

Post-legislative scrutiny in comparative perspective

Collection of parliamentary practices



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Executive summary

Post-legislative scrutiny (PLS) is a systematic and structured process through which parliaments review the implementation and impact of legislation. It is a tool that allows parliaments to get a holistic view of the operation and impact of legislation, understand what worked well and what did not, and identify the best way forward in ensuring that legislation has the impact as intended.

In its narrow sense, PLS looks at the implementation of the law, including whether all legislative provisions have been brought into force, their interpretation by courts and how legal practitioners and citizens have used them. In a broader sense, PLS looks at the effectiveness and impact of legislation, namely whether the intended objectives of the law have been met and how effectively.

Purpose of the collection of practices

Post-legislative scrutiny can be undertaken in a wide variety of ways and there is no single blueprint for it in parliamentary settings. Parliaments do things differently and practice confirms that there are many ways to conduct an effective PLS.

The analysis aims to record different practices as a way to enable parliaments around the world to get inspiration and to make informed choices on how to initiate and/or strengthen ex-post legislative impact assessments and strengthen the legislative and oversight roles of parliaments.



Methodology of the collection of practices

This paper focuses on structures, methods, practices and approaches to operationalising PLS inquiries in a parliamentary setting. While comparison in the strict sense is not possible, this paper identifies practices from different parliaments that conduct PLS and identifies strengths and weaknesses of these options.

Data and information is sourced through websites of parliaments and through assessment reports on the use of indicators for PLS. Data is also collected from contributions of experts and practitioners to the Legislative Drafting Clinic and the IALS-WFD Advanced Course in Post-Legislative Scrutiny.

The analysis is structured around the key dilemmas on PLS (who, when and how) and the key themes identified in the 11 steps for organising PLS in parliament:¹

Structure of the paper

The structure of the paper is the following:

- Section 1 is an introduction
- Section 2 focuses on options related to the institutionalisation and the mandate to conduct PLS, including legislative foundations, bodies competent to conduct PLS and resources dedicated to PLS
- Section 3 focuses on triggers for PLS
- Section 4 focuses on methods to conduct PLS
- Section 5 records practices for data collection and consultation in the PLS process
- Section 6 explores practices related to reporting on PLS
- Section 7 focuses on practices for disseminating PLS reports
- Section 8 focuses on practices related to response to PLS
- Section 9 focuses on practices related to follow up to PLS recommendations
- Section 10 focuses on practices to evaluate PLS results
- Section 11 focuses on practices and processes for thematic PLS
- Section 12 focuses on lessons learnt

11 Steps for organising post-legislative scrutiny (PLS) in parliament



1. Introduction: Post-legislative scrutiny in context

Post-legislative scrutiny (PLS) is a systematic and structured process through which parliaments review the implementation and impact of legislation. It is a tool that allows parliaments to get a holistic view of the operation and impact of legislation, understand what worked well and what did not, and identify the best way forward in ensuring that legislation has the impact as intended.

In its narrow sense, PLS looks at the implementation of the law, including whether all legislative provisions have been brought into force, their interpretation by courts and how legal practitioners and citizens have used them. In a broader sense, PLS looks at the effectiveness and impact of legislation, namely whether the intended objectives of the law have been met and how effectively.

PLS can be undertaken in a wide variety of ways and there is no single blueprint for it in parliamentary settings. Parliaments do things differently and practice confirms that there are many ways to conduct an effective PLS inquiry.

Purpose of the collection of practices

This analysis collects and compares practices from different parliaments that conduct PLS in a systematic way. The aim is to identify options that can enable parliaments, MPs and parliamentary staff to make informed choices on how to initiate and/or strengthen ex-post legislative impact assessments and strengthen the legislative and oversight roles of parliament.

Methodology of the collection of practices

The collection of practices focuses on structures, methods, practices and approaches to operationalising PLS inquiries in a parliamentary setting. While comparison in the strict sense is not possible, this report identifies practices from different parliaments that conduct PLS and identifies strengths and weaknesses of these options.

Data and information are sourced through websites of parliaments and through assessment reports on the use of indicators for PLS. Data is also collected from the contributions of experts and parliamentary staff to the Legislative Drafting Clinic and the IALS-WFD Advanced Course in Post-Legislative Scrutiny.

The analysis is structured around the key dilemmas on PLS (who, when and how) and the key themes identified in the 11 steps for organising PLS in parliament.²

WFD's Manual on PLS outlines 11 methodological steps in conducting post-legislative scrutiny, as visualized in the chart on the previous page.



Image above: Consultations with stakeholders on the PLS of the Tourism law in Albania. MP Jorida Tabaku, Chair of the European Affairs committee, was leading the first PLS inquiry by the Parliament of Albania in 2024. [Photo: WFD Albania]

2. Institutionalisation and mandate for PLS

This section addresses three of key questions associated with PLS. Firstly, the question of why to do PLS, whether it is mandatory or discretionary and where the obligation to conduct PLS emanates from. Secondly, the question of what the role or – in relation to PLS – the mandate of parliament is, and thirdly, who within the parliament has the mandate or the capacity to conduct PLS and what resources are required or earmarked to that aim?

2.1. Legislative consolidation of PLS

In theory there are 4 overarching reasons why it is important for parliaments to monitor and evaluate the implementation and impact of legislation:

- to ensure the requirements of democratic governance and the need to respect the principles of legality and legal certainty
- to prevent potential adverse effects of new legislation
- to appraise the effectiveness of a law in regulating and responding to specific social problems in a systematic way
- to improve legislative quality by learning from experience both in terms of what works and what does not, and in terms of the relationship between objectives and outcomes

In practice however, the question often arises not just of why parliaments should conduct PLS but also of the nature of this obligation. Is it mandatory to do it? Is it discretionary? And if it is a good idea to do it, what legal foundations are in place?

Comparative practice demonstrates several distinct options when it comes to the legislative foundations for PLS:

- consolidation at constitutional level
- legislative consolidation
- policy commitment

2.1.1. Constitutional consolidation of PLS

A small number of countries have a constitutional provision on PLS. Two prominent examples are Switzerland and France.

Art. 170 -Federal Constitution of the Swiss Confederation introduces an obligation on the Federal Assembly to

"Ensure that federal measures are evaluated with regard to their effectiveness".

Article 24 of the French Constitution reads:

"Parliament shall pass statutes. It shall monitor the action of the Government. It shall assess public policies..."

S55 of the South African Constitution 'Powers of National Assembly' provides:

1. In exercising its legislative power, the National Assembly may –

(a) consider, pass, amend or reject any legislation before the Assembly; and

(b) initiate or prepare legislation, except money Bills.

2. The National Assembly must provide for mechanisms –

(a) to ensure that all executive organs of state in the national sphere of government are accountable to it; and

(b) to maintain oversight of –

*i. the exercise of national executive authority, **including the implementation of legislation**; and*

ii. any organ of state.

The Constitution of RSA, 1996 endorsed post legislative scrutiny as a form of oversight.

2.1.2. Legislative consolidation of PLS

An explicit consolidation of ex-post evaluation of legislation is found in laws regulating law-making activity. Such provisions include a legislative obligation to evaluate enacted laws after enactment.

For example, in Indonesia, Laws 12/2011 and 15/2019 Law on Lawmaking provide for PLS as a step of the life cycle of legislation.

In Greece, the law on the Executive State (Law 4622/2019) consolidates evaluation as a tool of better regulation and introduces a horizontal obligation to evaluate the results of application of legislation 3 to 5 years following enactment. Article 56 of Law 4622/2019 titled 'Evaluation of the results of the implementation of regulations' provides that:

"After three (3) years and in any case before the expiry of five years from the entry into force of a law, it will be evaluated on the basis of the data arising from its implementation. The evaluation shall assess the costs incurred in implementing the regulation, the effects or side effects resulting from the regulation, the benefit and the generally positive results obtained from its implementation, as well as the findings of case law."

2.1.3. PLS as a policy commitment

Countries that do not have an explicit legislative obligation to do PLS might still do it. For example, in the UK, PLS is not a statutory obligation. The paper 'Post-legislative scrutiny – the government's approach' introduces a commitment to scrutinise legislation 3 to 5 years post enactment and details the scrutiny process in government and parliament³. It provides the following:

The Government therefore considers that the basis for a new process for post-legislative scrutiny should be for the Commons committees themselves, on the basis of a Memorandum on appropriate Acts submitted by the relevant Government department, and published as a Command paper, to decide whether to conduct further post legislative scrutiny of the Act in question. In some cases (though not ordinarily if the Commons Committee has decided to conduct a review) it might be appropriate for a different parliamentary body – whether Lords or Commons or Joint – to conduct further scrutiny. In this way, all Acts would receive a measure of post-legislative scrutiny within Government and would be specifically considered for scrutiny within Parliament. Some, on a considered and targeted basis, would then go on to receive more in-depth scrutiny. This would reflect the approach proposed earlier by the Lords Constitution Committee.

In Scotland or Wales there are no explicit provisions on PLS, yet it is considered to form an integral part of committee business.

2.1.4. PLS in the Standing Orders of parliament

An explicit obligation for parliaments to conduct PLS can also be found in Standing Orders or Rules of Procedure of parliaments. There are few cases where there is an explicit consolidation of PLS in the RoP.

In Georgia, the RoPs provide that:

Clause 38. Post-legislative scrutiny

1. The Committee shall exercise the supervisory role of Parliament concerning the implementation of normative acts enacted within its area of governance. The Committee, while discharging its supervisory function, shall evaluate the effectiveness of the normative acts, identify the deficiencies that have emerged during their period of validity, verify the objective and subjective circumstances that have delayed its complete implementation, and decide on and propose corrective measures regarding such delays and deficiencies.

2. The Bureau of the Parliament has the right, upon formal plea from the relevant committee, to include the issue of post-legislative scrutiny in the weekly agenda of the plenary sessions of the Parliament. This issue is discussed in accordance with the procedures Introduced in regulations concerning the first reading of draft laws.

3. After the Plenary Hearing of post-legislative scrutiny Outcomes, if so deemed, Parliament adopts a resolution on the following:

a) Assessment by the Parliament concerning the implementation status of the normative act.

b) Assignment of the relevant committee with the task of drafting and proposing amendments towards the revision of the normative act.

4. The committee shall study judicial practice within the limits of its competence. Based on this study, the committee shall take proper measures to eliminate any legal gaps which it has disclosed.

Article 44 of the Standing Orders of the National Assembly of the Republic of Serbia on the mandate of Committees provides that:

Article 44

Within their individual scopes of work, committees shall:

- *consider Bills and proposals of other acts,*
- *monitor the implementation of Government policy,*
- ***monitor the execution of laws and other acts,***
- *consider work plans and reports of competent Ministries and other public authorities, organisations and bodies;*
- *consider the National Assembly's Annual Work Plan;*
- *issue assents to the acts of state authorities, organisations and bodies which shall, in accordance with the Law, submit them to the National Assembly for its approval;*
- *launch initiatives and submit proposals to the National Assembly, pursuant to the Law and these Rules of Procedure;*
- *consider initiatives, petitions, complaints and proposals which are within its scope of work;*
- *consider other issues within the scope of work of the National Assembly.*

In Albania, Standing Committees have an explicit mandate to monitor the implementation and the efficiency of legislation and an important role in ex-post scrutiny.

Article 18 Competencies of the Standing Committees

*The standing committees of the Assembly examine, according to the field of responsibility, bills, draft decisions and other issues represented in the Assembly, **carry out studies on the efficiency of the applicable laws, control implementation of laws** and audit the activity of the ministries and other central bodies, proposing concrete measures to the Assembly or the Council of Ministers; they also propose the Assembly to approve bills, draft declarations or draft resolution (emphasis added).⁴*

2.2. Bodies that conduct PLS in parliaments

Parliaments, as the bodies constitutionally mandated to adopt legislation, are increasingly assuming an active role not only in adopting legislation but also in exercising legislative oversight. Within the parliament, committees are important actors in PLS.

Practice demonstrates several options when it comes to who can conduct PLS within a parliament, including:

- a dedicated committee with a PLS specific mandate
- a collaborative approach involving both a PLS committee and a subject committee (Indonesia)
- a horizontal mandate to all committees (Scotland, Wales, UK House of Commons, Albania)

2.2.1. Dedicated PLS Committee

This approach involves dedicated bodies with a mandate tied to PLS or related functions.

Examples include the Public Audit and Post-legislative Scrutiny Committee⁵ in the Scottish Parliament (that is no longer operational) and the Legislative Committee (BALEG) at the House of Representatives (DPR) of the Indonesian Parliament.

