



23rd Commonwealth Law Conference, Goa

5th-9th March 2023 | The Grand Hyatt Goa

"Commonwealth Lawyers - Common challenges in uncommon times"

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Panel E3: The Impact of Legal Drafting on the Protection of Rights and Rule of Law

Examples of best practices in the Commonwealth used to enhance clarity, accuracy and effectiveness in legislation

Stefan Knights
Attorney-at-Law

Objectives



- To highlight some of the factors that affect clarity, accuracy and effectiveness in legislation.
- To discuss some of the best practices in the Commonwealth that are used to improve clarity, accuracy and effectiveness in legislation.

Some factors that affect clarity, effectiveness and accuracy in legislation



- Lack of proper legislative drafting instructions.
- Length and complexity of legislative sentences.
- Poor structure of legislation.
- Expertise available to draft legislation.
- The courts approach to statutory interpretation.
- Amendments made by the Legislature to the proposed law.

Best Practices

Statute Law Revision



Credit: Turks and Caicos Islands Attorney General's Chambers

Best Practices

Statute Law Revision – Singapore

**See: Article in CALC's Loophole
Titled "Singapore's 2020 Revised
Edition of Acts"**

By Cheryl Seah (June, 2022)

**Revised edition of Singapore's
Statute Book, with simpler
language of the laws, to launch
end-December**

**This is the first universal revision of Singapore's
laws since 1985.**



The Supreme Court of Singapore. (Photo: Supreme Court)

Best Practices

Statute Law Revision – Seychelles

Government Law Revision Project

Included Law Reform

Resulted in Seychelles Law Commission

Project to revise and consolidate all national laws progressing well | 30 October 2021



Mr Knights (Photo: Joena Meme)

The Office of the Attorney General (OAG) is progressing well with its project to revise and consolidate all the laws of Seychelles, with the aim of making the law accessible to all.

The project, approved by the President and cabinet, officially commenced in January 2021, and will come to an end by December 31, 2022.

As explained by state counsel Stefan Knights, the project comprises three main components; the consolidation of all the laws of Seychelles, revision of the laws, and law reforms.

Best Practices



Embracing and integrating technology and Artificial Intelligence

- Xcential Legislative Technologies
- Domis “Drafting Office Management Information System” (Jersey)
- Computer-Readable Legislation Project (February, 2023)

Best Practices



Commonwealth Cooperation Initiatives

- Commonwealth Legislative Drafting Manual
- Commonwealth Model Laws
- Regional Technical Meetings

Best Practices



Other examples

- Effective use of section headings
- Evidence based legislation
- Post-legislative scrutiny
- The use of formulas and mathematical symbols in legislation

Best Practices



Other examples

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Questions



Mr. Stefan R. Knights
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