as law.

Figure 5: Longevity of Australia and British Columbia Acts: Number of Acts enacted in a particular year that were still in force as of 31 December 2008



Time: The British Columbia statute book experience

We now consider the British Columbia graph of year-by-year longevity.

As with Australia, there is weighting towards more recent years and there are significant high points and low points. But, for British Columbia, recent years have considerably more year-to-year variability in the number of Acts that passed into law and survive. British Columbia also has more years than Australia without surviving legislation: 34, with 24 of those coming after 1900.[16]

An unexpected parallel here is that the same years in the 1970s were particularly productive for having surviving legislation. For British Columbia, 1973 to 1975 provided 36 Acts that remain in force – like Australia, 7% of the total statute book.

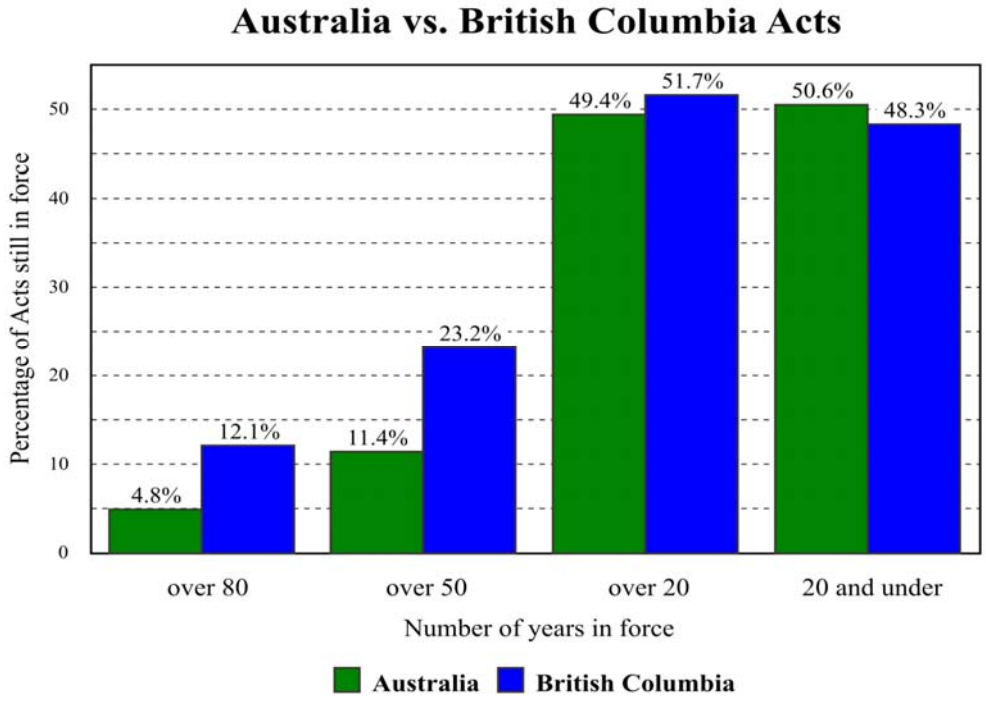
British Columbia also has a goodly number of Acts surviving from its earliest years, many through adoption of Imperial Acts. British Columbia's oldest surviving Acts include:

Fraudulent Conveyance Act (Imperial, 1563)
Power of Appointment Act (Imperial, 1830)
Wills Act (Imperial, 1837)
Court Agent Act (1873)
Trustee Act (1876)
Trespass Act (1877)
Hotel Keepers Act (1888)
Partnership Act (1894)

Time: A comparison of longevity

The next graph provides a comparison of longevity between the Australian and British Columbia statute books.

Figure 6: Australia and British Columbia — percentage of Acts still in force by age group



Both Australia and British Columbia are close to 50-50 for the percentage of their Acts that are older than 20 years and the percentage that is younger than this, with British Columbia slightly heavier on the older law.

It is when we look further back that we see a distinct variation between the jurisdictions. For Australia, slightly over 10% of the laws are over 50 years old. For British Columbia, it is closer to one-quarter of our laws that are middle-aged and beyond. And for truly senior-citizen laws, British Columbia has 12% of its statutes over the age of 80, while Australia has less than 5%.

Time: Some questions for the future

Why the longevity?

To start with thoughts from this last comparison, if law from over 80 years ago is alive and well and active, it seems clear that there is continuity to the issues faced by our societies. And that these older Acts continue suggests that the legislative solutions to those problems, or at the least the framework for those solutions, are effective to the extent that they have been able to stand the test of time.

