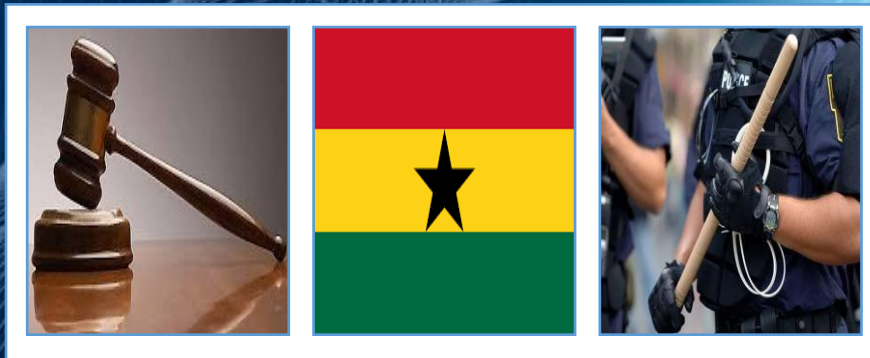


**Consultancy Services for the Development of Standard Operating Procedures (SOPs) for the Ministry of Justice and Attorney-General's Department and its Agencies**



**ShawbellConsulting**

**Volume II**  
**Final Report**  
**The Legal Service Legislative**  
**Drafting Division**

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# SECTION 1

## FINDINGS, OBSERVATIONS AND GAPS EMERGING OUT OF THIS ASSIGNMENT

## SECTION 1: FINDINGS, OBSERVATIONS AND GAPS EMERGING OUT OF THIS ASSIGNMENT

Our findings, observations and gaps emerging out of this project were categorized under the broad thematic areas as follows:

- Standard Operating Procedures
- Libraries and Resource Centers
- Human Resource
- Information, Communications and Technology

### Standard Operating Procedures

We noted that there was a formalized documentation on Standard Operating Procedures at the Legal Service Legislative Drafting Division of the MoJAGD. Therefore, we reviewed the Standard Operating Procedures, using the functional requirements of the Legislative Drafting Division to ensure that current and envisaged procedures are well-documented. This would enhance the delivery of Justice, as procedural inefficiencies would be curtailed.

### Libraries and Resource Centers

We observed that the Legislative Drafting Division was not well-resourced with books and reference material. In some instances, the Law Reports were outdated. Therefore, the Staff of the Division had to use other libraries for their research. While Electronic Reports could be a viable alternative, the benefits have not been explored comprehensively.

### Human Resource

We observed that there were Human Resource challenges, with respect to the engagement of an optimal number of Legislative Drafters. The skills, knowledge and abilities required for success in the Legislative Drafting Division are specialized. Therefore, a concerted drive to recruit personnel for the specialized roles would ensure that the workload is managed within the capabilities of the Staff.

### Information, Communications and Technology (ICT)

Information, Communications and Technology continues to be an enabler of business processes. Thus, the challenges of obtaining, storing and disseminating information in the Legislative Drafting Division could be curtailed in a networked environment with dedicated servers. We noted that the primary challenge confronting the Legislative Drafting Division was the lack of logistical support; notably: computers, photocopiers, scanners, and printers. Therefore, an optimal utilization of Information and Communications Technology applications would enhance the performance of the LSLDD in executing their mandate of Justice Delivery.

# SECTION 2

## STANDARD OPERATING PROCEDURES

### THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION

## SECTION 2: STANDARD OPERATING PROCEDURES

The Intended Output from the Project is to develop and implement Institutional Standards to support new Systems and Procedures. Thus, the Standard Operating Procedures have been developed through a comprehensive study of the formal procedures, actual practices and mandates of LSLDD.

We developed the SOPs on the basis of current observations and functional requirements of the Institutions. Nonetheless, the results would reflect the Operating Procedures as they can be anticipated for the medium term (0-3 years). The Results and Resources Framework of this Project indicates Year 2 and 3 Targets as follows:

- Year 2 Targets: Develop and Operationalise relevant Policies for the Ministry of Justice and the Attorney-General's Department and its Agencies by the end of year 2
- Year 3 Targets: 30% of improved capacity for Institutional Policy formulation and implementation by the end of year 3.

The Targets would be achieved through the preparation of substantive and subsidiary legislations with respect to effective justice delivery in Ghana.

## **THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

The Legal Service Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government of Ghana. In addition, the Division provides advice to Government Ministries, Departments and Agencies on proposed legislation. The Division also performs a role similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The Division also works closely with the Ghana Publishing Company Limited to ensure that legislation prepared by the Division is published in the Gazette and also made available for consideration by parliament.

The enactment process for legislation is categorized as follows:

1. Procedure for the enactment of substantive legislation (Acts of Parliament); and
2. Procedure for the enactment of a subsidiary legislation (Regulations, Rules and Instruments)

Apart from the above enactment process, the Legal Service Legislative Drafting Division has other Standard Operating Procedures which include the following:

3. External/Internal Meetings/Workshop/Project Activities
4. Preparation of Correspondence
5. Preparation of Cabinet Memorandum for Justice Sector Legislation and treaties
6. Reviewing /Vetting of Legislation
7. Proof Reading/Marking –up of enactments of all MDAs and other legal documents.
8. Parliamentary Committee Meetings
9. Parliamentary Sittings
10. Preparation of Legal Opinion and Advice on Legislative Proposals/Conducting of Legal Research
11. Appointment of Marriage Officers
12. Reports for International Meetings
13. Cabinet Sub-Committee Meetings
14. Handing Over Further to Proceeding on Leave or Absence from Office for Official Duties.
15. Preparation of Quarterly Reports, Meet the Press Report and Handing Over Reports
16. Preparation of Status of Work Report
17. Preparation of Gazette Notices of a legal nature

The Purpose of the SOPs is to establish the procedural guidelines for the functions of the Legal Service Legislation Drafting Division of the Ministry of Justice and Attorney-General's Department. Therefore, on the following pages, we have provided Standard Operating Procedures as contained in the Functions of the Legal Service Legislative Drafting Division that are core to Justice Delivery in Ghana.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDD)</b>	<b>NUMBER OF PAGES: 6</b>
	<b>SOP NUMBER: SOP-LSLDD01/2-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: ENACTMENT OF SUBSTANTIVE AND SUBSIDIARY LEGISLATION</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. This Standard Operating Procedure establishes the procedural guidelines for the drafting of substantive and subsidiary legislation for the Government.

### **SCOPE**

This Standard Operating Procedure applies to all Attorneys within the Legal Service Legislative Drafting Division of the Ministry of Justice and Attorney-General's Department. The general legislative drafting procedures and protocols contained herein are applicable to all legislative drafters. They have been designed to provide sufficient foundation to direct and guide Attorneys within the Division in conducting their work.

### **PREREQUISITES**

The information required prior to this SOP includes:

- The policy of Government that requires legislation must be presented to Cabinet for approval by the sponsoring Ministry (Ministries, Departments and Agencies).
- The official decision of Cabinet regarding the policy must be duly communicated to the sponsoring Minister and copied to the Attorney General and Minister for Justice.
- The sponsoring Ministry issues drafting instructions to the Attorney-General.

### **RESPONSIBILITIES**

The personnel and entities that have core roles in the SOP are as follows:

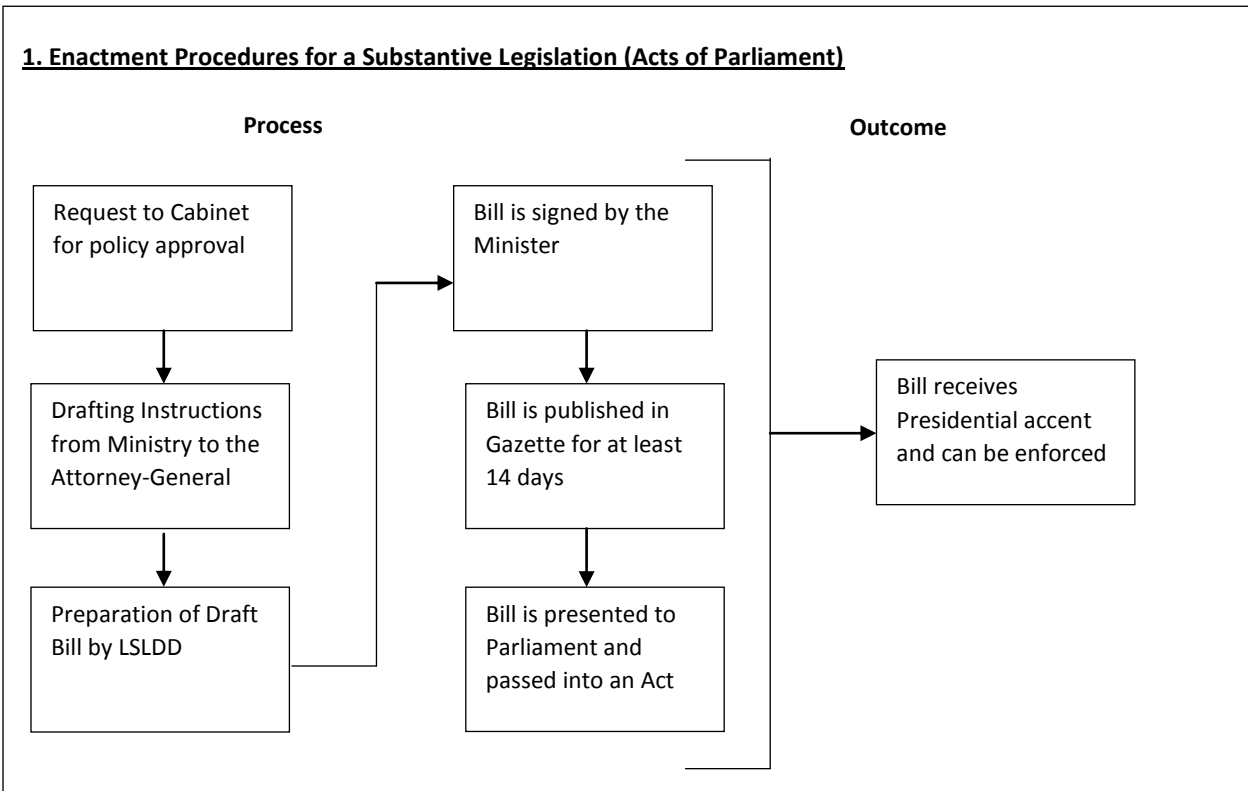
- Cabinet /Secretary to Cabinet.
- Sponsoring Ministry (Ministries, Departments and Agencies).
- The Attorney General and Minister for Justice.
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Parliament.



**PROCEDURE FOR THE ENACTMENT OF SUBSTANTIVE LEGISLATION (ACTS OF PARLIAMENT).**

1. The first procedure for the enactment of an Act of Parliament starts with a request to Cabinet for policy approval. This request must be prepared and signed by the sponsoring Minister in the form of a Cabinet Memorandum and submitted under cover of a letter to the Secretary to the Cabinet.
2. Based on the communication of the Cabinet to the sponsoring Ministry, the Ministry issues drafting instructions to the Attorney- General. The drafting instructions must be within the ambit of the Cabinet Memorandum.
3. The draft Bill is then prepared by the Legislative Drafting Division of the Attorney-General's Department in close collaboration with the sponsoring Ministry.
4. Where Cabinet gives approval for the Bill to be laid before Parliament, the Secretary to the Cabinet communicates the approval to the Attorney-General and Minister for Justice.
5. The Legislative Drafting Division makes arrangement with Assembly Press for a printed proof of the Bill and its Explanatory Memorandum. The Legislative Drafting Division proof reads the Bill and the Memorandum to ensure that the Bill and the Memorandum are free of errors.
6. The Legislative Drafting Division subsequently dispatches three copies of the Explanatory Memorandum to the Minister responsible for the Bill for signature and date.
7. Upon receipt of the signed explanatory memorandum from sponsoring Ministry, the Legislative Drafting Division makes arrangements with the Ghana Publishing Company for the publication of the Bill in the Gazette for at least fourteen days before the Bill is introduced in Parliament. This is in accordance with article 106(2) (b) of the Constitution.
8. The Bill is laid before Parliament by the sponsoring Minister after the expiration of the fourteen days period. The Bill goes through the parliamentary process of passage into an Act of Parliament.
9. The Legislative Drafting Division assists Parliament to mark-up the Bill in line with the Votes and Proceeding of Parliament.
10. The Bill is subsequently assented to by the President and it enters into force after it has been published in the Gazette in accordance with article 106(11).
11. Publication in the Gazette of a Bill which is of an urgent nature may be made within twenty-four hours after the Bill has been read the first time or as soon as practicable after the first reading. In the same vein, Parliament may determine a Bill which has been published in the Gazette as a Bill of an urgent nature. In that case, the Bill shall be laid in Parliament before the statutory fourteen days' lapse.

