



LAO PEOPLE'S DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

No. 02/OPR
20 October 2003

ORDINANCE
of the
President of the
Lao People's Democratic Republic
on
LEGAL ACT DRAFTING

- Based on the Constitution of the Lao People's Democratic Republic, Section V, article 53/2;
- Based on the Law on the Government of the Lao People's Democratic Republic, No.02/NA, dated 06 May 2003;
- Pursuant to the letter of proposition of the Standing Committee, No.21/SC, dated 08 August 2003,

The President
of the
Lao People's Democratic Republic decrees:

Part I
General Provisions

Article 1 **Objective**

This Ordinance determines the principles and regulations relating to the legal act drafting in order to draft them in conformity with the steps and in uniform throughout the country, to make them being qualified and fitted with the real situation of the country, and being enforceable.

Article 2 **Definition of legal act**

Legal act in this Ordinance means legal document issued by the State organizations and divided into two categories, as:

- general binding act issued for managing the State, economy and society;
- specific binding act for administrative servicing.

Article 3 **Fundamental principles of legal act drafting**

The legal act drafting shall be in conformity with the directives of the Party, with the real political, economic and social situations of the country and with the Constitution, laws and international principles.

Drafting shall be planned, followed the drafting steps and in coordination with all parties concerned and widely encouraged the democratic process of consultation.

Article 4 Method of drafting

In drafting legal act there shall be a structure in conformity with the category of each act, the content shall meet the objective of the act, the writing style shall be clear and simple, and the words used shall be easily comprehensible and have the significant meanings. In the case of using the technical terms in the legal act, these terms shall be defined in the said act.

Drafting legal act must be detailed in order to make it immediately enforceable. In the case that there is no possibility to make the act in details, the implementing regulation shall be prepared and attached to such act.

Article 5 Verification of the conformity with the law

After the completion of the drafting of law, ordinance or decree of general binding force, the organization initiated the act shall forwarded the draft to the Ministry of Justice for verification of the compliance with the Constitution, laws and technique of legal act drafting.

The Ministry of Justice shall give the comments to the draft and send it back to the organization which prepared the draft in duly time for adjustment. Upon the completion of the draft adjustment the concerned organization shall propose the draft act to the government for consideration. For the draft of legal act prepared by other than the government organizations, the draft act shall be submitted to the concerned Commission of the National Assembly for verification and then send back for adjustment to the organization initiated the draft.

Article 6 Examination of the draft legal act in the government meeting

The government organization that prepared the draft law, ordinance or decree presents the draft act the government meeting. The Minister of Justice gives the comments on the verification of the draft act, and then the other participants of the meeting give their comments on the draft act before adopting the draft act.

In case that the draft act is not completed in term of its content the government shall delegate the organization concerned to adjust it, giving instruction on the adjustment and limit of time for resubmission for consideration. In the case that its content is fully complete the government shall adopt the draft act.

The drafts laws and ordinances prepared by other than government organization shall not be presented to the government meeting for consideration as mentioned above.

Article 7 Effectiveness of legal act

The legal act has to indicate the time of its effectiveness. In general, the legal act comes into force from the date on the signature affix, except in the case of necessity when the creation of conditions for its implementation required for a certain period of time after the promulgation of the act.

In exceptional case, the legal act shall have the retroactive force, particularly the law, ordinance, decree in order to solve the problems arose in the past before adopting the act. The retroactive force shall be clearly determined in such legal act.

Article 8 Dissemination of legal act

The organization that drafted the legal act has to make the copies of the promulgated acts and send them to various sectors, organizations, provinces, cities and special zones. These organizations in their turn have to forward these acts to the grass-root organizations.

The legal acts issued by the local authority must be sent to the relevant higher authority. The copies of these acts must be sent to all organizations within the locality.

The government has the duty to publish the general binding acts, such as law, ordinance and decree in the Official Gazette and collect them in the statute book.