The remit and responsibilities of the Public Audit and Post-legislative Scrutiny Committee were formulated as follows:

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) any accounts laid before the Parliament;*
- (b) any report laid before or made to the Parliament by the Auditor General for Scotland;*
- (c) any other document laid before the Parliament, or referred to it by the Parliamentary Bureau or by the Auditor General for Scotland, concerning financial control, accounting and auditing in relation to public expenditure; and*
- (d) post-legislative scrutiny*

In the Chamber of Deputies of Chile, the Department of Evaluation of the Law was created in 2010 in response to citizen concerns regarding the proper functioning of laws⁶. The Department's goals are:

- to identify the elements that affect the effectiveness of a norm,
- to know the impacts derived from the application of a law and to
- find corrective measures to improve it if necessary.

The Department has functional autonomy and a direct link to the head of the Information Office. It does not enjoy financial autonomy.

2.2.2. Select committees (ad hoc)

Select committees are formed ad hoc to perform specific tasks.

This option is encountered in the UK House of Lords, where select committees can be set up exclusively for the purpose of conducting PLS. They have a specific mandate, and they are dissolved after completing their work. The Welsh Senedd also has this possibility.

2.2.3. Standing committees

Another option is for a dedicated thematic committee (standing committee) to scrutinise legislation in specific areas.

In Albania, the parliament has a special role in monitoring and controlling the process of EU integration and can review ex-post the implementation of legislation enacted to align with EU acquis. In this regard, it is the task of the European Integration Standing Committee to select parts of the EU acquis and transposing legislation for an ex-post review of their implementation, at least 3 years past enactment. The laws selected for this purpose are included into an annual plan for ex-post review and shared with standing committees and ministries with relevant sectoral mandates. Responsible ministries prepare and send to the Assembly the report on the implementation of the legislation, containing:

- a preliminary assessment of the legal framework to be examined
- an analysis of the degree of applicability of the harmonized legislation
- a brief description of the relevant delegated legislation and any other assessment documents that the responsible ministry maintains for this purpose

At the end of the review process, standing committees prepare an ex-post examination report which is discussed in plenary. All ex-post evaluation reports are published on the website of the Assembly.⁷

2.2.4. Horizontal mandate to all committees

A next option involves a horizontal mandate to all sectoral or standing committees to scrutinise the implementation and effectiveness of legislation. Examples include the Scottish Parliament, the Welsh Parliament, the UK Parliament and several other countries.

In Albania, the 'Rules of Procedure of the Assembly' consolidate the explicit mandate of standing committees (apart from their legislative activity) to,

"... carry out studies on the efficiency of the applicable laws, control implementation of laws and audit the activity of the ministries and other central bodies and propose concrete measures to the Assembly or the Council of Ministers."⁸

2.2.5. Collaborative approach

An alternative model is where more than one committee share a mandate to conduct PLS inquiries.

In the example of Indonesia, a dedicated PLS committee can scrutinise the implementation of legislation, while thematic committees can scrutinise the impact of legislation and the extent to which it has achieved its objectives.

2.2.6. Informal bodies

Cross-party formations like caucuses can also have a role in PLS.

In Zambia, the Parliamentary Caucus on Post-Legislative Scrutiny (ZPC-PLS) was officially launched by the First Deputy Speaker of the National Assembly on 19 September 2024⁹. The caucus is focused on enhancing the post-enactment monitoring and evaluation of legislation.

In the Scottish Parliament, the Scottish Parliament Information Centre (SPICe)¹⁰ is the parliament's internal research centre that supports committee work and the PLS process through information and subject specialists on a range of policy issues, research, confidential enquiries, reports and briefings, among others.

There is no reported practice of financial resources earmarked for or dedicated to PLS. Work on PLS is covered by existing budgets.

2.3. Human and financial resources for PLS

There is no reported practice of human or financial resources earmarked for or dedicated to PLS. PLS work is conducted based on the resources and activities of parliamentary clerks, research staff, lawyers, etc.

For example, in the Welsh Senedd, committees are supported by integrated teams of commission officials (clerks, researchers, lawyers, translators and communication and engagement specialists) who provide advice and information, and work with committee chairs and members to identify and deliver their objectives. Part of the work includes facilitating evidence gathering from stakeholders and people with lived experience of the issues under consideration, conducting research and analysis, and helping members to prepare reports and communicate their work.



Image above: The Federal Parliament of Nepal has future-proofed post-legislative scrutiny by recently amending legislation and inserting review clauses and mandatory impact reporting in over 15 Acts.

3. Triggers for PLS

3.1. Approach and criteria for selecting legislation for PLS

PLS can be founded on constitutional provisions or general requirements for legislative scrutiny that apply to all legislation as examined under 2.1.

PLS of specific acts can be triggered by a sunset¹¹ or a review clause¹² included in specific pieces of legislation or it can be triggered by the interest of members, key policy developments or events in the public sphere that require revisiting legislation in force.

Comparative experience shows that what triggers PLS differs considerably on a case-by-case basis. Review and sunset clauses offer a more systematic approach to PLS. The sections below examine different examples.

3.1.1. PLS based on a review clause

A review clause requires the act to be reviewed after a specified period. It is a systematic requirement of a review that is tailored to the intricacies of the specific act. Some examples are examined below:

The Gambia is one of the few examples where a review clause is encountered in the Constitution. Section 18(3) of the Constitution of the Gambia requires the review of the death penalty.

"The National Assembly shall within ten years from the date of the coming into force of this Constitution review the desirability or otherwise of the total abolition of the death penalty in The Gambia"¹³

The following example is a comprehensive review clause that creates an obligation to review legislation, introduces procedural requirements for consultation, identifies the timing of the first and subsequent reviews, identifies the outcome of the review (a report and recommendations) and requires a response from the Government.

National Greenhouse and Energy Reporting Act 2007 (Australia)¹⁴

76A Periodic reviews of operation of this Act

(1) The Climate Change Authority must conduct reviews of the operation of: (a) this Act; and (b) legislative instruments under this Act.

Public consultation

(2) A review under subsection (1) must make provision for public consultation.

Report

(3) The Climate Change Authority must: (a) give the Minister a report of the review; and (b) as soon as practicable after giving the report to the Minister, publish the report on the Climate Change Authority's website.

(4) The Minister must cause copies of a report under subsection (3) to be tabled in each House of the Parliament within 15 sitting days of that House after the review is completed.

First review

(5) The first review under subsection (1) must be completed during the period: (a) beginning at the start of 30 June 2016; and (b) ending at the end of 31 December 2018.

Subsequent reviews

(6) Each subsequent review under subsection (1) must be completed within 5 years after the deadline for completion

of the previous review.

(7) For the purposes of subsections (4), (5) and (6), a review is completed when the report of the review is given to the Minister under subsection (3).

Recommendations

(8) A report of a review under subsection (1) may set out recommendations to the Commonwealth Government.

(9) In formulating a recommendation that the Commonwealth Government should take particular action, the Climate Change Authority must analyse the costs and benefits of that action.

(10) Subsection (9) does not prevent the Climate Change Authority from taking other matters into account in formulating a recommendation.

(11) If a report of a review under subsection (1) sets out one or more recommendations to the Commonwealth Government, the report must set out the Climate Change Authority's reasons for those recommendations.

Government response to recommendations

(12) If a report of a review under subsection (1) sets out one or more recommendations to the Commonwealth Government: (a) as soon as practicable after receiving the report, the Minister must cause to be prepared a statement setting out the Commonwealth Government's response to each of the recommendations; and (b) within 6 months after receiving the report, the Minister must cause copies of the statement to be tabled in each House of the Parliament.

(13) The Commonwealth Government's response to the recommendations may have regard to the views of the following: (a) the Climate Change Authority; (b) the Regulator; (c) such other persons as the Minister considers relevant.

The following example is a review clause that requires an independent review of legislation every four years.

Tasmania Climate Change Act 2008

18. Review of Act

(1) The Minister is to cause an independent review of the operation of this Act to be carried out on a four-yearly basis.

(2) The review is to address –

(a) the extent to which the objects of this Act are being achieved; and

(b) the extent to which additional legislative measures, if any, are considered necessary to achieve the targets set by this Act within the periods contemplated by this Act, including by the introduction of performance standards and other mandatory requirements; and

(c) such other matters as the Minister may consider relevant to a review of this Act.

(3) The Minister is to take reasonable steps to ensure that the review is carried out in consultation with –

(a) the Council; and

(b) relevant business, scientific, environment and community bodies.

(4) The persons who carry out the review are to give the Minister a written report on its outcome.

(5) The Minister is to cause a copy of the report to be tabled in each House of Parliament within 10 sitting-days after it is given to the Minister.

(6) The Minister is to ensure that the first review under this section is carried out, and that a copy of the report on the outcome of that review is tabled in Parliament, by 31 December 2012.

3.1.2. PLS triggered a sunset clause

Sunset clauses introduce an expiry date for legislation or part of it. Sunset clauses often go hand in hand with review clauses that are a requirement in order to extend their validity.

Coronavirus (Scotland) (No.2) Act 2020¹⁵

9 Expiry

(1) Part 1 expires on 30 September 2020.

(2) Subsection (1) is subject to section 10 (power to bring forward expiry).

(3) The Scottish Ministers may by regulations—

- *(a) amend subsection (1) so as to replace “30 September 2020” with “31 March 2021”,*
- *(b) further amend subsection (1) so as to replace “31 March 2021” with “30 September 2021”.*

(4) The power conferred by subsection (3)(b) may be used only after 30 September 2020.

3.1.3. PLS triggered by events in the public sphere or media reports

Events in the public sphere are a common trigger for scrutiny work by Parliaments. For example, the PLS of the Control of Dogs (Scotland) Act 2010¹⁶ in Scotland was initiated by a motion of a member on the basis of media reports. In its report, the Committee explicitly referred to the trigger of the scrutiny, as follows:

On 8 May 2018, the Chamber debated Motion S5M-10404 in the name of Alex Neil, which raised concerns that recent figures suggested that the number of dog attacks was rising and questioning the effectiveness of the 2010 Act. The motion for debate stated —

That the Parliament expresses its concern at figures obtained by a recent Clyde News investigation, which suggest that, between January and June 2017, 205 children were taken to A&E due to dog bites; understands that the number of people receiving treatment for such bites in Scotland has risen from 1,939 in 2015 to 2,027 in 2016 and that, in the first six months of 2017, 1,057 children and adults in the NHS Greater Glasgow and Clyde area went to hospital; considers these figures to be very worrying, and notes calls for a post legislative review of the Control of Dogs (Scotland) Act 2010, including the degree to which the Act is being effectively enforced by local authorities.

Following the debate, the then Minister for Community Safety and Legal Affairs wrote to all local authorities seeking information on their use of the powers in the 2010 Act. The Minister shared the responses received from local authorities with the Committee.

3.1.4. 'Routine' PLS triggered by review policy commitment

Another way in which PLS can be triggered is through horizontal statutory requirements or commitments for ex-post scrutiny of legislation. The PLS of the Bribery Act 2010¹⁷ (UK), conducted by the House of Lords is an example.

The Bribery Act 2010 (UK) did not include a review clause and the PLS inquiry of that Act was triggered on the basis of the process described in 'Post-Legislative Scrutiny – The Government's Approach'¹⁸. In accordance with this process, the Ministry of Justice prepared in 2018 a memorandum for submission to the Ad Hoc Select Committee for the Post-Legislative Scrutiny of the Bribery Act 2010, providing the department's preliminary assessment of the act. In response, the House of Lords accepted the recommendation for a PLS inquiry.

3.1.5. PLS triggered by international obligations

Events in the international sphere can also serve as triggers for PLS. For example, the PLS of the Lobbying Act¹⁹ (UK), published in May 2024, was initiated in response to the Group of States against Corruption ("GRECO") and took into account events in the public space (Greensill story). The triggers are mentioned in the PLS report.

3.1.6. Checklist for selecting laws for PLS

The Scottish Parliament, a few years back, when a dedicated PLS Committee was in place provided a checklist²⁰ to help inform the suggestions it received in relation to PLS. The checklist consisted of the following questions:

- *Do you consider that the Act has had sufficient time to have made a difference?*
- *Does the Act have a measurable outcome or policy objective, and has it fulfilled its intended purpose?*
- *Has another committee of the Parliament already carried out post-legislative scrutiny of the Act?*
- *Does the Act contain an in-built mechanism for post-legislative scrutiny?*
- *Has the Act been subject to, or could it be subject to, significant revision?*
- *Would there really be merit in undertaking post-legislative scrutiny of the Act?*
- *Is the Act subject to legal challenge?*

In Chile, the Department of Law Evaluation uses the following criteria to select legislation for post-legislative scrutiny²¹:

a) Public interest

The norm regulates an important issue within the public debate and the media

b) General applicability of the law

How the effects of the law under evaluation impact a greater percentage of the population

c) Methodological feasibility

The Law must be evaluated by means of quantitative and qualitative indicators, facilitating, for example, the measurement of the lack of compliance of the expectations of citizens regarding the Law and measurements of the efficiency of the State in the implementation of the same law.

d) Temporal feasibility

The Law must be able to be evaluated in a maximum of six months, even if this deadline depends on the availability of economic, administrative and technical resources. Additionally, the Law must have been in force for at least two years.

e) Technical feasibility

Selected norms must be susceptible of evaluation with the available technical, human and financial resources,

f) Political neutrality

The Law must regulate issues that do not result to be ideologically controversial nor generate immediate political-partisan alignments.



