Proposal – explanatory notes for existing Acts

We would like an AI to draft two parts of a legislative document called the ‘Explanatory Notes’. Explanatory Notes were introduced in 1999 to go with every Bill which passes through Parliament. The notes are designed to assist readers who do not have legal training and are unfamiliar with the subject matter of the bill.

**Treason** is a very old offence, dating back to the 14th century, which is sometimes still used today to charge individuals who threaten the Crown. Two treason offences have been selected, which do not have their own explanatory notes. A fictitious ‘policy background’ has been drafted for this offence – this is the document which begins the legislative drafting process, explaining to lawyers and Parliamentary Counsel what needs done, why, and what the outcome should be.

The two treason offences are drafted in very old language, which may create an additional challenge for the tool. We have therefore also selected another offence with more modern drafting.

**Theft** is a criminal offence which has a long history. The current provisions which are used today were introduced in 1968. We would like to see if the tool can draft these parts for sections 1 to 7 of the Theft Act 1968, which does not have its own explanatory note.

1. **“Policy background” section**

This section should give the background to the measure in plain English. It needs to be upfront and clear to someone who knows nothing about the subject. It should provide a high-level description of the present situation, how the bill would change it and the reasons for the change.

A useful policy background might cover the following:

1. Purpose – what are the objectives of the measures?
2. Context – what is the current position, the size and nature of the problem it is addressing?
3. Effects – what will be the effect on any target group, numbers affected and how are they affected?
4. Evidence – why is this solution likely to achieve the policy objective, or the degree to which it will impact?
5. Significance – whether the change is politically or legally important?

There is no policy background available for these Acts, so we would like the tool to write them. A good example is here - [Fraud Act 2006 - Explanatory Notes (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2006/35/notes/division/3), for this Act: [Fraud Act 2006 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2006/35/contents).

We have two approaches which may yield different results for each Act. We would like the tool to come up with something itself, but also be directed to specified online resources relevant to the criminal offence of theft. For the offence of treason, we have written fictitious policy instructions which we would like to form the basis for the policy background.

For **Treason:** [Treason - Wikipedia](https://en.wikipedia.org/wiki/Treason)

For **Theft:** [Theft - Wikipedia](https://en.wikipedia.org/wiki/Theft) [CPS Theft Act Offences](https://www.cps.gov.uk/legal-guidance/theft-act-offences) and [Sentencing guidelines](https://www.sentencingcouncil.org.uk/sentencing-and-the-council/about-sentencing-guidelines/about-published-guidelines/theft/).

**2 -“Commentary on provisions of the bill” section**

This is also known as ‘line by line’ and provides a simple summary of a measure to allow a layperson to understand what it does. Again, you should look at [Explanatory Notes to Fraud Act 2006 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2006/35/notes/data.pdf) as an example. See also section 70 (non-fatal strangulation) - [Domestic Abuse Act 2021 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2021/17/notes/division/6/index.htm).

The commentary must never simply restate what the bill says, but should stand back from the detail of the provision and try to summarise it in one or two sentences, using everyday language. The notes must be neutral in tone (ie they do not go into political lines about the merits of the policy, though the practical outcomes should be spelled out), written in plain language, with short sentences and paragraphs. It is important to avoid jargon and to explain the meaning of any technical or legal terms and any acronyms or other abbreviations.

The purpose of the commentary is also to add value – what will it be helpful for the reader to know that is not apparent from reading the bill itself? We want to see if the tool can write this using the following information:

Information that it might be helpful to include is:

* factual background;
* an explanation of how the provision interacts with other legislation (whether other provisions of the bill or of existing legislation);
* definitions of technical terms used in the bill;
* illustrative examples of how the bill will work in practice (these might perhaps be worked examples of a calculation or examples of how a new offence might be committed);
* an explanation of how the department plans to use the provision.

For **theft –** a combined summary for sections 1-7 (read with section 34) together would be preferable, rather than separate summaries for the separate sections.

For **treason –** the 1351 Act should have a summary drafted; the 1842 Act should have separate summary for each of the 3 sections.