





Legal Studies (LGST) 553

Legislative Structure, Style, and Limits (Revision 2)

Status:

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

Delivery mode:

Individualized study online 

Credits:

3

Area of study:

Arts


Prerequisites:

Successful completion of **LGST 551**.
(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 553: Legislative Structure, Style and Limits students will continue to develop their drafting skills and familiarity with approaches to legislative drafting typical in common law jurisdictions. This course considers the structure and organization of legislative texts, good legislative style and the legal context in which legislation operates in terms of its interpretation and constitutional limits, including fundamental rights and freedoms.

Outline

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

MODULE 1: GETTING ORGANISED

Section 1: How should we structure a legislative text?

1. General considerations
2. Drafting sections
3. Drafting sentences in sections
4. Paragraphing
5. Numbering
6. Ordering and linking sentences in a section
7. Linking sections
8. Incorporation by reference
9. Grouping Sections

Section 2: How should we organise a legislative text?

1. General considerations
2. Preparing an outline
3. Factors influencing an outline for a Bill

MODULE 2: HOW CAN WE DEVELOP GOOD LEGISLATIVE STYLE?

Section 1: How can we develop good legislative style?

1. General considerations
2. Developing good legislative style
3. Gender-neutral drafting
4. Some additional matters of style

MODULE 3: WORKING WITHIN LIMITS

Section 1: How do we work with interpretive approaches and rules?

1. General considerations
2. Judicial approaches to interpretation
3. Interpretive assumptions and presumptions
4. Aids to interpretation
5. Conclusion

Section 2: How do we work with Interpretation Acts?

1. Importance of Interpretation Acts
2. Application of Interpretation Acts
3. Using Interpretation Acts to facilitate drafting

Section 3: How do we work with the Constitution?

1. The Constitution and the legislative counsel
2. Particular constitutional constraints

Section 4: How do we work with fundamental rights and freedoms?

1. Drafting under a Bill of Rights
2. International standards

Learning outcomes

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


- arrange and link legislative sentences into a logical structure in a legislative text;

- design a legislative plan for drafting a short Bill;
- apply a range of stylistic devices in composing legislation that will contribute to its effectiveness and clarity;
- put into effect the main practices that lead to a plain language style of drafting;
- follow a gender-neutral style of drafting;
- take into account interpretive approaches and rules applied by common law judges, including the principal interpretive assumptions and presumptions;
- apply the drafting practices recognized by the interpretation legislation in your jurisdiction and generally implement its other requirements;
- work within the constraints imposed by your jurisdiction's constitution, and take full account of its requirements so that the legislation is not vulnerable to legal challenge;
- draw attention to legislative proposals or provisions that may be inconsistent with the fundamental rights and freedoms protected in your jurisdiction and find ways to achieve consistency.

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 | 10% | After Module 1, Section 1 |
| Project 2 – Part 1 | 15% | After Module 2 |
| Project 2 – Part 2 | 15% | After Module 2 |
| Project 3 | 20% | After Module 3, Section 2 |
| Project 4 – Part 1 | 15% | After Module 3, Section 4 |
| Project 4 – Part 2 | 15% | After Module 3, Section 4 |
| 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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