

Access to Legal Information Through Public Libraries in England and Wales

Abstract: England and Wales have no public law libraries, so how does the general public find legal information? This article, written by **Abi Reader**, Assistant Librarian at Certara Predictive Technologies, provides a starting point in understanding the availability of publicly available legal information. It explores the intersection of two austerity measures, cuts to legal aid and public library spending, through searching public library catalogues for primary sources of law. Public libraries provide computers and internet access to search free online legal information sites but overall provide limited access to print law reports. This article is based on research presented at the 54th Annual BIALL Conference.

Keywords: public libraries; access to justice; legal information

INTRODUCTION

The UK has no dedicated public law libraries, all the specialist law libraries (apart from the Bodleian Law Library) are only available to legal professionals and students. Because of this there is no obvious physical place for non-lawyers to go to conduct independent research to help with a legal need. That legal need could be to do with a case someone is involved in but cannot afford legal representation or qualify for legal aid, or related to something more everyday, such as understanding tenants' or workers' rights.

The aim of this research was to determine what legal information resources are available to non-lawyers through public libraries, forming a starting point in understanding how non-lawyers access legal information. The focus here is on England and Wales, due to time constraints, and it will focus on just one jurisdiction. The research was conducted in June and July 2023 and this article is an abridged version of my MA Librarianship dissertation.¹

POLITICAL BACKGROUND

Since the introduction of the coalition government's austerity measures in 2010, the government made significant cuts to both public libraries and legal aid spending. Public library expenditure went from £1.283bn in 2008/2009 to £725m in 2019/2020, a decrease of 43.5% (in 2019/20 real values).² Between 2010 and 2019, 773 public libraries closed³ and public libraries are increasingly being run by volunteers, with an estimate of at least 621 volunteer run libraries in April 2024.⁴ The Legal Aid, Sentencing and Punishment for Offenders Act 2012 (LASPO) reduced funding towards legal aid, so fewer people were

eligible for monetary help towards legal advice and since it came into force in April 2013 there has been a 59% reduction in organisations offering legal aid services.⁵

In private legal cases in the family courts held in January to March 2013 (just before LASPO came into force), 41% of cases had both parties with legal representation and 13% had neither party with legal representation. Compared to this, in July to September 2023, 18% had both parties with representation and 40% had neither party with representation.⁶ Whilst these statistics are only for private family law cases, they demonstrate a rise in litigants in person that occurred after the introduction of LASPO.

This research seeks to explore the intersection of these two austerity measures by examining the availability of legal information through public libraries, which is likely to become increasingly relevant due to the increasing number of people going to court without legal representation.

ACCESS AND THE INTERNET

Websites such as BAILII, Legislation.gov.uk, and Caselaw.nationalarchives.gov.uk allow anyone with internet access to read case law and legislation, but people need to have the digital literacy skills to search these databases to access this information. Mattioli (2019) argues that having access to print materials can improve access to justice, since print can be a more accessible format for people to access legal information.⁷

Mitee (2019) defines public access as "free online access on official legal information websites and free physical access in government-owned or public

libraries”.⁸ This definition of public access has been used throughout this research because it highlights the necessity of both print and digital resources.

ACCESS TO INFORMATION AS A HUMAN RIGHT

A noticeable portion of the literature relating to access to legal information debates whether it is a human right, often building on the UN’s Universal Declaration of Human Rights and the European Convention on Human Rights to include access to legal information within the existing framework.⁹⁻¹⁰⁻¹¹ Mitee (2019) goes beyond this and proposes a “UN Convention on the Right of Public Access to Legal Information”, arguing that public access to legal information should be formally recognised as a universal human right.¹² Whilst access to legal information is not explicitly and universally considered a human right, the argument that Mitee presents has been influential in this research because it highlights the importance of people being able to know the laws of the country they live in and that they are required to follow.

