



WESTMINSTER
FOUNDATION FOR
DEMOCRACY

POST-LEGISLATIVE SCRUTINY

- Principles of PLS by Parliament
- Practical Steps for PLS by Parliament

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ParlAmericas Open Parliament Network

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Principles for Post-Legislative Scrutiny by Parliament

Mandate

Why PLS?

Scope

What is PLS?

Participants

Who is in PLS?

Processes

How to do PLS?

Timing

When PLS?



Principles of Post-Legislative Scrutiny by parliament

1. At the time of passing of the bill, three binding instruments typically provide a mandate for PLS: ministerial undertakings, review clauses in legislation or sunset clauses.
2. When no binding commitment to PLS is made during the passage of the bill, Parliament has the power to undertake PLS on any matter that it so chooses.
3. To assess the impact of legislation, it is useful to review secondary or delegated legislation at the same time as reviewing the primary act.





4. Post-Legislative Scrutiny provides an opportunity to assess the impact of legislation on issues which cut across different Acts, such as on gender, or on minorities.



5. Post-Legislative Scrutiny avoids a replay of policy arguments from the time when the merits of the law were debated.



6. Parliament should consider whether responsibility for PLS is assigned to its permanent Committees or to a dedicated body.



7. For any parliament to conduct PLS inquiries effectively, it needs to empower its human resources (parliament staff).





8. Public engagement in PLS enables access to additional sources of information, increases the credibility of the findings and enhances public trust in democratic institutions.



9. It is useful when PLS can rely on official information, but it also needs the views and information of a wide range of stakeholders, including civil society organization.



10. PLS takes best place at least three years after of enactment of the law in question.





Practical Steps for Post-Legislative Scrutiny in Parliament



Planning



Implementation



Follow-up



Planning phase

Select legislation for PLS



Establish objectives for PLS



Identify role of implementing agencies



Identify relevant stakeholders



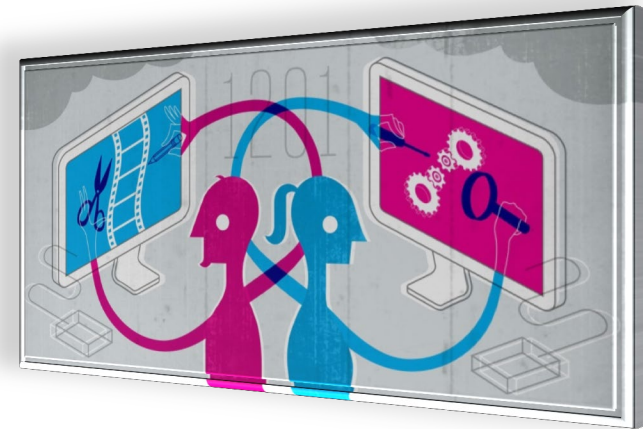
Collect data and background information





Ten considerations when planning for data collection

1. What **basic data** need to be gathered to give reliable and consistent measurement against policy objectives?
2. What **additional data** should be collected?
3. What information should be presented **in writing, orally**?
4. What are the **quality indicators** for collected data?
5. What **institutions** should be involved in primary data collection and analysis?
6. What are the key **timeframes** for data collection and analysis?
7. **Who** will have responsibility for gathering data?
8. How will the quality and **consistency of information** be assured?
9. What **hearings** are necessary and who should be heard ?
10. What **field visits** are required?





