



The University of Fiji
(An Entity of Arya Pratinidhi Sabha of Fiji)



JDP SCHOOL OF LAW
Semester 1, 2025

FINAL COURSE EXAMINATION PAPER

LAW 333: LEGISLATIVE DRAFTING

Important Instructions to Students:

1. Read the questions, instructions carefully and answer the questions.
2. You are allowed an extra 10 minutes reading time (during this time, you are not allowed to write) and 180 minutes (3 Hours) to complete this paper.
3. All kinds of electronic gadgets (including smart phones, mobiles, tablets etc.) are strictly prohibited.
4. Write all your answers in the answer booklet provided. If you need extra sheets, please ask from the supervisor. Write your name, course code and student identification number in the answer booklet and in the attendance sheet.
5. This Final Course Examination Paper is worth 60 marks. Students must score at least 30 marks in this final exam to pass the course.
6. This paper contains **FIVE (5) COMPULSORY** questions.
7. Write all your answers legibly. The marker has the right to award zero for answers that are not legible.
8. This is a **RESTRICTED OPEN BOOK EXAMINATION**. Students are allowed to bring into the examination room, an unmarked copy of the **Standing Orders of the Parliament of Fiji**.
9. The University views plagiarism, cheating and dishonest practice as serious offences and if found, offenders are penalized.

Examination Paper Content (Format):

<u>Question</u>	<u>Content</u>	<u>Marks</u>	<u>Suggested Time</u>
1	Answer at least 15 questions of choice	15	45 minutes
2	Compulsory Question	10	30 minutes
3	Compulsory Question	15	45 minutes
4	Compulsory Question	10	20 minutes
5	Compulsory Question	10	40 minutes

	TOTAL	60	180 Minutes
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Question 1

You must answer any **fifteen (15)** questions. Each question is worth **one (1) mark**.

- i. What is legislative drafting?
- ii. What are the key skills required for legislative drafting?
- iii. What are the different types of legislation?
- iv. What are the stages involved in the legislative drafting process?
- v. What are the principles of good legislative drafting?
- vi. What is the role of the Office of Legislative Counsel or Legislative Drafters Office?
- vii. What are the challenges faced by legislative drafters?
- viii. How do you ensure clarity and simplicity in legislative drafting?
- ix. What is the purpose of a "severability clause" in legislation?
- x. What are the different types of legal interpretation?
- xi. What is the importance of legislative drafting in a democratic society?
- xii. What are the ethical considerations involved in legislative drafting?
- xiii. What are the different types of legal citations?
- xiv. What is the difference between a statute and a regulation?
- xv. What is the process of enacting a law?
- xvi. What is the role of public comment in the legislative process?
- xvii. What is the difference between a "prospective" and a "retrospective" law?
- xviii. What is the principle of "legality" in legislative drafting?
- xix. What are the different types of legal drafting styles?
- xx. What is the importance of using proper grammar and syntax in legislative drafting?
- xxi. What is the difference between a "definition" and an "interpretation" in legislation?
- xxii. What is the purpose of a "heading" in legislation?
- xxiii. What is the difference between a "section" and a "subsection" in legislation?
- xxiv. What are the different types of legal clauses?
- xxv. What are the different types of legislative drafting errors?
- xxvi. What is the importance of proofreading and editing in legislative drafting?
- xxvii. What are the different methods for proofreading and editing legislation?
- xxviii. Discuss any five (5) constitutional and statutory provisions that a Drafter is required to reference when drafting new law
- xxix. What is a Government Bill and what is a private bill?
- xxx. Who group is the primary audience of legislation? Explain your answer.

[15 marks]

Question 2

Answer **all parts** of this question. Each question is worth two (2) marks.

1. "It is said that legislative drafting is akin to the job of an architect". Elaborate.
2. What is *Thornton's* five stages of legislative drafting?
3. What are the seven C's of sound/good legislative drafting?
4. Describe and discuss each concept briefly:
 - a. restricted powers of constitutional amendment;
 - b. limitation of legislative authority;
 - c. delegation of legislative power;
 - d. principles of state policy;
5. The Standing Orders note certain privileges of an Member of Parliament (with certain exceptions, as noted in the Standing Orders). Identify the Standing Order in relation to the following privileges:
 - a. Ask questions of the Government;
 - b. Obtain information from the Government;
 - c. Introduce draft legislation for debate;
 - d. Speak on any matter before Parliament;

[10 marks]

Question 3

Answer **all parts** of this question.