RESEARCH GAP

Much of the literature relating to access to legal information is general and theoretical, using concepts that can be applied to multiple countries and jurisdictions. Except for Mansfield (1999)¹³ that looks at three public libraries in and around Glasgow, there is little research about what is actually available through public libraries in the UK. This research aims to decrease this research gap through providing an overview of the sources of legal information available through public libraries in England and Wales.

METHODOLOGY

Public library catalogues were searched to find Public General Acts and the three most authoritative law reports: *The Law Reports*, *All England Law Reports* and the *Weekly Law Reports*. Library websites were searched for any additional information, such as that which was about events related to legal information, where to find legal information resources, and any costs involved in accessing legal information through the library.

The sampling included two Welsh and 18 English public library services, two from each region in England, two London boroughs, and one from both South and North Wales.

RESULTS

The Law Reports and Weekly Law Reports

None of the public libraries included in the sampling had any copies of *The Law Reports* or the *Weekly Law Reports*. Despite not having copies of the reports, Sheffield has the

1951–1970 combined index for *The Law Reports* and *Weekly Law Reports*. Birmingham has a listing for a subscription to *The Law Reports* on its catalogue, but the catalogue record has no mention of which volumes they have. Whilst it wasn’t included in the sampling, Bristol has copies of both *The Law Reports* and the *Weekly Law Reports*, this was found because Bristol shares a catalogue with Dorset.

All England Law Reports

Only 10 of the 20 public library services had one or more volumes of the *All England Law Reports* and only four libraries (Birmingham, Cornwall, Manchester City and Swansea) are still acquiring new copies. See [Figure 1](#) for the full breakdown of each library service’s holdings.

Some libraries had a seemingly bizarre selection of volumes. Cumberland has four mostly non-consecutive years and Aura Wales only has Volume 3 from 1975. Maybe this was a donation, or a specific request, or has an important case for the area?

Only one library (Inspire Nottingham) has acquired volumes released since the austerity measures, but it only has a few months’ worth. Compared to this, Hertfordshire and Sheffield, (two of the six libraries with more than five years’ worth) have stopped purchasing since the austerity measures. Sheffield stopped acquiring new copies in 2014, the year the council made significant cuts to library funding which led to 15 libraries being fully run by volunteers,¹⁴ suggesting that allocating budget towards continuing this subscription could not be justified with the budget cuts.

Six public library services had at least one year’s worth of the *Tables and Index* (Birmingham, Cornwall, Sheffield, Cygnor Abertawe, Cumberland, and Buckinghamshire), which would help patrons in finding law reports. Buckinghamshire was the only library service to hold *Tables and Indexes* but no copies of the reports. After emailing the library, I found that they used to have copies but had removed them from the collection. Five library services had copies of the reports but had no access to the accompanying *Tables and Index*, which would likely make the reports harder to navigate. According to their catalogue, the only library service to have all the *Tables and Indexes* for every year that they had for the *All England Law Reports* is Cornwall Council Libraries.

With public libraries having limited budgets and only having copies of the *All England Law Reports*, one would assume they would be the cheapest reports of the three, but through Wildy they are the most expensive to purchase via a subscription.¹⁵⁻¹⁶⁻¹⁷ Maybe this wasn’t always the case, and they used to be cheaper, and libraries have chosen to continue purchasing them, or they are offered to public libraries at reduced prices.

LEGISLATION

Eighteen of the 20 public library services have at least one print *Public General Act*, with only Northumberland

