The Swedish Approach to Clear Legislation

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Tallinn 26th September 2013
Language experts take part in the legislative process

• Revision of all draft legislation by legal advisers and plain language experts working in pairs in the Government Offices since the late 1970’s

• No new legislation can be sent to the printers without the approval of the Secretariat for Legal and Linguistic Draft Revision
Legal basis for plain language work in Sweden

• The 1986 Administrative Procedure Act
• The 2009 Language Act
• The Ordinance concerning the Duties of the Government Offices
The conflict between consistency and modernisation

- Most day-to-day drafting involves amending existing legislation
- In modernising a certain section of a law, you may create inconsistency with the rest of the text
- If you can’t modernise a few sections at a time, it becomes more difficult to modernise at all
A modern Swedish act...

• is divided into chapters
• has informative sub-headings giving a clear picture of the structure and contents of the act
• has no more than three paragraphs in each article
…follows plain language principles

- Avoid complicated sentence structure
- Avoid legalese and archaic words
- Be generous with informative sub-headings
What we did with “skall” and “ska”

• Agreement at the top to carry out this reform
• New legislation must contain “ska” throughout
• If you amend a certain section, you have to change “skall” to “ska” in the whole section
• Making a blanket change from “skall” to “ska” in the preamble is not accepted
Two little letters bring about change

• You should always strive to modernise the language of a section that is being amended, which often means more than the word “ska”

• Old legislation with archaic language should preferably be redrafted in its entirety, with the word “ska” throughout
What you need for successful plain language work at the government level

• Professional training at university level through a programme designed for plain language experts
• Training sessions for legal drafters and agency officials
• Support from the top
• Patience and persistence (and plenty of it…)
Always remember…

…that legislative language influences official language at all levels