**The Process Flowchart of this SOP is depicted below**

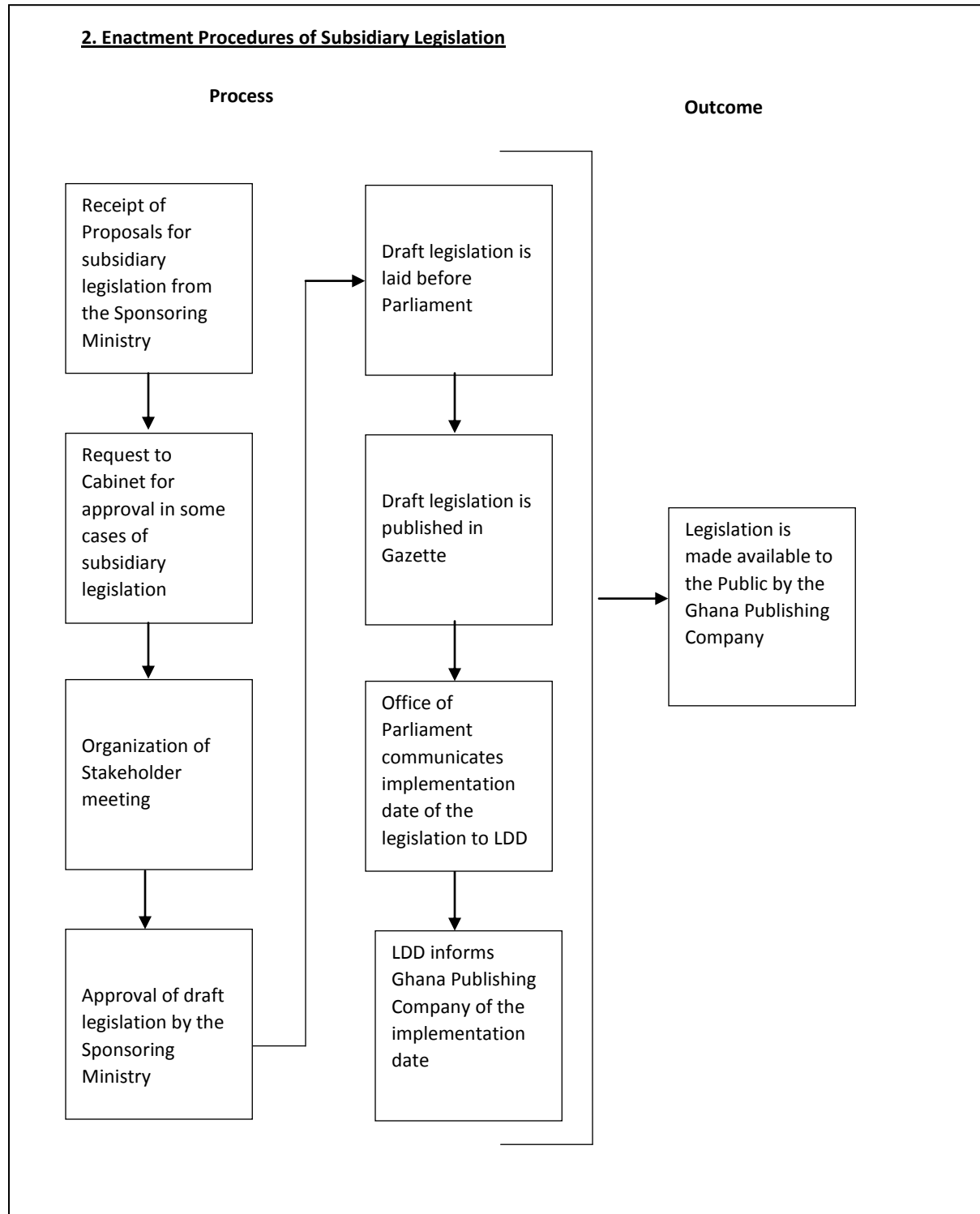


**PROCEDURE FOR THE ENACTMENT OF SUBSIDIARY LEGISLATION (REGLATIONS, RULES AND INSTRUMENTS)**

1. In general, subsidiary legislation is procedural in nature and often do not require prior Cabinet approval before the policy proposals are submitted for drafting to the Attorney-General's Department. However, subsidiary legislation that have financial implications for the Republic or subsidiary legislation that are by the nature of their contents likely to result in a policy shift or drastic change in an existing situation require Cabinet approval and must therefore be submitted for prior Cabinet approval before drafting begins.
2. On completion of the preparation of the draft legislation, a stakeholder meeting is held and this includes the members of the Committee on Subsidiary Legislation, relevant stakeholders and Attorneys of the Drafting Division. It must be noted that this meeting is not backed by the Standing Orders of Parliament but by convention over the past five years, has become a standard practice.
3. Further to the meeting, the draft legislation is revised for approval by the sponsoring Ministry before the legislation is submitted to Parliament for laying.
4. After the proposals for the subsidiary legislation have been received from the sponsors, the draft legislation is prepared by the Legislative Drafting Division in collaboration with the sponsoring Ministry.
5. The draft legislation must be published in the Gazette on the day it is laid before Parliament. Further to article 11(7), the subsidiary legislation comes into force on the expiration of twenty-one sitting days unless Parliament annuls the legislation by the votes of not less than two-thirds of all the members of Parliament before the expiration of the twenty-one sitting days.
6. The Office of Parliament is required to notify the Legislative Drafting Division of the implementation date of the subsidiary legislation. The Legislative Drafting Division notifies the Ghana Publishing Company of the entry into force date on the subsidiary legislation after which the Ghana Publishing Company is to make copies of the legislation available to the Public.
7. With respect to Executive Instruments, the proposed legislation must be sent to the Attorney-General's Office together with a cover letter requesting a publication of the proposed legislation in the Gazette. The proposed legislation is then vetted by the Legislative Drafting Division and on completion forwarded to the Ghana Publishing Company Limited for publication in the Gazette. The proposed legislation is subsequently published in the Gazette by the Ghana Publishing Company Limited on the payment of the prescribed fee by the sponsor of the legislation.

**The Process Flowchart of this SOP is depicted below**

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**



## **RELATED POLICIES, DOCUMENTS AND LEGISLATION**

The following are some of the Internal Policies of the Legislative Drafting Division:

- The Legal Service Legislative Drafting Division commences the drafting of legislation only on receipt of formal drafting instructions by the Attorney-General from the respective Ministry, Department or Agency.
- The respective Ministry, Department or Agency is required to attach to the drafting instructions, Cabinet approval of the policy underpinning the proposed legislation.
- Where stakeholder consultations have not been held on the policy or proposed legislation, the Division is required to advise accordingly.
- Attorneys are required to work in teams formed by the Head of the Division. The team leader is required to submit completed assignments to the Head of Division for comments.
- Draft legislation is to be submitted to the Attorney-General by the Head of the Division under cover of a memorandum signed by the Head of the Legislative Drafting Division.
- The draft legislation together with comments, if any, is forwarded to the sponsoring Ministry under cover letter signed by the Attorney General. In the absence of the Attorney- General, the Deputy Attorney-General signs and in the absence of the Deputy Attorney -General, the Acting Solicitor-General signs the letter.
- An attorney is not supposed to give out electronic version of draft legislation without the approval of the Attorney-General or the Head of the Division.
- Attorneys are not supposed to meddle in policy or advice on policy matters in the drafting of legislation except in relation to Justice Sector Legislation.
- Attorneys are expected to attend Parliamentary sittings when draft legislation assigned to them is under consideration. The Attorneys are required to capture amendments to draft legislation and to offer assistance with drafting issues.
- Article 11(7), 106(2) (b) and 106(11) 106(13) of the Constitution.

## **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for enactment of substantial and subsidiary legislation include:

- Office of the Legislative Drafting Division and the office of Ministry of Justice and Attorney-General's Department.
- Office of the Civil and Prosecution Division.

## **EXTERNAL LINKAGES**

External Institutions and personnel that collaborate with the Legislative Drafting Division for the enactment of substantive and subsidiary legislation include:

- Cabinet.
- Secretary to Cabinet.
- Sponsoring Ministry (Ministries, Departments and Agencies).
- Parliament.
- Ghana Publishing Company.
- Civil Society Organizations.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDD03-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: EXTERNAL/INTERNAL MEETINGS/WORKSHOP/PROJECT ACTIVITIES</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. This Standard Operating Procedure establishes the procedural guidelines for External and Internal Meetings, Workshop and Project Activities for legislative drafting.

### **SCOPE**

This Standard Operating Procedure applies to the Head of the Legislative Drafting Division and both senior and junior Attorneys within the Division. It also specifies the protocols that exist between the Ministry of Justice and Attorney-General's Department and the Parliamentary Select Committee on legislation.

### **PREREQUISITES**

The information required prior to this SOP includes:

- Invitation letter from the chairman of the Parliamentary Select Committee on draft legislation.
- The Attorney-General and Minister for Justice minutes the invitation letter to the Head of the Legislative Drafting Division.
- The Head of the Legislative Drafting Division minutes the invitation letter and nominates Attorneys to attend the meeting.
- The Attorneys address the necessary drafting issues that may arise.

### **RESPONSIBILITIES**

The personnel and entities that have core roles in the SOP are as follows:

- The Attorney General and Minister for Justice.
- Chairman of the Parliamentary Select Committee on Draft Legislation.
- Parliamentary Select Committee on Draft Legislation.
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Chief Director of the Ministry of Justice and Attorney General's Department.
- Senior Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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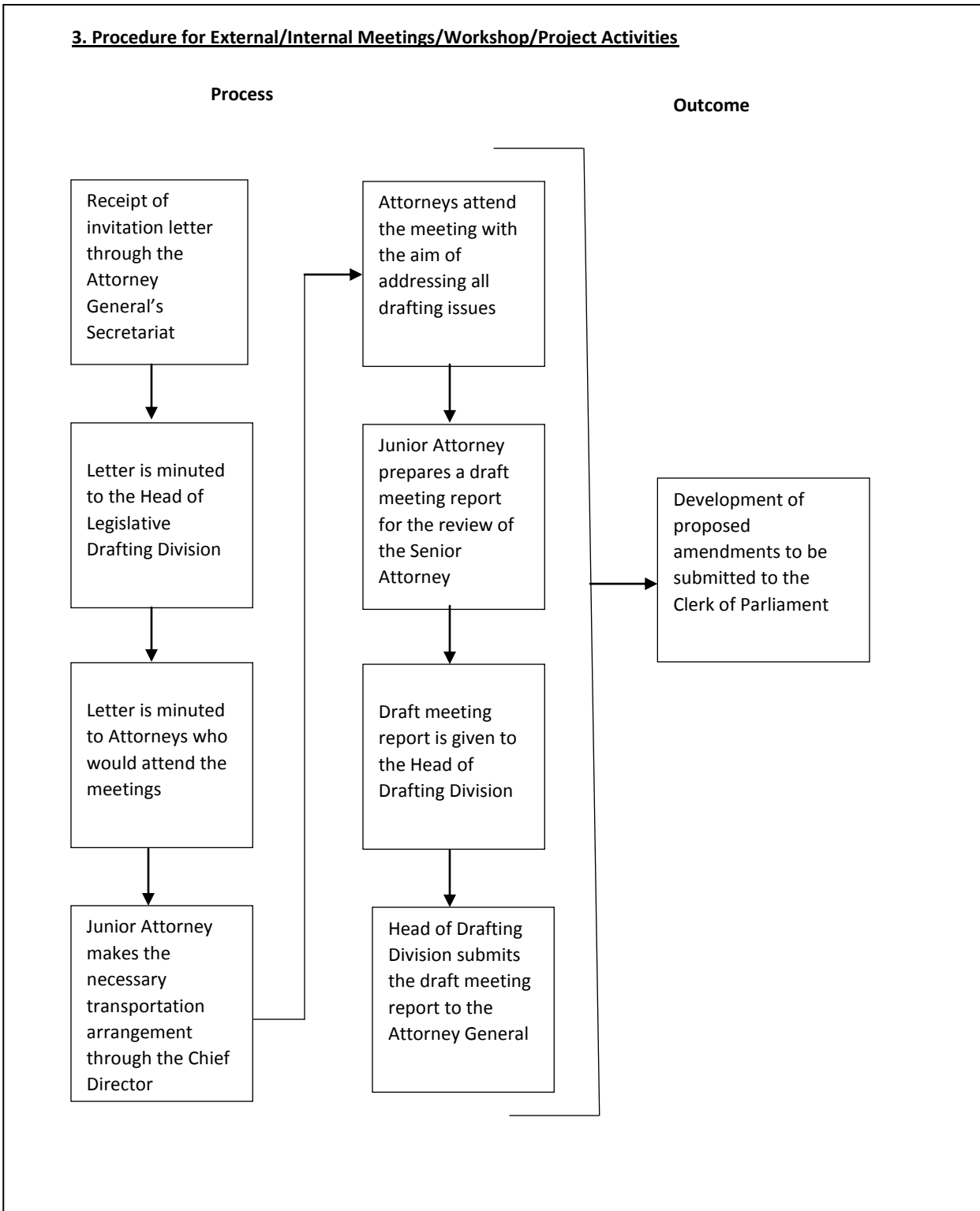
- Junior Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Transport Officer, Ministry of Justice and Attorney General's Department.

**PROCEDURE FOR EXTERNAL/INTERNAL MEETINGS/WORKSHOP/PROJECT ACTIVITIES**

1. The Attorney-General and Minister for Justice receives the invitation letter through its Secretariat.
2. The Attorney-General and Minister for Justice minutes the invitation letter to the Head of the Legislative Drafting Division for necessary action.
3. The Head of the Legislative Drafting Division minutes the invitation letter to the senior Attorney who will play the role of a team leader and be assisted by a junior Attorney to attend the meeting or workshop.
4. The junior Attorney is required to draft a memorandum to the Chief Director of the Ministry of Justice and Attorney-General's Department to request for transport to and from the venue of the meeting. The memo is supposed to be copied to the transport officer.
5. The Attorneys are required to address drafting issues that may come up in the meeting or workshop.
6. After returning from the meeting or workshop, the junior Attorney is required to draft a report which must be given to the senior Attorney for his or her consideration. The senior Attorney will then submit the report to the Attorney-General through the Head of the Drafting Division for the consideration of the Attorney-General.
7. The proposed amendment if any is submitted to the Clerk of Parliament and copied to the chairman of the respective Parliamentary Select Committee under cover of a letter signed by the Attorney-General and Minister for Justice.

**The Process Flowchart of this SOP is depicted below**





### **INTERNAL RELATED POLICIES**

The following are some of the Internal Related Policies of the Legislative Drafting Division:

- Attorneys are required to work in teams formed by the Head of the Division. The team leader is required to submit completed assignments to the Head of Division for comments.
- Invitation letters to attend Parliamentary Select Committee meetings are to be addressed to the Attorney-General.
- Attorneys are required to submit a report on meetings, workshops, seminars and training programmes.
- Attorneys are expected to attend Parliamentary sittings when draft legislation assigned to them is under consideration. The Attorneys are required to capture amendments to draft legislation and to offer assistance with drafting issues.

### **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for External and Internal Meetings, Workshop and Project Activities include:

- The office of the Head of the Legislative Drafting Division and office of Attorney-General and Minister for Justice.
- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The Office of the Chief Director.
- The transport office.

### **EXTERNAL LINKAGES**

The external linkages in the execution of the SOP for External and Internal Meetings, Workshop and Project Activities include:

- Parliamentary Select Committee.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDDD)</b>	<b>NUMBER OF PAGES: 4</b>
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### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. This Standard Operating Procedure establishes the procedural guidelines for the Preparation of correspondence for drafting legislation.

### **SCOPE**

This Standard Operating Procedure applies to the Head of the Legislative Drafting Division and all Attorneys within the Division. It also specifies the protocols that exist between the Attorney-General and Minister for Justice and the Registry of the Legislative Drafting Division regarding the preparation of correspondence

### **PREREQUISITES**

The information required prior to this SOP includes:

- The drafting of letters and memoranda must be assigned to the Attorney by the head of the Legislative Drafting Division.
- The Attorney prepares the draft letter and the memorandum based on the office template for the signature of the Attorney-General and Minister for Justice and Head of the Legislative Drafting Division respectively.

