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Legislative Drafting Guidelines

for persons involved in the drafting of legislation in Africa

" (...) these basic principles are presented - not as a command, not as a dogma to any country but as a guide to guard against the pitfalls, and inform us all in our work of legislative drafting for the benefit of Mother Africa."

V.C.R.A.C. Crabbe

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Foreword

Legislation has an important place as a province in the science of government. In climes where democracy flourishes, in regimes where tyranny dominates, the law - the written law - has always been the means by which men have sought to govern.

Consider for a moment the Ten Commandments and their value on modern thought. Estimate the influence of the Roman Twelve Tables on the laws of many countries. The Code of Manu was "*written in verse and is divided into twelve chapters. In most parts, the Rules are so clearly and concisely stated that nothing can be gained by attempting to summarise or condense*".¹ The Codes of Hammurabi, 1752 B.C, are "*the completest and most perfect monument of Babylonian law*".² Ashoka's edicts, carved in rock and metal, "*spread out all over India are still with us, and [convey] his messages not only to his people but to posterity*".³

So we, today, cannot discountenance the value of well-written laws for the governance of our peoples of Africa. The essence of the law is that it is clear and concise, readable and easily understood by the well trained and disciplined in the law and by the "ordinary man in the street".

Herein lies the value of these basic principles which, it is hoped, will guide those who seek to find solutions, through the instrumentality of legislation, in our day and age, for the cultural, economic, educational, political and social problems which beset many an African country.

In the global village which Africa now becomes, it is essential, it is appropriate, that there is a harmonization of its laws despite the historical antecedents of our various countries.

And for the benefit of those who draft the laws for our various countries, and for the parliamentarians who pass the Bills which become the law by which we are governed and who approve the regulations which guide our conduct, these basic principles are presented - not as a command, not as a dogma to any country but as a guide to guard against the pitfalls, and to inform us all in our work of legislative drafting for the benefit of Mother Africa.

V.C.R.A.C. CRABBE

¹S. Allen. *The Evolution of Government and Laws* 1916 p. 1005

²*Encyclopedia Britannica* 1968 Vol. II p. 41

³Nehru, *The Discovery of India* p. 79

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Rationale

African legal sources, and in particular legislation, are getting more and more complex. Increasingly intricate systems of norms and references are created, as new Acts and amending Acts produce multiple, overlapping, rapidly changing layers of legislation and as national legislatures take into account other (local, regional, and international) sources of law.

At the same time, we are currently witnessing the transition from paper to digital documents and records, resulting in unprecedented opportunities for better lawmaking. Information and communication technologies can provide African legislatures, courts, and other public institutions, as well as private enterprises, individuals and other stakeholders, with the tools to properly manage the proliferation of legislation in ways that satisfy the needs of all.

Under these conditions, better lawmaking has become a strategic component in the move toward the rule of law and good governance in Africa. Legislative Acts complying with principles of good legislative drafting on the one hand can be easily and clearly understood, and on the other hand can be effectively processed through advanced information and communication technologies. Good legislative drafting, combined with appropriate information technologies, can provide all stakeholders with the legal information they need, and in particular can enable citizens and operators to identify precisely their rights and obligations and courts to enforce the laws effectively. Moreover better lawmaking, on the basis of consistent legislative practices, can greatly facilitate the harmonisation of laws in Africa.

The Legislative Drafting Guidelines for Africa, by defining the common structural elements of legislation according to principles of good legislative drafting and legislative informatics, aim at providing African Parliaments with a shared approach to better legislation. Their adoption by all African Parliaments can contribute to the quality of African legislation, the harmonisation of African laws, and the development of advanced legal information services in Africa.

Scope

The “**Legislative Drafting Guidelines for Africa**” aim at providing a set of principles and best practices for drafting both primary and secondary legislation.

The Guidelines promote a commitment to improving the quality of lawmaking and to achieving simplicity, clarity and consistency in the laws of African parliaments.

The Guidelines are neither binding nor exhaustive, and are not intended to override the legislative conventions and official drafting manuals of the respective countries. They can, however, promote a convergence of practices beneficial for the harmonisation of law in Africa. They are intended to serve as a reference for all bodies involved in the process of drafting legislation in Africa.

It is hoped that the Guidelines will assist all those involved, in any way, in drafting legislation within the institutions of the African Union. The Guidelines aim to make African legislation as clear, simple, concise and understandable as possible. They provide criteria against which the drafting of legislation may be checked, to enable citizens to understand the objectives of the laws and the means to achieve them, but also to ensure that the laws can be more easily processed by information and communication technologies.

Logo

The logo of the Legislative Drafting Guidelines comes from the Akan people of West Africa. It is the "nyansapo" ("wisdom knot"), symbol of wisdom, ingenuity, intelligence and patience. An especially revered symbol of the Akan, this symbol conveys the idea that a wise person has the capacity to choose the best means to attain a goal.



We think that it may well represent the ambitions of the Guidelines that want to promote a commitment to improving the quality of lawmaking and to achieving simplicity, clarity and consistency in the laws of Africa.

GENERAL PRINCIPLES - GUIDELINES 1 TO 3

GUIDELINE 1

An Act must be clear, simple, and precise.

1.1 An Act must be:

- clear, easy to understand, and unambiguous;
- simple and concise, containing no unnecessary elements;
- precise, leaving no uncertainty in the mind of the reader.

1.2 This common-sense principle is also the expression of general principles of law, such as:

- the equality of citizens before the law, in that the law should be accessible and comprehensible for all;
- legal certainty, in that it should be possible to foresee how the law will be applied.

1.2.1. The aim in applying the principle is twofold: first, to render legislation more comprehensible; second, to avoid disputes resulting from poor drafting.

1.2.2. The aim of comprehensibility is particularly important in respect of legal systems which are not only complex, but also multicultural and multilingual.

1.2.3. A provision that is not clear may be interpreted restrictively or extensively by the courts, possibly in a way that does not correspond to the legislative intent. The legislator can entrust judicial discretion with the task of specifying the meaning of a provision, but this should be a conscious choice, rather than the result of a drafting mistake.

1.3. An Act must reduce the legislative intention to simple terms. As far as possible, everyday language should be used. Where necessary, clarity of expression should take precedence over style. For example, the use of synonyms and different expressions to convey the same idea should be avoided.

1.3.1. Each sentence should have a structure that is both unambiguous and easily comprehensible, so that grammatical relationships can be understood with no undue effort.

1.3.2. The grammatical relationship between the different parts of the sentence must be accurate and clear. A text that is grammatically correct and respects the rules of punctuation is easier to understand, and also easier to translate into other languages.