Image above: Plenary session of the Chamber of Deputies of Chile, debating legislative impact reports.
[Photo: Chile Congress]

4. Method for conducting PLS

PLS is a tool that can be used to explore the implementation and the impact of legislation. Given the circumstances, it is also clear that PLS can focus on an entire law, part of a law, specific provisions or more than one law. This is a decision to be made by the body mandated to scrutinise legislation.

It is rare to find a comprehensive methodology on how to conduct PLS in a systematic way. Most parliaments follow an ad hoc approach, leaving much of the decision making to the committees.

A solid methodology for law evaluation is the basis for the work of the Department of Evaluation of the Law of the Chamber of Deputies in Chile. The methodology for ex post evaluation²² is structured in three phases:

PHASE I involves a “Technical study of the law” and includes:

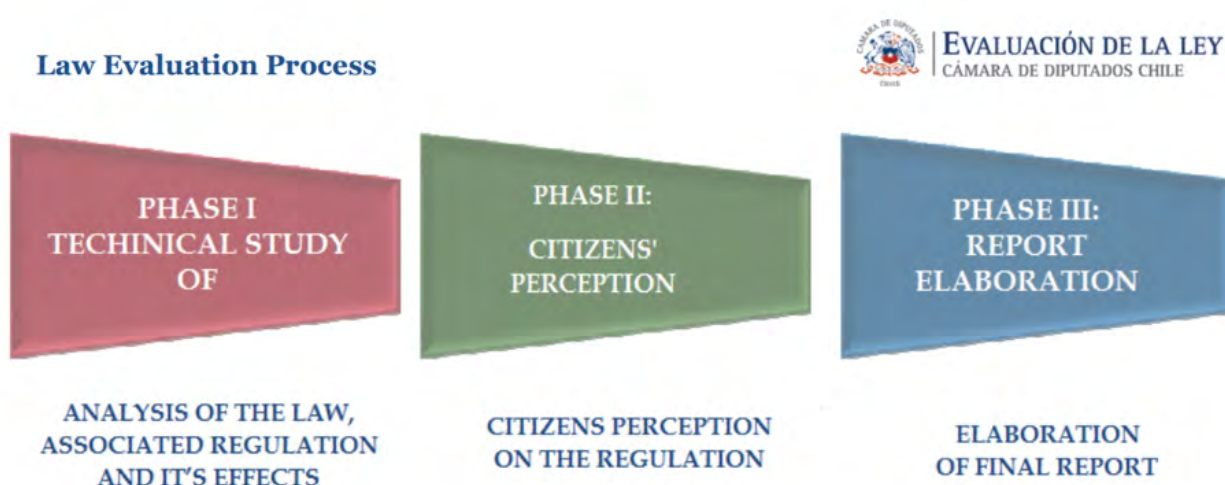
- Legal analysis of the law and its regulations
- Study of the judicial and administrative application and interpretation of the law
- Interviews with implementing institutions and experts
- The elaboration of indicators

PHASE II focuses on “Citizen’s Perception” and includes:

- Use of analysis and social research to determine citizen’s perception of legislation
- Conducting Regional Citizen Forums
- Analysis and debate in social media using traditional and virtual means

PHASE III focuses on the compilation of an ‘Evaluation report’ and includes:

- Elaboration of conclusions and recommendations
- Elaboration of final report
- Dissemination

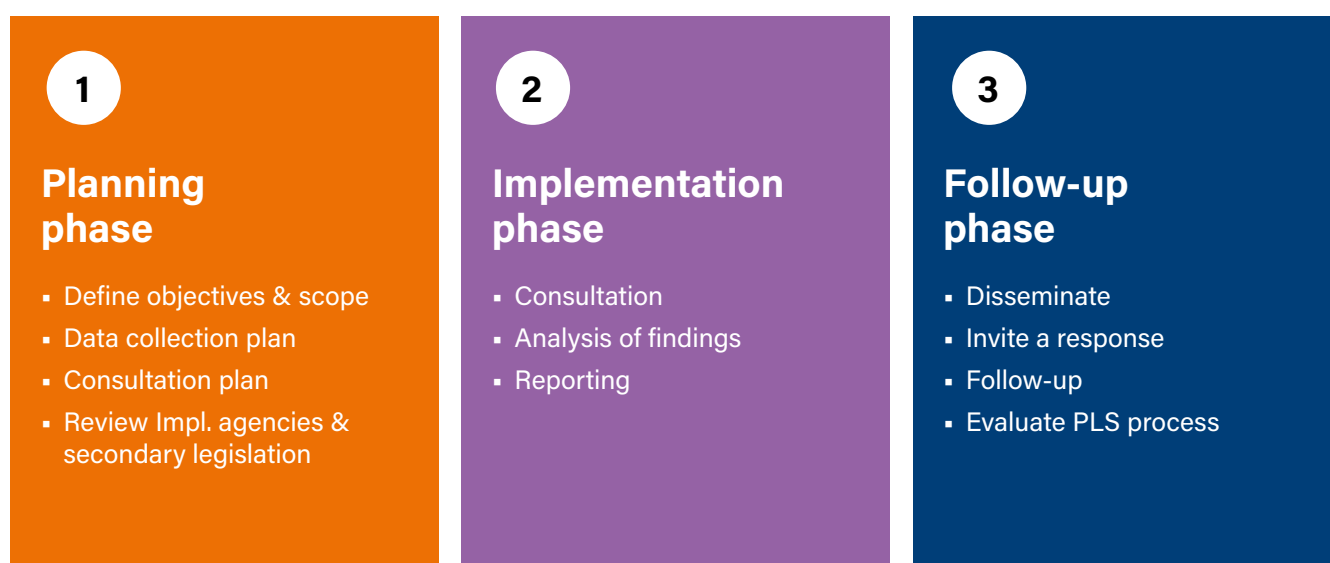


Source: Law Evaluation Committee / OECD, Chamber of Deputies of Chile, Report, November 2015.

Albania

The National Assembly of Albania adopted in 2024 a methodology for conducting PLS²³. The methodology was developed on the basis of a detailed assessment of the capacity of the Albanian Parliament to conduct PLS and includes the following 11 steps.

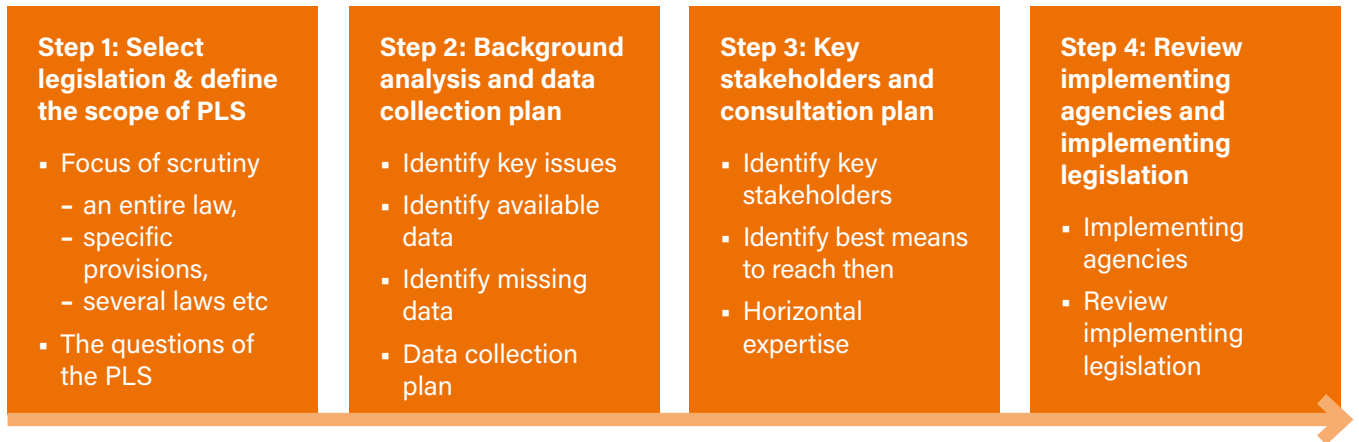
11 steps for Post-Legislative Scrutiny



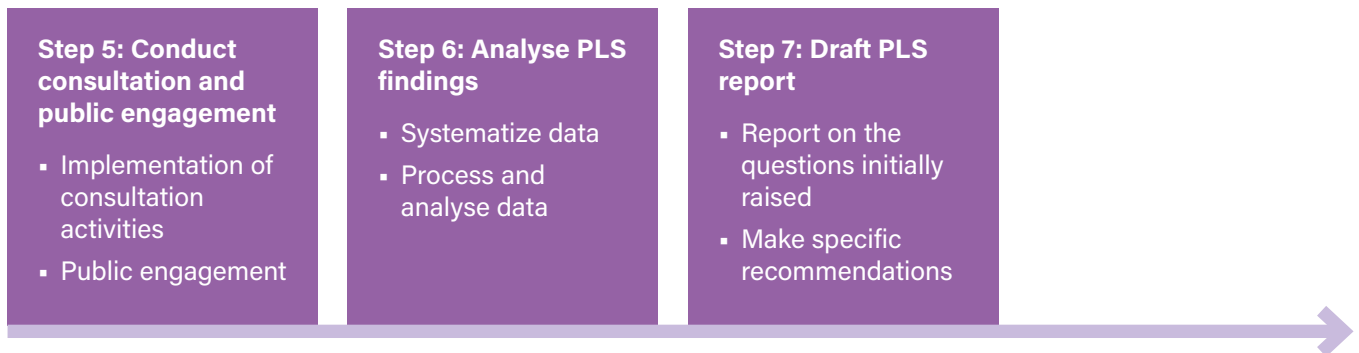
Source: Republic of Albania, The Assembly, Methodology for Post-Legislative scrutiny (PLS) in the Assembly of Republic of Albania, July 2024.

These 11 steps are further analysed as follows:

PLS Planning phase



PLS implementation phase



The follow-up phase



Source: Republic of Albania, The Assembly, Methodology for Post-Legislative scrutiny (PLS) in the Assembly of Republic of Albania, July 2024.

The PLS process is supported by the “PLS Legislative Tracker”, a tool for the codification and organizing PLS requirements and obligations included in legislation. The “Legislative Tracker” identifies PLS related obligations and deadlines, to ensure a consistent follow-up, and contains:

- general information on the adopted law;
- information on obligations related to the issuance of sub-legal acts;
- monitoring/reporting obligations;
- review obligations;
- sunset clauses;
- EU acquis aligning provisions;

Where no specific methodology is in place, there are different ways in which committees determine the focus and scope of PLS.

In the UK House of Commons and the Welsh Senedd, when committees conduct inquiries, they publish the inquiry’s terms of reference (ToR) on the committee’s website. The ToR typically details the scope, questions, methods, intended outcomes and where necessary reference to relevant legislation. ToR are agreed by committees, informed by advice from officials.

Example 1: **Post Legislative Scrutiny: Freedom of Information (Scotland) Act 2002²⁴**

For example, the Post Legislative Scrutiny: Freedom of Information (Scotland) Act 2002²⁵, the Committee shortlisted FOISA as one of the Acts that it wished to consider for post-legislative scrutiny. The Committee initially took evidence from stakeholders on post-legislative scrutiny of FOISA at its meeting on 22 March 2018. The Committee subsequently took evidence from the Scottish Information Commissioner (“SIC”) at its meeting on 10 January 2019 and, following that evidence session, agreed to undertake post-legislative scrutiny of FOISA. The PLS focused on the following questions:

- *Question 1: In your view, what effects has the Freedom of Information (Scotland) Act 2002 (FOISA) had, both positive and negative?*
- *Question 2: Have the policy intentions of FOISA been met and are they being delivered? If not, please give reasons for your response.*
- *Question 3: Are there any issues in relation to the implementation of and practice in relation to FOISA? If so, how should they be addressed?*
- *Question 4: Could the legislation be strengthened or otherwise improved in any way? Please specify why and in what way.*

Example 2:
Post-legislative scrutiny of the UK Bribery Act²⁶

In the UK House of Lords, it was in March 2018 that the Liaison Committee recommended the setting up of a committee for post-legislative scrutiny of the Bribery Act²⁷. The House accepted that recommendation, and the Select Committee was set up on 17 May 2018. The Liaison Committee recommended that this Committee should consider:

- *whether the Act has led to a stricter prosecution of corrupt conduct, a higher conviction rate, and a reduction in such conduct;*
- *whether, as the CBI and others warned, UK business have been put at a competitive disadvantage in obtaining foreign contracts because conduct which was lawful under equivalent foreign legislation might be unlawful under the stricter provisions of the Bribery Act;*
- *whether small and medium enterprises (SMEs) were sufficiently aware of the provisions of the Act.*

Additionally, the Liaison Committee specifically invited us to consider Deferred Prosecution Agreements (DPAs) as they affect bribery. DPAs are the creation of the Crime and Courts Act 2013, and apply to many crimes other than bribery, but to date their main application has been to bribery offences. We were asked to investigate how DPAs have affected the conduct of companies both to prevent corrupt conduct, and in the investigation of such conduct once it is discovered to have occurred.

