

# CHAPTER 8: ASSESSING A BILL'S FORM

Keep in mind: A bill's form affects its substance, just as its substance affects its form.



Chapter 4 pointed out that, when you vote for a bill, you vote only for the words that, as lawyers put it, appear within the bill's 'four corners.' This chapter emphasizes that, once you understand a bill's substantive design, you can assess whether its **form** seems likely to ensure effective implementation. Conversely, content and form make up two sides of the same coin: fully to assess a bill's substance, you must also assess its form.

This chapter will examine –

- A. The three criteria legislative theory suggests for assessing a bill's form: its completeness, accessibility, and usability;
- B. A bill's structure (its outline);
- C. The way the bill chains words together; and
- D. A bill as an amendment to existing law

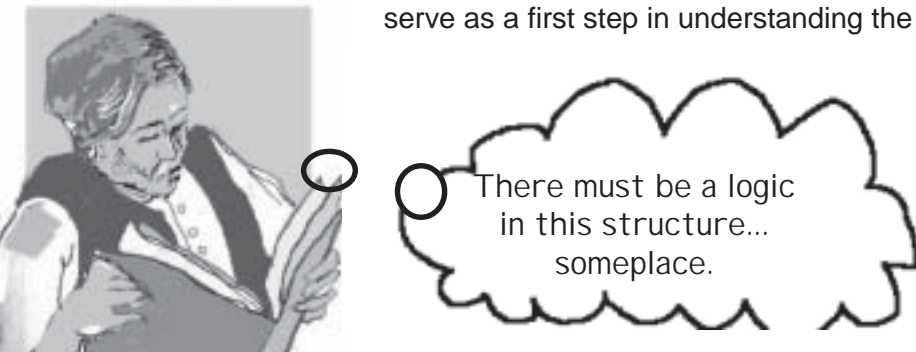
## A. CRITERIA FOR ASSESSING A BILL'S FORM

As legislator, you must determine whether a bill's form will contribute to changing the institutions – the problematic behaviors – that block transition and development in the public interest. Three criteria – completeness, accessibility, and usability – suggest detailed questions as to whether a bill's form will likely lead to effective implementation. **Completeness** asks, does the bill and associated laws include all the prescriptions necessary to accomplish the desired institutional transformation? **Accessibility** asks, can a reader readily understand how the law requires primary role occupants and implementing agency officials to behave? **Usability** asks, can a reader easily use the law's text? The next sections help to test the bill's form against these three criteria. We begin with a bill's structure, its outline.

## B. ASSESSING A BILL'S STRUCTURE (OUTLINE)

Just as assessing a bill's substance requires wrestling with issues of form, so assessing a bill's form, especially its structure, requires wrestling with issues of substance. This section discusses:

- how a transformatory bill's **outline** — its structure — should help readers to understand the bill's function in overcoming obstacles to good governance, transition and development;
- how a bill's **outline** should help to assess the bill's substantive accessibility and utility, as well as its formal and therefore its substantive **completeness**;
- how a **default system for grouping and ordering** the bill's provisions may serve as a first step in understanding the bill's **outline**.



### 1. Structuring a bill

To ensure effective implementation, a transformatory bill's outline should clarify the logic that underpins its prescriptions. A badly structured bill may hinder effective implementation in three ways. First, it may prevent readers from understanding how the bill's substantive provisions relate to each other, violating the criterion of **accessibility**. A bill's outline should communicate its underlying logic so that its users will likely behave and, as necessary, interact with each other as the bill prescribes.

To engage creatively in implementing a new law's detailed provisions, both the primary role occupants and the implementing agency officials need a deep understanding of how, by behaving as the new law stipulates, they can help to overcome the social problem, and improve citizens' lives. Only then will they likely play their prescribed new roles creatively, with ingenuity, with entrepreneurship, and with spirit.

Second, a bill's structure should ensure its **usability** by positioning the prescriptions as to the users' behaviors so they can find them with as little page-turning as possible. It should not contain cross-references.

