

## **EXECUTIVE SUMMARY**

### **Helping people understand legal provisions**

This article explains the process in which a Bill becomes law and how the law drafters continue to work closely with the policy owners even after a Bill becomes a law.

As the public becomes increasingly interested in legal provisions, law drafters have, since the 1990s, embarked on the journey to move towards simpler and easy-to-understand styles of writing, while ensuring that the objective remains clear and the words used are concise and precise. For the past five years, they have also been drawing up more comprehensive explanatory statements to help people understand the content of the Bill being proposed, and where appropriate, introduced examples on the use of provisions.

## **Legislation Division ensures the integrity of our Statutes**

A fine for parking against traffic flow; a penalty of \$300 for shooting rubber bands and littering of drink cans.

These cases have attracted discussions among netizens in the past few months. Some enthusiastic netizens researched the online Statutes ([sso.agc.gov.sg](http://sso.agc.gov.sg)), to try and understand the provisions of relevant laws before sharing them with others.

It is evident that legal provisions are not only part and parcel of the work of judges and lawyers, but are also closely connected to the daily life of the public.

This issue of “Know the Law” will, through the process in which a Bill becomes law and what happens after, explain how the Legislation Division (LEGIS) ensures the integrity of our Statutes and that the legal provisions are easy to understand.

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Data from the Attorney-General’s Chambers (AGC) showed that the public is increasingly interested in legal provisions in recent years. In 2013, Singapore Statutes Online (SSO), which is managed by AGC, had close to 2.9 million page views. In 2018, that number has increased to more than 5.26 million. There was also an increase in number of users, from 1.17 million in 2013 to 2 million last year.

Mrs. Owi Beng Ki, Chief Legislative Counsel of LEGIS, believes that the increase in viewership is a result of more visits by the public. She reasoned that local and international law firms would have subscribed to LawNet, a service provided by the Singapore Academy of Law and hence they would not have a need to use Singapore Statutes Online.

In order to help the public understand the over 500 laws and 5,000 Subsidiary Legislations in our country, LEGIS launched “PLUS” (Plain Laws Understandable by Singaporeans) to solicit public opinions on legal text and its presentation format in 2013. LEGIS is also planning to launch a video at the end of this year to introduce and explain Singapore’s legislative process, and how the Statutes should be read.

After consulting the public, law drafters have avoided vague and difficult legal words by using easy-to-understand vocabulary and providing appropriate summaries or annotations to the provisions when drafting laws in recent years.

For example, “shall”, which was common in old legal provisions, does not mean “ought to” but “must” with a mandatory connotation. It is now changed to “must”.

In fact, the style in which legislation has been written has changed over the centuries, not just due to the approaches that judges adopt in interpreting legislation, but also by how stakeholders use and apply legislation.

Mrs. Owi explained that judges of the past relied on rules of interpretation such as the literal rule; thus laws tended to be very prescriptive. Sentences tended to be very long and dense, as the drafter attempted to capture every aspect of a matter in minute details.

With judges shifting towards rules of interpretation like the mischief rule and purposive reading, which consider the original legislative intent rather than the literal meaning, legislative text has become less dense and there is a heavier emphasis on the outcome and intent of law enforcement.

### **Concise and easy-to-understand style of writing**

In the past legislation often used Latin phrases and legalese with judges and lawyers being the main users of the law in the past.

“That is no longer the case. There has been a deliberate and consistent move by law drafters towards simpler and easy-to-understand styles of writing since the 1990s,” explained Mrs. Owi.

With the advent of the Internet, the ubiquity of mobile devices such as smart phones, and the rapid modes by which information is transmitted, drafters have an even greater impetus to keep their text short. There is now a rule in LEGIS that legislative provisions should not exceed 45 words and there is a greater emphasis on the organisation of information to help readers find information.

Mrs. Owi added that drafting legislation is not akin to writing a thesis. Legislation can be drafted in five pages if the objective is clear and the words used are concise and precise.

She explained, “The drafting process requires multiple rounds of thinking, discussion and analysis. Every word is important in legislation. When interpreting the law, judges consider every word and none is treated as redundant. When drafting legislation, we cannot afford to be careless.”

### **Detailed explanation at the end of a Bill to help people easily understand the content**

During parliamentary debates on new Bills, the question on whether legal definitions should be made broader or narrower is often raised by Members of Parliament.

Key words in legal text are defined at the start of a Bill and these definitions are vital to the understanding of the Bill.

Mrs. Owi opined that people feel a lack of clarity in the Bills because they think that laws should explicitly state what is legal or illegal, and are uncomfortable interpreting a broad-based clause even though it already covers the explanation.

Drafters are aware of this trend and, for the past five years, have been drawing up more comprehensive explanatory statements to help people understand the content of the Bill being proposed. They not only explain the purpose of the Bill but also the how the Bill works vis-à-vis other laws.

Drafters have also been introducing examples on the use of provisions in appropriate circumstances. The danger of overdoing the insertion of examples is that they can be seen as prescriptive, as opposed to being a reference, which is the very reason such examples were introduced in the first place.

Mrs. Owi pointed out that some Members of Parliament will also request for examples to discuss and understand the details of the Bills being debated on. “Even if a Bill that has no examples comes into force, judges will refer to and consider the parliamentary recordings of the Minister’s responses to the Members of Parliament’ questions in the Second and Third Readings of the Bill.”

### **Law drafters assist with a Bill becoming law after it is passed at the Third Reading**

The work of law drafters does not end when the Bill passes the Third Reading in Parliament. Drafters continue to work with the relevant Ministry’s policy team and handle matters related to the Bill becoming a law.

It is common for law drafters to work through the night on the day when the Bill passes the Third Reading.

Only after the law is fully in effect can law drafters retire with ease. If the new Act is brought into force in stages, or if there are several regulations needed to bring the law into full force, this can take a long time, sometimes as long as two years.

It is also not uncommon for the law drafter to continue to advise the relevant Ministry or statutory board on the initial implementation of the new law after it comes into force. “This happens invariably when the law deals with a brand new policy or area of the law, as the law drafter would be the most familiar person on the subject matter,” said Mrs. Owi.

Finally, before the President’s assent, the law drafter can be called upon to support the Attorney-General in rendering an opinion to the Presidential Council for Minority Rights (PCMR) as to whether the Bill will damage or affect the rights of the minority community. The Attorney-General is a member of the PCMR.

With the advancement of technology, LEGIS is now almost fully responsible for the typesetting and desktop publishing of the authentic text of Bills and Acts.

Mrs. Owi said that not only do law drafters work behind the scenes, they face criticism from judges, academics and lawyers about the law drafted, whenever there is a dispute or when provisions become unclear in specific contexts occurring years after the law is made, which makes for a largely negative environment to work in.

“How much a law drafter can contribute is highly dependent on the policy instructors’ attitudes towards the drafter. In some instances, where the relationships are more collaborative, the drafters come on board earlier and provide more assistance.”

8 oldest legislations in Singapore	
1838	Wills Act
1871	Penal Code
1872	Foreshores Act
1875	Foreign Recruiting Act
1883	State Lands Encroachments Act
1886	State Lands Act
	Bills of Sale Act

