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:

1. Enter your keyword(s) and tick the checkbox to search specified volumes
2. Scroll and check only the volume(s) you want to search
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:

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 25, 23
- Involuntary conduct 25, 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.

1. **Main volume**
2. **Cumulative Supplement**
3. **Current Service (looseleaf)**

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!