

LGST 551: Legislative Expression

Detailed Course Outline

LGST 551 consists of nine Sections, organized in two Modules.

Module 1: The Basics

Section 1: What Is Legislative Drafting All About?

1. Legislative expression
 - To whom should legislation be addressed?
 - How does legislative expression compare with other forms of communication?
 - What are the differences between legislative and non-legislative commands?
 - What more is needed to create legislative prohibitions?
 - How should we choose the right expression?

Section 2: What Is Legislation?

1. Types of legislation
 - What is legislation?
 - What forms does primary legislation take?
 - Which bodies have the power to make subsidiary legislation?
 - What forms does subsidiary legislation take?
2. Classification of primary legislation (Bill and Acts)
3. Structure and format of Bills and Acts
 - What features appear in Acts?
 - What features appear only in Bills?
4. Conventional arrangement of Bills and Acts

Section 3: Why Do We Draft as We Do in Parliamentary Systems?

1. Historical development of legislative drafting

- When did drafting begin?
 - How did drafting develop in the 19th century?
 - How did drafting develop in the 20th century?
2. Theoretical foundations of legislative drafting
 - What were the premises of Coode's approach?
 - What were Coode's components of a legislative sentence?
 - What were Coode's guidelines for forming sentences?
 - How have later legislative counsel built on Coode's approach?
 3. Principal characteristics of drafting in parliamentary jurisdictions
 - What are the principal characteristics of this form of drafting?
 4. Drafting objectives
 - How should drafting be oriented in the 21st century?
 - What do users expect from legal documents?
 - How can we meet these expectations? (Seven Cs of Legislative Drafting)
 - Are the Seven Cs equally important?
 - How can we achieve the Seven Cs? (Seven Basic Drafting Practices)

Module 2: Writing Legislative Sentences

Section 1: What Do We Need to Know About Grammar?

1. Why is grammar important for drafting?
2. What grammatical terms do we need to know?
3. What common grammatical mistakes should we watch for?
 - Verb in a predicate is missing or incomplete
 - Verb does not agree with its subject in number
 - Pronoun is vague or ambiguous or missing
 - Modifier is misplaced or ambiguous
 - Preposition is incorrect or missing
 - Article (definite or indefinite) is wrong or missing

- Punctuation is incorrect

Section 2: What Are the Basics of Writing Legislative Sentences?

1. Starting to write
 - How should we begin the process of writing a legislative sentence?
 - Are there any guidelines to help us get started?
2. Basic components of legislative sentences
 - What are the basic components of a legislative sentence?
 - How should we decide on the components of a legislative sentence?
3. Types of legislative sentences
 - How do legislative counsel write particular types of sentences?
 - Are there different ways to express the same provision?

Section 3: How Do We Put Together the Components of Legislative Sentences?

1. Principal subject
 - How do we select the grammatical subject of the sentence?
 - How do we decide which legal person will be the grammatical subject?
 - How should the principal subject be described?
 - How do we choose the subject of a declaratory sentence?
2. Principal predicate
 - How do we determine the principal predicate?
 - How should we write the principal predicate?
 - How should we select the appropriate verb for the principal predicate?
 - Is an auxiliary required in every principal predicate?
 - How do we choose the appropriate auxiliary?
3. Predicate modifiers
 - How should we particularize predicates?
 - How should we write context clauses?

Section 4: How Do We Punctuate and Capitalize Legislation?

1. Punctuation

- What is the function of punctuation in legislation?
- Do legislative counsel use punctuation differently from other writers?
- How should we approach the punctuation of legislation?
- Punctuation marks

2. Capitalization

- When do we use capital letters?
- When should we not use capital letters?

Section 5: How Can We Develop Good Legislative Style?

1. General considerations

- What do we mean by good legislative style?
- How do we decide what is good style?
- How are style standards set for legislative counsel?
- Why is style important?
- What style practices get in the way of communication?
- What is the aim of the plain language style?

2. Developing good legislative style

- How can we improve communication?
- How can we improve clarity?
- How can we make legislation more readable?
- How can we make legislation more concise?
- How can we make legislation more complete?
- How can we make legislation more consistent?
- How can we make legislation certain?

3. Gender-neutral drafting

- How can we draft in gender-neutral terms?

4. Some additional matters of style

- Can we split infinitives?

- Can we end a sentence with a preposition?
- Can we begin a sentence with “And” or “But”?

Section 6: What Can Go Wrong in Legislative Expression?

1. Subjects

- Imprecise linking of several subjects
- Ambiguous modifiers of subjects
- Imprecise use of pronouns

2. Verbs

- Imprecise linking of several verbs
- Ambiguous verb modifiers
- Ambiguous participles

3. Modifiers

- Defective sentence modification
- Ambiguous prepositions
- Uncertain conjunctions