

# My lucky and controversial life in plain language

Martin Cutts, director, Plain Language Commission, England and author of the *Oxford Guide to Plain English*

## Some highlights... luck

I've been lucky because, from the late 1970s onwards, I've been able to help create today's plain-language field – a field where gentle protest and mockery, plus plenty of scholarship, have quietly improved people's lives by raising the clarity of many kinds of documents and websites.

I've also been able to make a living from the field's professional side for nearly fifty years through editing, writing and teaching.

The field has enabled me to meet inspiring people in many countries. Too many to mention, but they include Robert Eagleson, Sandra Martins, Joseph Kimble and Bryan Garner (whose scale and quality of output continue to amaze), Annetta Cheek, David Mellinkoff (who wrote the marvellous book *the Language of the Law* as long ago as 1963), John Walton (who founded the Clarity group of (mainly) lawyers who advocate for plain language), Mark Adler, Christopher Balmforth, Neil James, Rob Waller, Christine Mowat, Lynda Harris, Richard Wydick, Cheryl Stephens, David Elliott, Phil Knight, Mike Frost, Michelle Asprey, Karen Shriver, Julie Clement, Jyoti Sanyal, Barbro Ehrenberg Sundin, Patricia Wright, Sir William Dale, Emma Wagner, Cathy Waibel, Ginny Redish and Joanna Richardson.



My first encounter with pidgin, aged 3, in Trafalgar Square, perhaps sparking a lifelong interest in clarifying miscreant language. Mrs Cutts uses a hair covering technically known as 'a piece of plastic bag'.

## ... and controversy

What about controversy, then? In the 1980s I protested that UK laws – that is, the Acts of Parliament and the regulations made under them – were far too complicated for most people, including lawyers, to understand. I said they should be written far more clearly, using plain-language principles.

I met the government's chief law writer (officially, the 'first parliamentary counsel'), Henry de Waal. I suggested, as tactfully as I could, that our modern laws were often badly written and badly structured, making them unclear. Naturally enough, he disagreed. He said his office was using the clearest English it could. As I was not even a lawyer, perhaps he thought I was out of my depth (which I was). Anyway, Mr de Waal threw down a challenge. He said that if I thought I could do better than him, I should go away and rewrite one of his laws. He'd then tell me what he thought of it. It was not, perhaps, an entirely friendly challenge.

Eventually, in my own time and mainly at my own expense, I took up the challenge. As a demonstration project, I rewrote and redesigned a law passed in 1992, the Timeshare Act. I showed that by altering the structure, particularly grouping like with like; by rewriting every sentence using plain-language principles; and by using better typography, the law would be far more comprehensible and accessible to lawyers and other typical users than the real law.

My researchers tested understanding of the real law and my pretend law with law students on placement at some of the biggest law firms in London. We gave them a questionnaire to see if they could locate the facts they needed to answer questions about the meaning of the two laws. Which would they find easier to use? Which would give them the most accurate answers? I know it was not the most scientific way of testing, but it was remarkable how much better my pretend law performed. You can find the full story in my book *Lucid Law*, on free download from my website.



My TV debut, expounding the merits of plain English for the BBC's *Pebble Mill at One* in the 1970s.

Professor Michael Zander of the London School of Economics, a leading commentator on legal matters for the BBC and elsewhere, said *Lucid Law* was: *by far the most important single development in [statutory] drafting standards this [the twentieth] century* (*The Clarity Journal* 31, October 1994, p40).

Professor Zander kindly wrote a foreword to *Lucid Law*:

In the past decade the official attitude to the drafting of statutory materials in this country has been transformed. Martin Cutts says that the pressure for change has come from many people and organisations and that is so. But he has been the single most important source of that pressure. In *Lucid Law* he took on the challenge from parliamentary counsel to show concretely what could be done to make statute law more accessible. He chose as his demonstration project the Timeshare Act 1992. The proof of the pudding, in his cheekily titled Clearer Timeshare Act 1993, was there for anyone to see. And testing established that the Cutts draft was a better quality job than the official Act. Point made. The rest is history, the first tranche of which is being written in the form of the massive Tax Law Rewrite. It is a remarkable achievement.

I warmly commend this second edition of *Lucid Law*.

A few years later, for the second edition, our leading civil court judge, Sir Thomas Bingham, also wrote a foreword:

Martin Cutts believes that Acts of Parliament can be drafted in simple, readily intelligible language without loss of clarity, certainty or comprehensiveness.