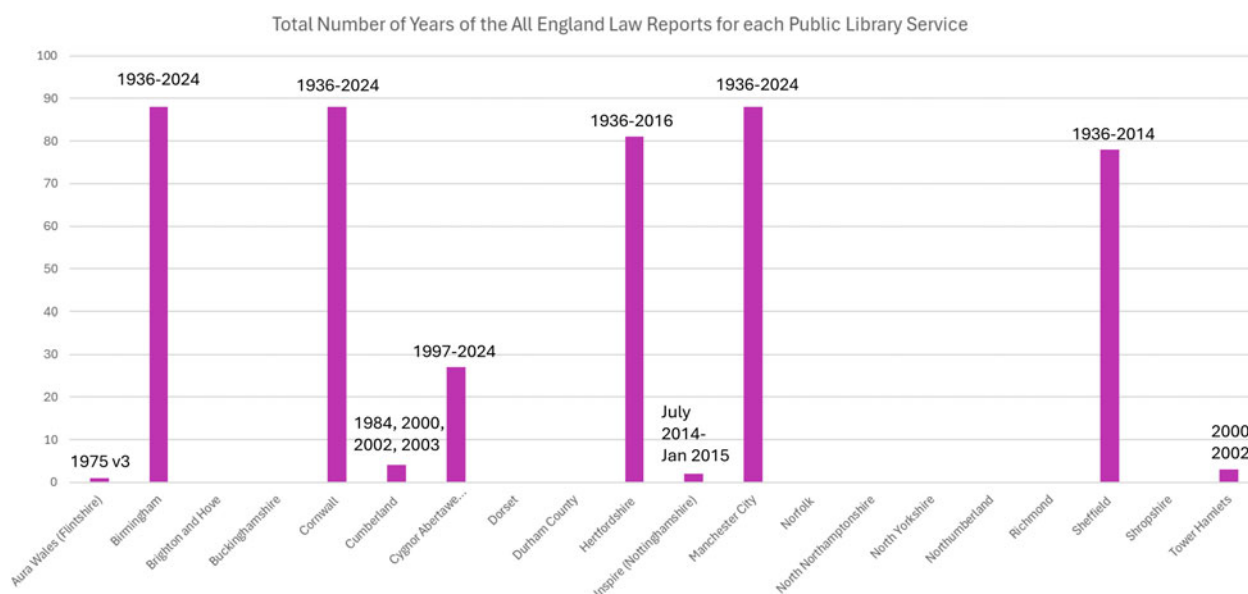


Figure 1: shows the total number of years of the All England Law Reports that each public library service has on its catalogue. This only includes the main run of reports from 1936; Birmingham, Cornwall, Hertfordshire and Sheffield have the reprints back to 1558

and Shropshire having none (both library services also had no law reports). The number of Acts varied widely between libraries, with Inspira (Nottingham) having all volumes since 1890 and Tower Hamlets having all volumes since 1967. But Buckinghamshire only has the Crime and Police Justice Act 2001 and the Sex Discrimination Act 1975 (which is no longer in force).

The acts were catalogued differently across the libraries, some catalogued full annual volumes, some catalogued individual acts, and others had a combination of the two, which makes searching for legislation and quantifying the number of resources available harder. Birmingham has the full volumes of *Public General Acts* from 2013 to 2021 and all the separate acts from 2013 onwards, both with different call numbers which could make finding legislation easier for users. The Library of Birmingham opened in 2013,¹⁸ so it suggests that with additional funding it was able to start purchasing print legislation.

Many libraries had a selection of Local Acts, for example, Sheffield has the Sheffield Corporation Tramways Order Confirmation Act 1935, though of relevance to legal research, local acts are likely part of the collection for their historical importance to the community and council.

ADDITIONAL RESOURCES AND EVENTS

All the public libraries provide free access to computers and the internet for members, which enables users to search free sites like legislation.gov.uk, BAILII and Caselaw.nationalarchives.gov.uk, but this access is limited to patrons with the digital literacy skills to search these databases and the knowledge that the information they

are looking for is online. Research on the extent of training public library staff receive about helping patrons navigate searching for legal information is needed.

Cornwall Council Libraries website has a page dedicated to free legal information sources.¹⁹ Whilst it provides little detail about the resources, having these links on a public library website provides a starting point for users wanting to conduct independent legal research. This webpage does not include caselaw.nationalarchives.gov.uk and should be updated to include this. Unfortunately, no other public library service had a similar webpage.