1.3.3. Punctuation marks should be used sparingly and must serve a purpose.

1.4. There may be a conflict between the requirements of simplicity and precision. Often simplification can diminish precision. In practice, a balance must be struck so that the provision is as precise as possible, but not to the point where it becomes too difficult to understand. That balance may vary according to the addressees of the provision.

GUIDELINE 2

An Act should take into account both the needs of the addressees, with a view to enabling them to identify their rights and obligations unambiguously, and the needs of the persons responsible for putting the Act into effect.

- 2.1. There are different categories of audiences and addressees of legislation, ranging from the population at large to specialists in particular fields. Each category is entitled to expect that the legislative provisions addressing them use language they can understand.
- 2.2. Legislation entails intervention by implementing agencies at different levels (for example civil servants, scientists, lawyers and courts). The language of legislation should take account of that. In particular, when legislation includes technical requirements, these should be understandable by the agencies and officials who will implement such requirements.
- 2.3. An Act should use language that has a settled meaning in everyday use. Trendy words should be avoided because their meanings may not be adequately settled. Archaic words should be avoided because they are not in everyday use.
- 2.4. An Act should use characters and symbols consistently, in a way that ensures that the text is accessible to people with visual impairments.

Guideline 3

An Act should be concise and its content should be as uniform as possible.

- 3.1. The characteristic of good legislative style is the succinct expression of the contents of the Act.
 - 3.1.1. Illustrative clauses, intended to merely explain the text to the reader without stating additional norms or definitions, should be avoided.
 - 3.1.2. To illustrate general concepts, specific examples can be listed, but it must be made clear that the list is non-exhaustive.
 - 3.1.3. While keeping the main provisions in the body of the Act, it is often preferable to include detailed provisions in a schedule or an implementing measure to be effected through secondary legislation.
- 3.2. The text of the Act should be consistent.
 - 3.2.1. The purpose of the Act must be respected throughout the Act. Rights and obligations must not extend to other fields, going beyond the scope of the Act.
 - 3.2.2. Rights and obligations must be coherent and not contradictory.
 - 3.2.3. The provisions should be grouped in a coordinated manner with obvious linkage.
 - 3.2.4. An Act that is essentially temporary must not include provisions of a permanent nature.
- 3.3. An Act should also be consistent with other Acts and avoid overlaps with them. A new Act should not raise doubts concerning the applicability of an older Act.
- 3.4. Acts having a higher hierarchical level (in particular, legislation) should have more general and abstract contents, and correspondingly Acts having a lower hierarchical level (in particular, regulations) should have more specific and concrete contents.

LINGUISTIC ASPECTS - GUIDELINES 4 TO 8

GUIDELINE 4

Basic-units and sentences should be simple. Long basic-units, complicated sentences, and convoluted wording should be avoided.

- 4.1. The normative contents of the Act should be expressed in the Act's basic-units, usually called sections or articles. Each basic-unit should contain a single provision expressing only one idea. A single basic-unit may, however, both enunciate and elaborate on a single idea.
- 4.2. Long basic-units must be split into easily assimilated subdivisions, following a logical progression, since an excessively compact block of text is hard for the eye to follow and the mind to absorb. This must not, however, result in sentences being either artificially or unduly broken up.
 - 4.2.1. It is not necessary for interpretation, nor desirable in the interests of clarity, for a single basic-unit to cover all aspects of an idea. It will often be preferable to deal with those aspects in several basic-units grouped together rather than in a single basic-unit.
 - 4.2.2. Particularly in the initial stages of the adoption process, basic-units should not be too complex in structure. Drafts and proposals for Acts (e.g. Bills) will be subject to deliberations and negotiations throughout the adoption process which, in most cases, will result in further additions and refinements. Subsequent amendments of the Act (often numerous) will also be difficult to insert if the basic-units are already over-complex.
- 4.3. It is sometimes easier to draft complicated sentences rather than make the effort of synthesis necessary to achieve clear wording. However, this effort is essential in order to achieve a legislative text that can be easily understood, translated, and implemented.

Guideline 5

Acronyms should be used sparingly.

- 5.1. Acronyms must be defined when first used and should be used sparingly, especially when they may be unfamiliar to the addressees of the Act.

Guideline 6

The terminology used in an Act should be consistent within that Act and with the terminology of other Acts already in force, especially in the same field.

- 6.1. In order to facilitate understanding and interpretation of legislation, the text must be consistent. A distinction can be drawn between terminological consistency, concerning only the use of terms, and logical consistency, which in a broader sense covers the absence of contradictions between the provisions in the Act.
- 6.2. Terminological consistency requires that the same terms are used to express the same concepts, and that identical terms are not used to express different concepts. The aim is to leave no ambiguities, contradictions, or doubts as to the meaning of a term. Any given term is therefore to be used in a uniform manner to refer to the same thing, and another term must be used to express a different concept.
 - 6.2.1. The requirement of consistency does not concern only the provisions pertaining to a single Act, including the related annexes and secondary legislation, but it also concerns the provisions of related Acts, in particular implementing Acts and all other Acts covering the same area. In general, terminology should ideally be consistent within all the legislation in force.

- 6.2.2. Words must be used in their ordinary sense. If a word has one meaning in everyday or technical language, but a different meaning in legal language, the phrase must be formulated in such a way as to avoid any ambiguity.
- 6.2.3. Defined terms must be used in a uniform manner and their content must not diverge from the definitions given. If a term is used which was defined in a previous Act, a reference must be made to the previous definition, and the term should be used consistently with such a definition, unless a different interpretation is intended for the purpose of the new Act, in which case the required definition should be provided in the new Act.

Guideline 7

Gender-neutral language should be used, avoiding gender-specific terms.

- 7.1. Terms that only apply to one gender for referring to the exercise of a particular profession, function or activity, to family roles, or to access to education, as well as gender-specific pronouns should be avoided. [Standards having the effect of disqualifying one gender for a particular profession or activity should be avoided.]
- 7.2. However, if the substance of a provision applies to one gender only, words that identify that gender should be used.

Guideline 8

When an Act is expressed in different official languages, all language versions must be identical in structure and substantive meaning.

- 8.1. Each language version of an Act should be in correct grammatical language.
- 8.2. The structure of an Act must be the same in each language version with regard to both basic-units and their subdivisions, and with regard to the grouping of those basic-units into higher-divisions (see Guideline 18).
- 8.3. The overriding need for identity of substantive meaning in all languages may require certain linguistic compromises. Therefore the same syntax is not always necessary, nor possible: one version of a provision may contain a different number of sentences than the other, and a definition present in one language version need not necessarily be reproduced in another if it is not needed.