### **RESPONSIBILITIES**

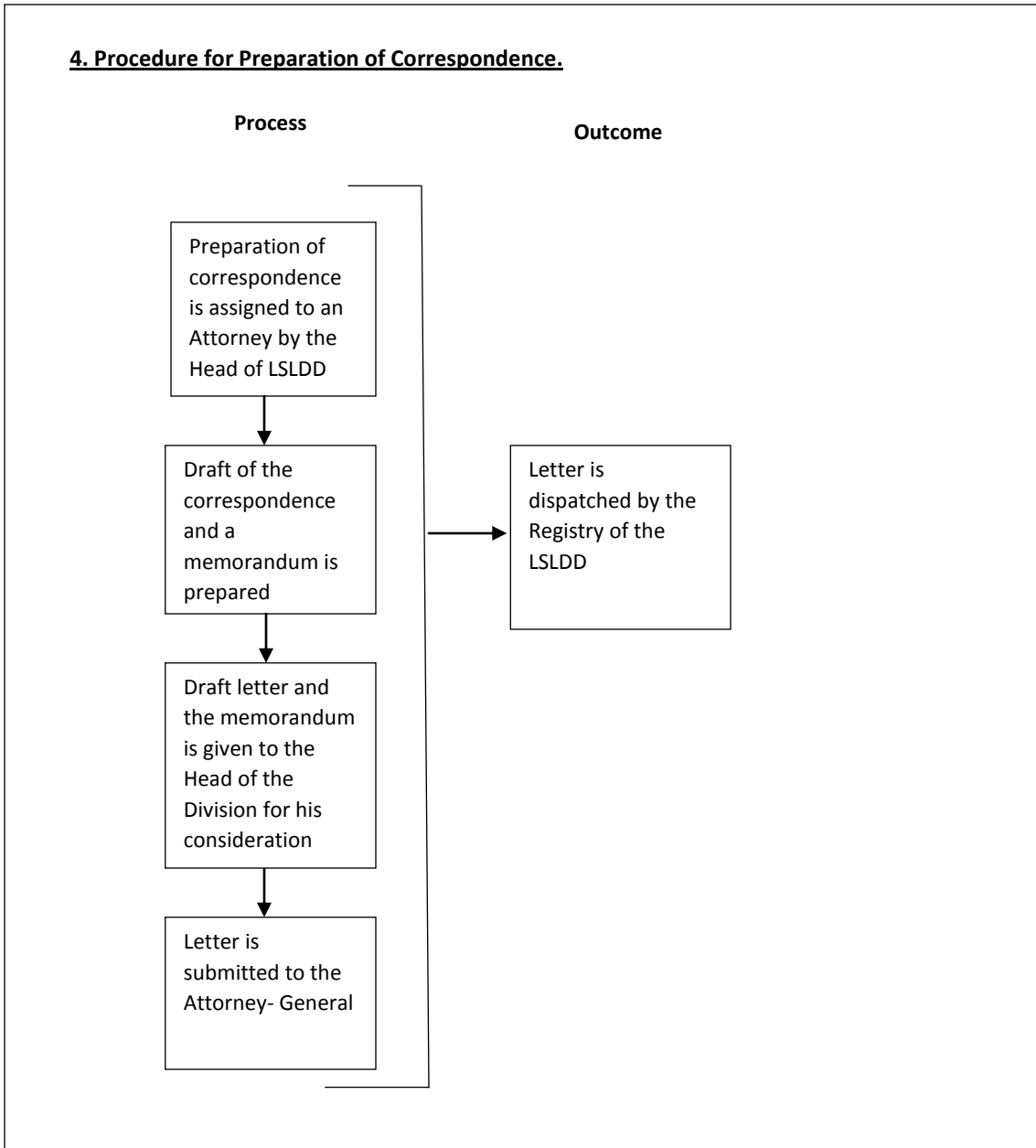
The personnel and entities that have core roles in the SOP are as follows:

- Attorney-General and Minister for Justice.
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Registry of the Legislative Drafting Division. Ministry of Justice and Attorney General's Department.

### **PROCEDURE FOR THE PREPARATION OF CORRESPONDENCE**

1. The Head of the Legislative Drafting Division assigns the work to an Attorney.
2. The Attorney prepares a draft of the correspondence based on the office template for the signature of the Attorney-General and Minister for Justice, and a memorandum for the signature of the Head of the Division.
3. The Head of Legislative Drafting Division considers the draft letter and memorandum and raises comments where necessary.
4. Three (3) copies of the letters are submitted to the Attorney-General and Minister for Justice for approval and signature under a cover of a memorandum signed by the Head of LSLDD.
5. The signed letter is then forwarded to the Registry of the Legislative Drafting Division for despatch.
6. The Attorney responsible for the letter may supervise the dispatch of the letter.

**The Process Flowchart of this SOP is depicted below**



### **RELATED POLICIES AND DOCUMENTS**

The following are some of the Internal Policies of the Legislative Drafting Division:

- Attorneys are required to work in teams formed by the Head of the Division. The team leader is required to submit completed assignments to the Head of Division for comments.
- The Head of the Division and Attorneys are not supposed to sign letters on behalf of the Attorney General without the approval of the Attorney-General.
- An Attorney is not supposed to give out electronic versions of draft legislation without the approval of the Attorney-General or the Head of the Legislative Drafting Division.

### **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for the preparation of correspondence include:

- The office of the Head of the LSLDD and the Attorneys of the LSLDD.
- The Registry of the Legislative Drafting Division.

### **EXTERNAL LINKAGES**

The external linkages in the execution of the SOP for the preparation of correspondence include:

- External Recipients of the correspondence.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDD05-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: PREPARATION OF CABINET MEMORANDUM FOR JUSTICE SECTOR LEGISLATION.</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. This Standard Operating Procedure establishes the procedural guidelines for the preparation of Cabinet Memorandum for Justice Sector Legislation.

### **SCOPE**

This Standard Operating Procedure applies to the Head of the Legislative Drafting Division and all Attorneys within the Division. It also specifies the protocols that exist between the Attorney-General and Minister for Justice and the Legislative Drafting Division regarding the preparation of Cabinet Memorandum.

### **PREREQUISITES**

The information required prior to this SOP includes:

- The preparation of the Cabinet memorandum for Justice Sector legislation and treaties must be assigned to the Attorney by the head of the Legislative Drafting Division.
- Official template for the preparation of Cabinet Memorandum.
- Cabinet Memorandum must be submitted to the Attorney-General and Minister for Justice for consideration and signature.

### **RESPONSIBILITIES**

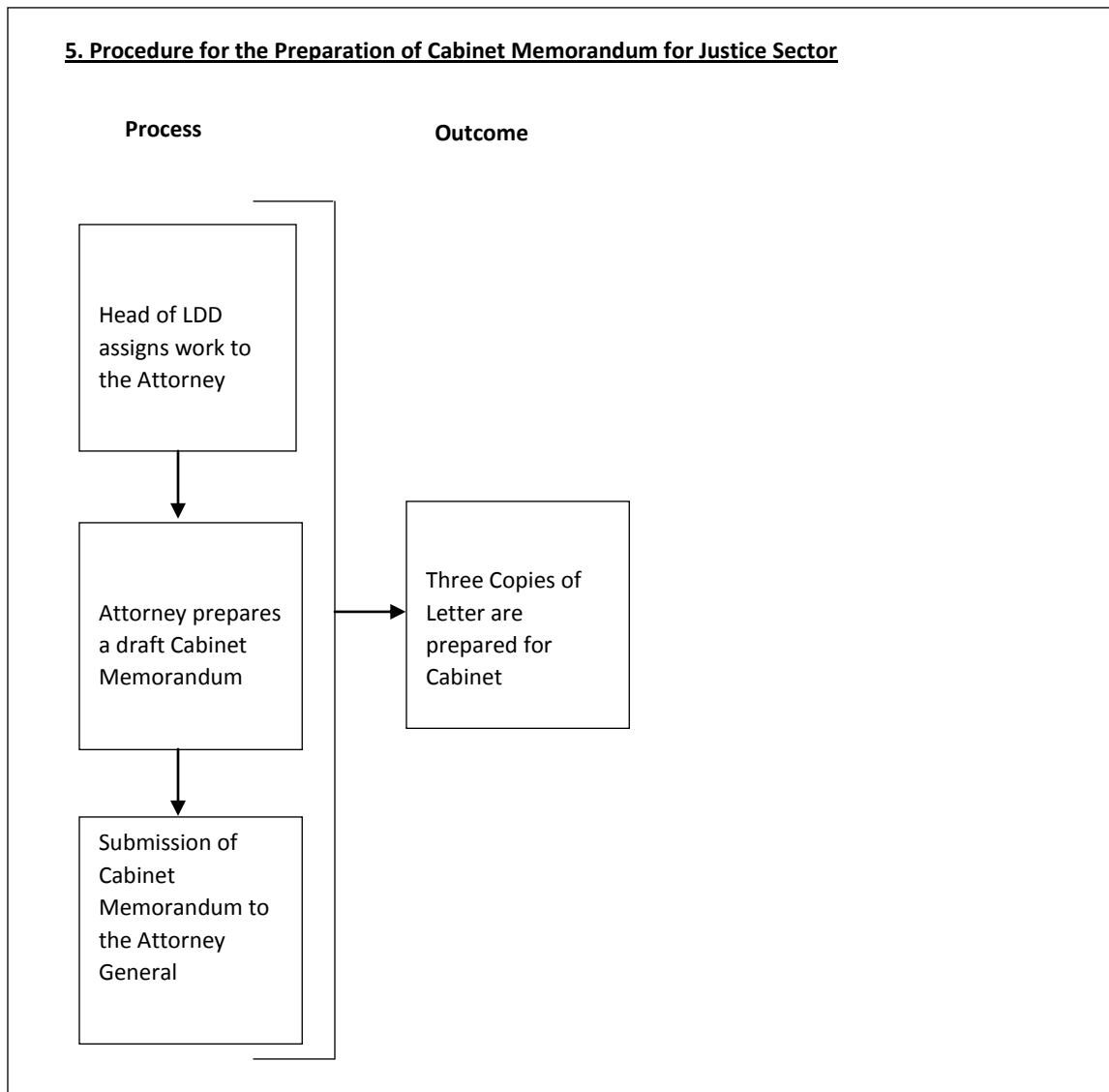
The personnel and entities that have core roles in the SOP are as follows:

- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Attorney-General and Minister for Justice.

### PROCEDURE FOR THE PREPARATION OF CABINET MEMORANDUM FOR JUSTICE SECTOR LEGISLATION

1. The Head of the Legislative Drafting Division assigns the work to an Attorney.
2. Subject to the directive of the Head of the Division, the Attorney prepares a draft Cabinet Memorandum for the consideration of the Head of the Division or the team leader. The Cabinet Memorandum must be prepared based on the official template of the Division.
3. Three copies of the Cabinet Memorandum are submitted to the Attorney-General and Minister for Justice for consideration and signature.
4. Subject to the directive of the Head of the Division, three copies of correspondence are prepared for the signature of the Attorney-General and Minister for Justice in accordance with the workflow for the preparation of correspondence.

The Process Flowchart of this SOP is depicted below





## **RELATED POLICIES**

The following are some of the Internal Policies of the Legislative Drafting Division:

- Attorneys are required to work in teams formed by the Head of the Division. The team leader is required to submit completed assignments to the Head of Division for comments.
- Attorneys are not supposed to sign letters on behalf of the Attorney General without the approval of the Attorney-General.
- Attorneys are not supposed to meddle in policy or advice on policy matters in the drafting of legislation except in relation to Justice Sector Legislation.

## **INTERNAL LINKAGES**

The internal linkage in the execution of the SOP for the preparation of Cabinet Memorandum includes:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The office of the Head of the Legislative Drafting Division and office of the Attorney-General and Minister for Justice.

## **EXTERNAL LINKAGES**

The external linkage in the execution of the SOP for the preparation of Cabinet Memorandum includes:

- Cabinet.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDD)</b>	<b>NUMBER OF PAGES: 5</b>
	<b>SOP NUMBER: SOP-LSLDD06-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: REVIEWING /VETTING OF LEGISLATION</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. This Standard Operating Procedure establishes the procedural guidelines for the Reviewing/Vetting of Legislation.

### **SCOPE**

This Standard Operating Procedure applies to the secretariat of the Attorney-General and the Legislative Drafting Division. It also specifies the protocols that exist between the Attorney-General and Minister for Justice and Director of the Legislative Drafting Division regarding the reviewing or vetting of legislation

### **PREREQUISITES**

The information required prior to this SOP includes:

- Receipt of formal drafting instructions by the Attorney-General's secretariat.
- The Attorney-General minutes the drafting instructions to the Director of Legislative Drafting Division.
- Secretariat of the Legislative Drafting Division receives documents and files the drafting instructions.
- The Director of the Legislative Drafting Division constitutes a team to develop the draft Bill, Explanatory Memorandum on the Bill and comments.

### **RESPONSIBILITIES**

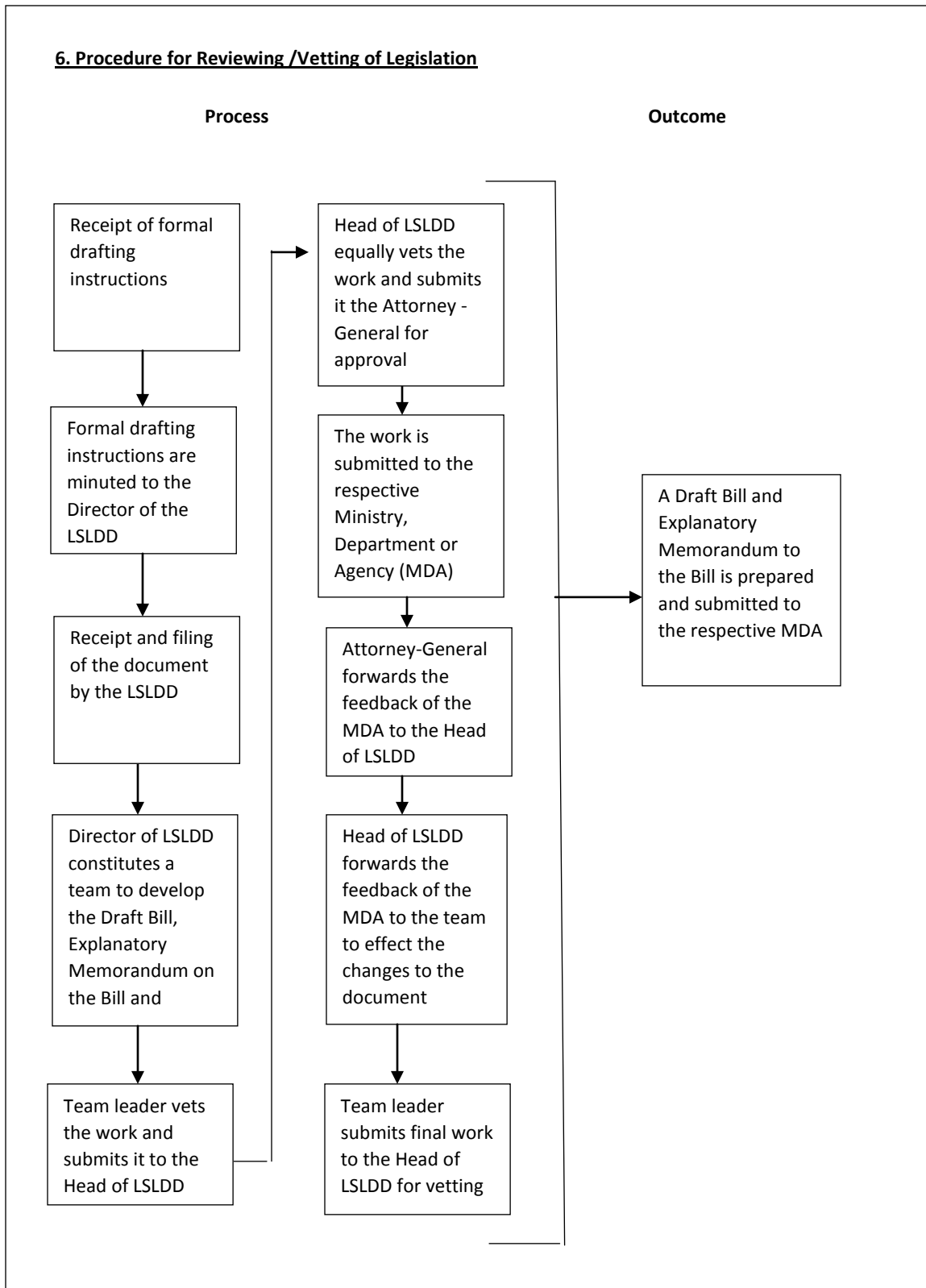
The personnel and entities that have core roles in the SOP are as follows:

- The Attorney General and Minister for Justice.
- Director of the Legislative Drafting Division.
- Staff of the Minister for Justice and Attorney-General's Secretariat.
- Staff of the Secretariat of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Ministry, Department or Agency(MDA).