Why the difference in longevity?

Do Australia and British Columbia have such different demographics for their older statutes because the problems addressed were different? Possibly, I think. For example, Australia as a nation must address matters of defence, which is not a constitutional concern of British Columbia as a province. Are the solutions different, or were the original solutions different and are now moving to a conjunction of approach? Again, I say possibly. Certainly I am aware that British Columbia Government policy analysts are looking farther afield than just other Canadian jurisdictions for models of approach.

There is another factor to explore also. British Columbia has had regular statute revisions. We have been able to modernize our language and reach consistency in expression within statutes and between statutes. With regular revision there has not been an identified need to conduct a "clean sweep" to remove variation that has developed over time though amendment. I can well imagine that a keeper of the statute book would be strongly inclined to suggest replacement over amendment where statute revision has not been available, and particularly so with the relatively recent initiatives to bring plain language techniques to the drafting of legislation.[17]

Whose law is it?

Here there is an answer as well as a question. For legislative counsel within a government legislative drafting office, we have a clear client relationship: we write our law to give legal effect to the current government's intended policy. We do this with a view to making the new law

proposed for enactment by the British Columbia Parliament operate coherently with other legislated law and with the common law of our jurisdiction. But what we see from the longevity is that we do not write it only for government or for our current society. We also write it for our grandchildren. We are keepers of the statute book for future generations as well as for the present. What does this entail? What should it entail?

This is my opportunity for personal reflection and I offer two thoughts about this responsibility:

- First, keeper for generations supports a view that law should be drafted to be robust.
- Second, the demonstrated longevity of legislation indicates that we should have care to its language.

Law should be drafted to be robust

What do I mean by this? Well, once upon a time that seems long ago in a galaxy not so very far away, I was an oceanographic chemistry technician. This was in the days when computers were "mainframes" living in air-conditioned splendour with giant saucer "eyes" of their massive tape drives storing less information that those flash-drive sticks that clip onto my son's keychain. Computer technicians were computer programmers and wrote in a language beyond the ken of others. There I learned the meaning of robust. We had one programmer who could do a quick fix in a couple of hours to let our chemistry lab add another parameter for a testing system. But after a couple of these additions, he might explain that the program would need to be entirely rewritten to add anymore. And then we had another programmer who would ask a question or two about what we were adding and why, then come back the next day with a revised program that could add any number of further parameters. His basic program was adaptable and was stable through adaptations. It was robust.

So it should be with legislation. In a changing world, law needs to be responsive to change. It should be drafted with a solid framework that allows amendment without complete gutting and restructuring. A contribution to the future—our grandchildren and future legislative counsel.

I say this, yet at the same time I think this may be becoming more difficult. The nature of written communications is increasingly ephemeral: think email, texting and twitter. The simplification of written communication leads to its devaluation, an inability to read complex statements and expectations that such a communication takes no time to prepare. As papers from the 2007 CALC Conference described,[18] there is a challenge shared by many jurisdictions in how to manage government's expectations while maintaining quality. That quality includes robustness and, in my view, quick and dirty legislation has the problems similar to quick and dirty programming, only its consequences may last over a much longer time.

Care for the language of the law

As many of you will appreciate, I have been and continue to be an advocate for plain language in legislation. But you will not find me proposing that colloquial language is plain language.

I recall another time many years past when for a summer while in law school, I worked for the Law Reform Commission of Canada. At that time one of the Commission's projects was some re-writing of the *Criminal Code* of Canada, and I attended a meeting between Commission staff working on the project and the legislative counsel who had been assigned from the Department of Justice to assist the Commission. A staff member was suggesting that a provision be stated in colloquial language – I believe it was to the effect of requiring a person to "hand over" evidence to a police officer – and I recall both the legislative counsel and myself having a simultaneous response of indrawn breath and the start of: "But ….." (It seems I had the heart of a legislative counsel even in those days.)

The desire for providing law in plain language must never give way to writing only for the current generation and its expressions. It must hold to a linguistic continuity for reasons of comprehension as well as reasons of juridical integrity. That said, I do not resile from my belief in plain language – we *can* write the law clearly to be understood across generations.