In practice a typical Bill or an Act can include some of the following types of provisions:

Preliminary provisions

1. Long title
2. Preamble
3. Enacting clause
4. Short title
5. Commencement
6. Duration/Expiry
7. Application

8. Purpose clause
9. Definitions
10. Interpretation

Principal provisions

1. Substantive provisions
2. Administrative provisions

Miscellaneous

1. Offences and provisions ancillary to offences such as time limit for prosecution, continuing offences, offences by corporations, and vicarious responsibility
2. Miscellaneous and supplementary provisions such as evidentiary provisions, a power to make subordinate legislation, service of notices, powers of entry and search, seizure and arrest.

Final Provisions

1. Savings and transitional (these may also be placed in a schedule if they are long)
2. Repeals
3. Consequential amendments (these may be placed in an annex especially if the repeals and consequential amendments are numerous and can conveniently be presented in a tabular form)
4. Schedules

Draft, as an example, each of the above provisions.

Your policy and instructions are:

Charles Spencer, a first time Member of Parliament, intends to introduce a Private Members Bill in Parliament to provide for rules and procedures on exercising “the right to peaceful demonstration and picketing”. Charles Spencer has no experience in drafting a Bill and is advised by his personal assistant to seek legal advice from his lawyer, Advocate Yu (who is you!) to assist him in drafting the proposed Bill. Advocate Yu is instructed to Draft a Bill that he will present to Charles Spencer.

[15 marks]

Question 4

Summarize the steps to pass a Bill into law in Fiji i.e. Fiji’s legislative process and briefly describe each step/stage.

Hint: Standing Orders can be referenced.

[10 marks]

Question 5

Answer all parts of this question. Each part is worth 2 marks.

a. Redraft and unfragment the following:

11. A person, having the care of a child under the age of 15, who:

(a) wilfully:

- (i) assaults the child;
- (ii) ill-treats the child;
- (iii) neglects the child;
- (iv) abandons the child;
- (v) exposes the child to unnecessary suffering or injury to health (including injury to, or loss of, sight or hearing, or a limb or organ of the body, or any mental illness); or

(b) causes or procures the child:

- (i) to be assaulted;
- (ii) ill-treated;
- (iii) neglected;
- (iv) abandoned; or
- (v) exposed in such a manner,

commits an offence.

b. The subject and the predicate are widely distributed between three separate places. Redraft it in a much more accessible form.

1. A member of a council who:

- (a) has a pecuniary interest, direct or indirect, in the contract or other matter; and
- (b) is present at a meeting of the council at which the contract or other matter is to be considered,

2. must:

- (c) when the matter comes under consideration by the meeting; or
- (d) at such earlier time, as the presiding officer directs,
- (e) disclose that interest and withdraw from the meeting.

c. Redraft by paragraphing.

1. A magistrate, on being satisfied upon information on oath that there is good reason to believe that any instruments or appliance for gaming are likely to be found on any person, may by warrant authorise any police officer to arrest such person and to bring him immediately before a magistrate, who shall

thereupon cause such person to be searched in his presence and if any such instrument or appliance be found upon his person, he shall be detained in custody or held to bail until he can be dealt with according to law.

d. Redraft without front-loading.

Where, in any civil proceedings by or against the Crown or in any proceedings in any court in connection with any arbitration to which the Crown is party, any order (including an order for costs) is made by any court in favour of any person against the Crown, the proper officer of the court must issue, at the request of the person, a certificate containing particulars of the order.

e. Using the rules of syntax, punctuate the following provisions:

“The Board shall control and manage the activities of the Service and for such purpose it shall provide suitable facilities for the education and training of members of the Service provide employment by establishing equipping and managing establishment of the Service in Fiji where members of the Service shall work and be accommodated provide for the proper organization of the Service recruit members of the Service and be responsible for the welfare control and directions of members of the Service”

[10 marks]