### **PROCEDURE FOR THE REVIEWING /VETTING OF LEGISLATION**

1. The secretariat of the Attorney-General receives formal drafting instructions.
2. The formal drafting instructions are minuted by the Attorney-General to the Director of Legislative Drafting Division.
3. The secretariat of the Legislative Drafting Division receives documents and files the drafting instructions.
4. The drafting instructions are immediately brought to the attention of the Director of Legislative Drafting Division for assignment.
5. The Director of the Legislative Drafting Division establishes a team with a leader and assigns the team to complete and submit the work on a specified date.
6. The team leader apportions work to team members to develop the Draft Bill, Explanatory Memorandum on the Bill and comments for completion before the timeline specified by the Director.
7. Team members are to draft the Bill according to the drafting style of the Division, taking into consideration the drafting principles and existing law. They are expected to raise comments where necessary to ensure clarity in the Bill.
8. Upon receipt of the assignment from team members, the team leader vets the work for onward submission to the Head of the Legislative Drafting Division.
9. The Head of the Legislative Drafting Division vets the work and forwards it under cover of a memorandum to the Attorney-General through the Drafting secretariat and the secretariat of Attorney-General for consideration and approval.
10. Upon approval by the Attorney-General, the draft Bill, Explanatory Memorandum and comments on the Bill are forwarded to the respective Ministry, Department or Agency with a letter signed by the Attorney-General.
11. Upon receipt of the responses to the comments from the respective Ministry, Department or Agency by the secretariat of the Attorney-General, the Attorney –General minutes the responses to the comments to the Head of the Legislative Drafting Division through the secretariat of the Attorney-General and Legislative Drafting Division.
12. The Head of the Legislative Drafting Division minutes the responses to the comments to the team leader for incorporation by team members.
13. The team leader supervises team members to revise the Bill by incorporating the responses to the comments.
14. The team leader submits the finalized Bill and Explanatory memorandum on the Bill to the Head of the Legislative Drafting Division for vetting.
15. Upon completion of vetting by the Director, the revised Draft Bill and Explanatory Memorandum to the Bill as well as the draft letter are submitted to the Attorney-General under cover of a memorandum for the Attorney-General's signature for submission to the respective Ministry, Department or Agency.

**The Process Flowchart of this SOP is depicted below**



## **RELATED POLICIES AND DOCUMENTS**

The following are some of the Internal Policies of the Legislative Drafting Division:

- The Legal Service Legislative Drafting Division commences the drafting of legislation only on receipt of formal drafting instructions by the Attorney-General from the respective Ministry, Department or Agency.
- The respective Ministry, Department or Agency is required to attach to the drafting instructions, Cabinet approval of the policy underpinning the proposed legislation.
- Attorneys are required to work in teams formed by the Head of the Division. The team leader is required to submit completed assignments to the Head of Division for comments.
- The Head of the Division and Attorneys are not supposed to sign letters on behalf of the Attorney General without the approval of the Attorney-General.
- An Attorney is not supposed to give out electronic versions of draft legislation without the approval of the Attorney General or the Head of the Division.
- The draft legislation together with comments, if any, is forwarded to the sponsoring Ministry under cover letter signed by the Attorney General. In the absence of the Attorney- General, the Deputy Attorney-General signs and in the absence of the Deputy Attorney -General, the Acting Solicitor-General signs the letter.

## **INTERNAL LINKAGES**

The internal linkage in the execution of the SOP for the reviewing/vetting of legislation includes:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The office of the Head of the Legislative Drafting Division and office of the Attorney-General and Minister for Justice.

## **EXTERNAL LINKAGES**

The external linkage in the execution of the SOP for the reviewing/vetting of legislation includes:

- Ministries, Departments and Agencies (MDAs).

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDDD07-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: PROOF READING/MARKING - UP OF ENACTMENT OF ALL MDAS AND OTHER LEGAL DOCUMENTS.</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

**PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. This Standard Operating Procedure establishes the procedural guidelines for Proof Reading/Marking –up of enactment of all MDAs and other legal documents.

**SCOPE**

This Standard Operating Procedure applies to the Head of the Legislative Drafting Division and all Attorneys within the Division. It also specifies the protocols that exist between the Legislative Drafting Division and the Assembly Press

**PREREQUISITES**

The information required prior to this SOP includes:

- The Head of the Legislative Drafting Division assigns a team of Attorneys to proof read the legal document or enactment.

**RESPONSIBILITIES**

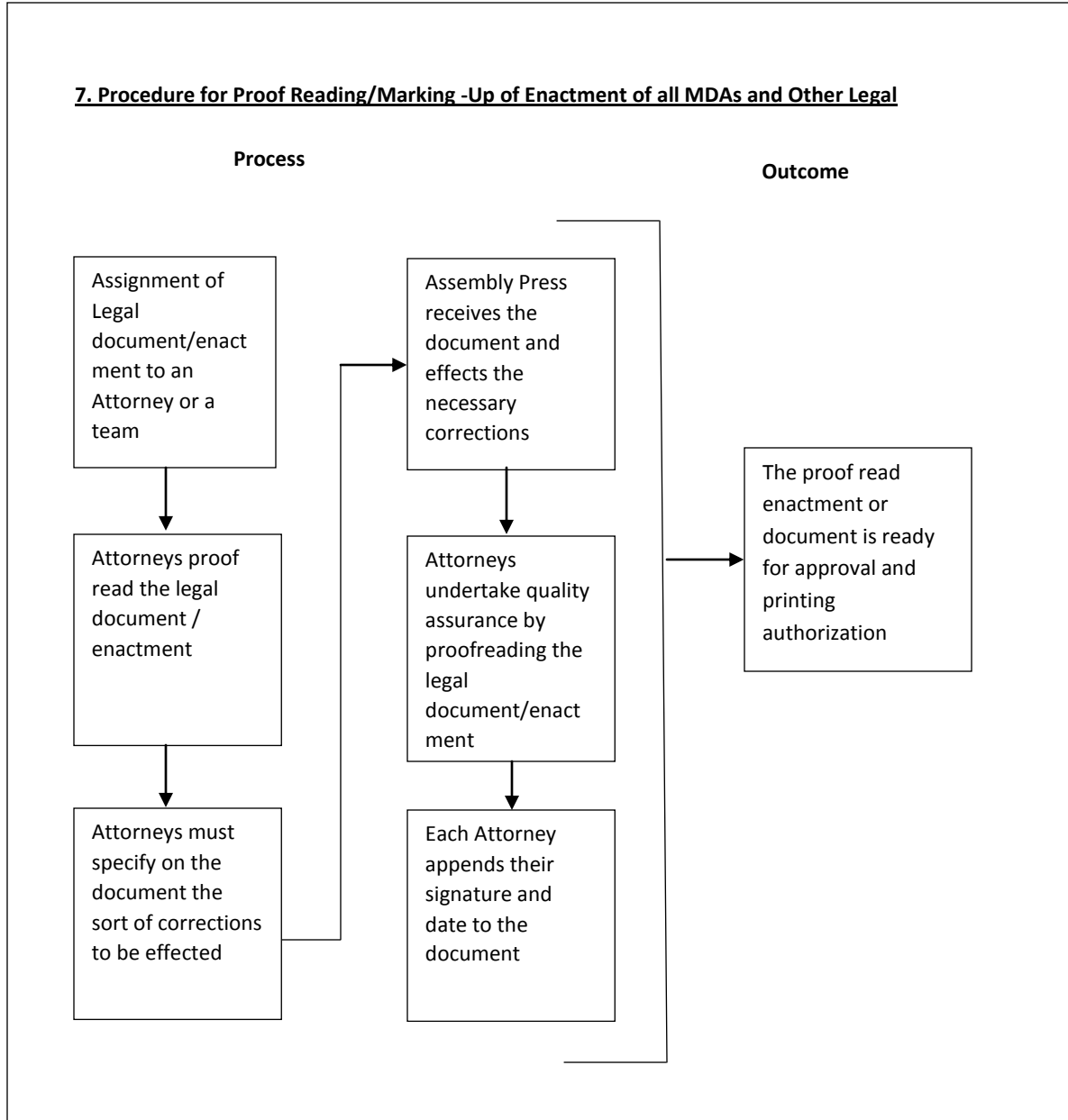
The personnel and entities that have core roles in the SOP are as follows:

- Head of the Legislative Drafting Division
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Staff of Assembly Press

**PROCEDURE FOR PROOF READING/MARKING -UP OF ENACTMENT OF ALL MDAS AND OTHER LEGAL DOCUMENTS.**

1. Where an enactment or a legal document is assigned to a team or an Attorney for proof reading, the Attorneys are required to meticulously proof read the document or enactment and indicate on the face of the document the corrections to be effected.
2. Where time is of essence, the enactment or legal document is apportioned among members of the team for proof reading and marking-up.
3. The enactment or legal document with the indicated corrections is to be forwarded to the Assembly Press under cover of a signed and dated form from the Assembly Press. The instructions to Assembly Press to effect corrections must be clearly indicated.
4. The Attorneys are required to proof read the enactment or legal document until the documents are devoid of errors.
5. Each Attorney of the team assigned the work must sign and date the document as an evidence that they have proof read the document.
6. The proof read enactment or document together with the original manuscript is to be forwarded to the Head of the Division for approval.
7. Based on the instruction of the Head of Division the team leader indicates on the form that “the proof is satisfactory”.
8. The Head of Division may authorise printing.

**The Process Flowchart of this SOP is depicted below**





### **RELATED POLICY**

- Attorneys are required to work in teams formed by the Head of the Division. The team leader is required to submit completed assignments to the Head of Division for comments.

### **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for the Proof Reading/Marking –up of enactment and other legal documents include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The office of the Head of the Legislative Drafting Division and office of the Minister of Justice and Attorney-General.

### **EXTERNAL LINKAGES**

The external linkage in the execution of the SOP for the Proof Reading/Marking –up of enactment and other legal documents includes:

- Assembly Press.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDDD08-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: PARLIAMENTARY COMMITTEE MEETINGS</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division of the Ministry of Justice and Attorney –General’s Department performs a role similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish guidelines for the attendance of Parliamentary Select Committees meetings to consider draft legislations.

### **SCOPE**

This SOP applies to the Staff of the Ministry of Justice and Attorney-General’s Department and Parliamentary Select Committees responsible for the draft legislation.

### **PREREQUISITES**

The information required prior to this SOP includes:

- Invitation letter from the Chairman of a Parliamentary Select Committee
- The Minister of Justice and Attorney-General minutes the invitation letter to the Head of the Legislative Drafting Division.
- The Head of the Legislative Drafting minutes the invitation letter to Attorneys to attend the meeting.

### **RESPONSIBILITIES**

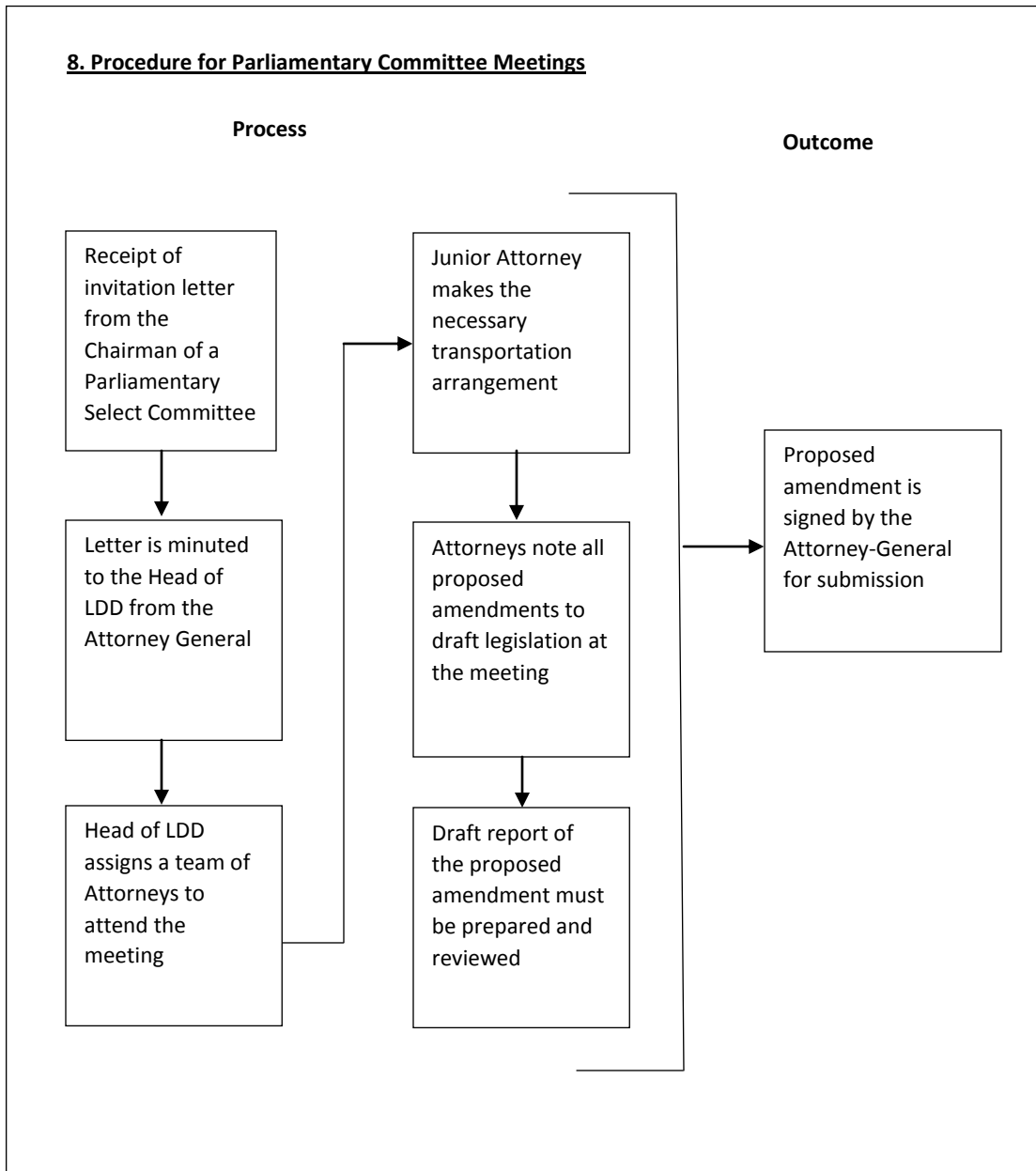
The Personnel and entities that have core roles in this SOP are as follows:

- Chairman of the relevant Parliamentary Select Committee.
- Members of the relevant Parliamentary Select Committee.
- The Attorney-General and Minister of Justice.
- Staff of the Minister of Justice and Attorney-General’s Secretariat.
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney-General’s Department.
- The Chief Director of the Ministry of Justice and Attorney-General’s Department.
- Senior Attorney of the Legislative Drafting Division, Ministry of Justice and Attorney-General’s Department.
- Junior Attorney of the Legislative Drafting Division, Ministry of Justice and Attorney-General’s Department.
- Transport Officer, Ministry of Justice and Attorney-General’s Department.