An invitation for future exploration

Having had this recent experience of browsing through a limited number of statute books, I offer a few thoughts for what might be done for the benefit of future explorers into the history of the statute book:

- First, I suggest that legislative drafting offices that have not done so already start building their databases of legislative history – tracking each Act from birth to death, through renamings and revisions.
- As the statute book lengthens and ages, tracking the full status and implications of the law becomes increasingly challenging. I suggest that non-textual amendments be avoided if at all possible. That is, provisions which add to, modify, override or provide exceptions to an existing Act should be made by amendment to the Act or, at the least, indicated by a pointer added to that Act.
- Finally, I highly commend a naming convention for Acts that allows one to immediately identify whether it is a principal Act or an amending Act. British Columbia had such a convention from the very start and, in conducting the research for this presentation, I found myself blessing our first legislative counsel for their wisdom in this. The Australian data was much more challenging, with many if not most amending Acts giving no indication of this in their short titles.

To close, I express the hope that this approach to the history of legislation has at least been interesting for you. I am also hoping that it has you wondering just what information a similar analysis for your jurisdiction might have and what more might be gleaned from such data.

I look forward to a future time when we will see and hear reflections from other jurisdictions on their travels through space and time in the statute book.

May we keep it well.

Endnotes

[1] Francis Bennion, 9 September 2002 notes to *The Times* Register (Lives Remembered), www.francisbennion.com, Doc. No. 2003.017-LR006 Site Map Ref. 2.3.3.4. & 8.2, in which he praises Godfrey Carter of the UK Office of Parliamentary Counsel:

> In my copious writings on the subject I refer to legislative counsel as the keepers of the statute book. Carter rightly held that in their drafting work they must accept and act on the responsibility of ensuring that the statute book is kept in the best possible condition juridically as well as verbally.

[2] Colin Wilson, "Managing Increasing Government Expectations With Respect To Legislation While Maintaining Quality", *The Loophole*, January 2009, p. 23.

[3] While fee-for-service publishers have been providing these searchable databases for some time, we are not seeing this on free-to-the-public websites. For example, the Canadian Legal Information Institute "Noteup" feature within its legislation database allows searches for court cases that have considered specific statutory provisions.

[4] British Columbia "space" data came from the printed volumes of the *Revised Statutes of British Columbia* and historical tables associated with the printed annual statute books. The "time" data came from the historical database of Acts maintained by our Registrar of Regulations. The Registrar, Gail Nash, has been with the British Columbia Office of Legislative Counsel for over 30 years, has annotated our statutes for amendments through that time and, with the advent of computers in the office, early on identified the usefulness of a database for our legislation.

Canadian "space" data came from the printed volumes of the Revised Statutes of Canada and historical tables from the printed annual statute books.

For Australian "time" data, I relied on the Australia's www.ComLaw.gov.au (ComLaw) website maintained by the Australian Government Attorney-General's Department, and particularly on its Chronological Table of Acts. This Table lists all Acts by year. As the table states, "Short titles of Acts that were repealed, inoperative or had lapsed are printed in italics." For Acts passed in 1973 or later, I was able to check the Table against ComLaw's full text of Acts by year of enactment. For earlier legislation, I relied on the italics. It appears from the Chronological Table of Acts that Australia has been far more active than British Columbia in changing the names of Acts by amendment, where in British Columbia this is generally a matter for statute revision. I am most grateful that the Table provided this backward naming information.

[5] J. Erasmus, Statute Revision in British Columbia – Recent developments from a jurisdiction with a long history of statute revision. The Loophole, October 2007, pp. 50-65.

[6] The powers for conducting a revision of Canadian statutes are found in section 6 of the *Statute Revision Act*, R.S.C. 1985, c. S-20, including, for example, section 6 (e), which provides authority to "make such alterations in the language of the statutes as may be required to preserve a uniform mode of expression, without changing the substance of any enactment." The powers for conducting a revision of British Columbia statutes is found in section 2 of the *Statute Revision Act*, R.S.B.C 1996, c. 440, which includes authority to "alter language and punctuation to achieve a clear, consistent and gender neutral style".

[7] Twelve Acts of Canada, varying in 1952 length from 1.2 pages to 15.2 pages, provided adjustment factors that:

1 page RSC 1970 = 0.88 page RSC 1952,
1 page RSC 1970 = 1.05 page RSC 1985.

[8] For the 1996 to 1979 adjustment, 13 British Columbia Acts, varying in 1979 length from 3.8 pages to 44 pages, provided the adjustment factor that:
1 page (RSBC 1996) = 0.82 page (RSBC 1979).