## AVOID CROSS REFERENCES

To avoid repeating a definition of a word already defined in another law, a drafter might write, "In this statute, a 'steam engine' has the meaning it has in Statutes 1998, Chapter 17, section 3(1)." To understand the new law, a reader must scramble to find the old one. Instead, to make the new law more usable, you should make sure that, instead, the drafter copies the old definition in the new text.

Finally, an appropriately-structured bill should prove substantively *complete*.



## 2. Examining structure to assess completeness.

You can determine whether a bill seems *complete* by examining its outline.

Recall that legislative theory emphasizes that a bill's provisions, together with the existing legal order, comprises a legislative system comprised of eight subsystems (see Chapter 4, pp. 58): ***The primary system composed of prescriptions directed to changing the primary role occupants' behaviors, plus seven other subsystems to ensure the primary role occupants behave as prescribed.***

That implies that either the bill itself or existing laws, decrees, and regulations prescribe the essential behaviors of the eight sets of actors.

Seldom do all the relevant prescriptions appear in a single bill. Usually several, sometimes most of the essential rules appear elsewhere in the country's body of existing law. Since a bill's outline often lists only some of the prescribed subsystems, be sure to ask the bill's sponsors ***where the existing body of law provides for the other necessary subsystems.*** Ask them, too, to provide the facts and logic necessary to demonstrate that, as established by existing laws, ***those subsystems will ensure this particular bill's effective implementation.***



If you require an important bill's sponsors to accompany the draft with a research report, be sure to insist that the solutions part briefly provides this information.

For example: If a primary role occupant disobeys the law, will an injured person have a cause of action – the right to sue in court – for damages (a question of sanctions)? Who will determine disputes under the new law? By what procedures and criteria? Who will monitor and evaluate the implementation of the law’s provisions, and their social impact? Unless the bill’s proponents can satisfactorily explain where to find the missing subsystems, either in the bill or other existing law, insist that they redraft the law **to complete the entire legislative scheme**.

### 3. Assessing a bill’s structure for accessibility and usability

The **grouping and ordering of a bill’s provisions** help determine its **accessibility** and **usability**. **Grouping** reflects the drafters’ decisions as to **what prescriptions belong together** in each section, Chapter, or Part. **Ordering** comprises the order of prescriptions within each group. The principles used for grouping and ordering determine the bill’s outline.

Think about the principles according to which different people might sort out piles of used clothing. A used-clothes salesman might sort them for the different markets in which he hopes to sell them (warm clothes to markets in cold climates, for example); the director of a home for the homeless, according to the sizes of the garments and whether for men, women, or children; a paper manufacturer, according to the clothing’s utility for grinding into pulp to make rag-type papers; a laundry operator, according to their colors and the likelihood of their discoloring other clothing in the washing machine load. In the same way, drafters should group and order their bills’ provisions to facilitate their users’ convenience.

To assess an outline’s accessibility and usability, see if you can discover by what principle the drafter grouped and ordered the bill’s provisions. If you cannot, ask the bill’s supporters. If they cannot articulate a meaningful principle, return the bill for redrafting.



Be sure the bill’s outline makes it easy for you and other readers to find and understand what the bill expects the role occupants and implementing agency officials to do.

### THREE DIFFERENT WAYS OF STRUCTURING A BILL'S PRESCRIPTIONS

Drafters usually group and order a bill's Sections, Chapters and Parts in one of the three ways. Which seems most likely ensure the bill's effective implementation?