The parliamentary draftsmen were sceptical. They challenged him: if he thought he could do the job better, let him try.

He accepted the challenge. He took as his example the Timeshare Act 1992.

He drafted a Clearer Timeshare Act 1993. He claims that nothing has been lost from the original except its obscurity.

Presentation of this draft has taken time – longer than the parliamentary draftsmen were able to spend on the original Act. But the challenge raises very significant issues. Is the Clearer Timeshare Act clearer? Is it ambiguous or uncertain? Does it leave out anything of importance from the original?

This invaluable report invites readers to make their own comparison and decide: who has won the challenge? If the vote goes for the Clearer Timeshare Act an important point has been made.

These actions were powerful signals that big names in the legal world wanted better-written laws as much as I did.

Around the year 2000, I was invited by Emma Wagner from the European Commission's translation service to rewrite a European Commission (EC) directive (a law) using the same principles as in my Clearer Timeshare Act. Wagner wanted this because an English or French text of a directive would often be the one from which all the equivalent directives were translated into the languages of the other Member States. So if the EC could start with a clearer directive in (say) English, all the translations would also be clearer. This would provide savings and be more efficient.

So I rewrote, restructured and redesigned an EC directive about toy safety. It introduced the idea of a Citizen's Summary to give users a basic explanation of the law's main points at the outset. I published the rewrite in *Clarifying Eurolaw* in 2001 (on free download from my website). This was widely read and translated among EC staff via their intranet. Regrettably, all the EC's British lawyers seemed to dislike it. Lawyers from other countries seemed much keener on its ideas.

Emma Wagner herself wrote:

Everyone in the European Union institutions seems to agree that EU law should be drafted clearly, simply and precisely. The question is: how? How clear, how simple, how precise? In his brave rewriting of the 1988 toy-safety directive, Martin Cutts has provided a concrete example. Following clear-drafting principles [...] he has taken the directive apart and reassembled it in a clearer and more usable form, blowing away its cobwebs and legal fog. In the process, he has found that clarity depends not only on presentation and drafting – important as they are – but on clarity of intent. This is the key problem faced by all legal drafters, and in the EU institutions also by translators, who have to produce all the different language versions of every legal instrument. Legal drafters and translators in the EU institutions are the servants of the politicians who engineer the unique international compromise that is EU law. If the decision brokers can forgo fudge, we wordsmiths can forgo fog. The rewritten toy-safety directive shows us how.

Wagner and I then rewrote an EC regulation about transparency, published in *Clarifying EC Regulations* in 2002 (on free download from my website).

I know that rewriting a law or regulation is much easier than writing it from scratch, but the whole point of these projects is to show what is possible if authors use plain-language principles.

To see whether much had changed in the drafting of recent directives, last week I had a quick look at EU directive 2024/1799 about the repair of goods.

Some of the worst features of the 1988 toy-safety directive are still present in this one – the absence of a clear title; the use of ‘shall’ where modern practice is to use ‘must’ for obligation; the use of ‘where’ instead of ‘if’; and the use of multi-word prepositions like ‘in relation to’. But it uses full stops liberally – for example within clauses in the recitals – so sentences seem shorter than in the old toy-safety directive. That may be a little bit of good news.

So those are a few of my highlights. Now I want to take you in a time machine back to 1979.

## Launching the UK’s Plain English Campaign – 1979

In July 1979 I co-founded a pressure group called the Plain English Campaign. It scorned the over-complex, legalistic and bureaucratic language of many government and local council forms and leaflets. It also attacked the legalistic language that was common in consumer contracts for such things as hire purchase, renting a property, and mortgages and credit cards.

The campaign began with a protest outside the Houses of Parliament. We put a shredding machine on a table in Parliament Square and used it to



Plain English Campaign announced itself in 1979 with this shredding of forms in Parliament Square. Police warned us off for demonstrating in the square while Parliament was sitting.

destroy hundreds of official forms and leaflets. The national press and broadcast media attended. We got a huge amount of coverage in the UK, and some coverage worldwide.

In those days, spreading a campaigning message was difficult without mass-media interest. There was no internet or email. There were no personal computers or mobile phones. There was no web or social media. People used a landline phone – if they could persuade the monopoly supplier to install it. They used typewriters or handwriting. They posted paper letters. Fax machines were still seen as new technology. Most of this technological desert remained unchanged for at least another fifteen years.