### **PROCEDURE FOR PARLIAMENTARY COMMITTEE MEETINGS**

1. The Attorney-General and Minister for Justice receives an invitation letter from the Chairman of a Parliamentary Select Committee through the Secretariat of the Attorney-General and Minister for Justice.
2. The Attorney-General and Minister for Justice minutes the invitation letter to the Head of Legislative Drafting Division for necessary action.
3. The Head of Legislative Drafting Division minutes the invitation letter to a team and another junior Attorney to attend the Parliamentary Committee meeting
4. The junior Attorney is required to draft a memorandum to the Chief Director and copied to the Transport Officer, requesting for transport to the meeting locale.
5. The Attorneys are required to capture accurately the proposed amendments to the draft legislation and address drafting issues that may come up in the meeting.
6. On return from the meeting, the Junior Attorney would be required to produce a draft report on the Proposed Amendments made at the meeting. The Senior Attorney is required to review the report and submit the report to the Head of the Drafting Division for comments.
7. The proposed amendment if any is submitted to the Clerk of Parliament and copied to the chairman of the respective Parliamentary Select Committee under cover of a letter signed by the Attorney-General and Minister for Justice.

**The Process Flowchart of this SOP is depicted below:**



## **RELATED POLICIES AND DOCUMENTS**

The following are some of the Internal Policies of the Legislative Drafting Division:

- Attorneys are required to work in teams formed by the head of the Division. The team leader would be required to submit completed assignment to the Head of Division for comments.
- The Head of the Division and Attorneys are not supposed to sign letters on behalf of the Minister of Justice and Attorney-General.
- Attorneys are not supposed to give out electronic versions of draft legislation without the approval of the Attorney-General or the Head of Division.
- Attorneys are not supposed to interfere or advise in policy matters in relation to drafting of legislation, except in relation to Justice Sector Legislation.
- Attorneys are expected to attend Parliamentary sittings when they are assigned to the draft legislation.
- Attorneys are required to capture amendments to draft legislation and to offer assistance with drafting issues.
- Invitation letters to attend Parliamentary Select Committee meetings are to be addressed to the Minister of Justice and Attorney-General.
- Attorneys are required to submit report on meetings.

## **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for the Parliamentary Select Committee Meetings include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The office of the Head of the Legislative Drafting Division and office of the Minister of Justice and Attorney-General.
- Transport Office.

## **EXTERNAL LINKAGES**

The external linkage in the execution of the SOP for the Parliamentary Select Committee Meetings includes:

- Parliamentary Select Committee.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDDD09-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: PARLIAMENTARY SITTINGS</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division of the Ministry of Justice and Attorneys General's Department performs a role similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish guidelines for Attorneys in respect to Parliamentary Sittings in respect of draft legislation.

### **SCOPE**

This SOP applies to Parliamentary Sittings with respect to legislations drafted by the Legislative Drafting Division of the Ministry of Justice and Attorney-General's Department.

### **PREREQUISITES**

The information required prior to this SOP includes:

- Order Paper.
- Any matter relevant to the consideration of the legislation.
- Draft Legislation.
- Votes and Proceedings from previous Parliamentary Sittings.
- Interpretation Acts.
- Standing Orders for Parliamentary Proceedings.

### **RESPONSIBILITIES**

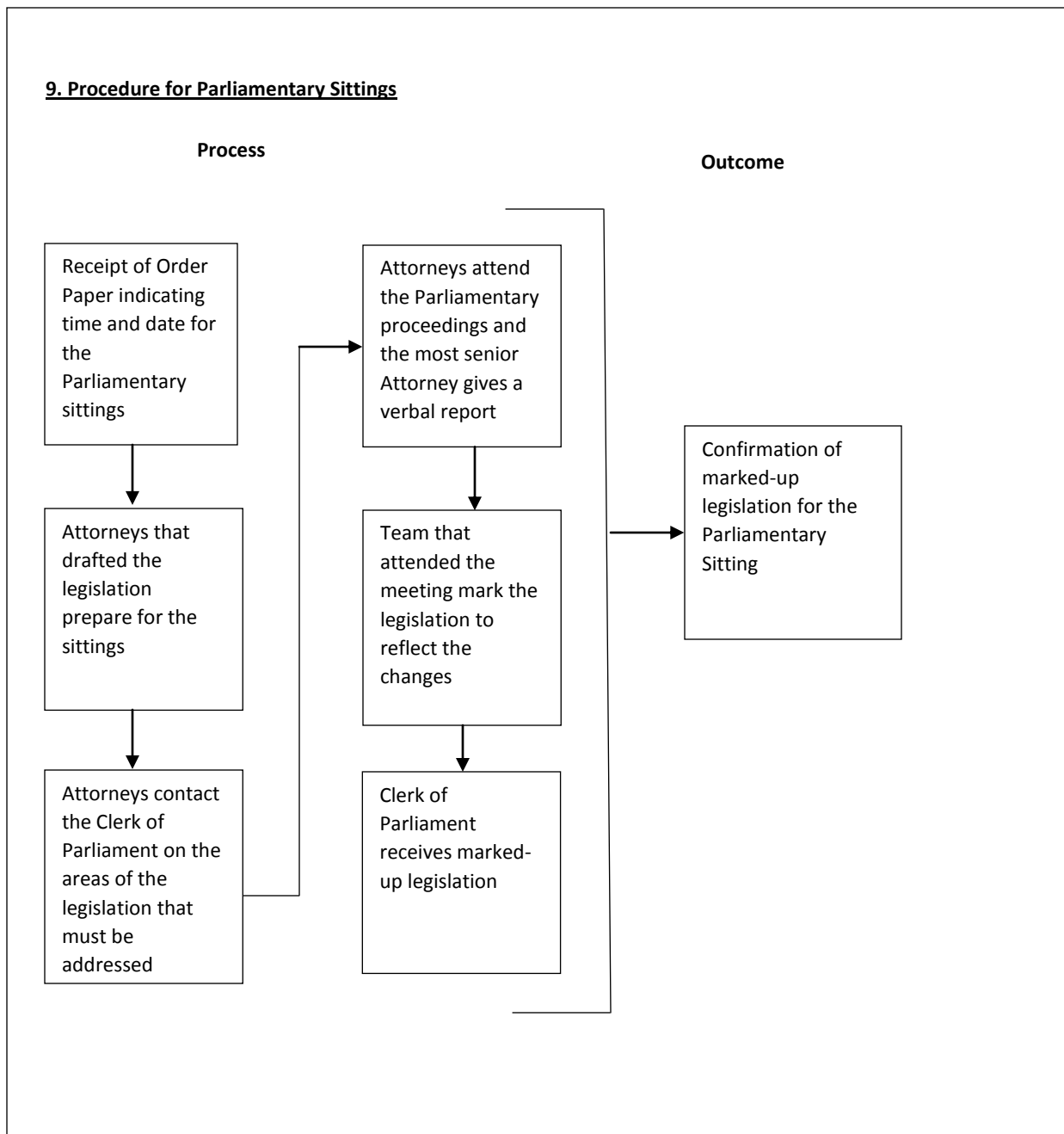
The Personnel and entities that have core roles in this SOP are as follows:

- Members of the team that drafted the Legislation, including the most senior Attorney to give a verbal report.
- Clerk of Parliament.
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney-General's Department.

### **PROCEDURE FOR PARLIAMENTARY SITTINGS**

1. Attorneys are informed of the dates for the consideration of the Legislation by information indicated in the Order Paper.
2. Members of the team that drafted the Legislation would be required to attend the Parliamentary Sittings.
3. An Attorney assigned to attend the Sitting may forward a note to the Clerk of Parliament on a matter relevant to the consideration of the Legislation.
4. The most senior Attorney would be required to give a verbal report of the proceedings in Parliament
5. Subject to the directive of the Head of the Division, the team in-charge of the Legislation would be required to mark the Legislation to reflect the proposed amendments by Parliament, as captured in the Votes and Proceedings of Parliament.
6. Three (3) copies of mark-up of the Legislation (indicated in red ink) would be forwarded to the Clerk of Parliament for confirmation under the cover of a letter.

**The Process Flowchart of this SOP is depicted below:**





## **RELATED POLICIES AND DOCUMENTS**

The following are some of the Internal Policies of the Legislative Drafting Division:

- Attorneys are required to work in teams formed by the head of the Division. The team leader would be required to submit completed assignment to the Head of Division for comments.
- The Head of the Division and Attorneys are not supposed to sign letters on behalf of the Minister of Justice and Attorney-General without the approval of the Attorney-General and Minister for Justice.
- Attorneys are not supposed to give out electronic versions of draft legislation without the approval of the Attorney-General or the Head of Division.
- Attorneys are not supposed to interfere or advise in policy matters in relation to drafting of legislation, except in relation to Justice Sector Legislation.
- Attorneys are expected to attend Parliamentary sittings when they are assigned to the draft legislation.
- Attorneys are required to capture amendments to draft legislation and to offer assistance with drafting issues.
- Invitation letters to attend Parliamentary Select Committee meetings are to be addressed to the Minister of Justice and Attorney-General.
- Attorneys are required to submit verbal report on meetings.

## **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for the Parliamentary Sittings include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The office of the Head of the Legislative Drafting Division and office of Minister of Justice and Attorney-General.

## **EXTERNAL LINKAGES**

The external linkage in the execution of the SOP for the Parliamentary Sittings includes:

- Parliament.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDDD010-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: PREPARATION OF LEGAL OPINION AND ADVICE ON LEGISLATIVE PROPOSALS/CONDUCTING LEGAL RESEARCH</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish the procedural guidelines on how to prepare legal opinions, advice on legislative proposals and conduct a legal research.

### **SCOPE**

This Standard Operating Procedure applies to all Attorneys within the Legal Service Legislative Drafting Division of the Ministry of Justice and Attorney-General's Department. It also specifies the protocols that exist between the Head of the Division and Attorney General and Minister for Justice in relation to preparation of legal opinions, advice on legislative proposals and conducting legal research.

### **PREREQUISITES**

The information required prior to this SOP includes:

- Attorneys are assigned to prepare legal opinions, advice on legislative proposals and conduct legal research.
- Existing legislation.
- Case Law.
- International best practices on the subject matter where applicable.

### **RESPONSIBILITIES**

The Personnel and entities that have core roles in this SOP are as follows:

- The Minister of Justice and Attorney-General.
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney-General's Department.
- Ministry, Department or Agency.

**PROCEDURE FOR THE PREPARATION OF LEGAL OPINION AND ADVICE ON LEGISLATIVE PROPOSALS/CONDUCTING LEGAL RESEARCH**

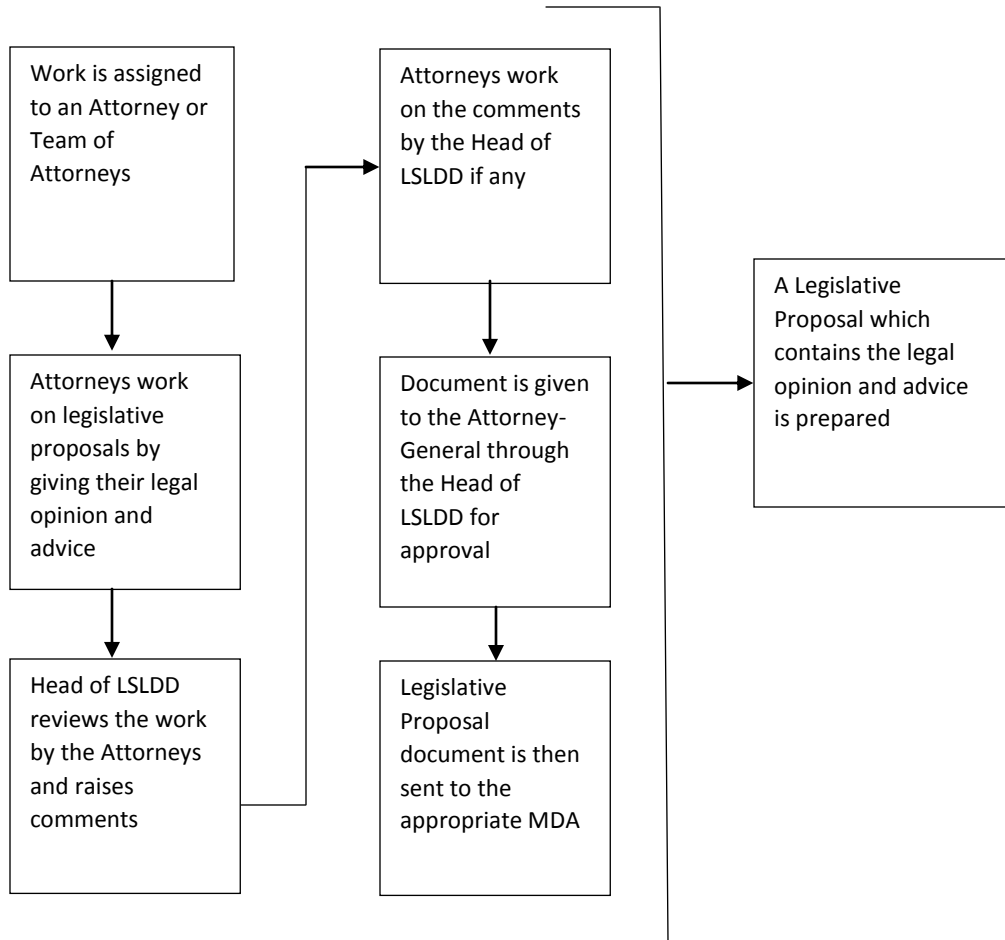
1. Assignment of work to a team of Attorneys or an Attorney.
2. The Attorney prepares opinion, advice or research in a form of memorandum based on existing legislation, case law and international best practice where applicable.
3. The Attorneys submit their work (opinions, advice or the result of the research) to the Head of the Legislative Drafting Division for comments.
4. The comments of the Head of the Division, if any are incorporated by the Attorneys into the work and submitted to the Head of the Division.
5. The Head of the Division forwards the work to the Attorney-General and Minister for Justice for approval.
6. Upon approval, a correspondence is prepared to forward the opinion, advice and research to the relevant Ministry, Department or Agency.
7. Members of the team of Attorneys who are assigned the work are required to submit the opinions, advice or results of the research to the Attorney-General and Minister for Justice through the Head of the Division.

**The Process Flowchart of this SOP is depicted below:**

**10. Procedure for the Preparation of Legal Opinion and Advice on Legislative Proposals/Conducting Legal Research**

**Process**

**Outcome**



### **RELATED POLICY**

- Attorneys are required to work in teams formed by the head of the Division. The team leader would be required to submit completed assignment to the Head of Division for comments.

