

## CONCLUSION

Reed Dickerson partially sums up the situation by saying that drafting

"is a highly technical discipline .... Few lawyers have the special combination of skills, aptitudes and temperament necessary for a competent draftsman. This is partly due to inadequate training. More fundamental is the widespread misunderstanding of what adequate draftsmanship involves."<sup>1</sup>

Despite the fact that there has not been an increase in the output of legislation produced in the last ten years in Guyana,<sup>2</sup> legislation is important for the development of Guyana and indeed "the work of Parliamentary Counsel is central to the whole process of government."<sup>3</sup> It has been said that "the welfare of a country depends largely upon the quality ... of its legislation."<sup>4</sup> The Government must therefore first recognise the status and role of Parliamentary Counsel and so enhance their public image. Emphasis must be placed on establishing an efficient and permanent Drafting Section, academic training in the technique of legislative drafting, self-sufficiency and the retention of Parliamentary Counsel by the payment of adequate remuneration and generally by making the conditions of work attractive. For "In the absence of special

---

<sup>1</sup> **Legislative Drafting.** Boston: Little Brown, Co., 1954, p. 3.

<sup>2</sup> See Appendix B.

<sup>3</sup> Patchett, *supra*, p. 78.

<sup>4</sup> King, **Manual on Legislative Drafting.** London: Commonwealth Secretariat, 1978, p. 3.

conditions of service for legislative drafters designed to encourage them to pursue legislative drafting as a career, it would be expecting too much of a legislative drafter to forego opportunities for appointment to other posts in the legal and judicial services."<sup>5</sup>

Parliamentary Counsel must change attitudes and outdated cherished habits where necessary. They must accept that the standard of legislative drafting and the quality of legislation need to be improved. What was acceptable years ago is no longer acceptable now as can be seen from all the recent international texts on legislative drafting. There can be no improvements in a system that fosters among professionals a school master attitude which focuses on dictating rather than one of respect. The system must be flexible and receptive to new ideas which must be allowed to develop. There must be changes.

More importantly, in drafting legislation Parliamentary Counsel must always take account of the Constitution, the principles of good administration, the principles of modern legislative drafting set out in Part 3 and relevant case law with a view towards improving the quality of legislation. Though "the perfect Bill has never been written," Parliamentary

---

<sup>5</sup> Pollard & Rahim, *supra*, fn. 55, p. 19.

Counsel must strive to produce legislation that gives legal effect to the policy of the Government and is clear and unambiguous. The Interpretation Act must also be considered. Parliamentary Counsel must not be like Humpty Dumpty and say in rather scornful tone, "When I use a word, it means what I choose it to mean - neither more nor less".<sup>6</sup> For like Humpty Dumpty, Parliamentary Counsel could have a great fall.

"Ninety percent of the cases that come before the courts are on the interpretation of one statute or another."<sup>7</sup> Parliamentary Counsel must not draft legislation which will unnecessarily cause citizens to go to Court to ascertain their rights for "Litigation is an activity that does not markedly contribute to the happiness of mankind."<sup>8</sup>

The recommendations, and the principles described in Part 3 are intended to serve as "a set of guiding principles and a programme of action" as suggested in the epigraph by the late President of Guyana. Otherwise excuses for the delay in producing legislation which is of acceptable quality and the securing of qualified and permanent staff will continue and there will be no

---

<sup>6</sup> Carroll, **Through the Looking Glass**. Gray ed. Ch. 6 in *Alice in Wonderland*. W.W. Norton Co., 1971, p. 6.

<sup>7</sup> Lord Denning, **The Closing Chapter**. London: Butterworths, 1983,

<sup>8</sup> *Gallie v. Lee* [1969] 2 Ch. 17, 41, per Russell L.J.

improvements of the role of Parliamentary Counsel and legislative drafting in Guyana and hence no development.