Example 3:
PLS of the Children and Young People (Scotland) Bill: Post-legislative scrutiny of the 2013 Financial Memorandum²⁸

The PLS of the Children and Young People (Scotland) Bill: Post-legislative scrutiny of the 2013 Financial Memorandum²⁹ is linked to the fact that the Finance and Public Administration Committee is responsible for scrutinising the Financial Memorandums (FMs) that accompany Bills. As part of its post-legislative scrutiny role, the committee can also re-examine FMs after the law has been implemented to see how accurate the original cost estimates were, and whether any anticipated savings have been realised³⁰.

The Committee agreed to examine the FM that accompanied the Children and Young People (Scotland) Bill (now the 2014 Act), specifically in relation to the early learning and childcare provisions. This particular Bill was selected on the basis of significant concerns raised by the Session 4 Finance Committee over the financial estimates. At the time, this led to a supplementary FM being published and recommendations that expenditure regarding the policy roll-out be monitored. The present Committee has looked at the accuracy of the original cost figures in the FM and the subsequent cost of implementation, focusing specifically on the costs of the expansion of early learning and childcare. It is hoped that this will help to inform and improve the Scottish Government's development of future Financial Memorandums.



Image above: Amidst martial law and war in 2024, the Ukraine Parliament Committee on Energy, Housing and Communal Services conducted a PLS on the Law on the Natural Gas Market. The Committee held several consultations with a large group of stakeholders. [Photo: WFD Ukraine]

5. Data collection and consultation

Data collection is an important part of PLS. This can include primary and secondary data sources, statistics, reports from different institutions, such as line ministries, implementing agencies, statistics institution, oversight independent institutions, and also CSOs, international and EU reports, academic research, media reports, etc.

This background analysis aims to show what key issues are, which ones are still open or which ones are controversial and are worth an investigation by standing committees. This will also show what data is available and what data is necessary but not already in place.

5.1. Practices for collecting data and information

Overall, there do not seem to be binding rules on ways to collect data and information. There are, however, several practices within parliaments which are of particular relevance to this report.

For example, in the Senedd (Wales), the mechanisms and approach taken to PLS inquiries vary from inquiry to inquiry. Methods used in the Senedd generally include public consultation, ministerial scrutiny, expert witnesses and citizen engagement activities. Senedd committees also have access to extensive resources and expertise to facilitate evidence gathering and consultation. Internal resources to support members include induction materials, and specific advice prepared as needed as members identify their strategic aims, develop their specific work programmes, and agree how to approach individual pieces of work.

In Scotland, there is a variety of published guides on how committees should operate and the work of the conveners, as well as internal guidance and best practice/training material for clerks and other staff. However, none of this is PLS-specific.

Example:

**Data collection for the Post-Legislative Scrutiny on The Law of Ukraine
“On Amendments to Certain Legislative Acts of Ukraine on Improving the
Legal Regulation of Remote, Home Work and Work with Flexible Working Hours”
adopted on 04 February, 2021**

The Verkhovna Rada Committee on Social Policy and Protection of Veterans’ Rights (Ukraine) conducted a Post-Legislative Scrutiny on The Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Improving the Legal Regulation of Remote, Home Work and Work with Flexible Working Hours” adopted on 04 February, 2021 . The PLS aimed to explore:

- *Which provisions have positive implementation practices?*
- *Which provisions are difficult to implement?*
- *Which provisions are not applied at all and why?*
- *Which provisions should be changed and why?*

The PLS required collecting information by contacting state authorities, local governments, academic institutions, and NGOs. There is no practice of contacting individuals that use the rights granted to them by a particular law. The Committee decided to launch a survey.

One questionnaire with different questions was developed for employees and employers (10-15 minutes to complete):

- *50 questions for employees (42 if there was an experience and 16 if not);*
- *26 questions for employers (24 if there was an experience and 11 if not).*

The survey lasted for 1 month (December-January).

The government provided assistance in its distribution, which allowed us to involve a significant number of civil servants in the survey.

Over 66 600 people took part in the survey (1 200 employers and over 65 400 employees).

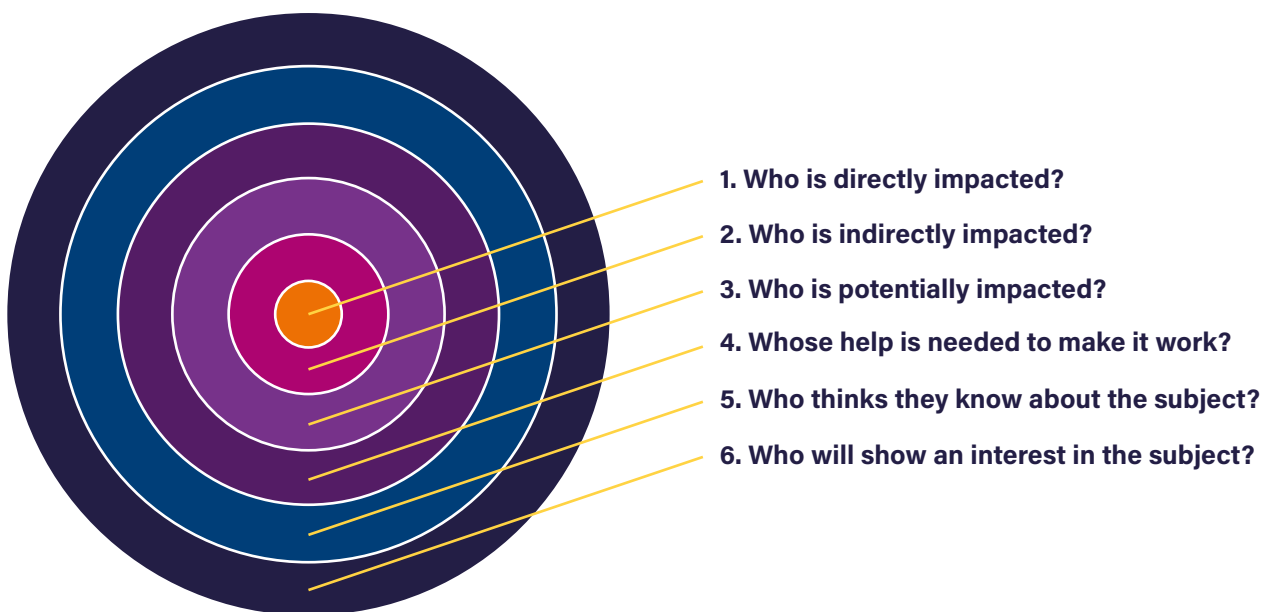
The processing of open responses took more than 1 month.

A significant number of responses required proper automatic processing.

5.2. Practices on stakeholder identification and consultation

The identification of key stakeholders is an important step in data collection. Stakeholders can originate from implementing agencies, the public sector but also academia, professional bodies, the market, civil society, even individuals with lived experience of the issue, and any other person with an interest to contribute to PLS. Compiling a comprehensive list of stakeholders and identifying the best ways to consult with them and solicit information from them are of central importance. It is important to ensure that stakeholder mapping does not overly rely on the public sector, that different voices are heard, and that all those who have meaningful information to convey will have an opportunity to do so.

In the European Commission, the following six tests are used to identify stakeholders for consultation:³¹



Source: Graph by the author.

5.3. Consultation – practices to make PLS inquiries participatory and inclusive

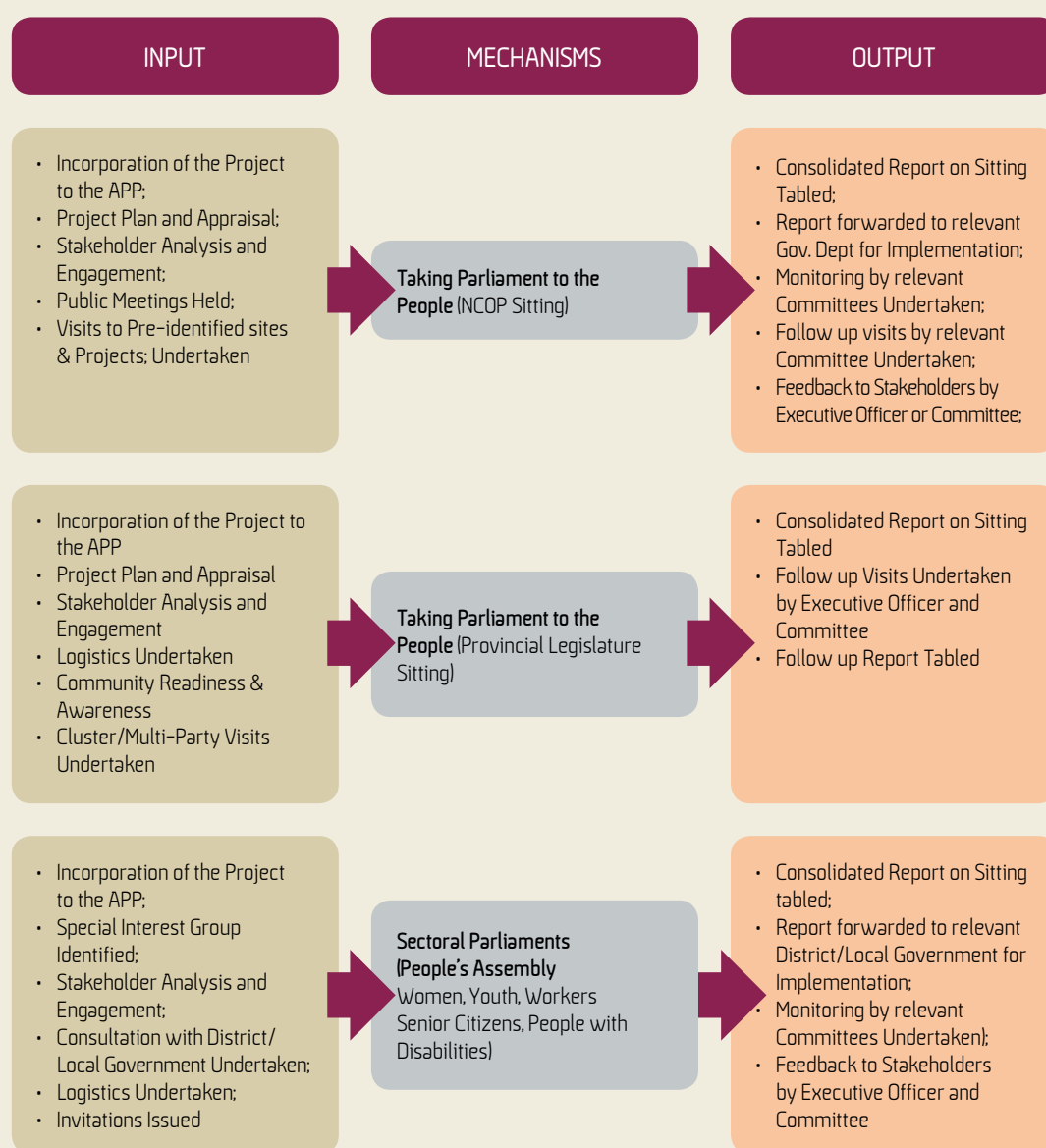
5.3.1. Obligation/frameworks for participation and consultation

