

### **ABSTRACT**

Guyana has a diversified history. As a result of this, there are many sources of law, including the Constitution. For a developing country like Guyana, legislation passed by Parliament is an important source of law. This source is expected to reflect the development of an independent country, taking the local conditions into account. The enactment of legislation can change the existing law which might be obsolete, unsuitable or unworkable. Legislation also creates new laws. To this end, legislative drafting is an important aspect in the legal system as well as in the law reform of a country.

It is hoped that by highlighting the skills required for legislative drafting and consequentially the importance of specialised training in this field that the status and role of Parliamentary Counsel will be recognised and appreciated in Guyana. This recognition will indubitably lead to a general improvement in the standard of legislative drafting and ultimately in the quality of the legislation crafted. The outcome will be the enhancement of the legal system to the benefit of the country as a whole as well as to the citizens to whom the legislation is addressed.

Part 1 introduces the terms legislation, legislative drafting and Parliamentary Counsel. There is a difference between legal drafting and legislative drafting. The difference is clarified. A background of legislative drafting in the colonial days is given showing the major role played by the Attorney-General. This leads to the establishment of the Drafting Section in the Attorney-General's Chambers.

The status of Parliamentary Counsel is looked at. This is compared with other Caribbean countries and England. This Paper also briefly examines legislative drafting in England and the establishment of a central body charged with the drafting of legislation. The difference in the location and supervision of the office of Parliamentary Counsel in England and Guyana is highlighted. Drafting in France is also briefly mentioned.

Part 2 looks at the advisory role of Parliamentary Counsel in the development of policy and the stages of legislative drafting in the pre-drafting and drafting process.

Part 3 is concerned with the main role of Parliamentary Counsel: legislative drafting. Some

legislative drafting principles are examined as well as the Constitution and the principles of good administration.

Part 4 looks at Statute Law Revision to the Laws of Guyana by two persons in two different countries. Consolidation, codification and law reform are also examined.

Part 5 discusses recommendations that ought to be made with a view to improvements for the present and the future.

The conclusion is centred around the view that there is a need to acknowledge the shortcomings and a desire to change. Otherwise the excuses will continue in abundance and there will be no improvement, no development and not just stagnation but regression.

Finally, there is a challenge to dare individuals to enter this specialised field of law: **legislative drafting.**