### **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for the preparation of legal opinions, advice on legislative proposals and conducting legal research include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The office of the Head of the Legislative Drafting Division and office of the Attorney-General and Minister for Justice.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDD11-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: APPOINTMENT OF MARRIAGE OFFICERS</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish the procedural guidelines for the appointment of marriage officers.

### **SCOPE**

This Standard Operating Procedure applies to all Attorneys who deal with the appointment of marriage officers. It also applies to all individuals who apply for consideration as marriage officers. In addition, the SOP specifies the responsibilities of the Attorney-General and Minister for Justice and Head of the Legislative Drafting Division in relation to the appointment of marriage officers.

### **PREREQUISITES**

The information required prior to this SOP includes:

- Section 38 of the Marriages Act, 1894-1985(CAP 127).
- Application Letter for Appointment of Marriage Officers.
- The application letter must not be signed by the applicant.
- The application letter must be accompanied with Gazette Notice in respect of the venue of the ministry concerned and the ordination certificate of the proposed marriage officer.

### **RESPONSIBILITIES**

The Personnel and entities that have core roles in this SOP are as follows:

- The Attorney General and Minister for Justice.
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department
- Proposed Marriage Officers

## **PROCEDURE FOR THE APPOINTMENT OF MARRIAGE OFFICERS**

1. The Attorney-General's Secretariat receives an application letter from the Registrar General's Department.
2. The Attorney must consider Section 38 of the Marriages Act, 1894-1985(CAP 127).
3. The Attorneys must ensure that applicants do not sign their application letter for the appointment of marriage officers.
4. The application letter must be accompanied with Gazette Notice in respect of the venue of the Ministry concerned and the ordination certificate of the proposed marriage officer in terms of spelling and arrangement.
5. The Attorney must ensure that the name on the ordination certificate and the applicants name on the letter are the same.
6. The Attorney then prepares a Gazette Notice in respect of the appointment of Marriage Officers for the Attorney-General's signature.
7. The Attorney forwards the signed Gazette Notice to the Assembly Press for publication.
8. In the case of any queries to the application by the Attorney, the Attorney must communicate the queries to the application through a letter signed by the Attorney-General and Minister for Justice.

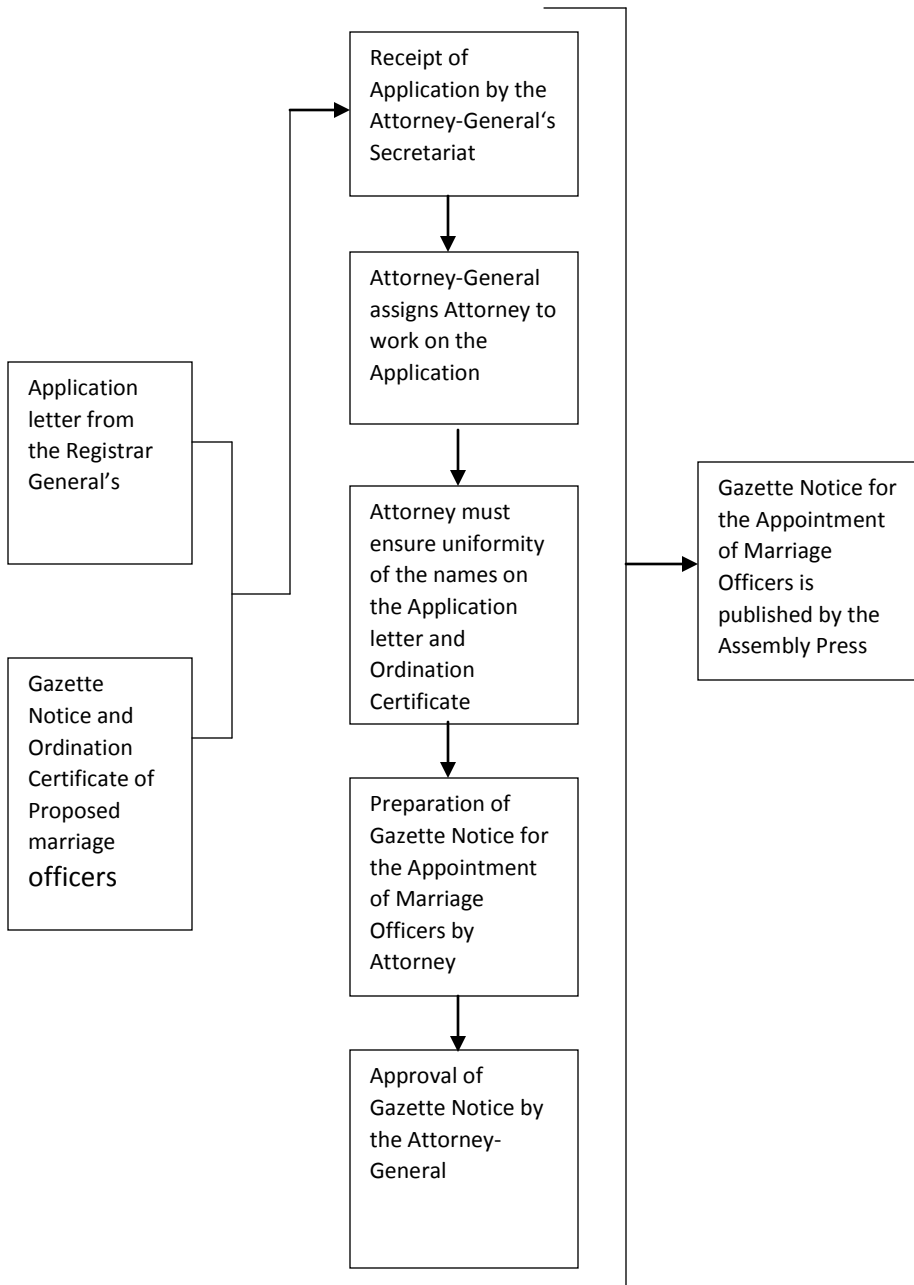
**The Process Flowchart of this SOP is depicted below:**

**11. Procedure for the Appointment of Marriage Officers**

**Input**

**Process**

**Outcome**





### **RELATED POLICY**

- Attorneys are not supposed to sign letters on behalf of the Attorney-General without the approval of the Attorney-General.

### **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for the appointment of marriage officers include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The office of the Head of the Legislative Drafting Division and office of the Attorney-General and Minister for Justice.

### **EXTERNAL LINKAGES**

The external linkage in the execution of the SOP for the appointment of marriage officers includes:

- Assembly Press.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDD)</b>	<b>NUMBER OF PAGES:4</b>
	<b>SOP NUMBER: SOP-LSLDD12-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: REPORTS FOR INTERNATIONAL MEETINGS</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish the procedural guidelines for developing Reports for International Meetings.

### **SCOPE**

This Standard Operating Procedure applies to the Attorney-General and Minister for Justice, Solicitor-General and the Head of the Legislative Drafting Division. It also refers to all Attorneys who are assigned to comment on concept papers from an international source.

### **PREREQUISITES**

The information required prior to this SOP includes:

- Receipt of invitation letter from the international body.
- Concept Paper for discussions at the international meetings.
- Constitution, existing legislation or developing legislation.

### **RESPONSIBILITIES**

The Personnel and entities that have core roles in this SOP are as follows:

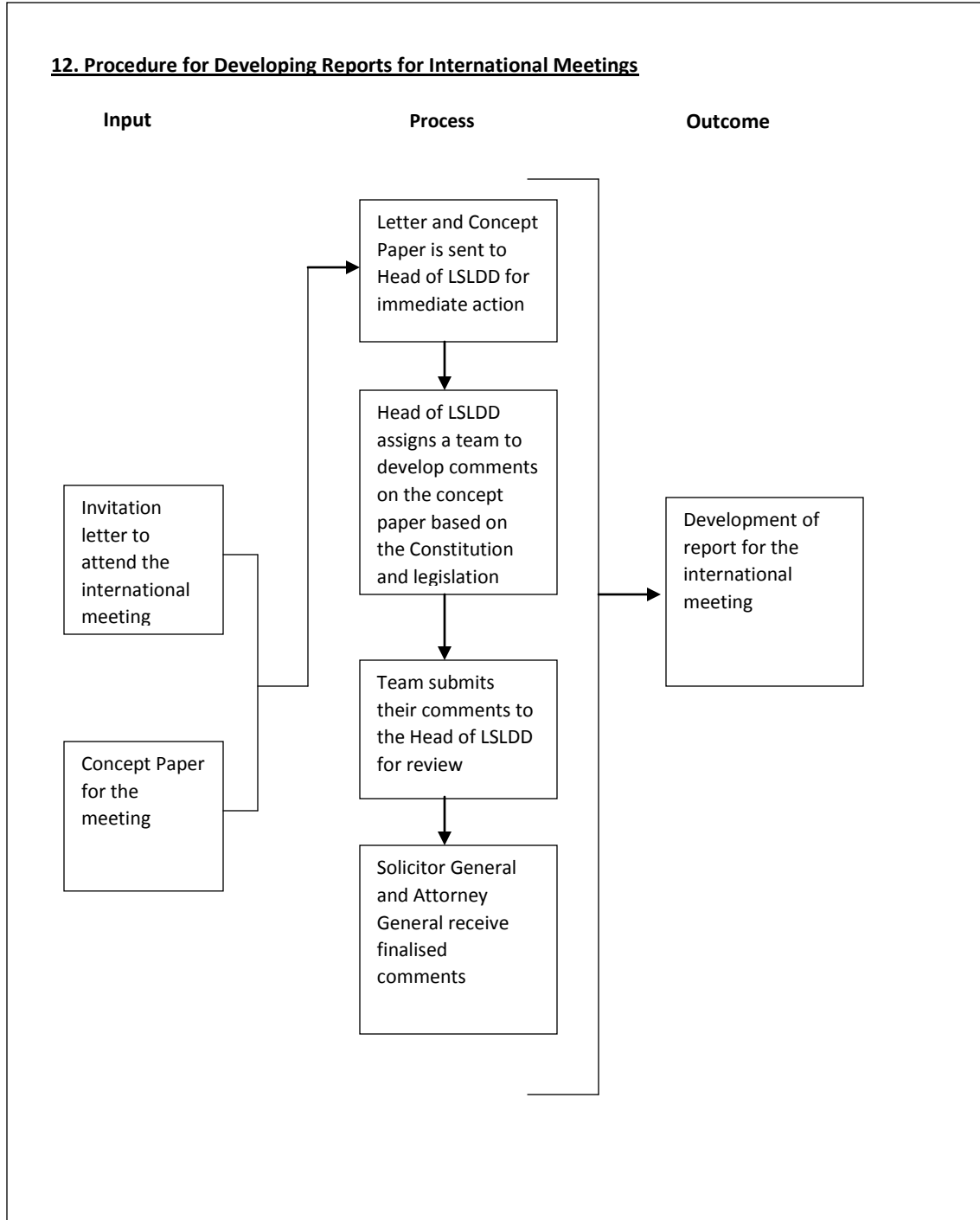
- The Attorney General and Minister for Justice.
- Solicitor -General
- Secretariat of the Attorney-General and Minister for Justice.
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General 's Department
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General 's Department

### **PROCEDURE FOR DEVELOPING REPORTS FOR INTERNATIONAL MEETINGS**

1. Receipt of invitation letter from the international body concerned by the Attorney-General and Minister for Justice through the Secretariat of the Attorney-General. The letter is attached with the concept paper for discussion at the meeting.
2. The Attorney-General and Minister for Justice minutes the letter and concept papers to the Head of the Legislative Drafting Division for necessary action.
3. The Head of the Legislative Drafting Division minutes the concept papers to various teams to develop comments on the concept papers based on our Constitution, existing legislation or developing legislation.
4. The team must indicate in the comments whether or not the concept paper conflicts with the existing or developing legislation.
5. Upon completion of the assignment, the comments of the team are required to be submitted to the Head of the Legislative Drafting Division for review.
6. The finalised comments are submitted to the Solicitor-General and copied to the Attorney-General and Minister for Justice with a memorandum signed by the Head of the Legislative Drafting Division.

**The Process Flowchart of this SOP is depicted below:**

**12. Procedure for Developing Reports for International Meetings**



### **RELATED POLICIES**

- Attorneys are required to work in teams formed by the Head of the Division. The team leader is required to submit completed assignments to the Head of Division for comments.
- Attorneys are required to submit reports on meetings, workshops, seminars and training programmes.

### **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for developing reports for international meetings include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The office of the Head of the Legislative Drafting Division and office of the Minister of Justice and Attorney-General.

### **EXTERNAL LINKAGES**

The external linkage in the execution of the SOP for developing reports for international meetings includes:

- International Body

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDD13-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: CABINET SUB-COMMITTEE MEETINGS</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

**PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish the procedural guidelines for the attendance of Cabinet Sub-Committee Meetings.

**SCOPE**

This Standard Operating Procedure applies to the Attorney-General and Minister for Justice, Head of the Legislative Drafting Division and all Attorneys of the Division, It establishes the protocols that exist between the Secretary to the Cabinet and Attorney-General's Secretariat regarding the organization of Cabinet Sub-Committee meetings.