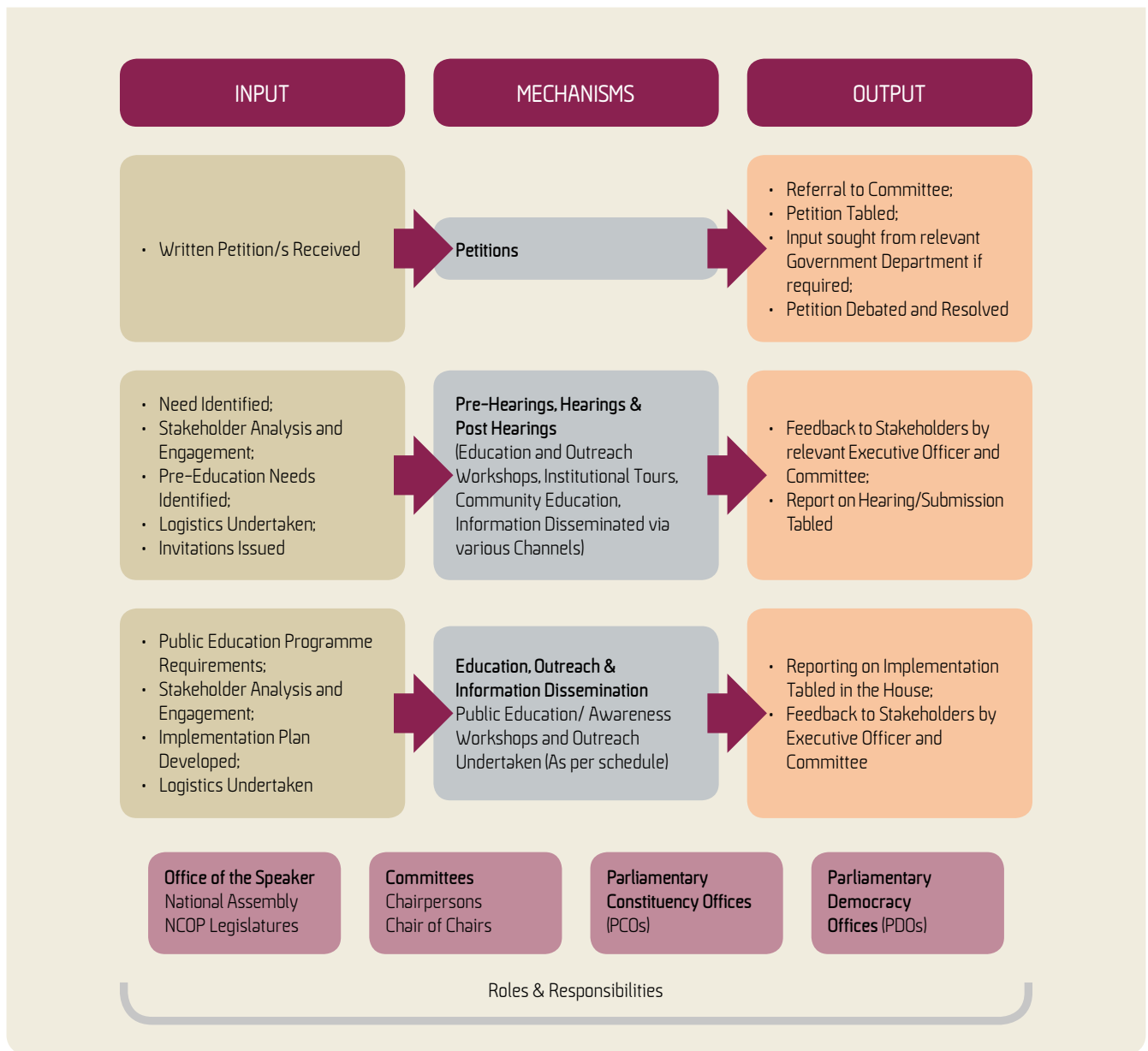
Consultation is an important part of the PLS process. The nature and extent of consultation varies and so does the extent to which it is mandatory or discretionary.

In Albania, public consultation of bills at parliament level is a responsibility of the standing committees which have a right to plan and conduct them when requested by one-third of members of the committee³².

In South Africa, public participation is the process by which parliament consults with the people before decisions are made. This is conceptualised in the 'Public Participation Framework for the South African Legislative Sector' which is schematically presented below³³.

Figure 1: Best-fit approach to Public Participation





Source: <https://sals.gov.za/wp-content/uploads/simple-file-list/ppf.pdf>, p. 26-27

In Chile, the Citizen Participation Regulation³⁴ was published in 2018, which considers the following modalities of citizen participation:

a) Public hearings

Public hearings are sessions, or parts of sessions of a committee, aimed at hearing one or more interested parties in relation to a bill or some matter subject to consideration or resolution. They are characterised by direct interaction, which can be face-to-face or virtual, between parliamentarians and citizens.

b) Virtual Congress

This is a digital platform which purpose is to facilitate interaction between parliamentarians and citizens, allowing them to express their opinion on bills under scrutiny and, where appropriate, to participate in public consultations carried out in accordance with the rules established in the regulation, being a non-binding exercise.

c) Public consultations

These are virtual, non-binding, public and open participation mechanisms whereby the Chamber of Deputies or a committee consults the public on a bill or a legislative matter within its competence.

d) Thematic workshops

The purpose of these workshops is for the Chamber or a committee to interact with citizens in the analysis of one or more matters of public interest, not related to a bill under consideration and

e) Citizen Forum

Citizen engagement

Parliaments demonstrate an active interest in ensuring active citizen engagement in their processes. This is supported by dedicated and experienced teams within parliaments.

The Scottish Parliament has a Participation and Communities Team (PACT)³⁵ to advise committees on how to ensure inquiries are inclusive, and how to reach and involve marginalised and underserved communities, etc.

The Participation and Communities Team (PACT) works with individuals and communities to support engagement with the Scottish Parliament. The team helps people have their views and experiences heard by committees. PACT partners with voluntary groups, business groups, charities, and community organisations. They offer awareness sessions to help people learn more about the work of parliament, and how to get involved. Community participation specialists connect people to the relevant committee³⁶, so that their voices can be heard and considered by MSPs.

In the Senedd, the role of the Citizen Engagement Team³⁷ is to collect evidence from seldom-heard groups in less formal settings. The Citizen Engagement Team works with people across Wales to support Senedd committees' work. They design, facilitate, and deliver effective engagement programmes appropriate for committee inquiries. The team's engagement work means that members in committees are able to consider the views and experiences of service users, frontline workers and people with a lived experience when making recommendations to the Welsh Government.

5.3.2. Digital tools

The Scottish Parliament uses a [consultation website](#) to support the [Call for Views](#), and an [online discussion website](#) to help the public talk about issues and put forward their own experiences, ideas, and questions.

The Congress of Deputies in Chile uses a Virtual Congress³⁸ platform to consult with citizens. This platform was used when analysing the Law on Sexual Harassment in the Streets. The focus was on identifying the level of knowledge of citizens on the law and there were alternatives on how citizens could strengthen the application of the law. The first time that consultation via the platform was carried out, it mobilised no less than 690 participants, with an age range between 30 and 60 years old³⁹.

In Albania, written consultation of bills has been recently enabled through a single access point for public consultation at the online platform: <http://konsultimi.parlament.al> which is for use by standing committees for public consultation of selected bills.

5.3.3. Deliberative tools

Deliberative democracy is a process for getting people to engage in discussion and debate on certain issues. It encourages people to participate and arrive at a consensus. Deliberative tools are used more and more by parliaments.

In Scotland, Section 91 of Climate Change Act 2009 places a legal duty on the Scottish Government to publish a public engagement strategy for climate change and to review it every five years:

Section 91. Public engagement

The Scottish Ministers must prepare and publish a strategy (a “public engagement

strategy”) setting out the steps they intend to take to —

- (a) inform persons in Scotland about the targets specified by virtue of this Act;*
- (b) encourage them to contribute to the achievement of those targets.*

Within the Scottish Parliament, the Participation and Communities Team (PACT) encourages the use of deliberative democracy through citizens’ panels⁴⁰.

Climate Change People’s Panel in Scotland⁴¹

To support the Committee’s post-legislative scrutiny of section 91 of the [Climate Change \(Scotland\) Act 2009](#), a People’s Panel was established to discuss and respond to the questions:

- How effective has the Scottish Government been at engaging the public on climate change and Scotland’s climate change targets?*
- What else (if anything) could the Scottish Government do to inform and involve the public to help meet Scotland’s climate change targets?*

Twenty-three randomly selected panel members, from across the breadth of Scottish demographics, travelled to the Scottish Parliament to meet and exchange views with experts and committee members over two weekends and two online sessions in February and March 2024.

Participants produced a set of recommendations that were incorporated in a report and then presented to the Committee at a public evidence session on 16 April 2024. It is intended that the recommendations will feed directly into the Committee’s scrutiny of the Climate Change (Scotland) Act.

South Australia's First Nations Voice

South Australia's First Nations Voice⁴² is a representative, legislative elected body for Aboriginal and Torres Strait Islander people. Through the Voice, First Nations people can have their say at the highest levels of decision-making in South Australia on matters, policies and laws, and practices that affect them. It provides an opportunity for Aboriginal and Torres Strait Islander people to raise community priorities in a public, transparent and accountable way.

First Nations Voice model

The First Nations Voice is an advisory body. It does not have veto powers or decision-making powers in South Australia's Parliament.

The Voice is made up of 2 levels – [Local First Nations Voices](#) (Local Voice) and a [State First Nations Voice](#) (State Voice). They will work together but will have different roles and responsibilities

As an advisory body, the State Voice will be able to speak with government, South Australian public sector chief executives, Cabinet, and make representations to State

Parliament about matters that impact Aboriginal and Torres Strait Islander people in South Australia.

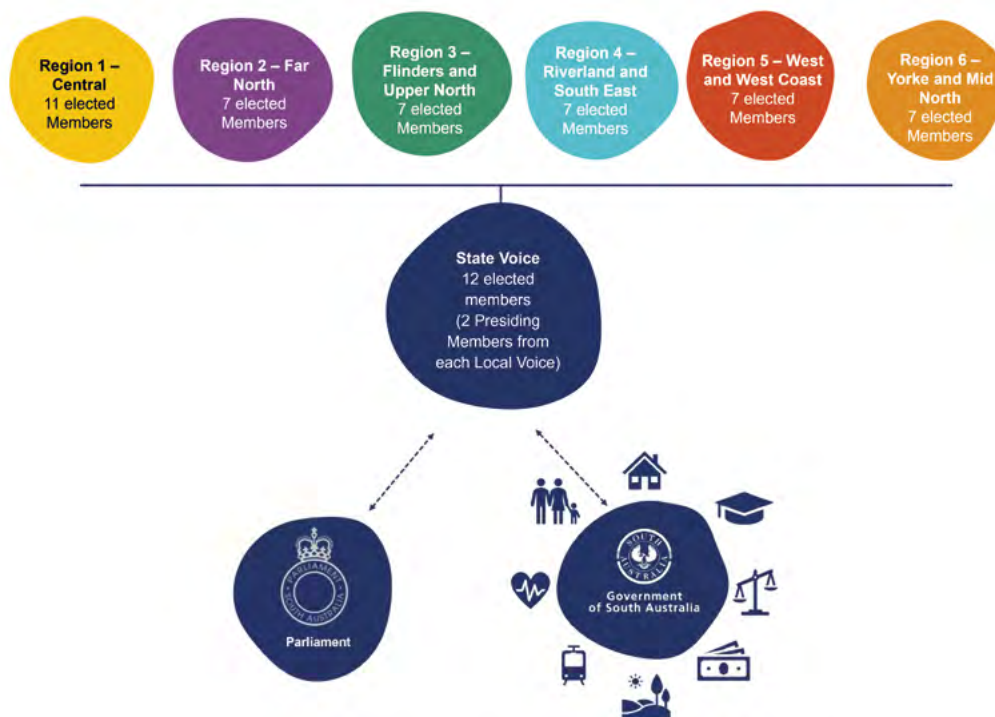
It will focus on issues within South Australia that can be addressed by the state government. This includes things like:

- employment
- education
- health
- child protection
- housing
- corrections and justice.

The Local Voices and State Voice also have a discretion to engage with other levels of government and organisations.

For example, Local Voices may engage with local government and other organisations and the State Voice has discretion to engage with the Commonwealth, and States and Territories.

If matters are raised with Voice members which concern other levels of government, the First Nations Voice model does allow for these community stories and lived experiences to be heard by other levels of government.



Source: <https://www.firstnationsvoice.sa.gov.au/about/how-does-the-voice-work>

Citizen's forum in Chile

The Citizen Forum is "a space for participation, both face-to-face and virtual, in which persons or bodies involved in the application of a law in force can express their opinion on these rules and their implementation, as well as their possible proposals for modification. This form of participation will be applied, in particular, to laws that are being evaluated by the Law Evaluation Department of the Chamber of Deputies"⁴³.

Each citizens' forum has a working structure in which first:

A plenary session is held in which representatives of the convened social organisations meet, the objectives of the activity are explained to them and doubts about the format of dialogue and intervention are clarified.

Subsequently, based on technical criteria, the convened actors are divided to work in

focus groups. There, a list of questions is applied to measure their knowledge of the regulation and other issues that have emerged in the study as critical nodes or points of tension that need to be addressed, either through a modification of the regulation or a change in public policy.

Finally, a space is provided for participants to report any additional needs or observations.

In this exercise, each group has two staff members from the Department: one moderates the discussion and the other takes notes of the responses. At the end of the discussion, these notes are reviewed, agreements are reached on the points raised, and each group chooses a representative who will present the results in a plenary session. In this way, the representatives of organised civil society have the opportunity to listen to each other and to share the strengths and weaknesses of the law under study.

National Youth Assembly on Climate, Ireland⁴⁴

The National Youth Assembly on Climate took place on 11th March 2023 in Dublin. The Assembly was hosted by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) and the Department of Environment, Climate and Communications (DECC) in partnership with the National Participation Office.

The Assembly consisted of 50 young people, aged 12 – 24 years from across Ireland. Young delegates to the Assembly came from Comhairle na nÓg (youth councils), youth organisations and climate organisations. The Assembly's recommendations will be considered by Government for inclusion in the Climate Action Plan 2024.

