Bhutan workshop on legislative and regulatory drafting (23 August - 3 September, 1999)

Seidman, Robert B.

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Boston University
Critique the following section of a draft bill:

19. (1) In a court of appropriate jurisdiction and in the Commissioner's own name, the Commissioner shall prosecute a person who the Commissioner reasonably believes has committed an offence in terms of this Act.

(2) In that action, on behalf of the child or young person the victim of the offence, the Commissioner may recover from the defendant actual damages suffered by the victim.

(3) On an appeal from a decision of a court in a case brought pursuant to subsection (1), the Attorney General shall represent the State.

(4) On the appeal, the appeals court may affirm, reverse or modify the judgement of the trial court.
1. 'Coming into force' provision
2. Method of appointing the Director of Children's Services; qualifications
3. Rules forbidding employment of children under 14
4. Number of members of the Board of Trustees for Children's Services Department
5. Rules forbidding employment of young persons 14-18 years of age except pursuant to rules adopted by the Minister on recommendation of the Agency.
6. Duration of appointment of Trustees; discharge for cause.
7. Powers and duties of the Director
8. Criteria and procedures for making and promulgating subsidiary legislation and regulations
9. Consequential amendments
10. Procedures on meetings of the Board of Trustees (how often; agenda; quorum; Chair to have a casting vote; etc.)
11. Penalty for employing children under 14 in a hazardous occupation.
12. Definitions
13. Duties of employers of children between 14 and 18
14. Short title
15. Qualifications for appointment as a Trustee.
16. Powers and duties of the Trustees
Grouped and ordered by 'logic'

CHAPTER ONE. INTRODUCTORY
1. Definitions

CHAPTER TWO. THE BOARD OF TRUSTEES
2. Qualifications for appointment as a Trustee.
3. Number of members of the Board of Trustees for Children's Services Department
4. Duration of appointment of Trustees; discharge for cause.
5. Procedures on meetings of the Board of Trustees (how often; agenda; quorum; Chair to have a casting vote; etc.)
6. Powers and duties of the Trustees
7. Method of appointing the Director of Children's Services; qualifications
8. Powers and duties of the Director

CHAPTER THREE. OFFENCES
9. Rules forbidding employment of children under 14
11. Rules forbidding employment of young persons 14-18 years of age except pursuant to rules adopted by the Minister on recommendation of the Agency.
12. Duties of employers of children between 14 and 18

CHAPTER FOUR. MISCELLANEOUS
13. 'Coming into force' provision
14. Criteria and procedures for making and promulgating subsidiary legislation and regulations
15. Consequential amendments
16. Short title

Critique this grouping and ordering.
In terms of ease of use by stakeholders:

CHAPTER ONE. RULES ADDRESSED TO EMPLOYERS

1. Rules forbidding employment of children under 14

2. Rules forbidding employment of young persons 14-18 years of age except pursuant to rules adopted by the Minister on recommendation of the Agency.

3. Duties of employers of children between 14 and 18

CHAPTER TWO: IMPLEMENTING AGENCIES

4. Powers and duties of the Trustees

5. Powers and duties of the Director

6. Qualifications for appointment as a Trustee.

7. Number of members of the Board of Trustees for Children's Services Department

8. Duration of appointment of Trustees; discharge for cause.

9. Procedures on meetings of the Board of Trustees (how often; agenda; quorum; Chair to have a casting vote; etc.)

10. Method of appointing the Director of Children's Services; qualifications

CHAPTER THREE. OFFENCES

11. Penalty for employing children under 14 in a hazardous occupation.

CHAPTER FOUR. MISCELLANEOUS

12. Definitions

13. Criteria and procedures for making and promulgating subsidiary legislation and regulations

14. Consequential amendments

15. Short title

16. 'Coming into force' provision
Small groups:

1. Based on your research report’s suggestions for a solution, make up a list of potential sections for your bill, in as much detail as possible.

2. Based on your research report’s suggestions about what your bill will contain, discuss the extent to which the default outline (see above; or Manual, Ch. 8, pp. 18-27) seems appropriate for your bill.

3. If you find the default mode inapplicable, write an outline for your bill, listing only the Parts (if more than one), and the Chapters.

4. Assign a Chapter to each member of the group; that member to list the sections the Chapter will include (i.e., group the sections in to Chapters). Order those sections within each Chapter.

The results become the outline for your bill.

At this point you are about four fifths of the way towards completion of the bill!