Sources for data collection



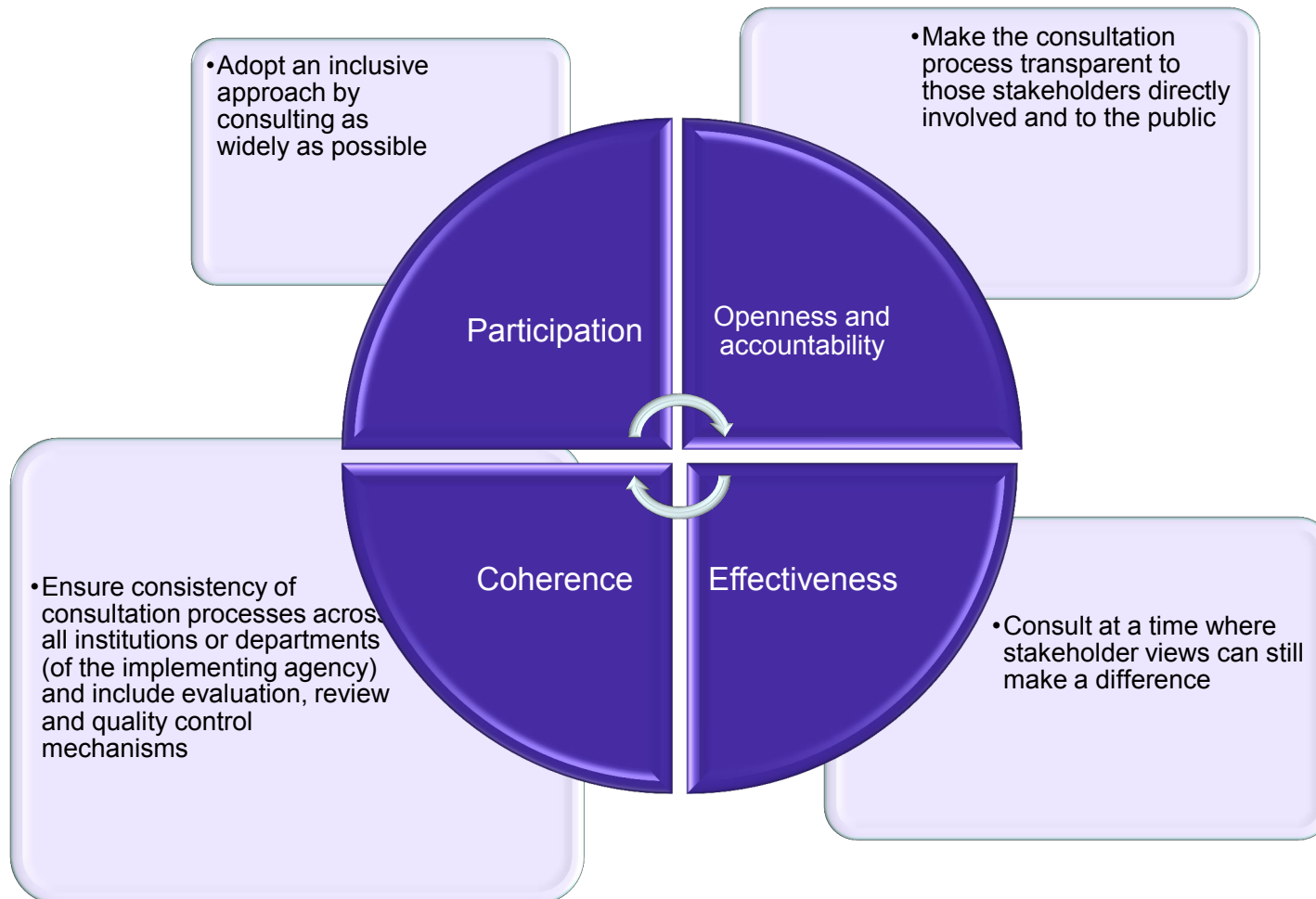


Implementation phase



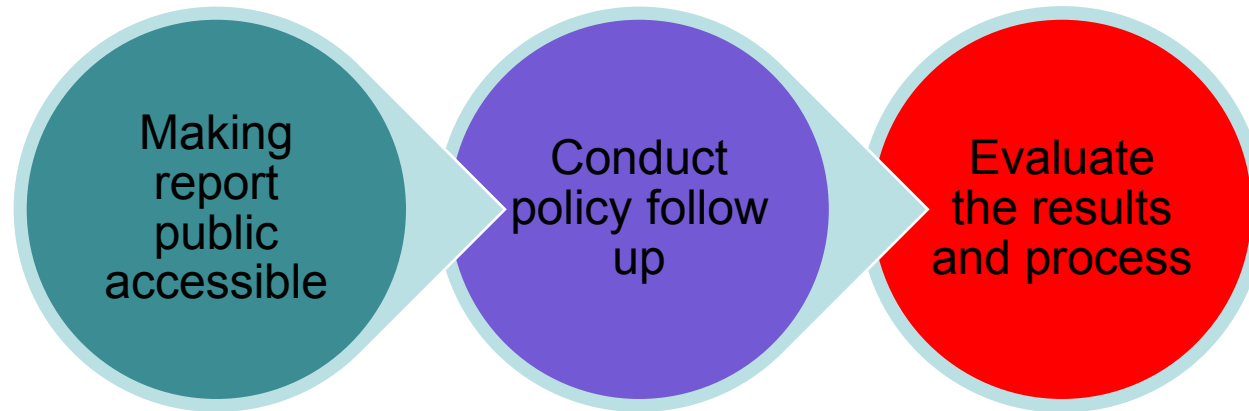


Principles for stakeholder consultation





Follow-up phase





Exercise: working with stakeholders and the public in PLS

1. Select and analyse the piece of legislation



2. Identify all relevant stakeholders for this legislation



3. Draft list of potential questions for stakeholders



4. Discuss methods of data collection



5. Discuss any experiences on stakeholder engagement so far