In 1979 I had little money and no job. But I did have some experience of writing for people with low literacy skills, and some experience of how to do the design and layout of paper documents. In my final year at university, I'd edited a new kind of paper for people with low literacy skills, called the *Liverpool News*. This was written in simple English using a limited lexicon.

Then, as a journalist in Salford, Manchester I'd regularly seen legalistic private tenancy agreements that people struggled to understand, as well as government and local council forms that people said were far too complicated for them.

I decided that something must be done and that I was the person to do it. I'd heard about consumer groups and legislators in the United States trying to clarify legal documents, but on this side of the Atlantic, little was happening. That's why, to bring the problem to national attention, I conceived the idea of the Plain English Campaign, and a colleague and I launched it as co-founders.

As well as shouting about the problem, we offered help to the organizations we were criticising. Local councils and government departments started coming to us for help with their terrible documents.



Mrs Thatcher, who became prime minister in 1979, was not given to small talk and actively disliked men who sported a beard or long hair. Hence, perhaps, a certain coolness at this exhibition in the 1980s. The topic was clarity in financial English – a cunning money-making wheeze if ever there was one, since nobody will fail to get sponsorship if finance is the topic.



They paid us for the advice, which supported our campaigning work. We began selling training events, which I usually presented in person. I also wrote a package of training materials, which any trainer could use for a small fee.

One person who was keen on what we were doing was Margaret Thatcher, who in May 1979 had become the UK's first female prime minister. She wanted to improve the efficiency of the civil service. She tried to make senior civil servants accountable for the burden they imposed on citizens and businesses and wanted them to reduce it, with shorter and simpler documents. The Plain English Campaign suited the spirit of the age. It was a non-party-political cause that many politicians and senior officials felt they could support.

We created an annual awards competition in which we gave trophies for good documents and booby prizes for terrible documents. There was plenty of publicity, especially for the bad documents. This all helped encourage better practice. Similar competitions are still run in Australia and New Zealand today.

## Influence and help of the UK's National Consumer Council

Our Plain English Campaign was supported by the National Consumer Council (NCC), a government-funded research body. In 1980, the popular broadcaster Tom Vernon – famous for his series *Fat Man on a Bicycle* – wrote a booklet for them called *Gobbledegook – a review of official forms and leaflets and how to improve them*.

The booklet spearheaded the NCC's evangelism for plain language. This culminated in its (unsuccessful) efforts to get a plain-language law passed in Parliament and the publication of an influential booklet called *Plain*



In 1980, I escorted a gorilla to 10 Downing Street to publicize the first edition of a newsletter about plain language.

*Language for Lawyers* (1984) by its legal officer, Richard Thomas. He said unclear legal documents were bad for consumers, bad for business, and bad for government.

The NCC paid us to write a booklet showing how standard consumer contracts issued by some of the biggest trade associations for their members to use could be rewritten and redesigned in a much more consumer-friendly style and format.

This booklet, called *Small Print* (1983), is now almost completely forgotten. But it showed that the traditional view of legal documents – that they were like sacred texts requiring special skills to interpret – was a smokescreen masking the terrible writing habits that many lawyers had picked up as they studied and qualified. Poor typography also helped make contracts and agreements hard for consumers to follow. Many of these documents were in such small print that people needed a magnifying glass to read them.

This project was one of the factors that eventually led to a successful campaign by the Consumers for Europe Group. The group persuaded the European Commission to introduce regulations that required consumer contracts in all member states to be written in ‘plain and intelligible language’ – a landmark piece of law that boosted the plain-language cause. It may also have been the first step on the long road towards the ISO standard that international plain-language bodies have worked so hard to create (ISO 24495-1:2023).

## Building my own business – Plain Language Commission

After nearly ten years, in 1989, I split from the Plain English Campaign and built my own editing and training business, running writing-skills courses all over the UK. It eventually became **Plain Language**



Mrs Thatcher and her arts lieutenant Lord Gowrie wanted to spread the ‘good writing, less waste’ message to the civil service, a body of people they thought fell short in both respects. In 1984, I wrote this little booklet so that Gowrie could drop it gently on every official’s desk.



**Commission**, an editing and training business. This enabled me to develop a good income stream that meant I didn't depend on any kind of official support or grant aid. There was still no internet and still no email. International organisations in the plain-language field were still in their infancy or had not yet been created.