STRUCTURE OF LEGISLATIVE ACTS – GUIDELINES 9 TO 22

GUIDELINE 9

All Acts must be structured according to national tradition. The basic-units are preceded by front-matter and may be followed by end-matter. Acts may include annexes.

- 9.1. The front matter of an Act includes various elements meant to identify the Act, put it in context, and facilitate access to its contents.
 - 9.1.1. The front matter should always include the elements that are necessary to identify the Act (such as title, type, date, and name of the adopting/enacting authority). Different national traditions may mandate or permit the inclusion of further elements (such as serial number, reference to the authentic language version, date of entry into force, history of amendments, list of subordinate legislation issued under the Act, table of contents, recitals, statements of purpose, and enactment formulas).
 - 9.1.2. Some elements of the front matter are part of the official legislative document considered by the enacting authority, some other elements are added after enactment by editors, as a convenience to readers. A clear structural distinction should be maintained between the front matter that is official and the front matter that is merely editorial.
- 9.2. The basic-units of an Act are the main normative part of the Act. The basic-units may be grouped in higher-divisions and each basic-unit may be structured in subdivisions.
- 9.3. The end-matter of an Act may include ending formulas, dates and places of adoption/enactment, and signatures.
- 9.4. The annexes of an Act complement the Act's content.

Guideline 10

The title of an Act should give a succinct, non-misleading and, where possible, complete indication of the subject matter.

- 10.1. The title of the Act should provide clear indications as to the main subject matter of that Act. In particular, it should make it possible to determine what is (or is not) dealt with in the Act. The title should not be cluttered with extraneous information, but rather should use keywords characteristic of the different areas of the Act. The title should not include biased, promotional, or wishful statements.
- 10.2. The title should include the information needed to enable the readers directly affected (for example, not every farmer, but every apple producer) to be prompted to read the Act bearing that title.
- 10.3. Where the title is the main means of identifying an Act, it must be different from the titles of other Acts in force.
- 10.4. An Act amending an earlier Act should have a special title. The title of an amending Act should identify all the Acts which it amends. If the sole purpose of an Act is to amend other Acts, the title of the amending Act should also mention the titles of the amended Acts.
- 10.5. The title of secondary legislation should mention the primary legislation which it implements.

Guideline 11

In some legal traditions the Act should have a short title.

11.1. If a short title is used, apply the following rules:

- The short title should be different from the short titles of other Acts in force.
- It should avoid esoteric acronyms, plays of language, and tributes or memorials to named persons who are not the subject of the Act.
- Consideration should be given to easy and quick identification of the subject of the Act.
- In some legal traditions it is required to use the long title when the Act is referred to for the first time in a later Act.

Guideline 12

In some legal traditions recitals may be used to set out the legal basis of the Act and the main steps in the procedure leading to its adoption/enactment.

12.1. In some legal traditions, the Act's front-matter may include recitals, indicating:

- the legal basis of the Act (the enabling provision which confers competence to adopt the Act);
- proposals, guidelines, initiatives, drafts, requests, and opinions which must be obtained and, where appropriate, the procedure to be followed;
- certain opinions and other non-mandatory procedural steps.

12.2. Recitals should, where possible, use standardised wording.

Guideline 13

In some Acts, the front-matter may include statements of purpose, which set out concise reasons for the basic-units, without reproducing or paraphrasing them.

13.1. The front-matter of an Act may include statements of purpose, which set out the reasons for, or principles underlying, the Act. Such statements should be clearly distinguished from the provisions in the basic-units.

13.2. Each statement of purpose should have an alphanumeric designation or at least be placed in a separate paragraph. This practice is justified by obvious considerations of clarity of legislation and ease of reference, both before and after adoption of the Act.

13.3. A statement of purpose should avoid substantive provisions or political exhortations.

13.4. The practice of including statements of purpose may apply not only to primary legislation, but also to secondary legislation.

Guideline 14

The basic-units of an Act should not include provisions having a non-normative nature, or restating material already expressed in the same Act or in legal provisions already in force.

- 14.1. The basic-units of an Act should consist of operative legal provisions, including those setting out the indications (such as the scope and definitions) necessary to understand and apply the Act correctly. They should not include ideological or political statements, nor non-binding recommendations.
- 14.2. The basic-units of an Act should not repeat the title of the Act. Even when it is impossible to avoid using words forming part of the title of the particular Act (for example, in the provision which defines the subject matter and scope of the Act), there should be some added specifications when such words are used in the text. Otherwise, such provisions have no normative content and may, moreover, create confusion as to the rights and obligations established by the Act.
- 14.3. The basic-units of an Act should not include provisions restating the same contents, by using similar or different words. Such repetitions are not only pointless but also dangerous, since the reader, in order to explain the duplication, will tend to assume that the two provisions have different meanings.
- 14.4. The basic-units of an Act should not merely reproduce or paraphrase passages or sections of another Act. This is a pointless and potentially dangerous practice, producing uncertainty. For instance, the interpreter will have doubt on which provision to apply, or on whether a modification to one of the two provisions also impacts on the other. Moreover, any departure from the original wording may give the impression that a different result was intended, and even give rise to a sort of presumption to that effect.

Guideline 15

Where appropriate, provisions on the purpose and applicability of the Act should be included at the beginning of the basic-units.

- 15.1. The purpose of an Act is the issue the Act deals with, namely, the problem it intends to address. “Applicability” refers to the categories of situations, as well as the persons, to which the Act applies.
- 15.2. A first basic-unit, defining the applicability of the Act, is common in legislation and international agreements. Whether or not it is useful should be determined on a case-by-case basis.
- 15.3. Such a basic-unit should not merely paraphrase the title. In contrast, it may provide information which was not included in the title (in the interests of brevity), but enables the reader to determine from the outset to what and to whom the Act applies. Since such a basic-unit gives the reader the first understanding of the Act, it should not be misleading.
- 15.4. The applicability of the Act should be specified directly through an appropriate provision, rather than by introducing, in the basic-unit that contains definitions, a term covering the entire applicability of the Act. Only a specific provision on applicability enables the user to grasp the applicability of the Act immediately.

Guideline 16

Definitions should be provided when necessary. In particular, they can be used for eliminating ambiguities or introducing new terms. They should be placed in a single basic-unit at the beginning or at the end of the Act.