- (a) **A 'golden thread.'** Some drafters look for a 'golden thread' that runs through a bill's various sections. For example, in hospitals, many people have contact with patients — not only doctors and nurses, but secretaries, telephone operators, emergency room orderlies, clerks, bill collectors, pharmacists, cleaning staff. As the 'golden thread' that ties them together, one drafter might group the bill's provisions around 'contact with patients.' Another might group provisions concerning the duties of various hospital personnel working on the same hospital floor: Sections concerning people working on the first floor would appear in Chapter 1, on the second floor, in Chapter 2, and so forth. Why one 'golden thread' rather than another? In reality, the drafters' unexplicated biases seem to shape their particular 'golden thread' — hardly a decision-making process grounded on reason informed by experience.
- (b) **Abstract 'logic.'** Other drafters group and order a bill's provisions in terms of a preconceived principle or abstract logic. In one country where we worked, a bill empowering an Arts and Culture Council to grant funds to support the arts 'logically' included the definitional sections first, then the provisions for appointing people to the Council, then provisions for the duties of persons on the Council, then provisions for removing persons from the board, then provisions for the Council's procedures. Only after all that did the reader discover that the bill really concerned the Council's powers and duties in making grants to artists. No more than the 'golden thread' does abstract logic seem likely to serve readers who must use a bill.
- (c) **Accessibility and usability to the bill's prospective users.** Finally, this Manual recommends that drafters consciously classify a bill's prescriptions in a way likely to ensure that the bill's structure contributes to the bill's **accessability** and **usability**.

To understand a bill's logic, try to outline the grouping and ordering of its main elements.

The 'usability' criterion implies that bill should prove useful to *all* the relevant stakeholders. A bill to provide loans to small producers may contain one set of provisions directed to informal-sector urban borrowers; one to small farmers; and one to the banks which make the loans. The *usability* criterion suggests grouping in separate chapters the prescriptions for each of these three sets of role occupants.

Frequently, in grouping and ordering a bill's provisions, you must make a judgment call. Consider the grouping of the bill establishing an Arts and Culture Council ((see [b] Abstract logic, above). To help the Council's administrators understand their responsibilities for selecting grant recipients, the bill might include a single chapter devoted exclusively to their tasks. The artist's responsibilities for preparing grant applications, and their duties

once they have received a grant, could appear in another chapter. That grouping and ordering may serve the administrators' interests. The artists, however, might find it more convenient if the bill grouped and ordered the various steps in obtaining a grant chronologically, mixing in one chapter both the procedures applicants should follow and the administrators' responsibilities in making and monitoring grants. You must judge which grouping and ordering system seems more likely to prove useful to the bill's primary users.


In general, 'accessibility' and 'usability' criteria focus attention on the ease with which a user can find a relevant section, and understand the relationship between the behaviors that that section commands, prohibits or permits, and other prescribed behaviors.



*The less time readers must spend puzzling over why a section appears at a particular point, the less time they waste in page turning to understand the bill's prescriptions, the better.*

### **C. CHAINING WORDS TOGETHER TO ENSURE A LEGISLATIVE SENTENCE'S ACCESSIBILITY AND USABILITY**

Each legislative sentence should help to ensure the bill's accessibility and usability. If you cannot easily understand a bill's legislative sentences, neither will other non-lawyers. If drafters must use words that have technical meanings (see Chapter 4, p.50), they should explain those words' meanings in the bill's definition section.



1. Always write in plain language.


**Four rules help to ensure that legislative sentences increase a bill's accessibility:**

**1. Insist that drafters write bills in *plain language*.**

Over the years, in most countries, professional drafters have developed extensive detailed rules for writing legislative sentences. Unfortunately, some employ a strange language (see Chapter 4). If you receive a bill masked by sentences in a form that you cannot understand, insist that the drafter rewrite them ***in language that you can understand***. If you do not understand a bill's sentences, you should vote against the bill.

A bill should use a vocabulary easily accessible to its readers. A bill to strengthen peasant cooperatives should use words easily understood by those likely to use the bill daily: Department of Cooperatives officials, and cooperative officers and members who do not have lawyers at beck and call. A bill about banks, in contrast, may primarily aim to help judges and lawyers resolve disputes about and among banks (who usually have legal advisors).

A bill's subject matter may touch on that of an older law which used archaic or complex language. Rather than rewrite the old existing law to ensure consistency, the drafter may use the old law's language in the new bill. You must decide whether that new bill seems sufficiently accessible and usable, or whether the drafter should rewrite both the old law and the new bill in plain language. Remember, however: officials and others using the old bill probably have become used to its language, however archaic it may appear to you. Unless good reasons persuade you otherwise, adhere to the legislative vocabulary of related, existing laws.