## Spreading the word in India for the British Council

Knowledge of my work spread to India, which I visited four times in the 1990s to promote plain language, giving talks and training workshops throughout this vast country. I was sponsored by the British Council and was a guest of the Federation of Consumer Organisations of Tamilnadu, led by the charismatic Mr Desikhan of Madras (now Chennai). English was (and still is) one of the main languages in India especially of the government, lawyers and bureaucracy, but the style of much written English in official documents and newspapers was still heavily influenced by the language used by the former colonial administrators.

It was important for India to find its own way towards plain language, but through my workshops, lectures and media interviews I was able to spread the idea that clear writing and especially clear legal writing would benefit the whole population. It was astonishing to find sentences of more than 150 words in one of the most widely sold life-insurance policies in India. It was also instructive to work with the company that issued that policy as it sought ways to clarify and simplify the language – especially bearing in mind that its readers might not have English as their mother tongue. It was a privilege to give lectures at the National Law School of India at Bangalore, where students were enthusiastic about seeing how they could clarify the law and other legal texts in India.

Regrettably, my work in India was probably a failure. I tried to push consumer groups and trade bodies to take up the cause, but as far as I



I'm speaking at the 1981 Plain English Awards, where trophies are given and booby prizes won for the best and worst examples of business, legal and official writing. The author Tom Vernon (right), and John Ward (National Consumer Council), look on.

know there's been no lasting legacy from my visits. I was hopeful when the journalist, Jyoti Sanyal, a trainer at the Asian School of Journalism, set up a business called Clear English India in 2006 and wrote a splendid book called *Indlish – The Book for Every English-Speaking Indian* (Viva Books), but regrettably Jyoti died soon afterwards. I haven't heard news of further progress since then.

## Offering the Clear English Standard for use on good documents

At Plain Language Commission, I set up the **Clear English Standard** scheme, which enabled organizations to badge their documents and websites with our logo, the Clear English Standard, showing that a document or website had met the clarity criteria we'd set. This was, and still is, a paid-for scheme, with the fee including all the editing work we do. It's been one of the main reasons I've been able to make a decent living in the plain-language field.

Had I offered only editing services rather than the possibility of organizations being able to publish their documents with our logo, I wouldn't have been able to stand out from all the other people offering editing services. Also, because organizations wanted to use our logo, they had an incentive to accept my editing suggestions. My goal was always to get at least 95% of my suggestions accepted.

Around 16,000 documents have displayed the Clear English Standard. Today, several leading organizations' websites are badged with the Clear English Standard too. We make quarterly spot-checks on the websites to ensure they maintain the criteria we've set. Among them are some of the most trusted names in the UK, such as the Financial Conduct Authority, the Bank of England, and moneyhelper.com, which is our Government's main source of advice to the public on financial services.



The consumer champion, Esther Rantzen, seems to be having trouble cutting the tape on this 1980s' House of Commons exhibition about plain language. Doubtless the guilty scissors were marked 'return to sender' with a sharp letter of complaint.

## Writing the Oxford Guide to Plain English

In 1995 I wrote a book called the *Plain English Guide*, published by Oxford University Press. They've kept it in print for 30 years, so far – today under the title of the *Oxford Guide to Plain English*. It offers 30 guidelines for editors and designers to follow and has become a popular book in the field.

## Pushing for clearer legal writing

As I've said, legal writing has long been a target of mine. Once upon a time, people used to believe that legal documents could not be put into plain language. This is wrong. Contracts and agreements like wills and trusts can be written in reasonably clear language. Many of the failings of legal documents are linguistic and structural fog arising from bad habits that lawyers pick up at law school. For example, we used to be told – and sometimes still are – that punctuation should not appear in legal documents. But punctuation has always been used in legal documents, even if it's sometimes been badly placed and haphazard. The trick is to put it in the right places. And the full stop ('period') should be the most common punctuation mark on the page.

To reduce the average sentence length to 15 to 25 words, we can also use vertical lists – bullet-point lists or a-b-c lists – to tabulate information, splitting it into manageable chunks.

We can reduce long-winded legalistic phrases like 'prior to the commencement of the project' so that it becomes 'before the project starts'. We don't need to begin a legal sentence with 'in the event of', as in 'in the event of a meeting starting late...'. We can simply say 'if a meeting starts late...', a simpler construction. So we need to look for ways of making verbose language more concise, and we'll often find them.



Lord Denning, a noted advocate of clear legal English – as shown by the short sentences in his judgments (eg: 'It was bluebell time in Kent.') – presented the Plain English Awards in 1982.