- 16.1. Each term in an Act should be used, as far as possible, according to its ordinary (everyday) or technical meaning. A definition should be provided only when it is necessary for the sake of clarity and precision. In particular, a definition may be used for removing an ambiguity, for example, when a term has several dictionary meanings but should be understood in only one way within an Act. A definition may also be used for a new term or to limit or extend the meaning of an existing term.
- 16.2. Definitions should be placed in a single basic-unit at the beginning or at the end of the Act (in some jurisdictions this is called the interpretation provision or the definition section).
- 16.3. Definitions should only specify the meaning of terms, they should contain no substantive rules. This will avoid the danger of users overlooking these substantive rules.

Guideline 17

It may be useful to structure the basic-units in a sequence of different kinds of provisions: provisions on purpose and applicability, definitions, rights and obligations, procedural provisions, sanctions, transitional and final provisions. It may also be useful to draft certain kinds of provisions in standard form.

17.1. The following kinds of provisions should be drafted in standard form:

- provisions on purpose and applicability;
- definitions;
- sanctions;
- transitional and final provisions (covering all of the following: any repeal of earlier Acts, application provisions, saving provisions, notwithstanding provisions, sunset provisions, provisions amending earlier Acts, the commencement date of the Act, and the operational duration of the Act).

17.2. It is difficult to prescribe standard forms for other kinds of provisions, including provisions on rights and obligations, and procedural provisions, since their structure depends on the objectives of the Act, as well as the degree of complexity of the system provided for.

Guideline 18

Basic-units can be subdivided into lower-divisions and grouped into higher-divisions.

- 18.1. A basic-unit may be divided into paragraphs. When a basic-unit contains a list, each element of the list should be related to the introductory words. To that end, inserting autonomous sentences or subparagraphs in a list should be avoided.
- 18.2. In complex Acts, the basic-units can be grouped into higher-divisions, which usually start with chapters (divided, if necessary, into subchapters). When the text is extremely complex, chapters may be grouped into parts (which may, where necessary, be split into subparts). The chapters, subchapters, parts, and subparts should be designated with Arabic or Roman numbers. Each higher-division must, and each basic-unit may, be accompanied by a descriptive heading that summarises the matter which is covered.
- 18.3. The basic-units should have a unique designation for the Act as a whole. The designations should be in Arabic numerals.
- 18.4. Basic-units and their lower-divisions should be designated differently, to enable them to be clearly distinguished, and set out consecutively.
- 18.5. Each higher-division, basic-unit, and lower-division may have "side notes" to classify the provisions. These may be located on the side of the page in a clear format so as not to confuse them with the descriptive heading (see Table 1 below). "Shoulder notes" placed on the shoulder of the provision serve the same purpose and are easier electronically. The notes should be short and should indicate the brief content of the provision.

Table 1:

	Anglophone tradition	French tradition	Portuguese tradition
	Designation	Designation	Designation
Higher Division		Partie (codes)	Parte (codes)
	Part	Livre (codes)	Livro (codes)
		Titre	Título
	Chapter	Chapitre	Capítulo
	Subchapter	Section (codes)	Secção
Basic Unit		Subsection (code)	SubSecção
	Section	Article	Artigo
Subdivision	Subsection	Alinéa	Alíneas
	Paragraph		Parágrafo
	Subparagraph		
Annex	Schedule	Annexe	Anexo

Guideline 19

An Act may be complemented by annexes or schedules, which should be introduced in the basic-units. There are three kinds of annexes: integral-part-annexes, attached instruments, and informative-annexes.

- 19.1. Annexes should be drafted consistently with the basic-units, as regards form, language, and terminology.
- 19.2. Annexes should be organised in a clear hierarchical structure and should follow a standardised format.

Guideline 20

Integral-part-annexes are used to set out provisions (or parts of provisions) which expand on or complement the basic-units of the Act.

- 20.1. An annex to an Act is presumed to be an integral-part-annex, unless stated otherwise. Consequently there is no need to state that the annex is an integral part of the Act.
- 20.2. Integral-part-annexes are used as a means of presenting provisions or parts of provisions separately from the basic-units of the Act, in particular because of their technical nature. Examples might be: rules to be applied by customs officers, doctors, or veterinarians (such as chemical analysis techniques, sampling methods, and forms to be used), lists of products, tables of figures, plans, fees, and drawings.
- 20.3. Where there are practical obstacles to incorporating technical rules or data in the basic-units, they should be put in an integral-part-annex. There must be a clear reference in the appropriate basic-units to the link between those provisions and the annex (using phrases such as "listed in the Annex" or "set out in Annex I").
- 20.4. An appropriate word (such as "Annex" or "Schedule") must appear at the beginning of the integral-part annex, and it is useful to indicate the basic-unit to which the annex relates (there will often be no need for any other heading). If there are multiple annexes, they should be designated in a way that is clearly distinct from the numbering of the basic-units of the Act. For instance Roman numerals (I, II, III, etc.) or alphabetic characters (A, B, C, etc.) may be used.
- 20.5. Although there are no specific rules governing the presentation of an integral-part-annex, it should have a uniform structure and be subdivided in such a way that the content is as clear as possible, in

spite of its technical nature. Any appropriate system of designating or subdividing the annex may be used. A table structure should be avoided.

Guideline 21

An attached instrument is an existing autonomous legal instrument. It is attached to the Act that confers additional legal effects on the attached instrument, generally by approving the attached instrument.

- 21.1. An Act may attach another legal instrument (typically an international agreement) in order to make that instrument binding in the internal legal system of a State.
- 21.2. An attached instrument is not preceded by the word "Annex", but such an instrument should have a proper title and should be organised as a normal Act. However in some jurisdictions an attached instrument should be titled as a schedule.
- 21.3. An attached instrument may itself have annexes. This is typically the case for international agreement.

Guideline 22

Informative annexes provide information on the Act they are attached to; they are not legal instruments.

- 22.1. An informative annex is not legally binding, although it forms part of an Act. An informative annex may consist of documentation, reports, and so on, attached to the Act only to facilitate its interpretation, understanding and application.

NORMATIVE REFERENCES - GUIDELINES 23 TO 28

GUIDELINE 23

Reference to other Acts should be kept to a minimum.

23.1. Reference should be made to another Act only if:

- it makes it possible to simplify the text of the Act making the reference, by not repeating the content of the provision referred to;
- the comprehensibility of the provision making the reference is not affected; and
- the Act referred to has been published or is sufficiently accessible to the public.

23.2. When a reference is made to a provision, the main elements (operative facts, or legal consequences) in that provision which are relevant to the reference should be specified.