**PREREQUISITES**

The information required prior to this SOP includes:

- Receipt of invitation letter to attend the Sub-Committee meetings.
- The Attorney-General and Minister for Justice minutes the letter to the Head of the LSLDD.
- Draft legislation
- Interpretation Act

**RESPONSIBILITIES**

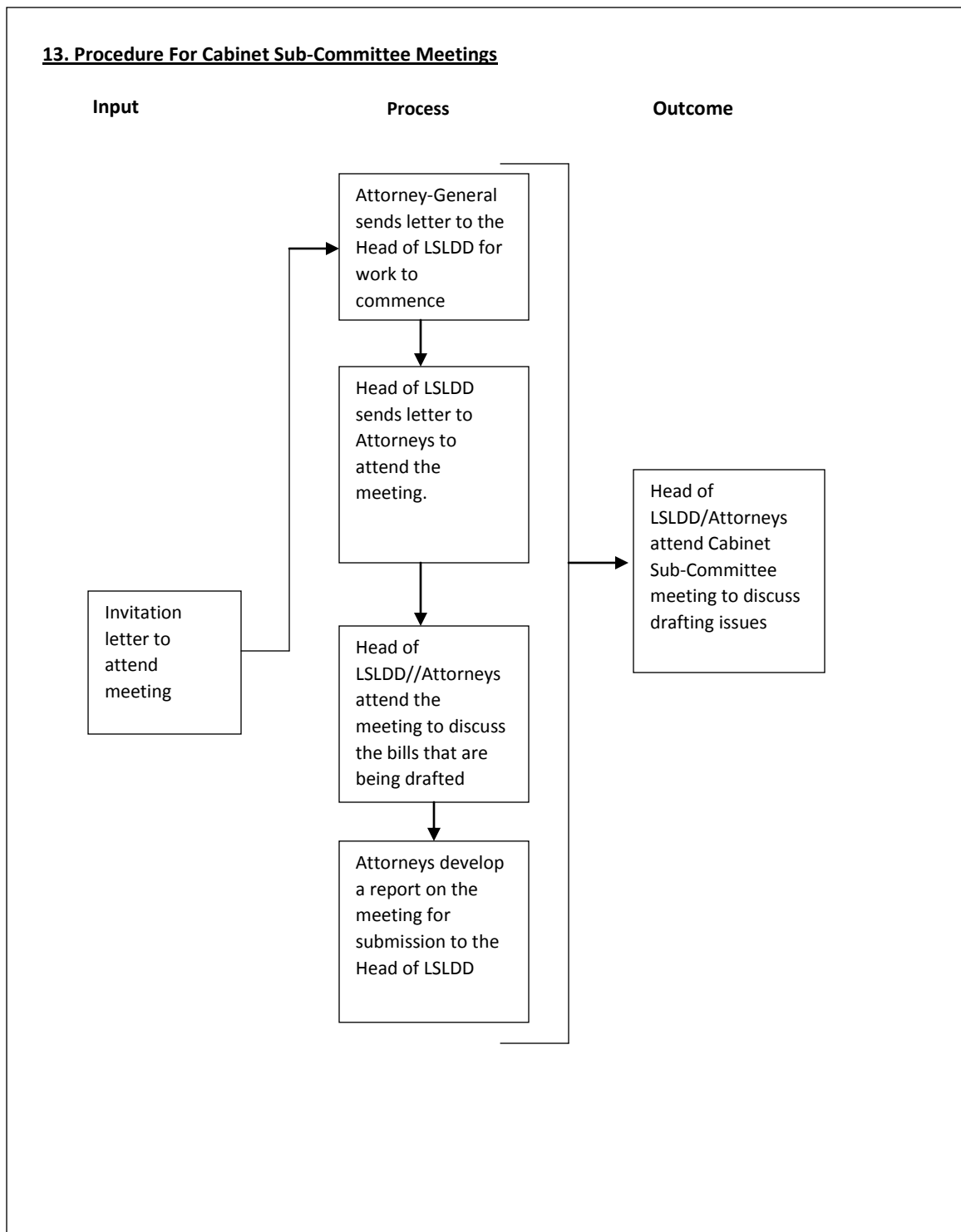
The Personnel and entities that have core roles in this SOP are as follows:

- The Attorney General and Minister for Justice.
- Attorney-General's Secretariat
- Secretary to the Cabinet
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department

### **PROCEDURE FOR CABINET SUB-COMMITTEE MEETINGS**

1. The Attorney-General and Minister for Justice receives the invitation letter to attend a Sub-Committee Meeting from the Secretary to the Cabinet through the Attorney-General's Secretariat.
2. The Attorney-General and Minister for Justice minutes the letter and concept papers to the Head of the Legislative Drafting Division for necessary action.
3. The Head of the Legislative Drafting Division minutes the invitation letter to at least two Attorneys depending on the number of Bills to be considered at the meeting. The Head of the Division in some cases attends the meeting with Attorneys.
4. The Attorneys are required to address drafting issues that may arise at the meeting.
5. After the meeting, the Junior Attorney is required to draft a report on the meeting for the consideration of the senior Attorney before submission to the Attorney-General through the Head of the Legislative Drafting Division.

**The Process Flowchart of this SOP is depicted below:**





### **RELATED POLICIES, DOCUMENTS AND LEGISLATION**

1. Attorneys are required to work in teams formed by the Head of the Division. The team leader is required to submit completed assignments to the Head of Division for comments.
2. Attorneys are required to submit reports on meetings, workshops, seminars and training programmes.

### **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for Cabinet-Sub-Committee Meetings include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The office of the Head of the Legislative Drafting Division and office of the Minister of Justice and Attorney-General.

### **EXTERNAL LINKAGES**

The external linkage in the execution of the SOP for Cabinet-Sub-Committee Meetings includes:

- Cabinet Sub-Committee.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDD14-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: HANDING OVER FURTHER TO PROCEEDING ON LEAVE OR ABSENCE FROM OFFICE FOR OFFICIAL DUTIES</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

**PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish the procedural guidelines for handing over further to proceeding on leave or absence from office for official duties.

**SCOPE**

This Standard Operating Procedure applies to all staff of the Legal Service Legislative Drafting Division of the Ministry of Justice and Attorney-General's Department.

**PREREQUISITES**

The information required prior to this SOP includes:

- Status of Work Report.
- Application Letter for Leave.
- Handover of files.

**RESPONSIBILITIES**

The Personnel and entities that have core roles in this SOP are as follows:

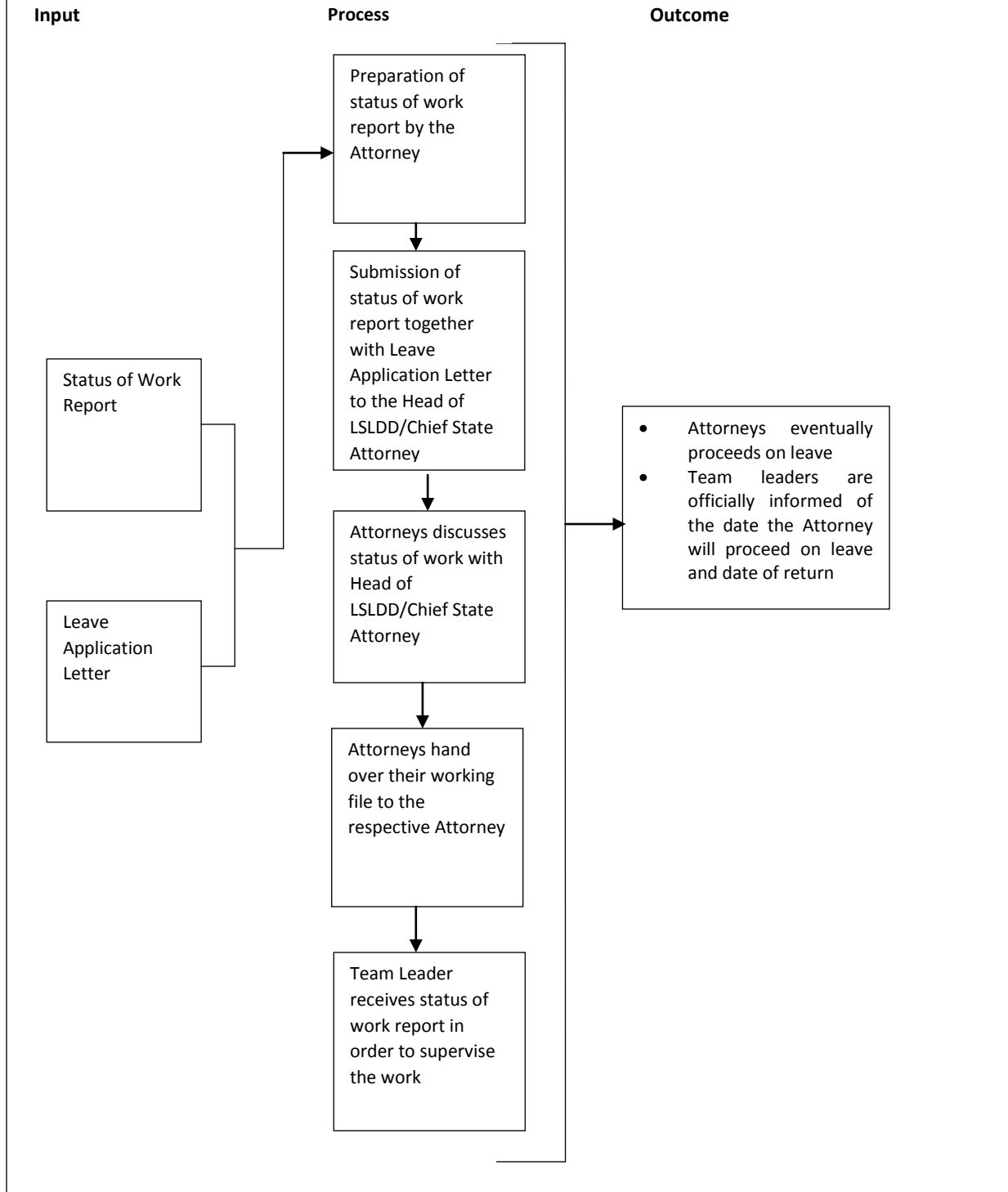
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Chief State Attorney of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney-General's Department.

## **PROCEDURE FOR HANDING OVER FURTHER TO PROCEEDING ON LEAVE OR ABSENCE FROM OFFICE FOR OFFICIAL DUTIES**

1. The Attorney proceeding on leave is required to prepare a status of work report on work assigned to the Attorney. The status of work report is to be submitted to the Head of the Legislative Drafting Division or the Chief State Attorney in charge of the Division for discussion in respect of reassignment of files that require urgent attention and matters that require completion by the Attorney before proceeding on leave.
2. The status of work report shall be attached to the application for leave to be submitted through the Head of the Legislative Drafting Division or the Chief State Attorney in charge of the Division.
3. The Attorney is required to hand over files to respective Attorneys further to discussion with the Head of the Legislative Drafting Division or the Chief State Attorney in charge of the Division
4. A copy of the status of work report is to be given to each team leader or team leaders. Copies of the status of work report are to be placed on the leave file for record keeping.
5. The Attorney is also required to put up a memorandum to inform each team leader of the date on which the Attorney will proceed on leave or be absent from office on official duty and the date on which the Attorney is expected to resume.

**The Process Flowchart of this SOP is depicted below:**

**14. Procedure for Handing Over Further to Proceeding on Leave or Absence from Office for Official Duties**



### **RELATED POLICIES**

1. Applications for leave are to be made two weeks before the effective date of leave unless circumstances otherwise require.
2. The Attorney applying for leave is supposed to attach a status of work report on work assigned to the Attorney to the leave application for discussion with the Head of the Division.

### **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for handing over further to proceeding on leave or absence from office for official duties include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- Chief State Attorney of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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<b>NAME OF INSTITUTION: MINISTRY OF JUSTICE AND ATTORNEY- GENERAL'S DEPARTMENT - LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION (LSLDD)</b>	<b>NUMBER OF PAGES: 4</b>
	<b>SOP NUMBER: SOP-LSLDD15-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: PREPARING QUARTERLY REPORTS, MEET THE PRESS REPORT AND HANDING OVER REPORTS</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

**PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish the procedural guidelines for preparing quarterly reports, meet the press report and handing over reports

**SCOPE**

This Standard Operating Procedure applies to all staff of the Legal Service Legislative Drafting Division of the Ministry of Justice and Attorney-General's Department.

**PREREQUISITES**

The information required prior to this SOP includes:

- Memorandum
- Current Update of Developing Legislation

**RESPONSIBILITIES**

The Personnel and entities that have core roles in this SOP are as follows:

- The Chief Director of the Ministry of Justice
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Team Leader
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General 's Department

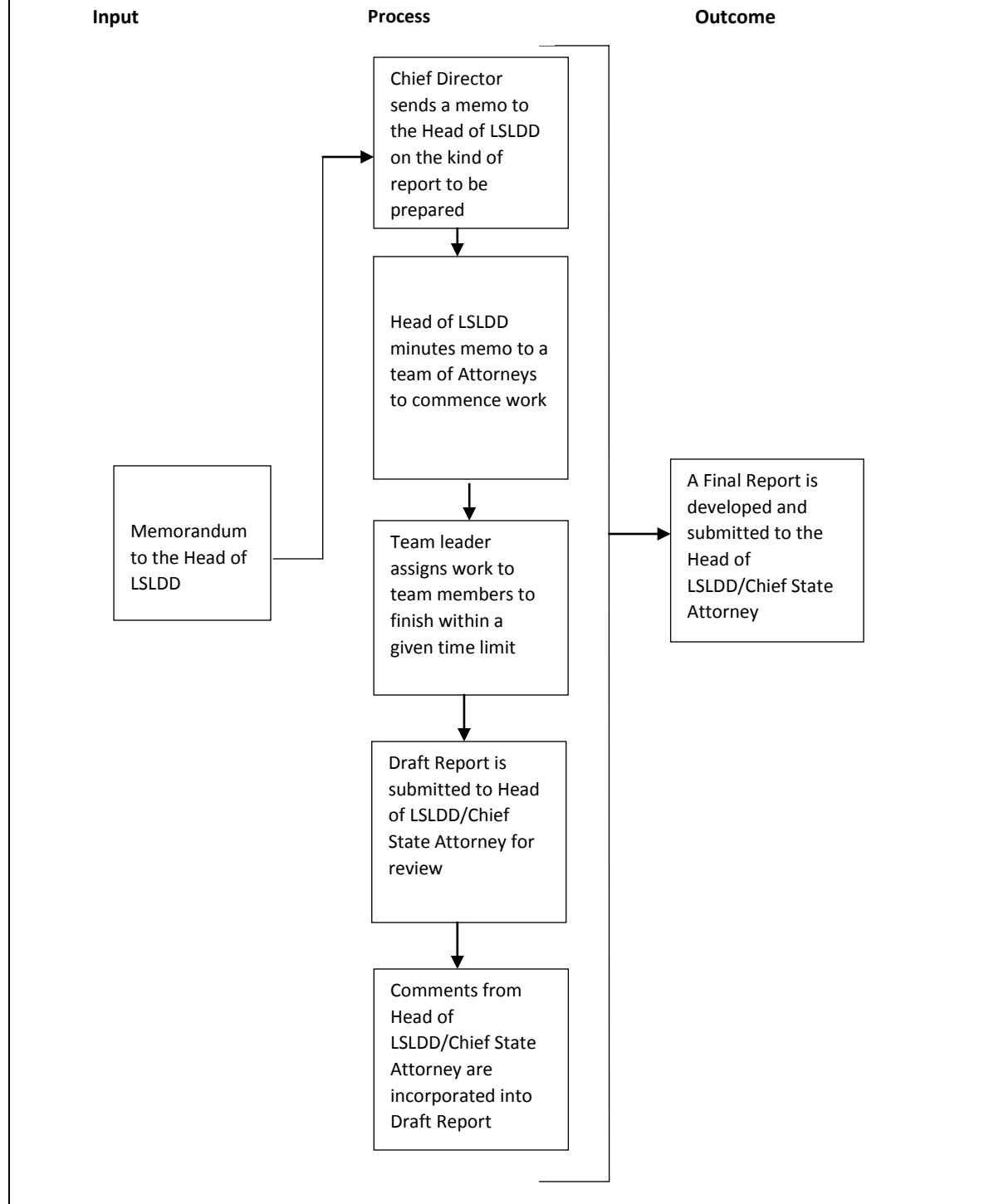
### **PROCEDURE FOR PREPARING QUARTERLY REPORTS, MEET THE PRESS REPORT AND HANDING OVER REPORTS**

1. The Chief Director of the Ministry of Justice sends a memorandum to the Head of the Legal Service Legislative Drafting Division in respect of the report to be prepared.
2. The Head of the Legal Service Legislative Drafting Division minutes the memorandum to a team to prepare the report based on the existing template and the current update of the required information during the period under review.
3. The team leader is required to assign work amongst team members to complete within a specified time frame.
4. The completed assignment is to be submitted to the Head of the Legal Service Legislative Drafting Division or the Chief State in Charge of the Division for comments.
5. The report is to be finalised further to comments from the Head of the Division or Chief State Attorney in charge of the Division and submitted under cover of a memorandum signed by the Head of the Legislative Drafting Division or the Chief State Attorney in charge of the Division.