The organizations initiated the legal acts, organizations at central, local and grass-root levels has the duties to educate and disseminate the legal acts in order to make their implementation effective.

Article 9 Translation of legal act into foreign language

The promulgated acts may be translated into foreign language. The official translation into foreign language shall be certified by the notary organization.

Article 10 Scope of application of the Ordinance

This Ordinance do not apply to the legal acts issued by the people Courts and the Prosecutor Offices relating to the case proceedings.

Part II

System of Legal Acts

Article 11 Legal act system

In the Lao PDR the system of legal acts is comprised of:

- Constitution;
- Law;

- Resolution of the National Assembly;
- Resolution and instruction of the Standing Committee of the National Assembly;
- Ordinance and Decree of the President of the Republic;
- Decision and decree of the Government;
- Decree, decision, order and instruction of the Prime Minister;
- Decision, order, instruction and notice of Minister, Head of Ministry-equivalent organization, Head of the organization relevant to the Government, Director of the Cabinet, Director General, President of the Supreme People Court, Prosecutor General, Governor of the province, Governor of the city, Head of special zones, Head of district and Head of municipality.
- Regulation of the village.

Article 12 Constitution

Constitution is the fundamental law of the nation determining the political system, the economic and social system, the fundamental rights and obligations of citizens, the organizations and activities of State authorities.

The Constitution is adopted by the National Assembly and voted at least by the two thirds of the whole number of the deputies of the National Assembly.

Article 13 Law

Law is a legal act of the National Assembly determining the principles, policies, regulations, provisions and measures and aiming to regulate the social rapports in any important domain, having the binding force throughout the country and being used for long period of time. The law is adopted by the National Assembly and voted by the majority of the number of the deputies presented in the Session.

Article 14 Resolution of the National Assembly

Resolution of the National Assembly is an approval of any issue in the National Assembly Session relating to the economic and social development plan and budget plan, the adoption of laws and others issues relevant to the competence of the National Assembly.

Article 15 Resolution of the Standing Committee of the National Assembly

Resolution of the Standing Committee of the National Assembly is an approval of any issue discussed in the meeting of the Standing Committee relating to the implementation of the decision of the National Assembly, the monitoring on the implementation of the Constitution and laws, including the interpretation of the Constitution and laws, and others issues relevant to the competence of the Standing Committee of the National Assembly.

Article 16 Ordinance

Ordinance of the President of the Republic is a provision determining the principles, policies, regulations, provisions and measures below the laws and

aiming to regulate the social rapports. The Ordinance is issued by the President of the Republic on the recommendation of the Standing Committee of the National Assembly.

Article 17 Decree of the President of the Republic

Decree of the President of the Republic is a specific binding provision, such as Decree on promulgation of the Constitution and laws, Pardon, Medal decoration, appointment, upgrade, mutation or demission, and others provided for by the laws. The Decree is issued by the President of the Republic on the proposition of the Government or others parties concerned.

Article 18 Decision of the Government

Decision of the Government is a decision by the meeting of the Government on any issue discussed in such meeting by the vote of majority more than half of the numbers of the members of the Government presented in the meeting.

Article 19 Decree of the Government and Prime Minister

Decree of the Government and Prime Minister is a provision determining the principles, regulations, policies and measures in order to regulate the social rapports in any domain. The Decree is issued by the Government or the Prime Minister within their competence.

Decree of the Government and Prime Minister divide in two categories: general binding Decree and specific binding Decree:

- general binding Decree issued by the Government or the Prime Minister in order to manage the State, economy and society, such as: Decree on civil servants of the Lao PDR, Decree on the establishment and activities of any sector, Decree on the implementation of the laws issued with the view to detail the provisions of law for the facilitating the implementation;
- specific binding Decree issued by the Prime Minister for administrative servicing, such as: Decree on appointment of the Director General, Decree on rewarding the State employees.