23.2.1. References made merely by citing another provision in brackets must be avoided.

23.2.2. References to existing provisions just for the purpose of requiring their application in unspecified analogous cases (as is done by using words such as “mutatis mutandis”) should be avoided. The purpose for which the reference is made should be stated, or the reference should not be made at all.

23.2.3. Reference to existing provisions just for the purpose of excluding that the new Act interferes with such provisions (as is done by using words like “without prejudice”) should be avoided. Such references indicate contradictions between the Act containing the reference, and the Act to which reference is thus made, and they should be made unnecessary by better circumscribing the applicability of the new Act.

23.3. An Act should not reproduce the provisions of another Act, but should refer to those provisions. In particular, provisions of primary legislation should never be reproduced in secondary legislation.

23.4. References should be used in moderation, because of the principle of transparency. It should be possible to read and understand an Act without consulting other Acts, and the use of references should not affect the comprehensibility of the text.

Guideline 24

Internal and external references must be precise, to enable unequivocal identification of the provisions referred to.

- 24.1. References should be explicit and complete. They should clearly indicate the Act (type of the document, identification number, date of adoption, etc.) and the particular provisions referred to (higher-division or lower-division) to facilitate human and machine detection. The reference should not contain editorial elements like page or line numbers.
 - References should be drafted, as much as possible, using formulas corresponding to the tradition of the legal system concerned (e.g. "Chapter I, section 2, subsection c");
 - References should not be specified through the use of exception clauses (e.g. "Chapter III except section 21 and section 32");
 - Partial references should be avoided (e.g. "section 2 of the Act above" where previously the full citation of the Act was given);
 - References covering a range of sections should be avoided (e.g. "section 2-7"). It is better to list all the elements of a multiple reference (e.g. "section 2, 3, 4, 4A, 5, 6, 7");
 - Where several provisions are referred to, the information about the hierarchical structures should be repeated for every reference (e.g. "section 3, subsection a, paragraph i) and paragraph iv), subsection c, paragraph ii)" should become "section 3, subsection a, paragraph i) and paragraph iv), and section 3, subsection c, paragraph ii));
 - References may use the short title of the Act, and they may refer to an entire higher-division.
- 24.2. Where an Act is referred to for the first time, its title should be given. In all subsequent references, the Act can be referred to by using its number or its short title. For an Act which is generally known though its short title, the short title of the Act can be used also in the first reference, accompanied by the Act's year and number.
- 24.3. The first reference to an Act requires a complete citation also when the reference is contained in the front-matter (usually in the recitals). When the full citation of an Act has been provided in the front-matter, its abbreviated citation may be used in the basic units.
- 24.4. When an Act is cited in the title of another Act, an abbreviated citation should be used, while the complete citation should be included in the basic-units.
- 24.5. The abbreviated citation should comply with the following rules:
 - the name of the enacting authority should not be repeated if both Acts are enacted by the same institution;
 - no reference should be made to the Official Gazette in which the cited Act was published; and
 - amending Acts should not be mentioned.

Guideline 25

A reference to another Act can be either dynamic or static, depending on the legal tradition or the particular circumstances, but the reader must be able to identify whether it is dynamic or static.

- 25.1. A dynamic reference refers to a provision in itself, rather than to a specific version of that provision. To determine the content of the provision referred to at a certain time, the reader must consider all amendments of that provision up to that time.
- 25.2. A static reference refers to a provision as it stands on a specific date and should expressly indicate the version being referred to. This is usually done by specifying that the version being referred to is the original version of the provision, or the version resulting from a particular amendment, so that subsequent amendments are not to be considered.

- 25.3. A reference to another Act can be either dynamic or static, depending on the legal tradition or the particular circumstance, but the reader must be able to identify whether it is dynamic or static. For many legal traditions, a reference to an Act of the same legal system is presumed to be dynamic unless the contrary is indicated. In some legal traditions, however, this presumption does not hold.

Guideline 26

References may have to be adapted when the text referred to has been modified.

It may be necessary for a reference to be adapted where:

- the provision referred to has been deleted and replaced by a new text;
- 26.1.
 - an amendment to the provision referred to has unintended repercussions on the provision to which the reference was made;
 - the provision referred to has been redesignated.
- 26.2. A provision that is the object of a static reference may be subsequently amended. In this case, if the intent is for the static reference to address the newly amended version of that provision, the static reference must be modified explicitly.
- 26.3. For a generalised adaptation, a simple correlation provision is sufficient, but in some cases it may be appropriate to set out a correlation table in an annex.

Guideline 27

Circular references, serial references, and relative references should be avoided.

- 27.1. A circular reference is a reference to a provision which itself refers back to the provision making the reference. The circular reference must be avoided since it would make both provisions undetermined or unclear.
- 27.2. A serial reference is a reference to a provision, which itself refers to a further provision. In the interests of ease of understanding of Acts, such references should be avoided.
- 27.3. A relative reference is a reference to a provision on the basis of the latter's location relative to the provision making the reference (it uses words like "the previous provision" or "the next provision", or "above"). In the interests of ease of understanding of Acts, such references should be avoided. Besides, later amendments by way of insertions could change the location of the provision referred to, so that the reference would become mistaken (the provision referred to as the "above provision" could no longer be the above provision).

Guideline 28

Care should be used when an Act makes reference to a document that is not legally binding.

- 28.1. If the content of a document that is not legally binding (such as a technical standard) is to be made legally binding, that content should expressly be included as part of an Act, possibly as an integral-part-annex to it. In particular, this applies to technical standards (often drawn up by standardisation bodies).
- 28.2. If it is too onerous to expressly include such content as part of the Act (such as with a lengthy description of the conduct of laboratory tests), the Act may instead make reference to the document and require compliance with it.
- 28.3. Reference to a document that is not legally binding can be made static, by indicating the version of the document which is referred to. This should be clearly specified using an unambiguous formula such as "in the version of".

28.4. Nevertheless, if control is to be retained over the text of the document, this text should be reproduced within the Act. When the document is reproduced only partially within the Act, it is often still useful to maintain the document's structure, with certain points or passages left blank, with an explanation in a footnote if necessary.

MODIFICATIONS - GUIDELINES 29 TO 34

GUIDELINE 29

Particular care should be used for drafting provisions affecting other provisions. The drafter should identify clearly the result to be produced on the other provisions and choose consequently the correct linguistic expression and legislative technique.

29.1. A provision can affect different aspects of other provisions:

- their content,
- their times of force or efficacy,
- their legal-value or status.