In the United States in the early 1970s, Siegel & Gale rewrote a legalistic Citibank loan note into much more everyday English so that borrowers would have a reasonable chance of understanding what they were signing. The note caused a sensation across the US because for the first time it showed that consumer contracts could be written without lengthy sentences and gobbledygook phrases.

It was also punctuated properly. Here in the UK, in the 1990s, I went to my local solicitor's office to have a Will written. The solicitor discussed my instructions and a few days later gave me a Will to sign. But I said to him, 'Where are the full stops, and where is the rest of the punctuation?' He said, 'We don't put punctuation in Wills.' I said, 'Well, you need to put punctuation in my Will, please, otherwise I won't sign it.' He looked at me as if I was mad. I said I was willing to pay more for punctuation. This seemed to be the clincher. He told me to add the punctuation where I thought it should be and he would then check it. This is how I got punctuation in my first Will.

Last year, I needed a new Will. My financial adviser told me to go to a particular company who would write the Will. How foolish of me to imagine that it would use normal punctuation as a matter of routine. I never thought the old taboo against punctuation would still be in force. But it was. When the draft Will arrived, the punctuation was a mess. There were full stops at the end of sentences – good! But there were no full stops at the end of paragraphs – strange and bad! The wording included a lot of legalistic language, too.



Actress Julie Walters gave the Plain English Awards in 1984. By using other well-known names like Lord Soper and the actor Paul Eddington (most would do the show for a small fee or travel expenses only), we could encourage media interest.

I objected and sent them an edited version, with the following note:

I'm concerned that some if not all of my Trustees will find the Will hard to understand, despite their various university degrees. So I've tried to use simpler words and shorter sentences in several places.

I prefer single-word prepositions, so 'Regarding' not 'In relation to', for example. 'Pursuant to' equals 'under' for all practical purposes and should never be used.

I don't want 'shall' in the Will. It can be an ambiguous word because sometimes it creates an obligation while at other times it implies simple futurity or intention. I have therefore suggested you use 'must' or 'is to be' (or similar expressions) for obligations, and sometimes present-tense drafting because the document is 'always speaking'. These practices are commonplace in modern legal documents.

I don't want the word 'notwithstanding' in the Will. Please use 'despite' instead.

I want every numbered section to have a heading. I have therefore put some in – but feel free to improve them.

I have struck out all-capitals on words like 'GIVE' and 'DECLARE' as this is magic from a bygone era. Bold type alone is fine if a word needs emphasis.

I have added full stops at the end of all relevant paragraphs. There are already full stops mid-paragraph, so there can be no objection to having full stops where paragraphs end.

I have suggested you remove 'testator' and 'testatrix' from the attestation clause as I understand that these words are not mandatory – please tell me if this is wrong. Please use 'Will-maker' if a synonym is needed.

The company replied, saying it didn't use full stops because it followed a particular legal precedent (basically a barrister-approved template) and the precedent didn't have full stops at the end of paragraphs. I said, well I want full stops because when I die I don't want my beneficiaries looking at this Will and thinking what a hypocrite I was – that I'd spent my life



1983 – dishing out the Golden Bulls for bad official writing – bull for bull, geddit? By a happy coincidence, such trophies were also a mainstay of agricultural shows, making them easy and cheap for us to buy.



arguing for plain language, but my Will didn't have full stops.

The company said it would have to go back to the barrister who created the precedent to check whether the punctuation and wording could be so drastically changed. And this would cost me a large extra fee.

So I gave up and went to a different company. I told them I wanted punctuation and, as far as possible, normal English. They did it with little fuss.

## Rewriting the law itself in plainer language

In 1995, soon after the first edition of *Lucid Law* came out, prominent people in the UK's tax and accountancy professions said they could no longer advise their clients properly because tax laws were too complex. The government responded favourably. Kenneth Clarke, chancellor of the exchequer, said he wanted to clarify tax law. As a barrister himself, he said too much law seemed to be written in Swahili.

To show what was possible, three groups of people rewrote chunks of tax law. I was the lead author for one group, rewriting and redesigning a section about tax relief for renting a room in your home. You can see the results in the second edition of *Lucid Law* (2000).

Remarkably, another group was the government's own law writers, the first parliamentary counsel's office. Just let that sink in for a minute. This was the same office that had challenged me back in the 1980s to rewrite one of its laws, which at that time it felt were as clear as they could be. So now the office had begun rewriting a piece of its own work and, yes, the rewrite proved to be much clearer and better structured than the original text.