Article 20 Decision

Decision is a general binding provision issuing for detailing and implementing the legal acts of the higher State organs or a specific binding provision for administrative servicing. The decision is issued by the Heads of State organizations concerned within their competence.

Article 21 Order

Order is a general binding provision issuing for organizing and implementing the economic and social development plan and budget plan, laws, ordinances, regulations or a specific binding provision for administrative servicing.

Article 22 Instruction

Instruction is a general binding provision issuing for organizing and implementing the economic and social development plan and budget plan, laws, regulations, plans or any work by indicating the comprehensibility, methods, steps, vehicle and equipment use and term of the implementation, coordination and others.

Article 23 Notice

Notice is a document issue by the State organizations of all level for notifying the parties concerned or for accomplishing any work.

Article 24 Regulation of the village

Regulation of the village a general binding provision issued by the village for implementing the orders, instructions and notices of the higher organizations of the State or a specific binding provision for administrative servicing within the village competence.

**Part III
Legal Act Drafting**

**Section 1
Constitution Drafting**

Article 25 Constitution drafting

Drafting of the Constitution which is the fundamental law of the nation is different from the drafting of the laws in general, such as: only the National Assembly has the right to draft or amend the Constitution, an establishment of the National Committee shall be required for drafting and amending the Constitution, collection of information and public consultation widely more than law drafting is also required, adoption and amendment of the Constitution shall be required the vote of at least two thirds of the whole number of the deputies of the National Assembly. Only the National Assembly has the right to propose the Constitution drafting and amendment.

**Section 2
Planning of law drafting**

Article 26 Organizations and persons who has the law drafting initiative

Organizations and persons who have the law drafting initiative according to the Article 59 of the Constitution are as follow:

- President of the Republic;
- Standing Committee of the National Assembly;
- Government;
- People Supreme Court;
- People Prosecutor General Office;
- National Front Construction and Mass Organizations at Central level.

Article 27 Law drafting planning

Planning of law drafting must be based on the directives of the Party or of the State, political situation reality, economic and social development strategy, national defense and security and requirement of State, economy and society management of each period of time, including the matching with the regional and international situations.

In law drafting planning the organization that has law drafting initiative shall cooperate with all organizations concerned and then submit the plan to Government for consideration prior the proposal of law drafting or amendment to the Standing Committee of the National Assembly.

The Standing Committee of the National Assembly is in charge of gathering, examining and approving the law drafting or amendment plan and then submits it to the National Assembly Session for approval.

Article 28 Type of plan

Types of law drafting plan are comprised of: five years plan and annual plan.

The five year plan is adopted by the First Session of the National Assembly of each Legislature.

The annual plan is adopted by the Standing Committee of the National Assembly.

Article 29 Monitoring of plan implementation

The organizations and persons who had proposed their law drafting plan shall be responsible the drafting in term of quality and completion on time fixed in the plan.

To this end the Standing Committee of the National Assembly has the duty to lead, monitor and encourage the implementation of the law drafting plan in order to finalize the drafts law on time and enable to submit them for adoption by the incoming Session of the National Assembly.

Section 3
Law Drafting

Article 30 Law drafting

In order to implement the law drafting plan each organization proposed to draft the laws must assign its sector or parties concerned to prepare the draft law. The assigned sector has to widely collect the information, study on the reality of political, economical and social situations, draw the lessons from internal and external experiences and coordinate with the parties concerned with the view to complete the draft law.

Article 31 Structure of the draft law

The draft law has to have the title, and generally divides into parts, sections and articles.

The parts or sections may be composed of:

- General provisions determining the objective, perspectives and principles of law expected to be drafted;
- Contents of the law which are the important issues to be governed, resolved or encouraged that are determined in the law;
- Management and control focusing on the management and inspection authorities determining by the law in order facilitate the effective accomplishment of management and control activities;
- Privileges and measures on the implementation of the adopted law that focusing on the rewarding for excellent achievements of law implementation, and on the education, including the punishment of the violators of the law;
- Final provisions determining those who are in charge with the law implementation and the effectiveness of the law, and the provisions that shall be cancelled by the law.