2. Say clearly  
**WHO DOES  
WHAT.**

**2. Specify *who* does the action.**

Almost every section of a bill ***commands, prohibits, or permits*** (see Chapter 4). As commands, prohibitions, and permissions, almost all legislative sentences should explicitly state ***Who*** does ***What***. Ask, ***Who*** does the section command, prohibit or permit to act? (To answer that, you must discover ***What*** the section commands, prohibits or permits the actor to do.)

## THREE SUBORDINATE RULES HELP YOU TO ANSWER THE QUESTION, WHO?

- i. **A bill should specify the person who must behave as it prescribes.** A corollary: A bill should never – repeat, **never** – use the passive voice; for example, **do not use** “The application shall be filed with the Registrar.” Instead, use the active voice: “The mining company shall file the application with the Registrar.”

**NOTE:** A bill should never contain statements of 'rights' and 'duties'. A bill's statement that a person has a 'right' leaves vague **who does what** to implement the detailed measures required to realize the right. As a form of disguised passive (see ii, below), it grants a judge **discretion** to decide what agency – if any – should assume responsibility for acting – if at all – to protect or advance the stated right.

NEVER USE A  
PASSIVE

- ii. **A bill's sentence should never – repeat NEVER - use a passive voice.**

Most languages have two 'voices': The active and the passive.

In the **passive** voice, the sentence's **subject** appears as its **object**. 'A farm in an agent's district shall be visited not less than twice in one year.' The passive voice (much beloved by bureaucrats) too easily omits the actor. Even if, writing in the passive voice, a drafter indicates the actor: ('A farm in an agent's district shall be visited *by the agent* not less than twice in one year'), the sentence leaves unclear whom it commands to act. (The complex verb 'shall be visited' apparently aims its command at 'the farm.')

Much better to use the **active** voice in which the sentence's subject consists of the *actor* who does something: 'An agricultural extension agent shall visit a farm in the agent's district not less than twice in one year.' Here, clearly, 'An agricultural agent' constitutes the subject; 'a farm in the agent's district,' the object. The reader has no doubt about who *does* the action.

When you find a passive voice in a bill, **tell the drafter to try again!**

- iii. **A legislative sentence must give a command, prohibition or permission only to a person or body capable of acting as prescribed.** An inanimate object, an animal, or an infant does not have the capacity to act in response to a prescription directed to them.





DIRECT PRESCRIPTIONS  
ONLY TO A PERSON OR  
BODY WITH THE CAPACITY  
TO ACT

1. Suppose a bill's sentence reads: "An automobile driver's license shall contain the licensee's name, address, gender, age, height, color of eyes and color of hair." It gives the command, ("shall") to an automobile driver's license – an inanimate object, a piece of paper without the *capacity* to respond to the command. Instead, the sentence should direct its command to the person who issues the license – presumably, the Commissioner of Motor Vehicles: the Commissioner of Motor Vehicles shall include in an automobile driver's license the following:....
2. Consider further a proposed municipal by-law to keep dogs out of the park. The first draft read: "No dog may wander in a city park without a leash, subject to a fine of \$10." On consideration, the municipal councillors realised that a dog would not have the *capacity* to observe the prohibition. Instead, the sentence should direct the command to the person in charge of the dog at the time..
3. How would you assess a bill's sentence that reads: "While in an automobile in motion, a baby shall remain seated and strapped into a car seat"? The baby has no *capacity* to obey. The bill should address the command to the person responsible for strapping the baby into the car seat (presumably, the driver).



## EXERCISE: WHO DOES THE ACTION?

*(For answers and better formulations, see the end of this chapter, p. 154)*

How would you assess the form of the following four sentences:

1. "A person more than sixty-five years of age shall receive a pension."
2. "The subordinate legislation shall include rules regulating meetings of the Commission."
3. "A director shall be liable for mismanagement of corporate affairs to a person injured by the mismanagement."
4. "A woman has a right to equal treatment by an employer."



