A CLINICAL APPROACH TO LEGAL DRAFTING
In recent issues I have commented on the attempts post-
Leveson to create a system of press regulation acceptable
to politicians, press and public, and will return to the topic
when there is further progress to report. This editorial focuses
on something nearer home – an important and successful
development within the Institute itself.

The Sir William Dale Legislative Drafting Clinic (LDC) was
launched in March 2013, and assists with small or medium-
sized drafting projects up to about 20 clauses long. Advice
is offered mainly on primary legislation, although work
on secondary legislation will also be undertaken if it is of
particular significance to the client’s jurisdiction. Clients –
typically governments, quasi/non-governmental organisations
and Parliamentarians with limited resources – are offered a
range of legislative services comprising assistance with drafting
substantive provisions of Bills; amendments to legislation;
independent review of legislation already prepared; comparative
research on legislative solutions adopted in other jurisdictions;
and review of the impact and effectiveness of draft legislation
before and after it is made.

The clinic is chaired by Professor Helen Xanthaki, Director of
the Sir William Dale Centre, who works with three directors.
Dr Mazhar Ilahi completed his PhD in legislative studies at the
IALS having undertaken extensive research on several aspects
of the plain language movement of the writing of laws in
multilingual jurisdictions. He focused on the Islamic Republic
of Pakistan, where he has practised as an advocate in the High
Court and as a judge in the Pakistan district judiciary. Dr Maria
Mousmouti, a lawyer called before the Athens Bar, has worked
extensively on projects to make legislation simpler and more
accessible. She has a myriad of practical experience gained from
operating in over 20 countries in Southern Europe, the Middle
East, Africa and Central Asia, and was recently awarded her
PhD at the IALS for work on legislating for the protection of
human rights. Originally a barrister, Ronan Cormacain trained
as a legislative drafter at the office of the Legislative Counsel in
Northern Ireland, and is now a consultant who drafts or advises
on legislative matters. He has drafted legislation on many
topics, including company and commercial law and criminal
and civil law procedures, and is studying part time for a PhD in
legislative drafting and rule of law at the IALS.

Clients come to the LDC seeking free advice, and this is
provided by trained volunteers who are normally experienced
drafters from jurisdictions all over the world who are studying
for an LLM in advanced legislative studies. The volunteers, who
can also include PhD candidates and alumni of IALS professional
training programmes, are overseen by the Dale clinic’s three
directors. Details of the services provided by the clinic have
been the subject of a blog post on Agora, the knowledge
platform on Parliamentary development read by Parliamentary
staff and the related community. The clinic’s profile was also

November when Maria Mousmouti represented the LDC at the
Law, Justice and Development week organised by the World
Bank in Washington DC. She spoke on ways to ensure quality
in legislation at an event organized by UN Habitat.

The clinic has a number of satisfied clients, including Raymond
Gatera, Principal State Attorney at the Legislative Office of
the Government of the Republic of Rwanda. He requested
a draft piece of subsidiary legislation on the publication of
Rwandan legislation by electronic means. A project undertaken
by two drafters supervised by Dr Ilahi and reviewed by the
LDC’s management team produced three draft versions which
addressed the client’s requirement in different styles and
enabled the Rwandan Government to select the option best
suited to its requirements.

In addition to offering legislative drafting advice to clients,
the clinic’s other central purpose is to develop a forum for
promoting legal education combined with practical legislative
drafting skills. An example of the clinic’s work in this area
was the recent free workshop at the IALS on the mandatory
reporting of child sex abuse, which was organised by Professor
Xanthaki and her team and held on December 10. The Jimmy
Savile case has led to increasing calls for the law to be changed
to make failure to report a suspected case of child abuse an
offence, and the workshop examined the social, legal and
practical implications of such a reform.

The LDC also adds to the theoretical and professional drafting
programmes offered by the William Dale Centre, which include
the LLM in Advanced Legislative Studies (via conventional
and distance learning methods) and the Summer Course in
Legislative Drafting.

Volunteer drafters interested in becoming involved with the
LDC, and anyone who may wish to request its services, should
visit the clinic’s web pages (at http://ials.sas.ac.uk/postgrad/
LDclinic/LDclinic.htm) for further information.

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