Article 32 Minute of law drafting

Each research discussion on draft law at all steps shall be handled in the minute of meeting for gathering the comments and understanding each provision of the law and for being the reference of the law report.

Article 33 Submission the draft law to the Government

After adjusting the draft law, the Government sector assigned to draft the law shall submit the draft together with the law report on drafting to the Government for consideration.

The law report shall focus on what happened with the concerned in the past, the reasons that necessitate to draft the law, the interests that shall be benefited from the law expecting to be adopted or amended, the main structure and contents of the draft law and the enforceability of the law.

Article 34 Consideration of the draft law by the Government

The Government must send the draft law to its members and other organization that should be attended in the meeting not later than fifteen days prior the meeting with the view to give them enough time for studying and giving their comments to the draft law in the meeting.

The organization which drafted the law is in charge with the presentation of the draft law in the meeting of the Government.

Article 35 Submission of draft law to the Standing Committee of the National

Assembly

The draft law approved by the Government meeting shall be forwarded to the Standing Committee of the National Assembly not later than sixty days before the opening of the Session of the National Assembly.

After receiving the draft law the Standing Committee of the National Assembly shall assign the Law Commission and the other Commissions concerned of the National Assembly to integrally inspect the necessity of the enactment of law, the conformity of the draft law with the Constitution and other laws, the form and methods of the law drafting process, and then to summarize and to make the report to the Standing Committee of the National Assembly for further consideration.

Article 36 Law drafting and proposition by other organizations

Law drafting and proposition by the organizations determined in Article 26 of this Ordinance shall be undertaken by the similar way as of the law drafting by the Government. The organization initiated the draft law is in charge with the drafting and coordinating with the Government and other parties concerned, and then forwarding the draft to the Standing Committee of the National Assembly for consideration, except the draft law prepared by the Standing Committee of the National Assembly.

Article 37 Consideration of the draft law by the Standing Committee of the National Assembly

In the case that the content of the draft law is fully complete, the Standing Committee of the National Assembly shall submit the draft law for consideration to the Meeting of the National Assembly. In the event that the draft law relates to many parties and to the vital interests of the people, the Standing Committee of the National Assembly has to send such draft law for public consultation.

In case of incompleteness of the content, the Standing Committee of the National Assembly shall send the draft law back to the organization initiated the draft law for adjustment. After adjustment the draft law shall be submitted back to the National Assembly Standing Committee for further reconsideration by the National Assembly Session.

Article 38 Consideration of the draft law by the National Assembly Session

The Head of the Law Commission or the representative of the organization initiated the draft law is in charge with the presentation of the draft law to Session of the National Assembly.

The adoption of the law in the National Assembly Session is undertaken by the open or secret vote. The draft law shall be considered as adopted only if it reached the vote of majority of the number of the deputies attended the Meeting.

The amendment of the law shall be undertaken by the way similarly to the law drafting, excluding the draft and amendment of the Constitution.

Article 39 Law Promulgation

The President of the Republic shall promulgate the law adopted by the National Assembly not later than thirty days from the date of its adoption. During this period of time the President of the Republic has the right to request the National Assembly to reconsider the law. In case the case that the National Assembly affirms to adhere to its previous decision in reconsidering such law, the President of the Republic shall promulgate the said law within fifteen days from the date of the decision of the National Assembly.

Article 40 Law Effectiveness

The law shall come into effect a certain period of time after its promulgation in order to create the favorable conditions for its implementation, except in the case of necessity and urgency. In such case the law takes effect from the date of its promulgation.