3. EXACTLY  
WHAT SHOULD  
I DO?

### 3. Limiting the *what*?

To assess a bill's form's adequacy, you should ask, does the bill clearly state **what** the law requires the specified actor to do? (See p. 54) That raises two subordinate questions:

- a. Does each section of the bill **adequately specify** its command, prohibition or permission? Do the bill's instructions seem detailed enough so that not only the primary role occupants, but especially the implementing agency officials, can understand how to behave?
- b. Does the bill **sufficiently limit** what the relevant actors do?

Especially for purposes of transition and development, a bill must introduce carefully defined criteria and procedures to limit the the officials' discretion as to what to do (or not to do). Otherwise, officials too easily use their discretion to behave in corrupt and oppressive ways (see Chapter 6). If a bill fails to provide carefully-designed criteria and process to curb officials' discretion, insist that the drafters redraft it to provide them.

Sometimes, in conditions of rapid change or circumstances that vary widely from place to place, the bill cannot include detailed instructions to all the relevant actors. Instead, an **intransitive bill** may grant an agency power to supply the missing details by promulgating subordinate legislation, an Implementing Decree or regulations (see Chapter 6,9). In that case, ask: does the bill provide **detailed criteria** and **procedures for both formulating and implementing those rules**? Will these ensure that the agency acts in transparent, accountable, and participatory ways consistent with good governance?

The detailed commands, prohibitions and permissions of your bill and its associated regulations and implementing decrees define the the bill's policy. So far as possible, in the exercise of the legislative power, you and your colleagues should ensure the drafters specify those details in the bill. Only delegate rule-making power to a minister for sound reasons, and stipulate criteria and procedures that limit the minister's exercise of those powers (see Chapter 6).

### 4. Ensuring clarity and avoiding ambiguity.

4. Ask more questions to determine whether a bill's legislative sentences contribute to its accessibility and usability.



**Does the bill use:**

- a. Long sentences?** Long sentences make any writing difficult to understand. Only occasionally must a bill express a complicated idea that requires a long sentence. To achieve clarity in those cases, drafters should use tabulations (like the numbered questions about bill's sentences that we use here) or lists (like the lettered list of possible definitions for "a United States vessel" in the next section, b).
- b. Ambiguous words?** An ambiguous word has a several possible different meanings. Suppose a statute states that only "a United States vessel" may carry trade between ports in the United States. A 'United States vessel' might mean (a) a vessel registered in the United States; (b) a vessel built in the United States; (c) a vessel owned by a citizen of the United States, (d) a vessel owned by a corporation created under laws of the United States; (e) a vessel owned by a corporation created under a law of one of the states of the United States; or (f) a vessel owned by a corporation a majority of whose shareholders are citizens of the United States – and you might think of other alternatives. Although a word may have only a limited number of alternative meanings, its use in a sentence, unless clarified, leaves the sentence *ambiguous*. **Never approve a statute that contains a word that in context seems ambiguous.** Insist that the drafter clarify the word (probably by specifying a definition).
- c. Vague words?** A vague word, like 'reasonable,' 'appropriate,' 'properly', has nearly unlimited possible meanings. To grant an official the power to decide the meaning of a vague word gives the official equally undefined power. Suppose a statute states, "A person may not operate a motor vehicle on a highway at an unreasonable rate of speed." That empowers a police officer to arrest a person who in the officer's opinion operates a vehicle at a speed that seems unreasonable. Nevertheless, when a drafter cannot stipulate more detailed criteria, a word like 'reasonable' at least means that, if called to account, an official must explain on what grounds he considered a behavior 'reasonable'. A bill for example, may state: "The Commissioner of Labor Safety shall issue regulations setting reasonable standards for labor safety in the workplace." The use of 'reasonable' here makes it possible for a court or other review body to require the Commissioner to explain the basis for a regulation. In contrast, a rule which states in effect that the official may set whatever standard the official 'believes' appropriate remains so vague that a court would have difficulty in overturning it.
- d. Redundant words?** In the British tradition (see p. 51), drafters sometimes use redundant words like 'null and void,' or 'building or structure.' Whenever you discover that you may strike out a word without changing a sentence's meaning, ask the drafter to justify using that word, or leave it out.
- e. Same word for the same concept, different words for different concepts?** In drafting, an absolute rule holds: Same word, same meaning; different words, different meanings. If a bill uses different words to mean the same thing, make sure the drafter changes it.



