

## 4.4 Intrinsic and extrinsic aids

### 4.4a Intrinsic aids

Intrinsic aids are matters within an Act itself which may help make the meaning clearer. The court may consider the long title, the short title and any preamble. Other useful internal aids may include headings before a group of sections and any schedules attached to the Act. There are also often marginal notes explaining different sections; however, these are not generally regarded as giving Parliament's intention as they will have been inserted after parliamentary debates and are only helpful comments put in by the printer.

Some Acts include sections in which words are expressly defined. For example, the 1963 Animal Boarding Act section 5(2) states: 'In this Act animal means any dog or cat.' The Interpretation Act 1978 section 6 also states that unless the contrary intention appears, words importing the masculine gender also include the feminine and words importing the feminine gender also include the masculine. In addition, words in the singular also include the plural and words in the plural include the singular.

### 4.4b Extrinsic aids

Extrinsic aids are matters which may help put an Act into context. Sources include previous Acts of Parliament on the same topic, earlier case law, dictionaries of the time, and the historical setting. In addition, Hansard can now be considered. Hansard is the official report of what was said in Parliament when the Act was debated. The use of Hansard was permitted following the decision in *Pepper (Inspector of Taxes) v Hart* (1993) where the House of Lords accepted that Hansard could be used in a limited way. It permits Hansard to be used where the legislation is ambiguous or obscure or leads to an absurdity, and the material relied on comprises one or more statements by a Minister or other promoter of the Bill and such other parliamentary material as is necessary to understand the statements, and the effect and the statements that were relied on have to be clear.

Extrinsic aids also include international conventions, regulations or directives which have been implemented by English legislation. It is thought that English law should be interpreted in such a way as to be consistent with international law. Section 3 of the Human Rights Act 1998 expressly states that as far as it is possible to do so, an Act must be read and given effect in a way which is compatible with the rights in the European Convention on Human Rights. This only applies to any case where there is an issue of human rights.