



Course Outline

Course number	RL106
Course title	Legislative Drafting
Credit points	2 (LV) 3 (ECTS)
Lecture hours	22
Seminar and other hours	4
Course level	Masters

COURSE TEACHERS

No.	Name	Academic degree	Academic position
1	Segal, Mark Evan	Juris Doctor (USA) MA in International Relations	

COURSE ABSTRACT

Legislative Drafting is a special and important skill that enables legal professionals and parties working with laws to understand the legislative process, analyse legal texts, apply legal provisions, and successfully represent clients. Legislative drafting skills are also crucial for strengthening the rule of law, democratic governance, and the market economy, since they make it possible to prepare laws that are substantively correct, technically sound, practical, effective, and implementable. Accordingly, the course is designed to provide analytical understanding and practical experience concerning how to design and prepare sound legislation.

COURSE OBJECTIVES

The objective of the course is to develop the skills required for drafting legislation and legal provisions that are substantively sound and technically correct. This requires an understanding of policy development, the legislative drafting process, conformity with international and national legal requirements, how to make legislation practical and effective, how to properly organise and format legislation, and how to correctly draft specific legislative provisions in a clear, concise, and precise manner.

GRADING CRITERIA

Classes involve a combination of presentations, question and answer sessions, revision and drafting of legislative texts and legal provisions, role plays, group exercises, and moot court sessions. The grade is based on a single final examination.

Criteria	Weighting
Exam (in-class)	100%

COURSE PLAN – MAIN SUBJECTS

The course is designed to provide a theoretical understanding of legislative drafting procedures and requirements along with practical experience concerning how to draft legislative provisions that are substantively sound and technically correct. The following subjects are covered:

- Policy development and setting objectives for legislation
- Making legislation conform to international, constitutional, legal, and other requirements
- Making legislation practical and effective, including Regulatory Impact Analysis, application issues, and obstacles to enforcement
- Ensuring that legislation is normative rather than aspirational
- Establishing implementable, appropriate, and proportionate, sanctions
- Correctly organising, structuring, and formatting legislation, and including all of the necessary components, provisions, and clauses
- Adapting legislative drafting to the intended target group(s)
- Achieving legal clarity through correct sentence structure and word choice, including making legislative text clear, concise, and precise
- Repeal, amendment, and references to legislation
- The correct use of definitions and terminology
- Linguistic issues affecting legislative drafting

The affect of the legal system and legislative drafting process on the form and content of legislation is highlighted, in order to develop an understanding of the relationship between legal issues, procedural issues, and textual problems.

Participants are expected to understand the requirements for designing a good law or regulation, and how to draft text that effectively realises legislative intent.

The course examines the relationship between legislative drafting and the following subjects: funding limitations that can impede or interfere with implementation, administrative capacity required for implementation and enforcement, financial impact on the state budget, the economy, and target groups, difficulties that arise in the process of adjudication, and enforcement issues. In order to address these issues, the course covers drafting procedures that emphasise the development and sharing of analytical expertise, the use of procedural and drafting guidelines, the functions of Explanatory Memoranda and conformity checks, the roles of different parties in the legislative drafting process, and the importance of public participation in the preparation of both primary and secondary legislation.

After listening to introductory presentations on each subject, participants are engaged in a question and answer session that solidifies their understanding of required concepts. This is followed by practical exercises, including drafting legislative text, analysing and refining legislative provisions, and group work. The objective is to develop critical reasoning and analytical skills, thereby enabling participants to identify problems and make corrections to actual legislative provisions.

Students are graded on the basis of a final examination that requires them to understand key concepts and correctly draft legislative provisions.

COURSE LITERATURE

No.	<i>Author, title, publisher</i>
1	Course Materials on Legislative Drafting, Selected Principles and Materials