29.2. Each provision meant to affect another provision should unambiguously specify both the affected provision (by indicating its reference) and the operation performed upon it. When a provision is meant to govern the times of force/efficacy, the corresponding dates must also be clearly indicated.

Guideline 30

In order to affect the content of an existing provision, the drafter should explicitly amend the text of that provision.

30.1. Rather than drafting a separate provision meant to specify the meaning or the scope of another provision, it is usually preferable to modify the text of the latter provision, so that the amended text directly provides the new intended meaning or scope.

Guideline 31

A provision governing the force/efficacy of another provision must clearly specify whether it concerns force or efficacy, and it must indicate the time for the beginning or end of force/efficacy.

31.1. A provision governing force/efficacy should either provide a specific date for time of force or efficacy of the affected provision, or make the time dependent upon an objectively ascertainable event.

31.2. Such a provision may postpone or anticipate the entry into force/efficacy or the end of force/efficacy of the whole Act or of particular provisions in it. It may also suspend force/efficacy for a period of time.

31.3. Provisions governing force/efficacy should be included in that very Act whose provisions they are meant to affect. This enables the reader to find in the same consolidated text both the affected provisions and the provisions governing their force/efficacy (see also Guideline 37).

Guideline 32

A provision affecting the legal value or status of another provision should unambiguously specify the result it intends to achieve and the date from which it takes place.

32.1. A jurisdiction should use a standard form for expressing provisions effecting the following modifications in legal value or status:

- ratification (the regulation established through an international treaty is included in a

municipal legal system);

- conversion (a temporary ordinance is converted into a permanent Act);
- delegification (a primary legislative source is made susceptible to modification through administrative regulations);
- reiteration (a temporary decree after the expiration date re-approved as a temporary decree, rather than being converted into an ordinary Act).

32.2. A jurisdiction should use a standard form also for expressing the following functional connections between provisions:

- implementation (an Act implements a pre-existing provision);
- application (an Act introduces provisions according to the requirements of a superior norm, as when a region applies a directive or issues a decree specifying the normative criteria stated by an Act);
- recasting (an Act results from the rewriting of a pre-existing Act, while the topic remains the same);
- republication (an Act is the republication in the Official Gazette of a pre-existing Act, but it is not an official legal document);
- codification (an Act is the consolidated version of pre-existing legislation);
- legislative delegation (an Act results from the Government's exercise of a legislative power delegated by the Parliament).

Guideline 33

Modifications should be explicit and clearly detectable, and they should be expressed using a standard form.

- 33.1. All modifications of a pre-existing Act should be explicit and well structured, with each modification set out separately.
- 33.2. Modifications should use the fixed formulas applicable in the relevant jurisdiction.
- 33.3. Modifications should not be conditioned on external or unpredictable events.
- 33.4. Since-then (*ex-tunc*) modifications (namely, modifications with an earlier date of application than the date of entry into force of the amending Act) should be avoided. Such a modification interferes with amendments to the modified provision having already taken place, in the interval between the application date and the entry into force of the retroactive modification.

Guideline 34

Any Act or provision rendered inapplicable, superfluous, or redundant by virtue of a new Act should be expressly repealed.

- 34.1. If the new Act makes an existing Act permanently inapplicable, then the existing Act should be expressly repealed for the sake of legal certainty. An Act may be no longer applicable not only when it is directly incompatible with the new provisions, but also when its application domain is completely covered by the new Act.
- 34.2. The express repeal of certain provisions of an Act means that the other provisions of that Act are not implicitly repealed. This reduces the risk that the latter provisions will be considered to be implicitly repealed.

AMENDMENTS - GUIDELINES 35 TO 44

GUIDELINE 35

All modifications of the provisions of an existing Act should be performed by amending that Act.

- 35.1. To modify the meaning of a provision of an existing Act, the new Act should amend the content of that provision.
- 35.2. To modify the times of force/efficacy of a provision of an existing Act, the new Act should insert in the existing Act a new specification of the times of force/efficacy, by adding a new provision governing the time of force/efficacy or by amending the existing provision to this effect.

Guideline 36

The title of an amending Act should include a reference to the amended Act.

- 36.1. The title of the amending Act should mention the Act being amended, by providing an unambiguous identifier of the Act, according to the national tradition (such as the indication of the kind of Act, the year of its enactment, and the number). It is preferable that the title of the amending Act also indicates the title of the amended Act, or specifies what is to be amended.
- 36.2. If the amending Act is adopted by an institution other than the institution which adopted the original Act, the title should indicate the name of the latter institution.
- 36.3. The basic-unit amending the provisions of an Act should include in its title a precise reference to the amended parts of that Act.

Guideline 37

An amending Act should not contain new autonomous provisions which are not related to the Act or Acts being amended.

- 37.1. An amending Act should contain only modifications to existing Acts and not contain new autonomous provisions which are not to be inserted in the Acts to be amended. Since an amending Act has the sole purpose to modify the amended Acts, it should exhaust its effect once the amendments come into operation. After the amendment, the Acts as amended should continue to govern the entire subject.
- 37.2. This approach simplifies the codification of legislative texts considerably, since the presence of autonomous provisions within a body of amending provisions leads to a convoluted legal situation with substantive basic-units of the original Act scattered into a number of different Acts. (But see Guideline 43).

Guideline 38

An amendment should be explicit, should concern a whole textual unit, and should specify the text to be inserted, added, deleted, or replaced in the amended Act.

- 38.1. Each amendment should be expressed clearly and in a complete way by a single provision that contains the following elements:
 - reference(s) to the amended provisions (in case of multiple amended provisions, each reference should be specified with sufficient data to facilitate unique and clear identification);
 - date of the amendment's application, in case it is different to the date of the entry into force of

the amending provision;

- the word-sequence to be inserted, substituted, or deleted (which should be quoted and explicitly identified through a special notation defined with a standard format).

- 38.2. An amendment should replace complete units of text (a basic-unit or a subdivision) rather than insert or delete single sentences or terms. Fragments of provisions should be amended only to substitute dates or figures, or to substitute the same terms within a whole Act.
- 38.3. In a substitution, both the textual sequence to be deleted and the textual sequence to be inserted in its place must be specified.
- 38.4. In the case of multiple amendments (e.g. substitution of a word in several basic-units), an introductory standard formula can be used. However, multiple amendments should be avoided.
- 38.5. Where several provisions of the same Act are to be amended, it is usually preferable to combine and coordinate coherently all the amendments in a single basic-unit, comprising an introductory phrase and points following the numerical order of the basic-units to be amended. However, when the combination of too many amendments could lose the reader, it might be preferable, for the sake of clarity, to set out the amendments in separate basic-units.
- 38.6. If several Acts are amended by a single amending Act, the amendments to each Act should be set out together in a separate section. A tabular schedule or annex could also be used for the purpose.
- 38.7. When a whole Act or annex/schedule is to be deleted, then the whole Act should be expressly repealed.

