

## Using *Halsbury's Laws of England* (online and print versions)

*Halsbury's Laws* is one of the most valuable starting points for any legal research, particularly if you are researching a topic about which you have little or no existing knowledge. It is widely used as the starting point for legal research in practice because it is regarded as authoritative by the courts. It is invaluable for students too if you are preparing for a moot or working in a simulated (or clinical) practice setting, but may be more generally useful as an underpinning or alternative to textbook sources.

The fourth edition of *Halsbury's Laws* was completed in 1986, and publication of the fifth edition, which commenced in 2008, is still in progress. The fifth edition includes not just updates, but a number of new subject volumes that were not part of the fourth. This has been done to incorporate several newer fields of law like Financial Services, and Sports Law. During this updating process, the set will necessarily comprise both fourth and fifth edition volumes. There are substantial changes to the volume numbering in the process, and some attempt has been made to reduce the number of volumes split into parts. Thus, for example, 'Criminal Law', which comprised vols. 11(1) and 11(2) in the fourth edition, now appears as vols. 25 and 26. Where additional volumes have been added they are indicated by a letter, thus the title Civil Procedure now comprises vols. 11, 12 and 12A.

The text is available in hard-copy format and online as part of the LexisLibrary service (the latter is discussed in Chapter 2 of *Learning Legal Rules*). The contents of the paper and online versions are identical: the (paper) volume titles are replicated in the 'Topic' structure of the online version, but electronic 'search' and 'browse' functionality, together with the use of live links (the online consolidated index is also fully searchable) obviously makes the electronic version for the most part much easier to use.

### The online version

*Halsbury's Laws* can be found under the 'commentary' tab on LexisLibrary. You should also be able to pick it up as a source from the 'Quick Find' page – either by clicking on the link to *Halsbury's Laws of England* (if it appears) in your 'My Favourites' list, or by typing a keyword or keywords relevant to your research into the 'commentary' search box. Provided *Halsbury's* is within your subscription, it will be one of the sources identified.

If you go to the commentary tab, you can either search, by keyword, across the entire set or browse by specific volumes. The browse function is useful if you have a sufficiently good idea of the topic area, or the specific aspect of the concept you are interested in. Thus, for example, if you want to research the issue of "accessory liability" in criminal law, because you've heard that there is an important recent case, but you know you are not interested in accessory liability as it arises in tort nor as part of what is called 'dishonest assistance' in breach of trust, you can use the browse function to limit the search area to a particular volume or volumes, thus:

The screenshot shows the LexisLibrary search interface. At the top, there are navigation options: 'Commentary', 'Search', and 'Browse'. Below this is a 'Quick Find' search box containing the text 'accessory liability' and a 'Find' button. To the right of the search box, there is a note: 'NOTE: To search multiple sources, select a source checkbox, enter terms in "Quick Find", select "Tagged...". For enhanced searching, return to the search form.' Below the search box, there is a list of search results with checkboxes. The first checkbox is checked, and the text 'Search on selected items only' is visible. The list includes: 'COURTS AND TRIBUNALS (VOLUME 24 (2010))', 'CREMATION AND BURIAL (VOLUME 24 (2010))', 'CRIMINAL LAW (VOLUME 25 (2016), PARAS 1-418; VOLUME 26 (2016), PARAS 419-860)', 'CRIMINAL PROCEDURE (VOLUME 27 (2015), PARAS 1-434; VOLUME 28 (2015), PARAS 435-957)', 'CROWN AND CROWN PROCEEDINGS (VOLUME 29 (2014))', 'CUSTOM AND USAGE (VOLUME 32 (2012))', 'CUSTOMS AND EXCISE (VOLUME 30 (2012), PARAS 1-606; VOLUME 31 (2012), PARAS 607-1256)', 'DAMAGES (VOLUME 29 (2014))', 'DEEDS AND OTHER INSTRUMENTS (VOLUME 32 (2012))', and 'DEFAMATION (VOLUME 32 (2012))'. There are two blue callout boxes with arrows pointing to the interface. The first callout box, on the right, contains the text '1. Enter your keyword(s) and tick the checkbox to search specified volumes' and points to the search box and the checked checkbox. The second callout box, on the left, contains the text '2. Scroll and check only the volume(s) you want to search' and points to the list of search results.

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Some care should be taken in using the browse function, as you may narrow your search to much or too quickly.

Whether you browse or search, results are displayed in a list, each item starting with the paragraph number and heading relevant to your keyword. This header is a live link; if you click on it, it will take you to the specific textual source, thus, in our example, to para. 54 in vol. 25, Criminal Law:

The screenshot shows the LexisNexis search interface. At the top, there are tabs for 'Search', 'Explore by Topic', 'Practice Areas', and 'Source Directory'. Below these, there are navigation options like 'Previous', 'Next', and 'Table of Contents'. The main content area displays a search result for '54. Secondary parties; the mental element: principles reconsidered.' The result text states: 'The Supreme Court and Privy Council have recently fundamentally restated the principles that are applicable when considering the liability of secondary parties and the mental element that is required<sup>1</sup>. In doing so, they confirmed that 'parasitic accessory liability' is no longer a feature of English criminal law<sup>2</sup>.' Below the text, there are two numbered references: 1. *R v Jogee* [2016] UKSC 8, [2016] All ER (D) 167 (Feb); *Ruddock v R* [2016] UKPC 7, [2016] All ER (D) 168 (Feb). As to the principles that now apply as regards the mental element see PARA 55. As to the actus reus see PARA 53. 2. The decision in *Chan Wing-Siu v R* [1985] AC 168, 80 Cr App Rep 117, PC, has been overturned by the decision in *R v Jogee* [2016] UKSC 8, [2016] All ER (D) 167 (Feb); *Ruddock v R* [2016] UKPC 7, [2016] All ER (D) 168 (Feb). On the right side, there is a 'View whole of' section with links for '(5) PARTICIPATION IN ...', '(1) Complicity in Crime', and '54. Secondary parties...'. At the bottom, there is a search summary showing 'Search Terms: [accessory liability] (1)', 'Search Details: You searched for: (accessory liability)', 'Source: [Halsbury's Laws of England]', 'Sort: Source & Location', and 'Date/Time: Sunday, April, 3, 2016, 21:47 EST'. The footer includes 'LexisNexis', 'About LexisNexis', 'Terms & Conditions', 'Privacy Information', 'My ID', 'Copyright © 2016 LexisNexis. All rights reserved.', and 'RELX Group™'.

