

Sir William Dale Legislative Drafting Clinic

<http://ials.sas.ac.uk/research/research-centres/sir-william-dale-centre-legislative-studies/legislative-drafting-clinic>

Preparing Instructions for the Legislative Drafting Clinic

1. Know your policy
2. Think through and fully develop your policy
3. Include relevant background materials
4. Include relevant local laws

The legislative drafting clinic is here to help convert your policy ideas into legislation. In order to do this effectively, we need several things from you.

Know the policy

The most important thing for you to do is to know your policy – what is the social problem that you have and what legal solution do you want for that problem? Your policy must be robust and capable of withstanding argument. Your policy will ultimately be scrutinised by the legislature, so you need to be able to adequately justify it to the clinic.

Develop the policy

The initial policy may be simply expressed in one or two sentences. However, before sending instructions, you will need to develop it. Legislation rarely contains one single provision. Consider what else is needed for the legislation to work. If you wish to create a new crime: what is the penalty? What are the defences? Is there a power of arrest for this crime without a warrant? If you are creating a new licensing regime: who gives out the licences? On what criteria? Is there an appeal process? How long do licences last? What is the procedure for renewing them? You need to think through all the consequences of your policy

Background materials

If some research has preceded your policy, send a copy of that research. This will help the clinic have an idea of the background, and may help the clinic formulate a legislative solution to your problem. If a particular case or story has shown the need for your policy, send details of that case or story. The clinic may not read the full background material, but it may be useful for them to be able to refer to it.

Relevant local laws

The draft legislation will need to fit into your countries own legislation. Provide copies of relevant local laws. The main laws will be your constitution and your interpretation legislation (where you have these). If your new law is a criminal law, provide your criminal code, or recent criminal legislation precedents. If your legislation is available online, provide links. If it is not available online but there is a CD, then please provide that also.