



Legal Studies (LGST) 555

Drafting Preliminary, Amending, and Final Provisions (Revision 2)

Status:

Replaced with new revision, see the [course listing](#) for the current revision

Delivery mode:

Individualized study

Credits:

3

Area of study:

Arts

Prerequisites:

Successful completion of **LGST 551** and **LGST 553**. (Prerequisites may be waived for non-program students upon approval of the Program Director.)

Precluded:

None

Faculty:

Faculty of Humanities and Social Sciences

Notes:

Open Access Course (not for credit)

Overview

In *LGST 555: Drafting Preliminary, Amending, and Final Provisions*, students will apply their developing drafting skills in more complex tasks. This course will focus on provisions that appear at the beginning or end of a legislative text to perform mainly technical functions. Most of these do not contain substantive rules of law. But they play important functions in establishing the authenticity of the legislation, in supporting its operation and use and in ensuring that new legislation is compatible with existing legislation. These provisions include titles, preambles, commencement and duration provisions, interpretation provisions, purpose clauses, application provisions and schedules.

Outline

This course is composed of several modules each with various sections and subsections as follows:

MODULE 1: DRAFTING PRELIMINARY AND FINAL PROVISIONS

Section 1: What are preliminary and final provisions and what other explanatory material may be included?

1. Preliminary and Final Provisions
2. Explanatory Material

Section 2: How do we draft titles, preambles and words of enactment?

1. Long titles of Bills
2. Preambles
3. Words of enactment
4. Short titles

Section 3: How do we draft commencement and duration provisions?

1. Commencement provisions
2. Expiry provisions

Section 4: How do we draft interpretation provisions?

1. General considerations
2. Definitions generally
3. Labelling definitions
4. Stipulating definitions
5. Syntax of definitions
6. Interpretative rules
7. Hints and checks

Section 5: When and how do we draft purpose clauses?

1. What is a purpose clause?
2. Why use a purpose clause?
3. Why don't legislative counsel use purpose clauses more often?
4. When is a purpose clause useful?
5. How should a purpose clause be drafted?

Section 6: When and how do we draft application provisions?

1. Application provisions generally
2. Application to things in the past
3. Provisions binding the state
4. Extra-territorial application

Section 7: When and how do we draft schedules?

MODULE 2: DRAFTING AMENDING PROVISIONS

Section 1: What are amending provisions and how are they arranged?

Section 2: How should we repeal and amend legislation?

1. General considerations
2. Deciding what to repeal or amend
3. Drafting repeal provisions
4. Drafting amendments

5. Concluding questions

Section 3: When and how do we draft saving and other transitional provisions?

1. General considerations
2. Legal effects of repeals
3. Content of saving and other transitional provisions
4. Drafting saving and other transitional provisions

Learning outcomes

Upon completion of this course, students should be able to:

1. draft provisions that appear as preliminary or final provisions in legislation in your jurisdiction, particularly in Bills and Acts;
2. draft provisions that appear as the preliminary provisions in legislation in your jurisdiction;
3. draft appropriate definitions or other interpretation provisions;
4. draft appropriate application provisions;
5. draft amending provisions, including repeal and replacement provisions;
6. take account of the law on repeal, including implied repeal, and the legal effects of repeals in drafting amending and transitional provisions;
7. draft transitional provisions and schedules.

Evaluation

Students should be prepared to devote the time necessary to complete the various activities in this course within six months. This includes: reading actively and critically; researching the law and legal principles and recording the results of that research; engaging in self-study exercises; and preparing drafting projects that are appropriate and adequate for their purposes. To help students develop these skills, the course instructor will provide feedback on drafting projects. Students are expected to work diligently and manage their time so as to devote adequate attention to each component of their assessed drafting within the six month course period.

To help students plan their individual study schedules, each activity is weighted proportionately. Your work in this course will be evaluated according to the principles of legislative drafting, including style, research, background/context, and grammar/mechanics.

To receive credit for this course, students will be required to complete the following activities successfully and obtain an overall grade of at least **C- (60%)** [↗](#).


Prepare drafting projects interspersed at appropriate points in the course and weighted as follows:

Activity	Weight	Complete by
Project 1 – Part 1	10%	After Module 1, Section 4
Project 1 – Part 2	10%	After Module 1, Section 4
Project 2 – Part 1	5%	After Module 1, Section 7
Project 2 – Part 2	5%	After Module 1, Section 7
Project 2 – Part 3	10%	After Module 1, Section 7
Project 3 – Part 1	20%	After Module 2, Section 2
Project 3 – Part 2	10%	After Module 2, Section 2
Project 4	30%	After Module 2, Section 3
Total	100%	

Materials

The course materials are available on the course website. These materials include study materials, exercises, drafting project instructions, and resource materials with a bibliography and links to useful websites.

Important links

- › [Program](#) 
- › [Courses](#) 
- › [Fees and Funding](#) 

Athabasca University reserves the right to amend course outlines occasionally and without notice. Courses offered by other delivery methods may vary from their individualized study counterparts.

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View **previous revision** 