Guideline 39

An amending Act should itself not be amended.

- 39.1. Since an amending Act must not contain any autonomous substantive provisions, an amending Act should not be amended. To modify the content of an already amended original Act, we should make a further amendment to the text of that Act.

Guideline 40

Amendments should preserve the structure of the amended Act.

- 40.1. Basic-units, subdivisions, or any other type of provision must not be redesignated, since changing the designation of a provision interferes with existing cross-references using the old designation of that provision. Such cross-references may exist not only in other Acts, but also in other legal documents (such as regulations and court opinions), and in other non-legal documents (such as books, newspapers, and so on).
- 40.2. Blanks left by the deletion of basic-units or other designated parts of the text should not subsequently be filled by other provisions, except when the content is identical to the text deleted, since this may deceive the reader into assuming that pre-existing references to the deleted provision refer to the new one having the same designation. Even if the new provision is substantially similar to the repealed one, its designation should be different. Amendments should preserve the structure of the amended Act.

Guideline 41

An amending Act should be of the same type as the amended Act.

- 41.1. In general, an amending Act should have the same hierarchical legislative level as the amended Act. A primary Act should not be amended by a secondary Act. However, a schedule or annex in a primary Act may be amended by a secondary Act, if the primary Act so provides.

- 41.2. However, a primary Act may give a delegated law-making authority the power to amend a primary Act through secondary legislation. The delegating primary Act should preferably specify the admissible types of amending Acts. When authorising a subordinate authority to modify a primary Act, care should be taken with regard to the principle of separation of powers.

Guideline 42

An amendment to an annex should be made in the annexes of the amending Act.

- 42.1. An amendment to an annex containing technical information should be made in an annex to the amending Act, except when the amendment is minor.
- 42.2. In some legal systems, an annex to the amending Act includes an amendment table summarising all amendments effected by the Act. The amendment table must not introduce new amendments not included in the basic-units, since it is just a tool for the reader, without any normative effect.

Guideline 43

An Act not primarily intended to amend other Acts may set out amendments of other Acts when they are required as a consequence of the new norms it introduces. Where such consequential amendments are important, a separate amending Act should be adopted.

- 43.1. An Act with autonomous provisions may alter the legal context of a given field to such an extent as to make it necessary to amend other Acts governing other areas within the same field. To the extent that the amendment remains altogether secondary to the main scope of the Act, the amending provisions can be included in the new Act, alongside with its autonomous provisions. Only in this case an exception is admitted to the prohibition set out in Guideline 37 on the inclusion of new autonomous provisions in amending Acts; if the amending provisions become preponderant, they should be placed in a separate Act.
- 43.2. Also, the amendments contained in an Act with autonomous provisions should be express and, where possible, textual.
- 43.3. In order for the amendments to be apparent, the amended Acts must be mentioned in the title of the amending Act with autonomous provisions.

Guideline 44

References to amended provisions must be considered.

- 44.1. If a provision is amended, to which another provision makes a reference, the consequences for the latter provision must be considered.
- 44.2. If the amendment is also intended to apply to the provision making the reference, nothing need be done in the case of a dynamic reference. On the contrary, in case of a static reference, the provision making the reference should be modified, in order to specify that it refers to the new version of the amended text.

NORMS OVER TIME - GUIDELINES 45 TO 48

GUIDELINE 45

An Act enters into force on the date specified in it, or, after a period following that of their publication. In some cases entry into force is postponed to provide sufficient time to adapt.

- 45.1. In principle, legislation should give its addressees sufficient time to adapt.
- 45.2. The entry into force of the Act should be set on a specific date, or after a period from the date of publication, or on a future date to be determined by a competent person/body in a manner prescribed by law, or on the fulfilment of a condition.
 - 45.2.1. The entry into force of the Act should not be earlier than the date of its publication.
 - 45.2.2. As far as possible, the entry into force should not be determined by reference to a date to be set by a subsequent Act.
 - 45.2.3. An Act based upon another Act must not enter into force before the date set for the entry into force of the Act on which it is based.
 - 45.2.4. The entry into force of the Act must not be made dependent on the fulfilment of a condition of which the general public have no knowledge.

Guideline 46

Only considerations of urgency justify entry into force prior to the due period after publication.

- 46.1. There should be clear grounds of urgency for entry into force prior to the publication of the Act. In each case the grounds for the urgency should be decided according to the rules of law (constitutional or otherwise) in each legal system.
- 46.2. Entry into force on the day of publication should remain a real exception and be justified by an overriding need — to avoid a legal vacuum or to forestall speculation — closely linked to the nature of the Act.
- 46.3. Urgent regulations dealing with fiscal measures may enter into force on the day of their publication, or on the following working day.
- 46.4. Sometimes the entry into force of some parts of an Act can be postponed to a time subsequent to the entry into force of the Act as a whole. However, no parts of the Act should enter into force before the date set for the entry into force of the Act as a whole.

Guideline 47

Entry into efficacy of part of an Act may be deferred after, or anticipated before, entry into force of the Act. However, an Act should be given retroactive effect only in exceptional circumstances.

- 47.1. Where necessary, a distinction should be made between entry into efficacy and entry into force. The date of entry into efficacy of certain provisions of an Act may be deferred after or anticipated before entry into force of the Act as a whole.
- 47.2. Should it prove necessary to defer or anticipate the efficacy of part of an Act, the Act should clearly specify the provisions concerned as well as the dates of their efficacy.

- 47.3. An Act has retroactive effect when the efficacy of the whole Act, or of part of it, is anticipated to a time earlier than the Act's enactment. Thus, an Act with retroactive efficacy also applies to facts having taken place before the Act's enactment, at the time when the Act's addressees could not be guided by the Act. Consequently, retroactive effect violates the requirement of legal certainty. Should it prove necessary to give an Act retroactive effect, this should be done respecting the rights of the Act's addressees. Retroactive effect must be indicated expressly.
- 47.4. The final section of a retroactive Act should express clearly and precisely the date of starting of the Act's efficacy, using a standard formula, according to the national tradition. Similarly, when only single provisions of the Act have retroactive efficacy, their dates of entry into efficacy should be specified by using the corresponding formulas.