In advance of the Assembly, each delegate was given the opportunity to vote on key themes arising from the previous National Youth Assembly on Climate 2022⁴⁵. The three themes that received the most votes were the focus of this Assembly (Sustainable transport, Circular economy, and Communication, engagement and climate literacy).

In addition, the delegates had an opportunity to discuss and make recommendations on any climate topic they choose to highlight at the 'wildcard' discussion group.

Throughout the day delegates attended workshops on the themes. They also discussed, deliberated and voted on their recommendations to Government. They presented these recommendations to the Department of Environment, Climate and Communications.

As part of broader discussions on the day, delegates also shared their vision for a carbon neutral Ireland/world in 2050.

The Assembly also provided an opportunity for DCEDIY and DECC to seek the views of delegates on how children and young people would like to incorporate the SDGs⁴⁶ into youth participation structures.

Assembly Recommendations

On the day, the Youth Assembly on Climate presented eight recommendations to the Department for the Environment, Climate and Communications. On May 2nd 2023, DECC also held a webinar at which delegates presented their recommendations to Minister Eamon Ryan for inclusion in the Government's Climate Action Plan 2024.

Eight recommendations of the National Youth Assembly on Climate 2023 were presented⁴⁷.

5.3.4. Other practices to ensure inclusivity and participation

While it is important for Parliaments to consult, it is equally important to ensure balanced representation in consultations. To this aim, several parliaments experiment with tools and techniques to monitor the diversity of evidence, to engage with groups that are underrepresented or do not often have the possibility to voice their opinions.

Monitoring the diversity of evidence, Senedd, Wales

Diversity monitoring is the practice of collecting information about who people are and what characteristics they may have. These characteristics can include: age; sex; disability; race; and sexual orientation and are formally known as 'protected characteristics'.

Senedd committees monitor diversity by inviting people who work with us (whether by submitting written evidence, contributing oral evidence, or participating in citizen engagement activities) to tell us a bit more about themselves and the organisations they represent. The responses received help Senedd committees to better understand who gives evidence, who doesn't, and what the barriers to participation might be. Diversity monitoring is also sometimes known as 'equality monitoring' or 'equal opportunities monitoring'

Monitoring diversity is helpful in a number of ways. It enables Senedd committees to better understand who is giving evidence and engaging with their work. The role of the Senedd is to scrutinise government actions and spending, and to make effective laws that work for everyone. Hearing from a diverse range of perspectives and experiences will help committees to undertake more rigorous scrutiny and make better laws⁴⁸.

Diversity monitoring involves asking people to complete a voluntary survey to provide information about themselves, the organisation they represent (if relevant) and their experience of taking part in committee activity. All questions about individuals will include an option of 'prefer not to say'. No identifying information such as your name or contact details will be asked for. The Committee also declares its privacy policy for those who give evidence at committee meetings.

Tips on how to consult underrepresented audiences, the Scottish Parliament⁴⁹

The Scottish Parliament's Participation and Communities Team (PACT) engage with seldom-heard audiences to better understand the impact of issues and policies on people in Scotland. 5 lessons that come from their experience:

1. Tailored approach –

Effective engagement depends on understanding the audience's needs and designing methods that work for them

2. Partnerships are essential –

Collaborating with external organisations helps identify the right participants and ensures that their voices are heard in a way that feels safe and supported.

3. Focus on lived experience –

Real-world insights from those directly affected by policy decisions provide invaluable perspectives that help shape more informed outcomes

4. Safeguarding –

Always prioritise the safety and comfort of participants, especially when dealing with sensitive issues or vulnerable groups

5. Continuous evaluation –

Regular feedback and assessment help refine engagement strategies, ensuring ongoing improvement and more meaningful participation.

Youth Representatives (Sri Lanka)

The Sri Lankan Parliament offers the possibility to Committee chairs to invite up to 5 youth representatives, aged between 18 and 35, to assist committees in inquiries. This is an interesting practice in ensuring participation by youth.



Image above: Plenary sitting of the Parliament of Sri Lanka in 2025. [Photo: Parliament of Sri Lanka]

6. Reporting on PLS

There are rarely specific rules in Standing Orders prescribing that PLS reports specifically to be considered in plenary or by a specific committee.

For example, in the Welsh Senedd, there is administrative guidance on publicising committee work. In practice, committees generally lay their reports before the Senedd (Standing Order 15.1(iii)).

In Sri Lanka, there is an explicit obligation for committees to submit reports to parliament. This is good practice and could cover also reports from PLS.



Image above: Committee meeting in the UK House of Commons, hearing evidence from witnesses as part of a post-legislative scrutiny inquiry.
[Photo: House of Commons]

7. Dissemination of PLS reports

PLS reports need to be published and made publicly accessible. This includes making the report available on the parliament's website, making it available to committee members and other committees or the plenary, organising a plenary discussion, and disseminating it to the media. Committees may hold a press conference to present the report and write short articles for websites or newspapers in order to attract public attention to its findings. Social media is also effective means for disseminating PLS reports. After the end of PLS activities, committees need to discuss follow-up activities.

The Scottish Parliament has a dedicated section in its website⁵⁰ where PLS reports are published.

It is recommended practice to send a copy of the report to witnesses and all those who contributed to the PLS process. Copies can also be sent to ministries, stakeholders and interest groups, civil society organisations and NGOs, specialised journalists, international organisations and other institutions which might have an interest in the topic under consideration. Distributing the report widely can contribute to the public information campaign on the topic and enhance the outreach of the parliament.

7.1. Practices to make PLS work and outputs widely accessible

Parliaments are interested to make their work accessible and to this aim they publish information on websites and through social media channels (Twitter, Facebook and Instagram).

In the Scottish Parliament, the Public Information and Parliamentary Communications teams⁵¹ help co-produce informative videos, the availability of braille, British Sign Language and easy-read versions of reports, calls for views, news releases, etc. Documents are not routinely translated into other languages (with the exception of Scots Gaelic). The parliament also provides a range of explanatory guides in different languages (for example, French, German, Spanish, Chinese, Polish, Urdu, etc).

In the Welsh Senedd, committees can produce alternative versions of a report (for example, report summaries or easy-read versions), alternative formats (for example, web-based versions), or additional content to supplement formal reports (for example, images, videos, audio clips, social media content)⁵².

Integrated teams of officials supporting committees will provide advice to members on whether specific approaches are required for particular pieces of work. For example, the Children, Young People and Education Committee produced a version of its strategy for the Sixth Senedd aimed specifically at children and young people, and the Health and Social Care Committee ensured that all materials relating to its work on mental health inequalities included information about where people could find sources of mental health advice or support. All committee reports include text advising that they can be provided in accessible versions such as braille, large print, audio or hard copy, and contact details that people can use to request alternative formats.



Image above: Evidence session in the UK House of Lords, as part of a post-legislative scrutiny inquiry.
[Photo: House of Lords]

8. Response to PLS

PLS is a dialogue between the parliament and the government on legislation. This section explores practices related to responses to PLS reports. In some countries, responding to reports from parliament is not an explicit requirement. In others, it is.

In Scotland, there is a general obligation from the government to respond to committee reports within 2 months. The obligation is not PLS specific. Shorter timescales exist for responses to reports on bills at stage 1 committee debates (other than stage 1 reports on bills) are sometimes debated in the chamber. The agreed protocol⁵³ between committees and the Scottish Parliament states:

41. The Scottish Government should normally respond to any committee report not later than:

a. two months after publication of the report; or

b. where exceptionally the debate is to be within the 2 months of publication, a week before the Chamber debate the report.

Where the timescale for debating a report make it impractical to provide a written response in advance of the debate, a government response should still be provided within two months of publication. Written responses to Stage 1 reports on Bills, if not provided in advance of the Stage 1 debate should be provided no later than 5 working days before the first committee meeting at Stage 2 of the Bill.

42. The Scottish Government should provide a written response to every committee report published more than a month before the expected date of dissolution of the Parliament, except where the report itself (or any covering letter) makes clear that no response is required.

43. If a response is not to be provided within the timescales indicated above the relevant Minister should write to the committee convener in advance outlining the reasons and indicating when the response can be expected.

44. The response should address each recommendation in the report that is directed at the Scottish Government, or that deals with any matter within the general responsibilities of the Scottish Government, in each case identifying the relevant passages in the report (for example, by paragraph number).

Similarly, in Wales, there are no specific rules or agreements prescribing how the Welsh Government is required to respond to any PLS findings by the Senedd. However, the Welsh Government is obliged to respond to committee reports generally within 6 weeks under a protocol between the Senedd and Welsh Government.

A requirement to respond can also be included in review clauses.

*National Greenhouse and Energy Reporting Act 2007 (Australia)*⁵⁴

76A Periodic reviews of operation of this Act etc.

(1) *The Climate Change Authority must conduct reviews of the operation of: (a) this Act; and (b) legislative instruments under this Act.*

Public consultation

(2) *A review under subsection (1) must make provision for public consultation.*

Report

(3) *The Climate Change Authority must: (a) **give the Minister a report of the review**; and (b) as soon as practicable after giving the report to the Minister, publish the report on the Climate Change Authority's website.*

(4) *The Minister must cause copies of a report under subsection (3) to be tabled in each House of the Parliament within 15 sitting days of that House after the review is completed.*

...

Recommendations

(8) *A report of a review under subsection (1) **may set out recommendations** to the Commonwealth Government.*

(9) *In formulating a recommendation that the Commonwealth Government should*

*take particular action, **the Climate Change Authority must analyse the costs and benefits of that action.***

(10) *Subsection (9) does not prevent the Climate Change Authority from taking other matters into account in formulating a recommendation.*

(11) *If a report of a review under subsection (1) sets out one or more recommendations to the Commonwealth Government, the report must set out the Climate Change Authority's reasons for those recommendations.*

Government response to recommendations

(12) *If a report of a review under subsection (1) sets out one or more recommendations to the Commonwealth Government: (a) as soon as practicable after receiving the report, **the Minister must cause to be prepared a statement setting out the Commonwealth Government's response to each of the recommendations; and (b) within 6 months after receiving the report, the Minister must cause copies of the statement to be tabled in each House of the Parliament.***

(13) *The Commonwealth Government's response to the recommendations may have regard to the views of the following: (a) the Climate Change Authority; (b) the Regulator; (c) such other persons as the Minister considers relevant.*

In Sri Lanka there is a clear obligation for the government to respond to parliament reports within a timeline of 8 weeks. Ministers are explicitly expected to implement recommendations within 8 weeks or explain the reasons for not complying.

***Standing Orders of the Parliament
of the Democratic Socialist Republic
of Sri Lanka***

*(18) Where a Sectoral Oversight Committee do the enactment of legislation or submit a non-legislative report, the Minister of the Cabinet to whom the relevant subject is assigned and has ministerial responsibility or if not assigned, the Prime Minister **shall fulfil the recommendations laid down in the report within a period of eight weeks, and also submit a statement on actions proposes to take with regard to observations or if the Minister is of the view that particular recommendations may not be fulfilled, the Minister shall explain the reasons for this in writing and indicate alternative actions that the Minister proposes.** If the Committee requires, the Committee may invite the relevant Minister to explain the position in person and to answer the questions that arise as to such matters within eight weeks.*



Image above: The Parliament of South Africa has been spearheading legislative impact assessments through the High Level Panel's recommendations on how post-Apartheid legislation has worked out in practice.

9. Follow up

Follow up refers to what happens after the PLS inquiry has been completed. It is important not only from an efficiency perspective (resources have been spent) but also in order for the PLS inquiry to have an impact.

Comparative experience does not highlight strong institutionalised practices in terms of follow up. There are however, several examples of how strong follow up can enhance the impact of PLS work.

The comparative analysis shows that key issues are a) the limited interest to follow up and b) the few dedicated bodies and procedures within the parliament (apart from interested committees) with the responsibility to follow up on PLS reports and/or monitor the status of implementation of PLS recommendations. Ideally, follow up should be undertaken by the committee that issued the original report if they wished to do this as part of their work programme.

However, there are several examples of committees that conduct follow-up work as part of their strategic work programme.

In the Welsh Senedd, researchers routinely monitor the implementation of committee recommendations. A **recommendations tracker** could be a way to follow up on recommendations⁵⁵.

The [Equality, Local Government and Communities Committee](#) undertook a post legislative inquiry into the [Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015 \(the Act\)](#)⁵⁶.

In terms of follow-up work:

- *Following the publication of a Wales Audit Office report (PDF, 6.8MB) on the Act, the Committee held a follow up [evidence session](#) on 6 February 2020.*
- *The Committee held an additional [scrutiny session](#) with the Minister on 12 February 2020.*
- *The Welsh Government's periodical updates on the pace of the implementation of the Act can be viewed below.*
- *Should the Committee decide to hold further evidence sessions in the future it will communicate this on its homepage and through its Twitter account.*



Image above: Plenary sitting of the Senate of Kenya in 2025.
[Photo: Senate of Kenya]

10. Evaluating PLS results

There is no comparative evidence of evaluating PLS results. However, a number of countries have used the parliamentary and legislative indicators⁵⁷ for PLS to evaluate their readiness and capacity to conduct PLS.

