



Legal Studies (LGST) 557

Implementation Provisions and Drafting Processes (Revision 3)

Status:	Replaced with new revision, see the course listing  for the current revision 
Delivery mode:	Individualized study online  . Delivered via Brightspace.
Credits:	3
Area of study:	Arts
Prerequisites:	Successful completion of LGST 551 , LGST 553 and LGST 555 . (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 557: Implementation Provisions and Drafting Processes, students will rely upon the foundation of drafting skills they have developed in previous courses and will pursue more complex studies linking various elements of legislative drafting into a more holistic legislative framework. This course will focus upon the drafting of compliance and other implementation provisions; delegating powers; and subsidiary legislation. It also considers how the drafter works with clients in the legislative process.

Outline

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

MODULE 1: DRAFTING OTHER COMMON PROVISIONS

Section 1: How do we draft compliance provisions?

- General considerations
- Determining what penal provisions are required
- Drafting penal provisions

Section 2: How do we delegate powers to legislate?

- General Considerations
- General Approaches to Drafting Subsidiary Legislative Powers
- Particular Questions

Section 3: How do we draft subsidiary legislation?

- General Considerations
- Drafting Approach
- Drafting Details
- Drafting Executive Instruments

MODULE 2: LAW-MAKING PROCESSES AND WORKING WITH CLIENTS

Section 1: What are the processes for making laws and our role as legislative

counsel?

- General considerations
- Stages in the preparation of legislation
- Enacting the legislative text
- Subsidiary legislation

Section 2: How do we work with drafting instructions?

- Getting drafting instructions
- Analysing drafting instructions

Learning outcomes

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

- draft penal provisions to enforce requirements of the legislative scheme;
- draft provisions enabling the making of subsidiary legislation;
- draft the main types of subsidiary legislation;
- describe for your jurisdiction the steps by which legislative proposals are formulated and transformed into legal provisions, and the procedure by which those provisions are enacted as legislation;
- explain the functions of instructing official and legislative counsel in the preparation process, both in principle and in the practice of your jurisdiction;
- give an account of the value and functions of drafting instructions in preparing legislation and the practice in relation to them in your jurisdiction;
- undertake an analysis of simple instructions to determine when further instructions may be needed;
- take appropriate action when instructions are inadequate.

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 1
Project 1 – Part 2	5%	After Module 1, Section 1
Project 2 – Part 1	5%	After Module 1, Section 3
Project 2 – Part 2	15%	After Module 1, Section 3
Project 2 – Part 3	5%	After Module 1, Section 3
Project 3 – Part 1	20%	After Module 1, Section 3
Project 3 – Part 2	10%	After Module 1, Section 3
Project 4	30%	After Module 2
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 modes may vary from their individualized study counterparts.

Opened in Revision 3, October 10, 2024

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View [previous revision](#) 