The British Library had a webpage of the legal information resources available on site as well as links to free websites with a summary of each one (but post-hack this is currently unavailable).²⁰ The page suggests some law libraries (the Law Society, the Inns of Court and IALS) but none of these are accessible to the general public for free. The page suggests contacting university libraries to see if they could provide access but mentions no public libraries.

At the time of research, none of the public libraries were offering events related to law, apart from the five library services with a Business and Intellectual Property Centre (BIPC), which offer events related to running a business and intellectual property. These are valuable resources for local business but are limited in their ability to improve access to law. In the first three years after the Sheffield BIPC opened, it helped generate £2.8m Gross Value Added for the city.²¹ This financial benefit for the city can be used as a justification for the funding of the BIPC, but it is likely that a similar legal advice and information centre would not bring in a similar financial benefit.

CONCLUSION

Based on the libraries in this study, unless you live in Birmingham, Cornwall, Swansea or Manchester, you have no access to any current law reports through your local public library service. This limitation is most likely only going to get worse with increasing budget restrictions. This means that non-lawyers in most of England and Wales are reliant on free information online, legal deposit, and university libraries (depending on their access for non-students and staff). This could mean major limitations on the general public's knowledge of the law and on those representing themselves in court.

Since most legislation is freely available on legislation.gov.uk, access to print legislation through public libraries could be seen as a lesser concern than access to print law reports, but print can be an easier format for some people to navigate. Print legislation and law reports do have the disadvantage of taking up a large amount of shelf space, but access is not reliant on digital systems working correctly, or continuing to purchase expensive subscriptions.

If we are required to follow the laws of the jurisdiction, then we should have full, free access to all current

laws, including case law, in both print and digital formats to enable access to as many people as possible, and it should be up to the government to adequately fund this. But just providing free access to legal information is not enough, we need to be able to read and understand the information, but without access we are not even able to try to do so.

If access to legal information is to be considered a human right, then the UK government is failing to uphold the human rights of its population because of the inadequate access to legal information. In a jurisdiction where the government has reduced the amount of legal aid available, it is irresponsible that there is such poor access to free legal information through public libraries. The combination of austerity measures that has led to a reduction in legal aid and funding for public libraries is likely to have a serious impact on those who need their services the most.

Free access to legal information should not be a replacement for legal aid, the government should be adequately funding both as part of a justice system that works for all, not just for those wealthy enough to afford legal representation.