The resulting rewrites showed that the task could be worthwhile. So began a 10-year project costing £20million (USD27,000), the Tax Law Rewrite



1990 – I'm in danger of going to jail after being found in contempt of court following the service of an Anton Piller order, a nuclear weapon in civil proceedings. The judge thought better of imposing a jail term when he learned that the Anton Piller 'search party' included a convicted felon. So it was Cutts 1, Bremner Sons & Corlett (lawyers to the enemy), 0.



project, to rewrite large parts of the enormous British tax code using plain-language principles and applying a plain-language guide to statutory drafting that the government's law writers had produced.

I was officially invited, by letter, to be a member of the steering group overseeing the project, and of course, I was delighted to accept this unpaid advisory role. But within a week, my invitation was withdrawn by an embarrassed official. I can only imagine that some important group members had objected to the presence of such a terrible troublemaker as me, so I was cancelled. Anyway, the project rumbled along fairly successfully for many years, eventually closing, I was told, because everyone involved was utterly exhausted by the work.

The internet, of course, has been a great stimulus to better law writing, because in many jurisdictions, you can now see the entire body of statute law, usually on a government website. So if the writing is bad, anyone can see it for themselves with a few clicks. In the old days, you had to go to a public library.

I realise that law is an expertise, and that non-lawyers dabble in it at their peril. Even simple words may be open to interpretation and need to be litigated. We've just had such a case before our Supreme Court. The court was asked to decide whether, in the Equality Act 2010, the meaning of the word 'woman' included people who identified themselves as trans women. The court found that it did not, declaring that the Act intended 'woman' to refer to biological sex only.

The big issue, though, is that although law is an expertise and you need some knowledge to interpret how even a plain and clear meaning will apply in practice, the most common users of the law are not lawyers but



The Anton Piller story as told in the *Daily Telegraph* on 18 December 1990.

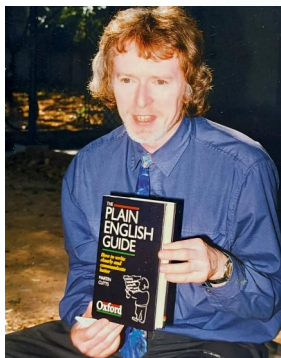
others who need to read the law without having a legal adviser available. They might be campaigners or pressure groups or professionals of various kinds including police officers, teachers, accountants, politicians, local authority officials. In their book *Clarity for Lawyers* (2017) Adler and Perry tell us that of those people who look at UK laws online, 6 out of 10 are not lawyers.

So the law needs to be as clear as it can be for intelligent, interested and reasonably well-educated members of the public. Laws may never be written in the plainest of plain language, but they should at least be understandable to literate people who are prepared to make an effort.

## Using personal experience as an authentic campaigning tool

I have found it helpful to use personal experience to gain publicity about the need for clearer documents and websites: it makes the story more authentic. A particular problem in many countries is parking signs (public and private) that are hard for drivers to understand or, to put it another way, easy to misunderstand.

In the UK, you will often need to park on private land, say in an area near a shopping centre or supermarket. At these places, a parking company may run the car park on the landowner's behalf. I regard some of these companies as pirates because they seem so ruthless, though they usually act within the law. Their actions are enabled by government agencies who make money from selling them drivers' data. The companies earn their money in the form of penalties, so they have an incentive to locate and punish drivers' mistakes. They are supposed to follow codes of practice, but their own trade associations have written these, so they tend to be self-serving. In 2024, the companies imposed around 14 million penalties on drivers throughout the country (according to the RAC), giving them an income of about £1.4bn (USD1.89bn) a year.



Oxford University Press first published my *Plain English Guide* in 1995. Later editions became the *Oxford Guide to Plain English*, with the fifth being published in 2020.

I first became aware of how one company operated in 2010 when I accidentally broke its rules at a car park in Stockport, near Manchester.

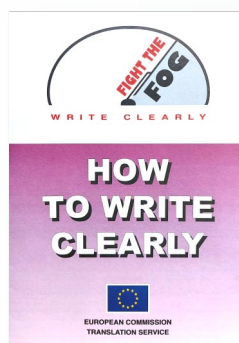
To me, it looked like a free car park. Driving in, I passed a signboard where the message that it was actually a pay-and-display car park was in very small print. And this message was surrounded by hundreds of other words, some of which were much more prominent than the message that it was pay and display. The car park was policed by cameras. A few days later, I received a penalty notice for £50 (USD67). I refused to pay. I took pictures and measurements of the signs at the entrance so I'd have the evidence I needed to challenge the penalty.