## SUMMARY

*Four rules and their corollaries help to ensure that a bill's language tends towards easy accessibility by its readers.*

### Ask:

- (1) Does the bill come before you and your colleagues drafted in plain language?
- 2) Do the bill's prescriptions clearly specify **whom** it commands, forbids or permits to do **what** specified act?
- (3) Does each of the bill's sections (with a very few exceptions) adequately state a command, prohibition, or permission?
- (4) Does the bill place sufficiently precise limits on its commands, prohibitions and permissions?
- (5) Does the bill include any the following five '**no-noes**' ?
  - (a) long sentences?
  - (b) ambiguous words?
  - (c) vague words?
  - (d) redundant words?
  - (e) different words for the same concept?

## D. A BILL AS AN AMENDMENT TO EXISTING LAW

... we also need to amend existing laws.

A bill that amends (changes the text of) an existing law introduces two new issues: the use of 'tops' and the appropriate form of an amendment.

1. "**Tops.**" A bill that amends an existing law usually begins with a sentence (called a 'top') like this: "Section so-and-so of the



This- and That Law, 1993, is hereby amended by....” A ‘top’ prescribes how responsible officials should keep the law’s corpus in order. It instructs them that, as from the date that the amendment comes into force, they, they should consider the corpus of the law changed as the amendment prescribes.

2. **A bill embodying an amendment** may come in a variety of forms, some less accessible or usable than others. The amending bill’s text must tell the reader **clearly how the old law read, and how that law as amended will read**. The following box details some horror stories about how **not** to make an amendment, and suggests ways to meet the criteria of **usability** and **accessibility**.

## THE FORM OF AMENDMENTS

Suppose the Central Bank Act, 1999, section 77, reads as follows:

“In determining whether to increase or to decrease the money supply, the Board of Directors shall take into account the effect of the proposed change for the money supply for consumers, the availability of capital for investment purposes, and the stability of the banking system.”

Government proposes a bill to amend section 77 by adding a new consideration that when determining whether to increase or decrease the money supply the Board of Directors should take into account: ‘the demands of development.’ How as a matter of *form* might a bill state that amendment?

Many of these forms should have the same ‘top’, something like this: “This Act amends the Central Bank Act, 1999, section 77, as follows:....” What form ought the substance of the amendment take?

FORMS OF AMENDMENTS

### ***The amendment should NOT take the form of any of the following:***

1. **A Blind amendment:** This specifies the words to be changed without including the present wording of the section at issue. *Example:*

“1. Delete after the word ‘purposes,’ the word ‘and’.

“2. Add after the word ‘system’ the words, ‘the demands of development.’”

2. **An Indirect amendment:** This states in general terms the effect of the amendment. *Example:*

“Amend the Central Bank Act, 1999, section 77, so that in determining money supply, the Board of Directors consider also the demands of development.”

BAD AMENDMENTS

**The amendment** could take one of the following forms:

1. **Repeal and re-enactment as amended:** Repeal the old section and re-enact the new section as amended. *Example:*

“This Act repeals the Central Bank Act, section 77, and in its place enacts the following:

“In determining whether to increase or to decrease the money supply, the Board of Directors shall take into account the effect of the proposed change in the money supply for consumers, for the availability of capital for investment purposes, the stability of the banking system, and the demands of development.”