Endnotes

- ¹ Reader, Abigail. (2023) Access to Legal Information for Non-Legal Professionals Through Public and Legal Deposit Libraries in England and Wales. *University of Sheffield*. Unpublished dissertation.
- ² Woodhouse, John; Zayed Yago. (2021) 'Public Libraries Briefing Paper No. 5875' *House of Commons Library* <<https://researchbriefings.files.parliament.uk/documents/SN05875/SN05875.pdf>> Accessed 24 July 2024
- ³ Flood, Alison. (2019) 'Britain has closed almost 800 libraries since 2010, figures show' (2019) *The Guardian* <www.theguardian.com/books/2019/dec/06/britain-has-closed-almost-800-libraries-since-2010-figures-show> Accessed 24 July 2024
- ⁴ Public Libraries News. (2024) 'List of UK volunteer Libraries' <www.publiclibrariesnews.com/about-public-libraries-news/list-of-uk-volunteer-run-libraries> Accessed 24 July 2024
- ⁵ The Law Society. (2024) 'LASPO Act' <www.lawsociety.org.uk/topics/legal-aid/laspo-act> Accessed 24 July
- ⁶ Ministry of Justice. (2023) 'Family Court Statistics Quarterly: July to September 2023' <www.gov.uk/government/statistics/family-court-statistics-quarterly-july-to-september-2023> Accessed 24 July 2024
- ⁷ Mattioli, Kimberly. (2018) 'Access to print, access to justice' *Law Library Journal* 11(1), 31–57
- ⁸ Mitee, Leesi Ebenezer. (2019) 'The Right of Public Access to Legal Information: A Proposal for its Universal Recognition as a Human Right' *German Law Journal* 18(6), 1429–1496 <www.cambridge.org/core/journals/german-law-journal/article/right-of-public-access-to-legal-information-a-proposal-for-its-universal-recognition-as-a-human-right/4E7A950C26E52443A93D147BACDA4D07> Accessed 24 July 2024
- ⁹ Milbrandt J; Reinhardt M. (2012) 'Access denied, does inaccessible law violate human rights?' *Regent Journal of International Law* 9(1), 1–29 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2132672>
- ¹⁰ Perritt Jr, HH; Lhulier, CJ. (1997) 'Information access rights based on international human rights law' *Buffalo Law Review* 45(3), 899–929
- ¹¹ Tiilikka P. (2013) 'Access to information as a human right in the case law of the European Court of Human Rights' *Journal of Media Law* 5(1), 79–103
- ¹² Mitee, Leesi Ebenezer, 'The Right of Public Access to Legal Information: A Proposal for its Universal Recognition as a Human Right' (2019) 18 *German Law Journal*, 1429–1496, 1429 <www.cambridge.org/core/journals/german-law-journal/article/right-of-public-access-to-legal-information-a-proposal-for-its-universal-recognition-as-a-human-right/4E7A950C26E52443A93D147BACDA4D07> Accessed 24 July 2024
- ¹³ Mansfield, S. (1999) 'Access to legal information in public libraries' *British Library Innovation Report* 160, 240.
- ¹⁴ BBC News. (2014) 'Threatened Sheffield libraries to remain open' <www.bbc.co.uk/news/uk-england-south-yorkshire-28452286> Accessed 21 August 2023

- ¹⁵ Wildy & Sons Ltd. (2024) 'All England Law Reports: bound volumes only' <www.wildy.com/isbn/0002-5569BV/all-england-lawreports-bound-volumes-only-lexisnexis-butterworths> Accessed 8 October 2024
- ¹⁶ Wildy & Sons Ltd. (2024) 'The Law Reports (Entire Series): bound volumes only subscription – reprint' <www.wildy.com/isbn/LRADBVOR/the-law-reports-entire-series-the-law-reports-bound-volumes-only-subscription-reprint-incorporated-council-of-law-reporting> Accessed 8 October 2024
- ¹⁷ Wildy & Sons Ltd. (2024) 'The Weekly Law Reports: bound volumes only subscription – black buckram' <www.wildy.com/isbn/WLRBVOB/the-weekly-law-reports-bound-volumes-only-subscription-black-buckram-incorporated-council-of-law-reporting> Accessed 8 October 2024
- ¹⁸ BBC News. (2013) 'Library of Birmingham: official opening of £189m building' <<https://www.bbc.co.uk/news/uk-england-birmingham-23934792>> Accessed 24 July 2023
- ¹⁹ Cornwall Council. (2024) 'Government and legal online resources' <<https://www.cornwall.gov.uk/libraries-museums-and-archives/libraries/your-free-library-resources/online-reference-library/government-and-legal/>> accessed 24 Jul 2024
- ²⁰ British Library. 'Collection guides: modern law reports and legal cases' <www.bl.uk/collection-guides/modern-law-reports-and-legal-cases> Accessed 24 July 2023 (An archived version can be viewed via the Internet Archive: <https://web.archive.org/web/20230511064155/https://www.bl.uk/collection-guides/modern-law-reports-and-legal-cases>)
- ²¹ Business & IP Centre South Yorkshire. (n.d.) 'About us.' <<https://bipcsothyorkshire.co.uk/about-us/>> Accessed 10 October 2024

Biography

Abi Reader is currently the Assistant Librarian at Certara Predictive Technologies and graduated with an MA in Librarianship from the University of Sheffield in January 2024. Prior to this she was Graduate Library Trainee at the Honourable Society of Gray's Inn. This research is taken from her MA dissertation that was influenced by her experience working at Gray's Inn.