**The Process Flowchart of this SOP is depicted below:**

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

**15. Procedure for Preparing Quarterly Reports, Meet the Press Report and Handing Over Reports**





### **RELATED POLICY**

- Attorneys are required to submit a report on meetings, workshops, seminars and training programmes.

### **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for the preparation of quarterly reports, meet the press report and handing over reports include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- Chief State Attorney of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.

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	<b>SOP NUMBER: SOP-LSLDD16-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: PREPARING STATUS OF WORK REPORT</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish the procedural guidelines for preparing status of work report.

### **SCOPE**

This Standard Operating Procedure applies to all staff of the Legal Service Legislative Drafting Division of the Ministry of Justice and Attorney-General's Department.

### **PREREQUISITES**

The information required prior to this SOP includes:

- Roster for the preparation of status of work report

### **RESPONSIBILITIES**

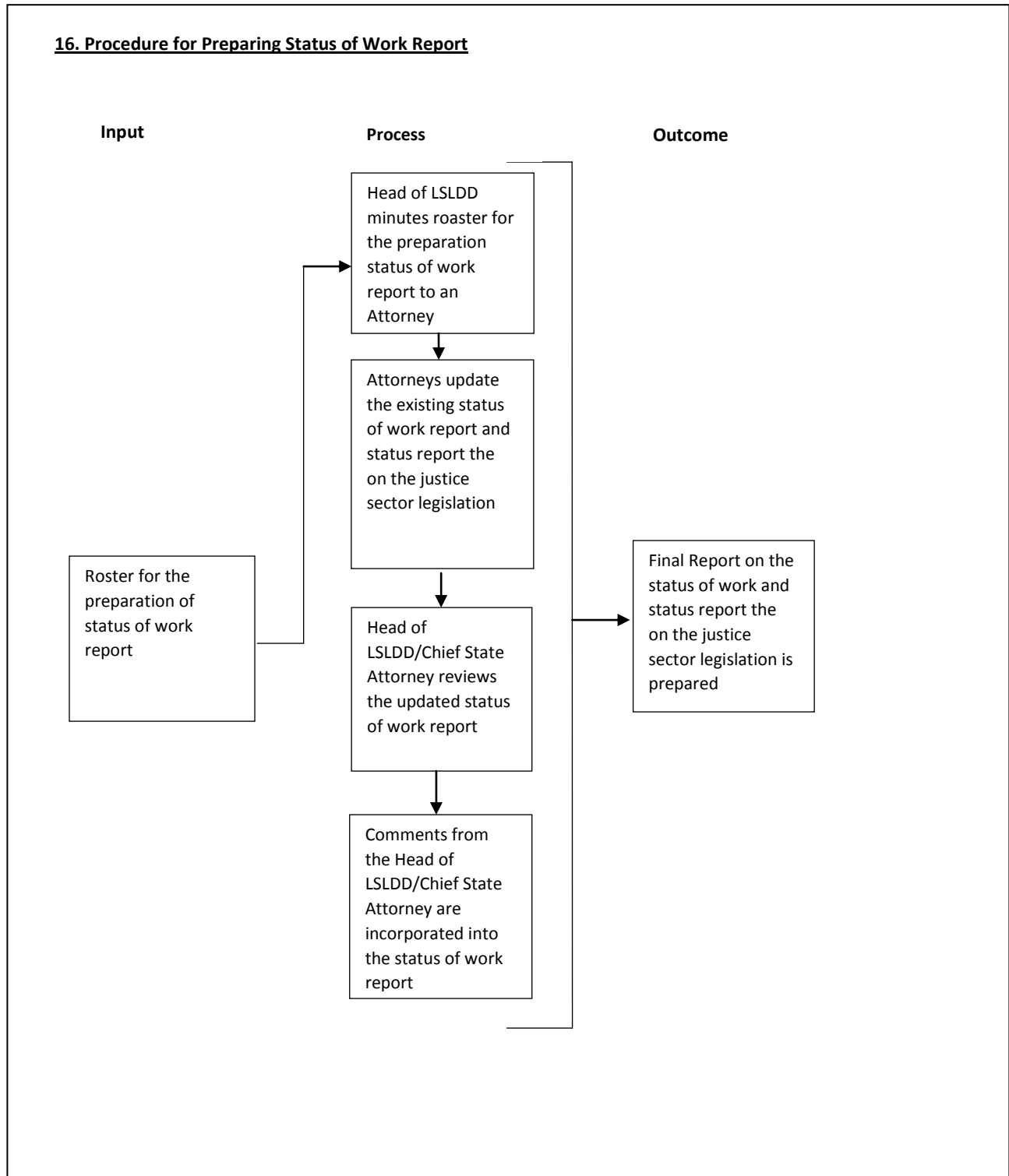
The Personnel and entities that have core roles in this SOP are as follows:

- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Team Leaders
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General 's Department

### **PROCEDURE FOR PREPARING STATUS OF WORK REPORT**

1. Further to the minute of the Head of the Legislative Drafting Division or the roster for the preparation of status of work report, the Attorney is required to update the existing status of work reports including that on the justice sector legislation for submission to the Head of the Legislative Drafting Division.
2. The completed assignment is to be submitted to the Head of the Legislative Drafting Division or the Chief State in charge of the Division for comments.
3. The report is to be finalised further to comments from the Head of the Division or Chief State Attorney in charge of the Division.

The Process Flowchart of this SOP is depicted below



## **INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for the Preparation of Status of Work Report include:

- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.
- The Attorneys of the Legislative Drafting Division.

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	<b>SOP NUMBER: SOP-LSLDD17-16</b>
	<b>SOP REVISED NUMBER:</b>
<b>FUNCTION: PREPARATION OF A GAZETTE NOTICE OF A LEGAL NATURE</b>	<b>REVIEWED DATE:</b>
	<b>APPROVED DATE:</b>
	<b>IMPLEMENTATION DATE:</b>

### **PURPOSE**

The Legislative Drafting Division is responsible for drafting substantive and subsidiary legislation for the Government. The Division performs roles similar to that of Parliamentary Counsel by assisting Parliament in its legislative functions. The purpose of this Standard Operating Procedure (SOP) is to establish the procedural guidelines for the preparation of a Gazette Notice of a Legal Nature.

### **SCOPE**

This Standard Operating Procedure applies to all staff of the Legal Service Legislative Drafting Division of the Ministry of Justice and Attorney-General's Department.

### **PREREQUISITES**

The information required prior to this SOP includes:

- Drafting instructions from the sponsoring Ministry.

### **RESPONSIBILITIES**

The Personnel and entities that have core roles in this SOP are as follows:

- Attorney-General
- Secretariat of the Attorney-General
- Head of the Legislative Drafting Division, Ministry of Justice and Attorney General's Department.
- Attorneys of the Legislative Drafting Division, Ministry of Justice and Attorney General 's Department
- Team Leader
- Sponsoring Ministry
- Ghana Publishing Company

### **PROCEDURE FOR THE PREPARATION OF A GAZETTE NOTICE OF A LEGAL NATURE**

1. The sponsoring ministry issues formal drafting instructions to the Attorney-General. The drafting instructions may come in the form of prose or a draft Gazette Notice.
2. The Secretariat of the Attorney-General receives formal drafting instructions.
3. The formal drafting instructions are minuted to the Head of the Legislative Drafting Division.

**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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4. The Head of the Legislative Drafting Division constitutes a team with a team leader and assigns the work to the team to be completed and submitted on a specified date.
5. The completed assignment is submitted by the team leader to the Head of Legislative Drafting for vetting.
6. The Head of the Legislative Drafting Division vets the work and forwards it under cover of a memorandum to the Attorney-General through the Secretariat of the Drafting Division and the Secretariat of the Attorney-General for consideration and approval.
7. Upon approval by the Attorney-General, the Gazette Notice is forwarded to the sponsors for signature and date under cover of a correspondence signed by the Attorney-General.
8. On receipt of the signed Gazette Notice, the Legislative Drafting Division makes arrangements with the Ghana Publishing Company for the publication of the Gazette Notice in the Gazette.

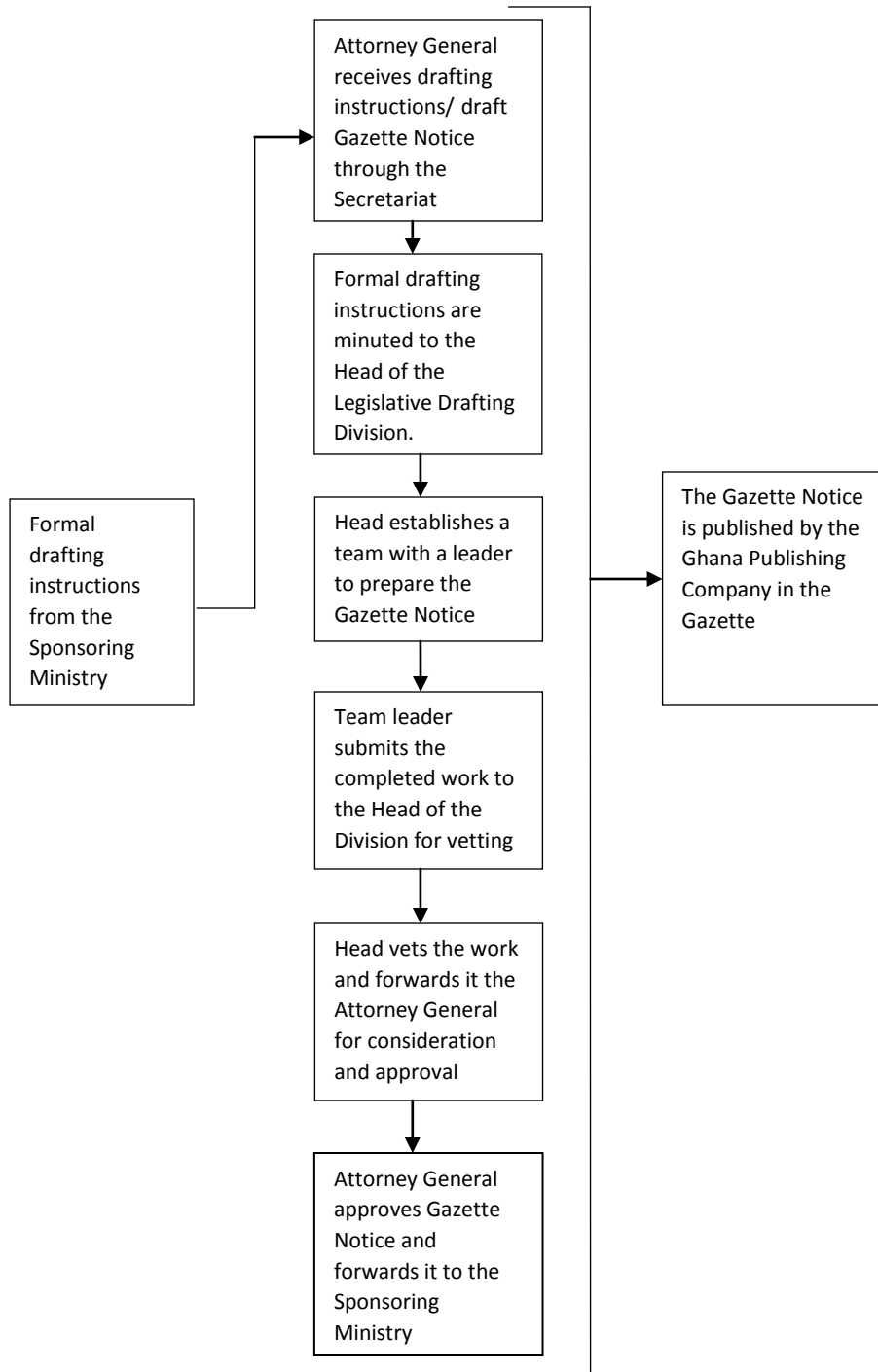
**The Process Flowchart of this SOP is depicted below**

**17. Procedure for the Preparation of a Gazette Notice of a Legal Nature.**

**Input**

**Process**

**Outcome**



**THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION**

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**RELATED POLICY**

Attorneys are required to work in teams formed by the Head of the Division. The team leader is required to submit completed assignments to the Head of Division for comments.

**INTERNAL LINKAGES**

The internal linkages in the execution of the SOP for the preparation of a Gazette Notice of a Legal Nature include:

- The office of the Head of the Legislative Drafting Division and office of the Minister of Justice and Attorney-General.
- The office of the Head of the Legislative Drafting Division and the Attorneys of the Legislative Drafting Division.

**EXTERNAL LINKAGES**

The external linkage in the execution of the SOP for Cabinet-Sub-Committee Meetings includes:

- Sponsoring Ministry
- Ghana Publishing Company



# SECTION 3

## RECOMMENDATIONS FOR THIS ASSIGNMENT

### THE LEGAL SERVICE LEGISLATIVE DRAFTING DIVISION

## SECTION 3: RECOMMENDATIONS FOR THIS ASSIGNMENT

Our recommendations were developed in cognizance of the findings, observations and gaps emerging out of this project.

The Recommendations are categorized under the thematic areas as follows:

- Standard Operating Procedures
- Libraries and Resource Centers
- Human Resource
- Information, Communications and Technology

### Standard Operating Procedures

We noted that there was formalized documentation on Standard Operating Procedures at the Legal Service Legislative Drafting Division of the MoJAGD. Nonetheless, we reviewed the existing Standard Operating Procedures as part of our gap analysis.

Therefore, the SOPs developed out of this exercise and our recommendations would optimize the work of the Legislative Drafting Division in enhancing the delivery of Justice, as procedural inefficiencies would be curtailed. We recommend that the SOPs should be implemented within the timelines stipulated in the Results Framework for this project.

### Libraries and Resource Centers

We observed that the Legislative Drafting Division was not well-resourced with books and reference material. In some instances, the Law Reports were outdated. Therefore, the Staff of the Division had to use other libraries for their research. While Electronic Reports could be a viable alternative, the benefits have not been explored comprehensively.

Therefore, we recommend the following measures for Legislative Drafting Division in matters relating to resources for research:

- Take stock of materials currently in its library to assess resource optimal requirements;
- Identify library resources that are imperative for the work of the Division and initiate processes for procurement, using approved avenues; and
- Use appropriate recruitment processes and approvals to recruit staff to perform Library duties.

### **Human Resource**

We observed that there were Human Resource challenges; an optimal number of Legislative Drafters would need to be recruited. The skills, knowledge and abilities required for success in the Legislative Drafting Division are specialized. A concerted drive to recruit personnel through approved channels would ensure that the workload is managed within the capabilities of the Staff.

It is envisaged that a training needs assessment for the MoJAGD and its agencies would be further developed into a Training Plan that would adequately address Human Resource requirements. We recommend that Training Plan and the SOPs should be implemented in an integrated manner.

### **Information, Communications and Technology (ICT)**

Information, Communications and Technology continues to be an enabler of business processes. Thus, the challenges of obtaining, storing and disseminating information in the Legislative Drafting Division could be curtailed in a networked environment with dedicated servers.

We recommend that approved channels are used to procure computers, photocopiers, scanners, and printers. This would ensure an optimal utilization of Information and Communications Technology applications, which is critical to the performance of the Legislative Drafting Division in their Justice Delivery.