

LONDON

BRUSSELS

OAKLAND

One Week Course: Legislative Drafting



making law work for people, places, and the planet

Evening Session

Welcome to participants and instructor, introduction to the course

Day One: Need for and essentials of sustainable law

1. Overview of key topics

- Foundational role of law in market economy, economic governance, good governance, sustainable development, peace and security
- Challenges for modern government
- Elements of sustainable law
- Ethical duties of draftspersons
- Tasks of draftspersons

Exercise: Small groups on tasks, ethics, challenges & responses

2. Drafting Instructions

- Purpose and importance
- Four principles
- Contents
- Sources
- Checklist

Exercise: Examination of a drafting instruction

Review of the day, questions

Group Dinner

Day Two: Structure of a draft law

1. Preliminary provisions
 - Long title
 - Preamble (if necessary)
 - Enacting clause
 - Short title
 - Commencement
 - Duration/Expiry
 - Application
 - Purpose clause
 - Definitions
 - Interpretation

2. Principal provisions
 - Substantive provisions
 - Administrative provisions

Discussion: Deciding the essential scope and structure of a draft law

Exercise: Making a simple draft law from scratch

Review of the day, questions

Day three: Structure of a draft law, cont'd

3. Miscellaneous Provisions
 - Offences and provisions ancillary to offences, continuing offences, offences by corporations, vicarious responsibility
 - Miscellaneous and supplementary provisions such as evidentiary provisions, power to issue subordinate legislation, service of notices, powers of entry, search, seizure and arrest.

4. Final Provisions

- Savings and transitional
- Repeals
- Consequential amendments to other laws
- Schedules of application, implementation, enforcement
- Review and revision

Exercise: Small groups

Review of the day, questions

Day Four: Language and techniques

1. Writing good laws

- Writing effective and efficient laws
- Pitfalls of legislative drafting

2. Precision

- Avoiding vagueness
- Avoiding ambiguity

3. Plain language writing techniques

- Concept of plain language
- Clarity
- Language and style
- Technical problems in multi-language drafting
- Using foreign technical consultants

Exercise: Plain language drafting

Review of the day, questions

Day Five: Drafting specific provisions

1. Enacting clauses
2. Amending laws
3. Repealing existing laws
4. Sunset and sunrise provisions
5. Enabling provisions
6. Saving clauses
7. Effective date clauses
8. Application clauses

Exercises: amending legislation; enabling clauses; effective saving clauses

Discussion: Next steps

Review of the day, questions

Course evaluation & suggestions

Award of certificates of completion, group dinner

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