Section 4

Drafting of the Resolution of the National Assembly,
Resolution and Instruction of the Standing Committee of the National Assembly

Article 41 Drafting of the Resolution of the National Assembly, Resolution and
Instruction of the Standing Committee of the National Assembly

The Cabinet of the National Assembly is in charge with the drafting of the draft Resolution of the National Assembly, resolution and instruction of the Standing Committee of the National Assembly, except in the case that these legal acts deal with the duties of any Commission of the National Assembly. In such case these legal acts shall be drafted by the Commission concerned.

After the completion of the legal acts drafting the Cabinet or the Commission concerned of the National Assembly shall submit them for consideration to the National Assembly Session or to the National Assembly Standing Committee.

Article 42 Effectiveness

The resolution of the National Assembly is effective from the date of the affix of the President of the National Assembly's signature.

The resolution and instruction of the National Assembly Standing Committee is effective from the date of the signature of the President of the National Assembly Standing Committee.

Section 5

Drafting of the Ordinance

Article 43 Ordinance drafting initiative organization

The Ordinance drafting initiative organizations are the same organizations or persons who have the law initiative drafting as prescribed in Article 26 of this Ordinance.

Article 44 Ordinance drafting

The drafting of the Ordinance is undertaken by the same way and steps similarly to those of the law drafting as provided for in Article 30 of this Ordinance, except some steps, such as: the draft Ordinance shall not be considered in the National Assembly Session, but it shall be proposed by the National Assembly Standing Committee to the President of the Republic for consideration.

Article 45 Effectiveness

The Ordinance of the President of the Republic comes into effect from the date of the affix of the President of the Republic's signature or a certain period of time after such signature.

Section 6

Drafting of the President Decree

Article 46 President Decree drafting

The Cabinet or the President's Office is in charge with the drafting of the draft President Decree on the recommendation of the Government or the other parties concerned for consideration by the President of the Republic.

Article 47 Effectiveness

The President Decree comes into effect from the date of the affix of the President of the Republic's signature.

Section 7

Drafting of the Government Decision

Article 48 Government Decree drafting

The Cabinet of the Prime Minister's Office is in charge with the drafting of the draft Government Decree by observing the following steps:

- collect and study the situations relating to the implementation of the socio-economic development plan, budget plan, law and other related legal acts;
- co-ordinate with the other organizations and parties concerned in order to gather and summary their comments for the Decree drafting and propose to the meeting of the Government for consideration.

Article 49 Effectiveness

The Government Decree comes into effect from the date of the affix of the Prime Minister's signature.

Section 8

Drafting of the Government and
Prime Minister's Decree

Article 50 Government Decree drafting plan

The Government is in charge with the planning of the Prime Minister's Decrees on the proposition of ministries, equivalent-ministry organizations, or organizations relevant to the Government or by the initiative of the Government itself.

The Government Decree plans divide into the six months plan and annual plan.

Article 51 Government Decree drafting

The Cabinet of the Prime Minister's is in charge with the drafting of the draft Government Decree. The Government Decree drafting shall be undertaken by the way similarly to the drafting of the Government Decision as prescribed in Article 48 of this Ordinance.

Article 52 Prime Minister's Decree drafting

The drafting of the Prime Minister's Decree shall be undertaken similarly to the drafting of the Government Decree drafting as prescribed in Article 51 of this Ordinance, except the drafting of the specific binding Decree of the Prime Minister.

Article 53 Structure of the Government and Prime Minister Decrees

The structure of the general binding Government and Prime Minister Decrees is similar as of the structure of the draft law. With regard to the structure of the specific binding Decree, it is simplest than that of the general binding Decree.

Article 54 Effectiveness

The Government and Prime Minister Decrees come into effect from the date of the signature affix.

Section 9

Drafting of decision, order, instruction and notice

Article 55 Drafting of decision, order, instruction and notice

The Cabinet of the Prime Minister's Office is in charge with the drafting of the decision, order and instruction of the Prime Minister in coordination with all parties concerned and, then proposing to the Prime Minister for consideration.