The company pursued me with lawyers' letters for two years but I still refused to pay and its charges increased. Then they took me to court.

In court, I told the judge it was difficult for a first-time user of the car park to know that it was pay-and-display. I showed photos of the signs and explained that when you're driving past them at, say, 10 miles an hour, you're not going to notice that it is pay-and-display – especially as there was no lettering on the Tarmac at the entrance.

The judge had done her homework. She had visited the car park twice. And she agreed with me that the signs were inadequate. I won my case. In her judgment, she said:

If I look at the signs, they tell me very little. It is by no means clear, whether from the coloured photographs of the signs, nor, indeed, from the inspection of the signs that took place by me, that this is a pay and display car park. It follows, therefore, that the claimant [the parking company] has not taken reasonable steps to bring to the attention of drivers that it is a pay and display car park they are entering. The notice contains a lot of information, which can easily distract drivers from the key information [...] that it is a pay and display car park.



The Oxford guide was often cited as influential, for example in this booklet published by the European Commission's translation department.

I publicised the case. It was reported in the *Manchester Evening News*, which was picked up by the nationwide BBC programme called *Watchdog*. So I was able to tell a national TV audience about the need for clear signs and the value of fighting for better public information. The story was also picked up by an independent TV programme, the *Martin Lewis Money Show*. Again, I got about 10 minutes of national airtime for the story.

This kind of activism is important in encouraging consumers to speak up about plain language and to talk about their own experiences of bad information. And in this case, although the company had argued in court that its signs were perfectly clear, it soon changed them all. After they had done this, the crucial message about it being a pay-and-display car park was more than six times bigger than on the original signs.

So that was a win for me but throughout the country hundreds of thousands of drivers are still being penalised for breaking the pirates' rules. There's been about 15 years of delay in creating an adequate government-backed code of conduct for parking companies. My attitude, though, is that you don't get anything unless you fight for it. Social change does not happen if we all sit on our backsides and do nothing. We need to choose our battles carefully, but we do still have to fight. The full story about this parking case is on free download from my website. It's called 'Phoney fines and dodgy signs take drivers for a ride' (2012).

## Fighting to reform Anton Piller orders – the nuclear weapon of the civil justice system

When I left Plain English Campaign in 1989, the remaining partner in the business was unhappy with my decision. Using a procedure that few people know about, her lawyers got a secret court order against me from a civil-court judge. This enabled her, her solicitor and a group of four or five

The logo for the Plain Language Commission is a blue square with a white folded-corner effect at the top right. The text 'PLAIN LANGUAGE COMMISSION' is written in white, uppercase, sans-serif font, stacked in three lines.

PLAIN  
LANGUAGE  
COMMISSION

I founded Plain Language Commission in the mid-1990s, building it as an editing and writing-skills training business. It's the trading name of Clearest.Co.UK Ltd.

other people to come to my house, knock on my door, give me the court order and demand entry. They wanted to search my home for information she alleged I'd taken from the business.

As I say, this was a civil-court matter not a criminal matter. When these people arrived at my door, I refused to let them enter. The court order was full of legalistic language that I didn't have time or the legal knowledge to understand. My refusing them entry put me in contempt of court, a serious matter for which I was likely to go to prison. But I mistakenly believed that nobody had the right to come into my house and go through my belongings, my private and professional documents, and take away anything they thought might be useful to them.

Three days later I had to attend court at Liverpool where the Plain English Campaign's lawyer argued for me to be put in prison for contempt of court. I was in some difficulty. There seemed little point telling the judge that he should not have given the order in the first place because it was based on weak and disputed information. Instead, I told the judge that one of the people that my opponent's lawyer had brought to my home was a convicted criminal. He had been found guilty of 'actual bodily harm' for hitting someone over the head with a beer glass in a pub fight. That was why I had refused to give entry, I told the judge – I was confused and in fear of my safety. Luckily, this turned out to be my real-life Monopoly get-of-jail-free card. My enemy's cocky lawyer suddenly saw his case falling apart.

The judge seemed confused. But he said that although I was clearly in contempt of court, he would not put me in prison or fine me. I was allowed to go free – quite a victory from such a poor starting point. The case was eventually resolved on what lawyers like to call 'mutually acceptable terms'.