**Disadvantages:** Repeal and re-enactment as amended has two weaknesses:

- a. It does not on the face of the bill reveal the old wording of the Act amended.
  - b. In some legislatures, as a matter of procedure, an amendment opens up for debate everything mentioned in the bill. This form of amendment opens for debate the entire section, not merely the issues raised by the amendment itself.
2. **Strikeouts and additions:** (Probably the best method.) Print in the bill the entire section as existing, and with the amendments appearing as strikeouts and additions. *Example:*

“In determining whether to increase or to decrease the money supply, the Board of Directors shall take into account the effect of the proposed change for the money supply for consumers, the availability of capital for investment purposes, the stability of the banking system, AND THE DEMANDS OF DEVELOPMENT.”



## SUMMARY

When you vote for a bill, you vote approval of its ***inextricably linked substantive content*** and its ***form***. The bill’s ***substantive clauses*** must effectively alter or eliminate the causes of the problematic behaviors that comprise a social problem; otherwise, it will only by chance induce the new required new behaviors. The bill’s ***form*** must ensure its users understand its content; otherwise, they likely will not behave as the new law prescribes.

A bill's form must conform with the **criteria of completeness, accessibility and usability**. To assess a bill's form, first examine its structure (or outline). Second, ensure the bill articulates **Who** does **What**, and the nature and extent of the **limits** it imposes on what those actors do. Third, check on each sentence's clarity. If relevant, make sure that an amendment's **form** proves accessible and useable.

To effectively exercise your legislative power, you must do more than assess a bill's substantive content; you must ensure that its form facilitates users' efforts to behave in ways likely to contribute to good governance, transition and development.



## EXERCISES

1. This Manual asserts that just as substance determines form, so form determines substance; the two have inextricable linkages. Do you agree? Why or why not?
2. The Manual further asserts that the unity of form and substance implies that you should assess a bill's **form**, not only in terms of the rules relating to the use of language, but with sensitivity to the implications of the use of language for the bill's **substance**. Again: do you agree? Why or why not?
3. In the developed world, where the law has as its principal purpose to guide a judge in deciding lawsuits, most persons who have considered the matter use a bill's **clarity** as the principal for assessing its form. In contrast, expressly focusing attention on the use of law as an instrument of social change, this Manual asserts that, in assessing a bill's form, a legislator should use the criteria of **completeness, accessibility and usability**. Does the difference between using the law as a guide to deciding lawsuits, rather than using it as an instrument of social change, justify these different criteria?
4. Why, to assess a bill's form, should you:
  - a. Examine its outline ('structure' or 'architecture')?

- b. Ensure that its detailed provisions specify who does what, and when and where they should do it?
- c. Check on each sentence's clarity?
- d. Ensure that an amendment proves accessible and useable?



## SOME ANSWERS: BETTER FORMULATION OF SENTENCES (exercise on page 146)

1. The bill commands the subject — 'a person more than sixty-five years of age' — to — 'receive' a pension. To receive something does not constitute action. The action here consists of *giving* of the pension. The sentence should state, for example, "The Commissioner of the Pension Fund shall pay a pension to a person more than sixty-five years of age."
2. This sentence directs a command to an inanimate object — the —'regulations.' You should propose an amendment that directs the command to whomever the bill grants the power to make and promulgate the regulations.
3. The sentence does not state who does the action. Presumably, the bill's drafter assumed that, in a properly brought lawsuit, a court would order the director to pay damages to a person injured by the director's mismanagement. The bill should say so.
4. The sentence does not command, prohibit or permit. Instead, it declares that a woman has a 'right.' Elementary jurisprudence teaches that a 'right' always has a correlative 'duty'. Here, the employer apparently lies under a duty to accord a woman 'equal treatment' — but that duty seems stated indirectly, and very vaguely. To improve the bill, the drafter could write the sentence as a direct command to the employer to act as necessary to accord women equal treatment with men in the employment relationship — for example, commanding the employer to pay equal wages for work of equal worth, to promote women by the same criteria as the employer promotes men, etc.