An evaluation framework⁵⁸ on the results of PLS activities by parliaments is available to support a systematic evaluation process.

It is good practice that committees evaluate their PLS results and methodology as part of a learning process. PLS evaluation can take place at 3 levels:

1. The evaluation of individual PLS activities.
2. Evaluation of PLS practice at Committee level.
3. PLS practice at parliament level.

The subject of PLS evaluation can be:

- process (scope, method)
- outputs (reports, recommendations)
- outcomes (acceptance and implementation of recommendations, influence on policy, media, society)
- longer-term impact (broader change and influence on policy or society)

Criteria for the evaluation of PLS activities include effectiveness, efficiency and impact, transparency, engagement or inclusivity.

PLS evaluation can take place a) by the team that conducted the PLS, b) as a peer review exercise, c) as a self-assessment exercise of the parliament, or d) as external evaluation.

There are different moments in time when an evaluation of PLS has added value:

- immediately after the exercise, in order to assess the process and identify good and bad practice
- in the medium term (in relation to follow-up action), as a way to assess the impact and influence of PLS
- in the longer term, for example after 5 or more years, in order to assess the broader PLS practice and identify qualitative features, trends and proposals for the way forward

Evaluation can also be conducted concurrently with PLS as a self-correcting mechanism.



Image above: Meeting of the Public Audit and Post-Legislative Scrutiny Committee of the Scottish Parliament as it takes evidence as part of an inquiry. 1 February 2018. [Photo: Andrew Cowan/Scottish Parliament]

11. Thematic lenses for PLS

This section assesses the existence and application of thematic lenses for the ex-post scrutiny of legislation. Thematic lenses can encompass issues such as equalities or gender issues, the environment and climate change, the Sustainable Development Goals, human rights, corruption, and children's rights, among several others.

Thematic PLS can capture horizontal or sectoral results and impact of legislation. Examples are PLS with a focus on the impact of legislation on women, men and gender-diverse people; inclusivity; sustainable development; environment and climate change; on future generations; or on several of these at the same time. Thematic PLS adds a complementary layer of analysis to regular PLS. Instead of looking only at whether the law has worked and what it has achieved, thematic PLS additionally explores whether the law in question has worked for women, men, and gender-diverse people; whether it had a positive or negative footprint on the environment or on climate change, on the rights of children, sustainability, or on future generations.

Comparative practice offers a variety of examples in relation to thematic lenses for PLS. Some practices are examined below.

11.1.1. Gender sensitive PLS

Gender is a common thematic lens for scrutiny. Such scrutiny can be triggered through legislative requirements in legislation⁵⁹.


For example, the Welsh Government has a statutory equality duty under Section 77 of the Government of Wales Act 2006, and along with all public authorities in Wales, is also subject to the general equality duty in the Equality Act 2010. The law requires public authorities to demonstrate that they have had “due regard” to the aims of the equality duty in their decision making. In Greece, the Law on Lawmaking and the laws on gender equality introduce a horizontal obligation to scrutinise legislation from a gender perspective. This is practice in several countries⁶⁰.

In the Chamber of Deputies of Chile, in the 12 years that the Department of Evaluation of the Law has carried out its work, the need was noticed to reflect on the role that the gender perspective plays in the elaboration and application of norms. This helps to guarantee gender equity, by analysing and making visible that men, women and sexual diversities have different realities, which need to be addressed by the Law based on the experiences of each gender⁶¹.


The Methodology for gender sensitive scrutiny applies the gender approach in a concrete and cross-cutting manner, is adaptable to the different issues addressed by the laws, guides the staff that will join the unit in the future to ensure continuity to the inclusion of this approach in the next years.

Guide for application of gender perspective

Ex post evaluation of legislation



- 01 Document review**
 - Legislative discussion
 - International commitments
 - Use of language
- 02 Objectives of the law**
 - Impact of the law on women and men
- 03 Instruments of the law**
 - Access to services
 - Concepts
 - Sanctions
 - Training
- 04 Public Institutions**
 - Policies, plans and implemented programmes
- 05 Subjects of the law**
 - Type of impact
 - Reproduction of stereotypes
 - Other type of discrimination
- 06 Impact of the law**
 - Financial
 - Institutional
 - Cultural
 - Social
 - Judicial
 - Environmental
- 07 Evaluation instruments**
 - Actors
 - Questions
- 08 Evaluation Report**
 - Gender gaps
 - Proposals of actors
 - Participation
 - Channels and media of dissemination



Source: Presentation by Dra. Maryan Henríquez Ayala, Coordinadora de Políticas de Género, Investigadora en Departamento de Evaluación de la Ley, Cámara de Diputadas y Diputados de Chile in the 2023 Advanced Course on Innovations in Post-Legislative Scrutiny. The presentation was titled ‘Post-legislative scrutiny from a gender perspective: Application guide.’

The guide is composed of 8 points

I: Documentary review with a gender perspective

- Legislative Discussion
- International commitments ratified by Chile on the subject matter, and
- Use of Language

II: Objective of the Law: the norm considers the different needs of women and men.

III: Do the instruments chosen by the legislator to achieve the objectives consider gender?

IV: Did the public services involved in the implementation of the norm consider gender in the design of public policy?

V: with regard to the addressees of the Law – i.e. the beneficiaries or those affected by the norm. We ask ourselves: Do they experience any type of discrimination?

VI: What were the effects of the law in the financial, legal, social, cultural and environmental fields?

We also looked at our own work, and we asked ourselves

VII: Who were the actors summoned for the evaluation, did we consider all the voices, did we ask intentional questions to make gender issues visible?

VIII: Law Evaluation Report: Here we consider Gender gaps/ proposals that stakeholders highlight to eliminate the gaps/ inclusive and accessible spaces for participation / Establish channels and means of communication with the population regarding the Law.

This Guide for the application of the gender perspective, in short, is a document that operates as a checklist to check point by point:

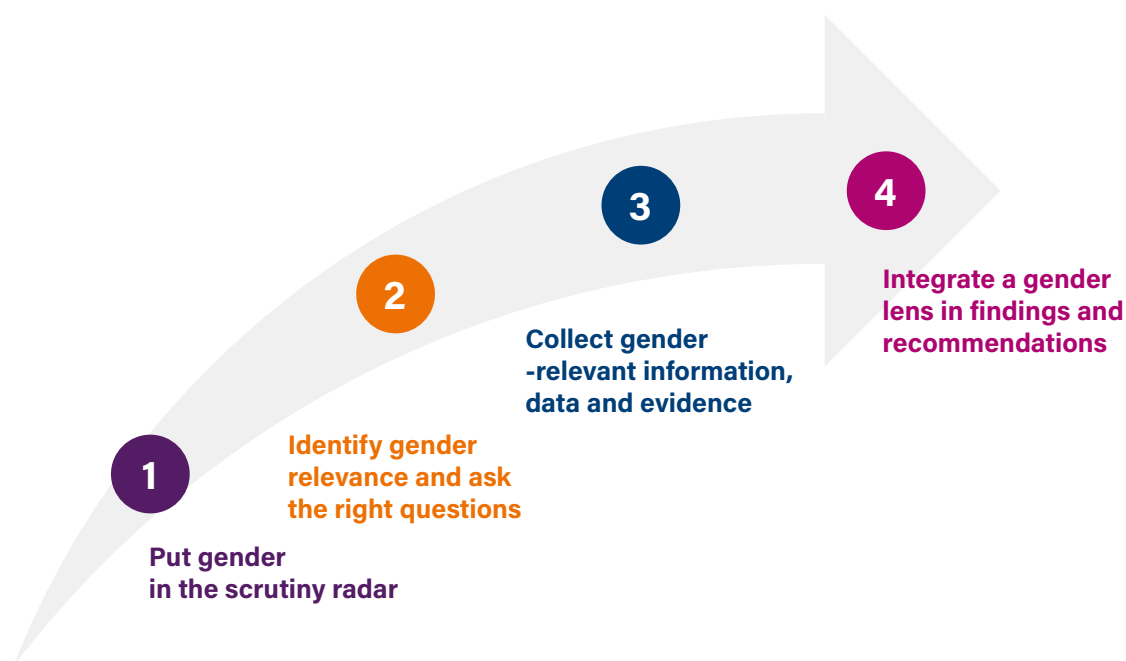
- whether the norm takes into account the diverse needs of the society
- make the language used in the law visible and whether it carries stereotypes
- observe the undesired or unexpected effects of the law on men and women
- collect the evidence or data that allow the differences to be portrayed
- ask the right questions

The Albanian National Assembly, in its Methodology for Post -Legislative scrutiny (July 2024)⁶², makes reference to gender-sensitive scrutiny. The “Guidance on Gender Sensitive PLS” provides ‘specific guidance regarding the scope and objectives of the gender sensitive PLS, its importance and what we can achieve through it, as regards especially the identification of policies or legislation with a discriminatory or

exclusionary impact on women, identification of options to improve gender equality, etc. and to identify the most suitable bodies within the Assembly to carryout out gender sensitive PLS. In addition, this Guidance presents the steps for conducting a gender sensitive PLS’

The main steps for a gender-sensitive post-legislative scrutiny are the following:

Diagram 1: Main steps for gender-sensitive post-legislative scrutiny⁶³



Source: Graph by the author.

Gender sensitive scrutiny is often undertaken by dedicated committees with a gender or an equality mandate. For example, the Senedd's Equality and Social Justice Committee⁶⁴ has the power to

"investigate any area of policy from the perspective of the cross-cutting issues within its remit, including[.]: equality and human rights, and the implementation of the Well-being of Future Generations Act."

The Senedd's Women's Caucus⁶⁵ is also in the process of being re-established, and a cross-party group on women also exists.

In France, the 'Délégation aux droits des femmes et à l'égalité des chances entre les hommes et les femmes' is a permanent delegation in the National Assembly⁶⁶ and the Sénat⁶⁷ with the mission to inform both houses on governmental policies and their impacts on men and women and ensure the follow up of the application of legislation. Though this horizontal mandate, the delegation brings critical topics to the agenda, conducts analysis through public "rapports d'information" and proposes improvements and change.

The Canadian House of Commons Standing Committee on the Status of Women⁶⁸ oversees the governmental Status of Women Canada, as well as all government bodies that conduct work related to the status of women. The committee is mandated to scrutinise government gender policy, programmes, expenditure decisions and performance of these bodies. It also produces reports on specific topics, including the implementation of gender-based analysis at the federal level. Each fiscal year, the committee reviews the main and supplementary estimates of the Status of Women government agency.

In a similarly broad way, the Committee on Empowerment of Women in the Indian Parliament⁶⁹ can consider reports from the National Commission for Women. The Committee can then report on measures to be adopted, scrutinise measures already adopted by the government, examine specific measures on education and representation of women in legislative bodies or services and other fields, report on welfare programmes and review the action taken on the measures proposed by the committee. Such committees have a free hand in raising issues with gender relevance.

Delegation for Women's Rights and Equal Opportunities for Men and Women, France

Act no. 99-585 of 12 July 1999 set up a Delegation for Women's Rights and Equal Opportunities for Men and Women in each of the two Houses of Parliament.

I. - COMPOSITION AND TASKS OF THE DELEGATION

The Delegation has thirty-six members appointed 'in such a way as to ensure proportional representation of the parliamentary groups and a balanced representation of men and women, as well as of the standing committees'. The National Assembly Delegation is appointed at the beginning of each parliamentary term for the duration of that term. The delegations draw up their own rules of procedure, which specify in particular the composition of their bureau. In addition to the President, the Bureau is made up of four Vice-Presidents and two Secretaries and is elected at the beginning of each legislature.

The Delegation's 'mission is to inform [the Assembly] of the policy pursued by the Government with regard to its consequences for women's rights and equal opportunities for men and women', and to 'monitor the application of laws' in this area. While the Delegation's mission is cross-cutting, it must be accomplished 'without prejudice to the competences of the standing or special committees or those of the European Affairs Committee'.

The Delegation may take up any issue falling within its remit and offer its expertise, accompanied, where appropriate, by recommendations. Its work is the subject of information reports, which are made public.

The law also stipulates that the Delegation may be consulted:

- on draft and proposed legislation by the Bureau of the Assembly - either on its own initiative or at the request of a group chairman or chairwoman - or by a standing or special committee - either on its own initiative or at the request of the Delegation;*
- on texts submitted pursuant to Article 88-4 of the Constitution, by the Committee responsible for European Affairs.*

This work results in the tabling of a report with recommendations, which is made public and forwarded to the relevant committees.

The law also provides for the parliamentary delegations for women's rights to draw up a 'public report each year, taking stock of their activities and including, where appropriate, proposals for improving legislation and regulations in their areas of competence'.