Guideline 48

Provisions providing dates, time-limits, exceptions, derogations and extensions, transitional provisions (in particular those relating to the effects of the Act on the existing law) and final provisions (entry into force - deadlines and temporal application of the Act) should be drafted in precise terms.

- 48.1. In the absence of express indications to the contrary, a temporal period begins at 00.00 hours on the date indicated.
- 48.1.1. The expressions most commonly used to indicate the beginning of a period are:
- from ... [to] ...
- 48.1.2. Entry into force may be expressed as follows:
- shall enter into force on ...
- 48.1.3. The beginning period of efficacy may be expressed as follows:
- with effect from ...
 - shall take effect on ...
 - shall have effect from ...
- 48.2. Except where expressly provided otherwise, a period ends at midnight on the date specified.
- 48.2.1. The expressions most commonly used to indicate the end of periods are:
- until ...
 - ... at the latest
 - [from ...] to ...
- 48.2.2. The end of being in force may be expressed as follows:
- shall expire on ...
- 48.2.3. The ending period of efficacy may be expressed as follows:
- shall cease to apply on ...
 - shall apply until the entry into force of ..., or ..., whichever is the earlier.
- 48.3. Provisions for deadlines for the entry into force of other Acts should specify a date expressed as day/

month/year.

- 48.4. In the legislation of some legal systems a distinction is made - according to the legal effects - between the date of entry into force, the date from which provisions are to have effect, and the date of application.
- 48.5. The date of entry into force, taking effect or application of particular divisions of the Act, should be in accordance with the corresponding dates of the Act as a whole.

GLOSSARY

In these Guidelines (unless the text and context clearly indicate otherwise) the following concepts mean the following —

Addressees of a provision or an Act: The person to which the provision or the Act applies directly, namely, the person whose behaviour, situation or interest is regulated.

Amend: Alter formally, by substitution, deletion, or addition, or rephrasing, the provisions of an existing Act or secondary legislation.

Amending Act: An Act performing an amendment.

Amendment: The result of amending. (It is a textual modification of one or more provisions of an Act).

Article: This term is used in certain legal traditions to indicate the basic component of an Act. Here we use the term “basic-unit”. (See “basic-unit”).

Basic-unit: The unit of text that is the basic component of an Act. In some legal traditions, this is known as section; in others, as article. The basic units of an Act contain its main normative provisions. They may be grouped into higher-divisions, and may be accompanied by schedules or annexes.

Bill: A proposed law or piece of legislation put before a legislature for approval.

Commencement: See “Entry into force”.

Consistency, formal: The use of the same terms in the same meaning within the same Act (internal formal consistency), and also with regard to other Acts (external formal consistency).

Date of application of modification: The time when the addressed Act is modified as indicated in the provision stating the modification.

Date of assent or Date of enactment: The date when the legislative document is agreed or approved by the empowered authority (e.g. Queen, President, Ministry, etc.).

Date of entry into efficacy: The date when the Act becomes effective and it expresses the juridical effects.

Date of entry into force: The date when the Act enters into force (see “Entry into force”).

Date of publication: The date when the Act is published in the Official Journal (or Official Gazette).

Definition unit: The basic-unit of the Act which contains the main definitions.

Enacting clause: The short phrase that introduces the basic-units of a law enacted by some legislatures. For instance, an enacting clause can have the following form: “ENACTED by the Parliament of ... as follows.”.

End-matter: Final part of an Act, which follows the basic-units and contains ending formulas, dates and places of adoption/enactment, and signatures.

Entry into force: Becoming part of the legal system (the set of existing legal provisions). In the civil law tradition the entry into force of an Act is usually a certain time after its publication in order to guarantee a period of adaptation. This period is called *vacatio legis*.

Front-matter: Initial part of an Act, which precedes the basic-units and includes various elements meant to identify the Act, put it in context, and facilitate access to its contents.

Implementing Act: A normative Act laying down specific rule and procedures for the application of another Act.

Interpretation section: See “definition section”.

Legislation: Legislative Acts enacted or issued by any legislature. Such Acts include primary legislation and secondary legislation.

Legislation, primary: Any Act of Parliament, provincial Act, ordinance, statute, decree, order, or any other type of original legislation.

Legislation, secondary: Any delegated or subordinate legislation issued by the executive, such as regulations, notices and proclamations.

Legislative Act or Act: A document (usually a Bill) which has been made law through the legislative process.

Legislature: Any competent legislative body or person, whether elected or appointed, with primary legislative powers derived from or assigned by a constitution or any other law.

Marginal, side or shoulder notes: The classification or the naming of clauses or basic-units of the bill/Act. When read together, these notes should give a reasonably accurate idea of the contents of the provisions to which they relate.

Modification: Any alteration of an aspect of provisions in legislation. It may concern the content provisions, their time of force or efficacy, their legal value or status. Modifications of contents are usually performed through amendment.

Normative provision: Any provision having an immediate legal significance, expressing a legal norm. In other words a rule of law.

Normative reference: Any cross-reference to a legislative Act or part of it.

Provision: A well-organised and delimited part of the text, which usually expresses a single norm (e.g. a basic-unit or a subdivision of it).

Purpose clause: Provision stating the issue which the Act is intended to address; See also "statements of purpose".

Recitals: those parts of the front-matter which set out the legal basis and the historical, legislative and procedural background to an Act.

Reference, Circular: A reference to another provision which itself refers back to the provision which referred to it.

Reference, Dynamic: A reference to a provision in itself, rather than specific textual versions of that provision.

Reference, External: A reference to other laws or other sources.

Reference, Internal: A reference to another provision of the same Act.

Reference, Relative: A reference to another provision based on relative location of both provisions, like "next" or "previous" references.

Reference, Serial: A reference to another provision, which itself refers to a third provision, and so on.

Reference, Static: A reference to a specific textual version of a provision, as it stands on a specific date.

Repeal: deletion of a whole Act, or of a part of it.

Retroactive norm: A norm linking its effect to a condition which has happened before the norm's entry into force.

Section: This term is used in certain legal traditions to indicate the basic component of an Act. Here we use the term "basic-unit". (See "basic-unit".)

Short title: The name, shorter than the title, by which the Act will generally be known. It is usually provided for most important Acts. In some traditions, every Act has both a title and a short title.

Since-then (ex-tunc): Having application in a time located in the past.

Since-then (ex-tunc) amendments: Amendments having application at a time antecedent to the enactment of the amending Act, usually from the entry into force of the amended Act.

Statements of purpose: Statements in the recitals or front-matter setting out the reasons for, or purpose of, an Act.

Sunset clause: A clause which pre-determines the end of force of an Act or of parts of it.