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Volume 25 is (at the time of writing) a very recent re-issue, having been published only in 2016. Consequently, the case we are looking for, *R v Jogee*, is incorporated in the text, at note 1. Later amendments will be shown as 'updates'. Unlike the paper volumes, relevant updating notes are embedded in each paragraph, so there's no need to search separately for updating material. Updates are uploaded every week.

### The paper version

If you are using Halsbury's in paper format, you need to consider (i) what is your best way in, or 'access point' to the series (remember you are dealing with a 102 volume set here) and (ii) how to update your search effectively.

There are five main access points:

- the **Consolidated Index**
- the **Consolidated Table of Cases**
- the **Consolidated Table of Statutes**
- the **index** at the end of each volume
- the **table of contents** at the front of each title

The distinction between searching and browsing is also useful here. If you want to conduct a broad, general search for a specific concept, like 'accessory liability' or 'automatism', then you could start with the Consolidated Index. Like any index, it operates by identifying and referencing *keywords*, so the first step has to be to think of the kind of terms that the index might use to identify the concept or problem you are

interested in. Once you hit on the right keyword (sometimes these are obvious, but often this involves a process of elimination), the index will give you a set of references to a main volume, or volumes, within the series. New index volumes are published regularly to accommodate the re-issue of substantive volumes, so it is important that you use the most recent index volumes available.

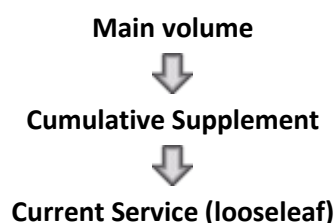
The index will list the contexts in which your concept (e.g., ‘automatism’) is discussed in the main volumes, followed by the volume number—shown in **bold text** in the index, and the paragraph—not page—number at which the entry appears. Thus entries on automatism appear as

Defences generally	<b>25</b> , 23
Involuntary conduct	<b>25</b> , 35

... and so on.

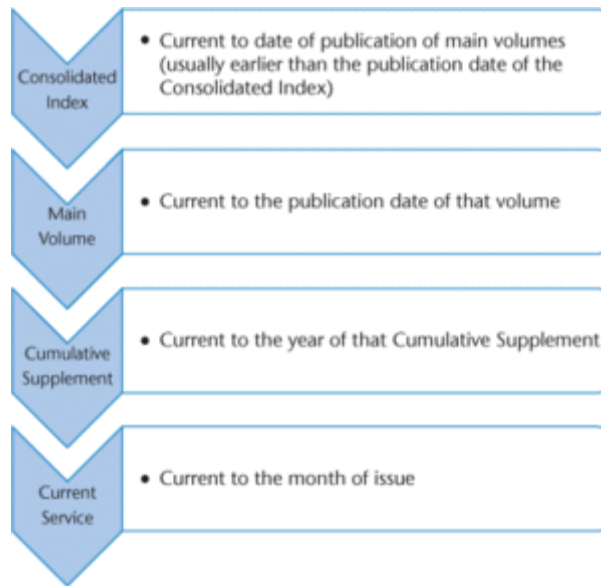
Larger topics, like ‘*mens rea*’, or ‘solicitor’, may be sizeable and self-contained enough to browse for using the relevant volume index, or table of contents. Where you have the name of a specific case or statute, then obviously those indexes are the better starting point.

For the purposes of updating your search, you need to use three parts of the series, in sequence.



Your starting point is the **main volume**, which provides the basic statement of the law as at the date of publication of that volume. From there, you go to the **Cumulative Supplement**. Supplements are published annually and contain all updates to the main volume, up to their own date of publication. It is therefore *only* necessary to use the latest Supplement. Updates are organised according to the volume and paragraph number given in the main volumes – that is why you want to start with the main volume. Thus, any updates relevant to automatism as a general defence would be listed under vol. 25, para. 23 in the Supplement as well. You may want to try this for yourself with one of the other references to ‘automatism’ in the latest Supplement. Finally, the **Current Service** provides an update on everything that has happened since the publication of the last Supplement, in the form of ‘Monthly Reviews’ and a ‘Noter-Up’ section. The Current Service is searched by using the *Key* which appears at the front of that volume. This is another index. Again, we must look up the volume and paragraph number—say the reference to automatism as a defence (Volume 25, 23). If it appears, there will be separate references given for the relevant Monthly Review and/or the Noter-Up pages at which updates can be found.

Finally, one crucial thing about the paper version that will now be apparent: that is, the extent to which different parts of the series will be out of date at any given time. It is crucial to check publication dates for each element in order to know what further updating you need to do. The following graphic provides a straightforward summary to help you:



Happy hunting!