As this seemed to me a misuse of a court order, I took the matter to a BBC national radio programme called *Punters*. I was able to make a series of



An important part of building Plain Language Commission has been to offer a paid-for editing suggestions scheme so that organizations that meet our criteria can badge their documents with this free-of-charge logo. A key scheme benefit, from a plain-language viewpoint, is that it applies leverage: if organizations want to use the logo – and about 16,000 documents have done so – they need to accept most of what we suggest. Provided our suggestions are good and feasible, this works to everyone's advantage – us, the organization, and the readers.



programmes about the particular court order under which I'd been attacked, called an Anton Piller order. The barrister who had invented these orders and several judges who knew about them all appeared in the programme. Their clear consensus was that the order was open to abuse and was being misused. They said the procedure needed to be drastically reformed so that innocent parties would be better protected. I'm pleased that many of the reforms they and I called for were put into effect soon afterwards. National newspapers like the *Guardian* (13 June 1990) and the *Daily Telegraph* (18 December 1990) followed up with stories about my experience.

## Exposing false claims about adult literacy standards

It's hard to fight false claims: 'A lie is halfway round the world before truth has got its boots on.'

A common false claim in the UK is that the average adult's reading skill is equivalent to that of an average 9-year-old child (reading age 9 or US grade level 4. Even several government departments have said this, without giving any evidence. Were the statement true, it would mean that the billions of pounds spent teaching children to read and write over the last hundred years had been largely wasted.

So, what's the correct figure for a UK adult's average reading ability? Government-backed surveys (like Skills for Life, as published by the Department for Education in 2003), tend to give a figure of 'reading age 13' (US grade 8), which is three years below the UK's school-leaving age. I assume this kind of estimate will not include the large number of new immigrants to the UK (nearly a million in 2023), people who have come to the UK illegally in recent years without having much English, and people with severe learning disabilities.



Editing is hard brainwork so an occasional retreat to the shrubbery is called for.



Speaking about the ‘reading age 9’ figure on BBC Radio 4’s *More or Less* fact-checking programme in February 2020, Professor Kathy Rastle of London University said:

The figure doesn’t have a basis in reality.

Yet when I was asked by our Department of Work and Pensions (DWP) to edit many of its letters and booklets (eg, on taking up welfare benefits) DWP communications staff said they’d been told to write them at reading age 9 – a frankly impossible goal for all but the shortest and simplest documents.

I tried to track down the source of the false figure. In 2021, I learned that the website belonging to the UK’s most trusted source on statistical data, the Office for National Statistics, said:

The average reading age in the UK is nine years old and so we should write in a way that is easy to understand for all users.

This sentence had been on the website for at least four years, so perhaps it had been one of the sources. The website gave no proof or evidence. I asked the ONS where its figure came from. The ONS refused to tell me. I told the ONS its statement was false and provided proof. Overnight, the false statement disappeared from its website.

It’s probable that large amounts of public money had already been spent misguidedly trying to teach officials how to write at a level suitable for



Or, even better, an espresso  
in the sunshine.

adults with a reading age of 9 – all based on false claims by people who should have known better. Specialised writing styles, such as the EasyRead semi-pictorial formats, are likely to be of more help to adults with very low literacy.

## Finally...

So, some of what I've done has been controversial, some of it has been successful in bringing about beneficial social change, and some of it has been a miserable failure. From a young age, my father always told me that I should not follow the herd. In other words, I should make my own path through life. I've made many mistakes but at least it's not been boring. And I've been lucky. Lucky to have been one of the pioneers in the plain-language field, to have carved out a reasonably well-paid career in it, and to have been able to use my metier – my skills in editing – to clarify thousands of terrible documents so that readers have had a better chance of understanding them.



## Books and guides

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### First Parliamentary Counsel's style guide:

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Garner, B A (2016) *Guidelines for Drafting and Editing Legislation* (Dallas)

Mellinkoff, D (1963) *The Language of the Law* (Boston, Mass.)

Sanyal, J (2006) *Indlish* (New Delhi)

Wydict, R (2005) *Plain English for Lawyers* (Durham, N Carolina)

Available on free download from Plain Language Commission's website, currently, [www.clearest.co.uk](http://www.clearest.co.uk) under Books > Publications:

- *Clarifying Eurolaw* (2001)
- *Clarifying EC Regulations* (2002)
- *Lucid Law* (edition 2, 2000)
- *Nailing the Lies of the Plain English Campaign* (2021)

## Articles

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