CONCEPT

Legislative Drafting and the Legislative Process: Laws, Regulations and Bylaws

11 – 15 January 2027
Amsterdam - Zuidas business district hotel



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Introduction:

Legislative drafting often breaks down between the policy decision and the enacted text: instructions arrive vague, definitions drift between articles, secondary rules exceed the powers of the parent law and nobody plans how the provisions will be enforced or reviewed. This Core Concept course takes government legal advisers, regulators and policy staff through the legislative process from drafting instructions to enactment, consolidation and post-implementation review. Participants draft and scrutinise real legislative texts and leave with a Draft Bill and Implementing Regulation Pack containing instructions, an explanatory note and a scrutiny checklist.

Course Objectives:

- Map a legislative proposal through each stage of the legislative cycle, from policy approval to enactment and entry into force
- Convert a policy decision into written drafting instructions that settle purpose, scope, powers, offences and transitional arrangements
- Draft primary and secondary legislative provisions with consistent definitions, sound article structure and accurate cross-references
- Test draft legislation for vires, conflict with higher-ranking legislation and consistency with the existing statute book
- Design enforcement, sanctions, commencement and review provisions that a regulator can apply in practice
- Prepare consolidated and amending texts that keep the statute book accessible after repeated change

Target Audience:

- Government legal advisers who draft or vet laws, regulations and bylaws for ministries and agencies
- Regulatory staff responsible for issuing implementing regulations, rules and technical requirements
- Policy staff who commission legislation and brief drafters on the intended effect of a measure
- Legislative affairs and cabinet support staff who track bills through approval stages
- Legal review and scrutiny staff who check drafts for legality, consistency and form before issue
- Codification and legal information staff who maintain consolidated texts of legislation

Course Outline:

Day 1: The Legislative Cycle and the Hierarchy of Legislation

- Legislative Cycle Map: Policy Approval, Drafting, Review, Enactment, Publication and Entry Into Force
- Hierarchy of Legislation: Basic, Ordinary and Subordinate Legislation and Their Ranking
- Primary Versus Secondary Legislation: Laws, Implementing Regulations, Bylaws and Rules
- Enabling Powers and Delegation Clauses as the Source of Secondary Rule-Making
- Statute Book Audit of an Existing Law and Its Regulations in the Participant's Field

Day 2: From Policy to Drafting Instructions and Regulatory Appraisal

- Drafting Instructions Template: Purpose, Scope, Obligations, Powers, Offences and Transitional Provisions
- Instruction Clarification Log Between Drafter and Instructing Policy Team
- OECD Regulatory Impact Analysis Summary Attached to a Draft Law
- Public Consultation Draft and Comment Response Matrix
- Legislative Plan and Drafting Timetable for a Multi-Instrument Package

Day 3: Drafting Technique for Laws and Regulations

- Standard Article Architecture: Title, Preamble, Definitions, Substantive Provisions and Final Provisions
- Definitions Article Technique: Stipulative, Extending and Narrowing Definitions
- Plain Language Drafting Rules: Active Voice, Short Sentences and Shall, May and Must Usage
- Cross-Reference and Numbering Conventions for Chapters, Articles, Paragraphs and Schedules
- Amending Formulas: Insertion, Substitution and Repeal Wording

Day 4: Legal Scrutiny, Enforcement Design and Problem Drafts

- Vires Check of Secondary Legislation Against the Parent Law
- Conflict and Consistency Review Against Higher-Ranking and Parallel Legislation
- Enforcement Toolkit Design: Inspection Powers, Administrative Penalties and Graduated Sanctions
- Commencement, Transitional and Savings Provisions for Existing Rights and Licences
- Sunset and Post-Implementation Review Clauses With Evaluation Triggers

Day 5: Case Work and the Draft Bill and Implementing Regulation Pack

- Consolidation Exercise: Producing a Consolidated Text After Successive Amendments
- Licensing Regime Case: Drafting a Short Law and Its Implementing Regulation
- Environmental Permit Case: Redrafting an Ambiguous Regulation for Enforceability
- Draft Bill and Implementing Regulation Pack Assembly With Explanatory Note
- Peer Scrutiny Panel Using the Legislative Scrutiny Checklist

Skills You Will Gain:

- Legislative Drafting Instructions
- Primary and Secondary Legislation Drafting
- Definitions and Cross-Reference Control
- Vires and Consistency Scrutiny
- Enforcement Provision Design
- Amending and Repeal Formulas
- Legislative Consolidation
- Explanatory Note Writing

Why Attend This Course:

- Return with a Draft Bill and Implementing Regulation Pack that can serve as a model for the next legislative file in your entity
- Receive clearer drafting instructions or write them yourself, so drafts need fewer rounds between policy and legal teams
- Catch regulations that exceed their enabling powers or clash with other legislation before they are issued
- Work through licensing and environmental cases with legal advisers and regulators from different sectors and legal systems

Conclusion:

Legislation works when its text carries the policy intent faithfully, sits correctly within the hierarchy of legislation and can be enforced and reviewed. The course moves from the legislative cycle and the ranking of laws and regulations, through drafting instructions, regulatory appraisal and consultation, to article architecture, definitions, amending formulas, scrutiny and enforcement design. The final day applies these methods to licensing and environmental cases and to consolidation, producing a Draft Bill and Implementing Regulation Pack for use in participants' own legislative work.