The drafting of decision, order, instruction and notice of the Minister, Head of ministry-equivalent organization, Director of Cabinet, Director General, President of the People Supreme Court and People Prosecutor General shall be undertaken by the Cabinet or the Department concerned in coordination with all parties concerned, and then proposed for consideration to the Minister, Head of ministry-equivalent organization, Director of Cabinet, Director General, President of the People Supreme Court or People Prosecutor General.

With regard to the drafting of decision, order, instruction and notice of the Governor of the province, Governor of the city, Head of special zone, Head of District, Head of municipality, President of the people's court and local people prosecutor shall be undertaken by the Cabinet, division or unit of these organizations in coordination with all parties concerned, and then proposed for consideration to the Governor of the province, Governor of the city, Head of special zone, Head of District, Head of municipality, President of the people's court and local people prosecutor.

The order, instruction and notice may be jointly issued between the State organizations concerned and shall be jointly signed.

Article 56 Effectiveness

The decision, order, instruction and notice come into effect from the date of the signature affix.

Section 10
Drafting of the village regulation

Article 57 Drafting of village regulation

The drafting of village regulation shall be undertaken by the Chief of village and then shall be submitted for consideration to the village meeting. After adjusting the draft regulation it shall be proposed to the Head of District for adoption.

Article 58 Effectiveness

The village regulation comes into effect from the date of its adoption by the Head of District.

Part IV
Monitoring of the legal act conformity

Article 59 Objective of legal act monitoring

The monitoring of the issued legal acts aims to make them consisted with the Constitution, laws and other legal acts, including their correlation within the legal system.

Article 60 Legal act monitoring organizations

The higher organization has the right and the duties to monitor the legal acts issued by the lower organizations. If it is found that the legal acts are in contradiction with the Constitution, laws and other regulations the monitoring organizations have the right to suspend or cancel whole or parts of these acts

In the event that any organization has found that the legal acts of other organizations at the same level as are contradicted with the legal acts issued by itself such organization has the right to propose to the higher organization for suspension or cancellation consideration.

Article 51 Monitoring of the National Assembly

The National Assembly is the legal act monitoring organization of the State organizations of all level.

The National Assembly Session has the right to cancel whole or parts of the legal acts of the National Assembly Standing Committee, President of the Republic, Prime Minister, President of the People Supreme Court, People Prosecutor General, National Construction Front and Mass organizations at central level, which are in contradiction with the Constitution and laws on the proposition of the National Assembly Standing Committee, President of Republic, Prime Minister, President of the People Supreme Court, People Prosecutor General, National Construction Front and Mass organizations at central level.

The National Assembly Standing Committee has the right to suspend the implementation of whole or parts of the legal acts of the Government, President of the People Supreme Court, People Prosecutor General, National Construction Front and Mass organizations at central level, which are in contradiction with the Constitution or laws, and then propose to the National Assembly Session for cancellation consideration.

Article 62 Monitoring of the people prosecutor's Offices

The people prosecutor's Offices monitor the legal acts of the ministries, ministry-equivalent organizations, down-from-organizations relevant to the Government, including the local administrative authorities and enterprises. If it is found that any legal act is in contradiction with the Constitution, laws or other legal acts the people prosecutor offices shall propose the organization issued such legal acts to amend them. In case of non amendment the people prosecutor offices shall propose the higher organizations of the organizations issued such contradicted acts to consider on the suspension or cancellation of such acts.

Part V
Final Provisions

Article 63 : Implementation

The Cabinet of Republic President's Office, Cabinet of the National Assembly, Cabinet of the Prime Minister's Office, Ministries, Ministry-equivalent organizations, local administrative authorities, National Construction Front and Mass organizations are in charge with the implementation of this Ordinance accordingly to their duties.

Article 64 Effectiveness

This Ordinance comes into effect from the date of the signature affix of the President of the Republic.

All regulations and provisions which are contradicted this Ordinance are cancelled.

The President of the Republic,

Khamtay Siphandone