For the 1960 to 1979 and the 1948 to 1979 adjustments, 15 British Columbia Acts, varying in 1979 length from 1 to 46 pages, provided the adjustment factors that:
1 page (RSBC 1960) = 0.87 page (RSBC 1979)
1 page (RSBC 1948) = 0.79 page (RSBC 1979)

For the 1936 to 1979 adjustment, 8 British Columbia Acts, varying in 1979 length from 1 to 46 pages, provided the adjustment factor that:
1 page (RSBC 1936) = 0.75 page (RSBC 1979)

The 1936 factor was applied to the earlier statute revisions as having similar format.

The following is the resulting data for British Columbia statute revisions:

Revised Statutes of British Columbia: page length adjusted to 1979

Year	Actual Pages	Adjustment Factor	Adjusted Pages
1877	815	0.75	614
1888	989	0.75	745
1897	2213	0.75	1667
1911	3197	0.75	2408
1924	4106	0.75	3093
1936	4635	0.75	3491
1948	5391	0.79	4261
1960	5193	0.87	4515
1979	4800		4800
1996	10000	0.82	8200

[9] The calculation for growth in the Canadian statute book between 1886 and 1985 comes more precisely to the 1985 statute book being 5.4 times the size of its ancestor

13788 ÷ 2550 = 5.4.

[10] The percentage increases as shown in Figure 2:

Revised Statutes of Canada: percentage change over time

Year	Adjusted Pages	% increase from previous revision
1886	2550	-
1906	3338	30.9
1927	4884	46.3
1952	6797	39.2
1970	9497	39.7
1985	13788	45.2

[11] The calculation for growth in the British Columbia statute book between 1897 and 1996 comes more precisely to the 1996 statute book being 3.7 times the size of its ancestor:

8200 ÷ 1667 = 4.9.

[12] The percentage increases as shown in Figure 4:

Revised Statutes of British Columbia: percentage change over time

Year	Pages (adjusted)	% increase from previous revision
1877	815	-
1888	989	21.3
1897	2213	123.8
1911	3197	44.5
1924	4106	28.4
1936	4635	12.9
1948	5391	22.3
1960	5193	6.0
1979	4800	6.3
1996	8200	70.8

[13] The official recognition of electronic consolidations has been given in a number of Canadian jurisdictions.

The Province of New Brunswick, Canada, has had official status for its electronic statutes since 2005, with a new *Queen's Printer Act*, S.N.B. 2005, c. Q-3.5, establishing that "publish means to make public by or through any media" and supporting amendments to the *Evidence Act,* R.S.N.B. 1973, c. E-11, section 62, allowing prima facie evidence of a statute to be given in court by production of "what purports to be a copy of [the statute], purporting to be published or printed by or by the authority of … the Queen's Printer for … the province."

The Province of Ontario gave official recognition of copies of statutes downloaded from its e-Laws website (<http://www.e-laws.gov.on.ca/>) on November 30, 2008 under Ontario Regulation 413/08 as authorized by section 41 (1) (b) of the *Legislation Act, 2006*, S.O. 2006, c. 21, Sch. F.

And, most recently, official recognition of federal legislation in Canada was given by section 31 of the *Legislation Revision and Consolidation Act*, RSC 1985, c. S-20, which came into force on June 1, 2009.

[14] Current information on this initiative can be found on the British Columbia Government website at: http://www.regulatoryreform.gov.bc.ca/.

[15] For Australia, the years without surviving legislation are:

1906	1912	1925	1931	1943	1950	1962
	1916		1934			
	1917		1935			
			1937			
			1938			
			1939			

[16] For British Columbia, the years without surviving legislation are:

1872	1881	1896	1900	1912	1926	1931	1941	1952	1960
1875	1882		1900	1914	1928	1932	1942		1961
1878	1883		1903	1915		1935	1943		1963
	1884		1906	1916		1938	1944		
	1885		1907						
	1887		1908						
			1909						

[17] Indeed, I have been able to write about the use of revision to accomplish plain language changes that would otherwise have required statutory amendment:

J. Erasmus, "Cleaning up our Acts: British Columbia Statute Revision" provides an opportunity to make some plain language changes, *Clarity*, December 1996.

J. Erasmus, "The B.C. statute revision experience: tax law rewrite on a shoestring", *The Loophole*, June 1999.

[18] See Colin Wilson's paper cited above in Endnote 2, and Bilika H. Simamba, "Managing Increasing Government Expectations With Respect To Legislation While Maintaining Quality: An Assessment Of Developing Jurisdictions", *The Loophole*, January 2009.