Contribution from Fraser Henderson

Could technology improve the access to and usability of both legislation and the law-making process for the citizen, representatives and professionals (such as lawyers), and if so do you have any suggestions?

In simple terms, yes. Ironically all of our legislation and law is defined using text. Perhaps legislators should make use of more pictorial or visual techniques. For example, an infographic!

Should you need to be a lawyer to understand and use an Act?
No. The concept of good law would suggest that an Act be written in a more universal language and style. However, interpretation often dictates the need for technicalities.

In terms of 'simpleton' interpretation we need to overlay case-law, examples of the law in practise and the repercussions of its implementation.   Many of the judges have acid tests which are a useful addition – such as the gunning principals on public consultation.

Should technology be used to integrate citizens' views better into the legislative process? At what stage of the legislative process would this work best? How could the Public Reading Stage be improved?

There are two aspects to this – public input on the nature of a Bill and public input on the technicalities of a Bill. The public reading stage is not particularly well tested in this country (only three times) and I suspect the potential is not yet fully understood or matured. Critically, a public reading day has not yet been exercised.

Other countries make good use of (online) systems of public comment on draft Bills such as in China where they have been doing this for all draft legislation since 2007. In this case there is evidence of direct impact on the Bill itself and subsequently it has value. However, the UK has no legislation office or dedicated resources for managing the process of consultation in the process.

I would suggest that citizens' views are more important in terms of the substance and nature of a Bill than the technicality (compared say to stakeholder groups). For this reason, it is important to offer more public dialogue opportunity about emerging policy areas. The BIS funded Sciencewise project is an excellent example of where this is happening and this should be extended to cover all thematic areas.
The public reading stage could be improved with better interface technology (e.g. heat maps on the text where most comments are being submitted), better capture and analysis of qualitative data (e.g. using software) and better means of relaying outcomes to legislators.

Are there any examples from other parliaments/democratic institutions in the UK or elsewhere of using technology to enhance legislation and the legislative process, which the Commission should consider?

http://Chinalaw.gov.cn
http://www.chinalaw.gov.cn/article/english/

I am currently working with the legislative affairs office of the state council in China on a project around the use of ICT to enhance public participation in the legislative processes. I will happily share this with you when it is complete.

Also worthwhile looking at the Estonian examples.

Regards,

Fraser Henderson