Legislation drafting

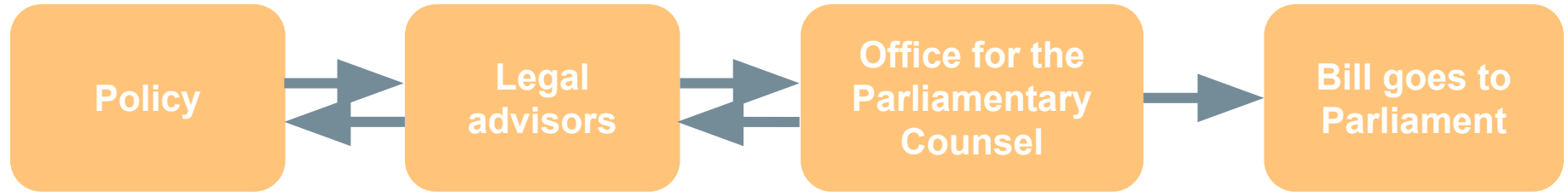**Problem statement**

Evidence House Hackathon   15th April 2024

Can we use AI to help with legislation drafting?

Journey of a draft bill

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Policy  →←  Legal advisors  →←  Office for the Parliamentary Counsel  →  Bill goes to Parliament
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Responsible for:
- Policy instructions
- Drafting explanatory notes for primary legislation
- Drafting explanatory memoranda for secondary legislation

Responsible for:
- Legal instructions
- Drafting secondary legislation and the associated explanatory note

Responsible for:
- Drafting primary legislation

Challenges and opportunities

Challenges

- Around 35 bills produced per year (plus ~1000 pieces of secondary legislation)

- A typical sized bill might take around 3 legal advisors + 2 OPC drafters 1 year to produce, plus staff working in policy and other areas also contribute to production of a bill

- Demand almost always outstrips supply for legal services – some work gets deprioritised

Opportunities

- Grant legal advisors more time for other work and reduce out of hours working

- Improve quality by reducing the rush to meet deadlines

Sub Q1: Can an AI help write explanatory notes?

What are explanatory notes?

- Explanatory notes are a legislative document that's required to be included when a bill goes before parliament

- They act as a more reader-friendly description of the law, good for readers without legal training and who are unfamiliar with the subject matter of the bill

Challenges relating to explanatory notes

Old legislation

- Explanatory notes were introduced in 1999

- Therefore, older legislation generally doesn't include ex notes

- No resource to write them from scratch for the 1000's of older pieces of legislation still in force

New legislation

- ~3 week window when the bill takes its final form, and it can go through multiple iterations in this time

- Therefore, drafters are often trying to finalise ex. notes based on a moving target

- Ex. notes take a lot of time to produce – often ends up being done outside working hours

Drafting explanatory notes

There are two main components of the explanatory notes:

Background

- Policy background (and sometimes background on other areas)

- Mostly based on existing documents: e.g. policy instructions (not publicly available)

- **If we provide policy instructions, could an AI write the background part of the ex notes?**

Commentary

- Generally, a clause-by-clause summary of the legislation in layman's terms

- **Could an AI write a commentary based on a published piece of legislation?**

Sub Q2: Can an AI write draft legislation?

Drafting legislation

Challenges

- Office for the Parliamentary Counsel are being asked to draft to ever-shorter timescales

- Limited number of experienced drafters

Further info

- Legislation is written based on drafting instructions

- Some legislation is bespoke, while other legislation follows patterns – an AI might be able to help with these

- There is published guidance on drafting legislation that follows these patterns (common legislative solutions) as well as more general drafting guidance

If we provide drafting instructions, how far can an AI get with writing legislation based on them?