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**CONTENIDO:**

**Mandate**

1. Parliament has a responsibility to monitor that the laws it has passed have been implemented as intended and have had the expected effects. Therefore, Post-Legislative Scrutiny is an important tool for increasing government accountability.
2. Three binding instruments typically provide a mandate for Post-Legislative Scrutiny: ministerial undertakings, review clauses in legislation or sunset clauses.
3. Even when no binding commitment to Post-Legislative Scrutiny is made during the passage of the bill, Parliament should be able to undertake Post-Legislative Scrutiny on any matter that it so chooses.

**Scope**

4. Post-Legislative Scrutiny reviews both the enactment of law and its impact on society, and hence contributes to improve the law itself and people's well-being.
5. To make use of time and resources in the most effective way, parliament needs a transparent process for identifying the pieces of legislation that are selected for Post-Leg review.
6. To understand the implementation and impact of legislation, it is useful to review secondary or delegated legislation at the same time as reviewing the primary act.
7. Post-Legislative Scrutiny provides an opportunity to assess the impact of legislation on issues which cut across different Acts, such as gender or minorities.

**Participants**

8. Parliament should consider whether responsibility for Post-Legislative Scrutiny should lie with its standing (permanent) Committees or with a dedicated body. Post-Legislative Scrutiny should be an inclusive process in which all party groups are able to participate.
9. For parliament to conduct Post-Legislative Scrutiny inquiries effectively, it needs to empower its human resources and enable them to work with appropriate ICT systems and applications. Parliament may consider whether to establish a specialised Post-Leg parliamentary service or to outsource this function to an external independent review panel that must report to parliament
10. Public engagement in Post-Legislative Scrutiny enables access to additional sources of information, increases the credibility of the findings and enhances public trust in democratic institutions

**Processes**

11. Inclusion of Post-Legislative Scrutiny in the parliamentary rules of procedures contributes to generating clarity, purpose and resources to Post-Leg activities.
12. Post-Legislative Scrutiny processes avoid a simple replay of policy arguments from the time when the merits of the law were debated.

13. Effective Post-Legislative Scrutiny requires full and timely access to governmental information, as well as to the views of a wide range of stakeholders, including civil society organizations.

14. Parliament should have processes in place to ensure consideration of the findings of Post-Legislative Scrutiny so that, where necessary, changes to legislation and policy can be made in a timely manner.

**Timing**

15. Post-Legislative Scrutiny should generally take place at least three years after of enactment of the law in question.



# PRINCIPLES

## of Post-Legislative Scrutiny by Parliaments

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*Principles of gender analysis and Post-Legislative Scrutiny were examined at an expert seminar in the Scottish Parliament in November 2017.*