The Delegation hears any person it deems useful for its information on a particular topic or on a draft or proposed law. In particular, it may ask to hear ministers; more than thirty hearings of ministers and secretaries of state took place between July 2017 and early 2022.

Under the terms of the aforementioned Act of 12 July 1999, the Government must provide the Delegation with all relevant information and documents required to fulfil its mission. The law also stipulates that the Delegation may hold joint meetings with the Senate Delegation.

II. - WORK CARRIED OUT BY THE DELEGATION

Policy in favour of equality between women and men is by necessity cross-cutting: in addition to specific measures aimed at women, the aim is to take account of the objective of gender equality in the design and implementation of all public policies.

Since it was set up, the Delegation has carried out a great deal of work on a wide range of subjects, including parity in politics, gender equality in the workplace, equal pay for equal work, pensions, part-time work, violence against women and prostitution, contraception and voluntary termination of pregnancy (VTP), but also, from a gender equality perspective, the fight against climate change, income tax, the budget, the right of asylum, digital technology and public development aid.

In previous years, the Women's Rights Delegation has published thirty-six reports:

- about half of them on bills or proposals for legislation, notably on the effective right of asylum, stepping up the fight against sexual and gender-based violence, guaranteeing the presence of MPs in certain bodies outside Parliament and simplifying the procedures for appointing them, the freedom to choose one's professional future, a more representative, accountable and effective democracy, reform of the justice system, adapting the organisation of new communes to the diversity of territories, the transformation of the civil service, the fight against domestic violence and the protection of victims, audiovisual communication and cultural sovereignty in the digital age, strengthening the protection of minors who are victims of sexual violence, solidarity-based development and the fight against global inequalities, the protection of young minors from sexual crimes, as well as the five Finance Bills of the last legislature.*
- The other information reports dealt with specific themes, such as rape, women and science, women and the armed forces, women's seniority, the tax system for alimony payments, the fight against domestic violence, menstruation, recognition of the term 'femicide', access to voluntary termination of pregnancy, gender stereotypes and economic and professional equality.*

In addition to the proceedings of the symposia organised by the Delegation and the annual activity reports, in February 2022 the Delegation adopted an information report on the implementation of the recommendations adopted by the Delegation during the 15th parliamentary term.

In addition to the published reports, the Delegation has examined thematic papers and contributions and organised a number of colloquia, open to the public, on various themes, such as the fight against economic violence within couples, the commemoration of the tenth anniversary of the 'Copé-Zimmermann' law, the impact of family leave on economic and professional equality, the fight against all forms of prostitution, the rights of girls around the world, domestic violence, rape and rape culture, the freeing up of women's voices, etc. The Delegation has also developed a number of initiatives over the years to promote women's rights.

Over the years, it has also developed an international activity that has led it to take part in meetings at European level (at the European Parliament, for example) and worldwide (at the United Nations, in particular), and to welcome foreign personalities and delegations.

11.1.2. Environment and climate change

Parliaments worldwide are taking action to prioritise the alignment of climate change legislation with the goals outlined in the Paris Agreement by conducting PLS of existing climate and environmental legislation and setting up dedicated bodies⁷⁰.

The Scottish Parliament has a range of organised structures and processes to ensure that environmental oversight spans the entirety of its work. It has specialised committees. It has appointed staff, such as researchers, whose specialisms are to provide advice in these areas. It has internal boards and groupings who assess the parliament's compliance with environmental, sustainable development and climate change impacts. Cross-committee work on climate change is now fairly routine, with multiple committees cooperating on the assessment of Scotland's performance against UN and other international and national targets.

In Canada, the Senate Standing Committee on Energy, Environment and Natural Resources undertook special studies resulting in 5 interim reports on climate change, related to specific sectors of the Canadian economy. These include electricity, transportation, emissions, intensive and trade-exposed industries, oil and gas, and buildings. Additionally, senators are joining forces to create a senate working group on climate change, modelled from the UK House of Lords' Peers for the Planet. Its objective is leveraging Canadian senators' long-term appointments to build consensus, momentum and identify practical solutions to bring about a fair transition to a net-zero world.

The Standing Committee on Environment and Sustainable Development of the House of Commons of Canada enquires into and reports on matters referred to it by the House of Commons. These include legislation, departmental activities and spending, and reports of the Commissioner of the Environment and Sustainable Development who is appointed by the Auditor General of Canada, Officer of Parliament. The Committee also reports on the effective use of resources, progress, and state of the work undertaken by the government in environmental and sustainable development issues.

11.1.3. Sustainability

Sustainable development is another important thematic lens for scrutiny of policies and legislation. Parliaments are devising specialised tools to facilitate scrutiny of legislation from a sustainability perspective but are also putting in place dedicated bodies with related mandates.

Scottish Parliament Sustainable Development Impact Assessment Tool⁷¹

The sustainable development impact assessment (SDIA) tool should help users assess how decision-making will affect the sustainability of a society's development. The SDIA tool is discursive. This means that it is not designed to be used by one person alone, but by a group of people, working together to unpack and gain a deeper understanding of the matter under consideration. The SDIA tool was originally developed to assess the impact of draft legislation and public policy, which are forms of decision making about how a society will do something. However, through its use in the Scottish Parliament and elsewhere, it has been found to be of use in evaluating a range of types of decisions, e.g. what to include in a tender specification to ensure that a procurement exercise will support and not undermine sustainable development.

Future Generations Act (Wales)⁷²

The Future Generations Act (Wales) put in place seven wellbeing goals:

- *a prosperous Wales*
- *a resilient Wales*
- *a healthier Wales*
- *a more equal Wales*
- *a Wales of cohesive communities*
- *a Wales of vibrant culture and thriving Welsh language*
- *a globally responsible Wales*

The Equality and Social Justice Committee (the Committee) is responsible for scrutinising the implementation of the Well-being of Future Generations Act 2015 (the Act) in the Sixth Senedd⁷³.

Committee on the Future (Finland)⁷⁴

The Committee on the Future is an established, standing committee in the Parliament of Finland. The Committee consists of 17 Members of the Finnish Parliament. The Committee serves as a Think Tank for futures, science and technology policy in Finland. The counterpart cabinet member is the Prime Minister. The Committee was established in 1993.

The Committee's mission is to generate dialogue with the government on major future problems and opportunities. At least once during its term of office, the government issues a report (Government's Future Report) on long-term future prospects and the government's targets which is submitted from the Prime Minister's Office to the parliament. The main task of the Committee for the Future is then to prepare the parliament's response (Parliament's Future Report) to the Government's Report on the Future. Since 2017, the government's implementation for Agenda 2030 for Sustainable Development is also submitted to the Committee for the Future during each electoral term.



Image above: Houses of Parliament, London, UK.
[Photo: House of Commons]

12. Conclusions and lessons learnt

The practices from different parliaments that conduct PLS prove that there is no single way to conduct PLS. Alternative options are available to ensure that PLS is conducted in a systematic and impactful way, which is compatible with the practices of different jurisdictions. The practices recorded and examined give rise to the following lessons.

1. Legislative basis for PLS

Comparative findings show that there are very different practices when it comes to the legislative foundations for conducting PLS.

Explicit obligations for the parliament to conduct PLS can be found at constitutional level, legislative level or in the rules of procedure/standing orders of the parliament.

In most countries there are no explicit provisions on PLS, yet it is considered to form an integral part of committee business.

Although practices vary, it is good practice to have a solid legal basis for PLS. The level at which such an obligation can be consolidated (at the level of the constitution, legislation, standing orders, policy documents) is subject to jurisdictional intricacies. However, an explicit mandate for PLS in standing orders has the advantage of making PLS a formal part of parliamentary and committee business.

2. Bodies conducting PLS

Practice shows that a range of parliamentary bodies can be involved with PLS, including a combination of committees, such as specialised committees, ad hoc committees, thematic committees, or even informal mechanisms like caucuses. Where dedicated PLS committees are in place, it is recommended to explore routes for cooperation with standing committees to ensure ownership and cross committee involvement in the PLS process.

3. Human and financial resources

Research and committee staff play an important role in supporting the PLS process. In parliaments that conduct PLS, support comes from parliamentary clerks, staff and researchers.

In parliaments that are under-resourced or with limited capacity, it is recommended to have a team that has the capacity, knowledge and experience to support the PLS process.

4. Triggers for PLS

A systematic approach to PLS requires appropriate scrutiny triggers. This can be achieved through the systematic use of review and sunset clauses that establish clear timelines and obligations for review.

5. Method and scope for PLS

It is good practice to agree on a methodology for PLS. Further, it is good practice for committees to compile Terms of Reference for the PLS inquiry to determine the objectives and the specific questions that the PLS aims to address. It is important to specifically determine:

- focus of scrutiny (an entire law, specific provisions, several laws, etc)
- the questions that the PLS will focus on (implementation, impact or both) but also specific issues that are important to address given the act in question
- key stages of the PLS and stakeholders to be involved
- timelines, expected outcomes, and follow-up

It is a good practice to make PLS plans and PLS scope and objectives public so that interested stakeholders are duly informed about it and prepared.

6. Data collection and consultation

There are limited formal rules on data collection for PLS purposes. Parliaments have considerable experience in this field but are also experimenting with new approaches to data collection and are demonstrating an active interest in ensuring active citizen engagement in their processes. Several innovative practices are recorded including the use of digital tools and consultation platforms but also deliberative tools with direct citizen participation. Given that PLS is a participatory exercise, it is good practice:

- to involve a broad array of stakeholders and especially those that are directly impacted and those that are not often heard
- to move beyond traditional methods (e.g. hearings) to ensure that target populations have an opportunity to participate

7. Reporting on PLS

It is good practice for PLS reports to offer a comprehensive overview of the whole PLS process. A good PLS report should be short, concise, user-friendly, documented, with clear responses to the PLS questions and clear recommendations to specific addressees.

Recommendations should:

- acknowledge both positive and negative findings
- be specific with regard to what should be sustained or changed
- address the recommendations to specific authorities/institutions
- indicate how these will be monitored/ followed up
- indicate timelines for the recommendations (short, medium or long-term, or specific deadlines) to facilitate follow up and monitoring

8. Dissemination

The report of a PLS needs to be published and made publicly accessible. It is good practice to create a dedicated section in the parliament website where PLS reports can be published. It is also good practice to send a copy of the report to the witnesses and all those who contributed to the PLS process, including media, NGOs and other interested stakeholders.

9. Response

It is good practice to have a clear obligation for the government to respond to parliamentary reports. Response requirements can also be included in review clauses to be made more explicit to all bodies involved.

10. Follow up

It is important to ensure how PLS can have an impact and what kind of follow up is required to that effect. Key ways to follow up include:

- a plan of appropriate follow-up actions, including follow-up debates, follow-up evidence sessions, additional scrutiny sessions, public hearings, etc.
- researchers monitoring the implementation of committee recommendations
- a recommendations tracker to follow up on recommendations

11. Evaluation

For parliaments that are undertaking their first steps in PLS, it is important to evaluate their pilot activities to identify lessons for the future.

The evaluation should focus on the process, outputs, outcomes and impact of the PLS exercise. It can take place 2-3 months after PLS activities and take the form of a review of

PLS documentation, processes, evidence and witnesses and reporting. It can be carried out internally by the team that conducted the scrutiny or by a team of peers. It can include a review of PLS documentation, and internal discussions, and can result in an internal document with findings and recommendations. If conducted by peers, the evaluation can include two stages - a review of all written documentation of the PLS, and a workshop or focus group to discuss findings.

12. Thematic PLS

Thematic PLS can help highlight potential adverse effects that might remain hidden if not specifically explored. Thematic PLS can use a variety or a combination of lenses and perspectives such as poverty, fundamental rights, gender equality or sustainable development.

Annex 1:

About the author



Dr. Maria Mousmouti specialises in lawmaking, legislative quality and effectiveness, legislative design and drafting, and equality and fundamental rights. Her expertise covers lawmaking, legislative drafting, ex-ante and ex-post legislative scrutiny and gender sensitive scrutiny of legislation.

She lectures at the Institute of Advanced Legal Studies of the University of London and is the Executive Director of the Centre for European Constitutional Law, a research centre based in Athens, Greece. She has worked in more than 25 countries in the EU, Southern Europe, the Middle East, Africa and Asia to support legislative reform initiatives through evidence-based advice and capacity building. She is a WFD Associate Expert.

Recent publications include her monograph 'Designing Effective Legislation' (2019), four papers on gender sensitive post-legislative scrutiny (2020), an edited volume on [Gender Sensitive Lawmaking in Theory and Practice](#) (2023), the revised WFD Manual on Post-Legislative Scrutiny (2023), co-authored with Franklin De Vrieze, and a recent publication on [SDG-Informed Legislative Scrutiny](#) (2025). She also contributed to the OSCE/ODIHR publication '[Guiding Principles of Democratic Lawmaking and Better Laws](#)' (2024).

Annex 2: Endnotes

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