

**UNIFIED RULES**  
**FOR LEGISLATIVE DRAFTING IN THE INSTITUTIONS OF BOSNIA AND**  
**HERZEGOVINA**

*(“Official Gazette of BiH”, no. 11/05, 58/14 and 60/14 – unofficial consolidated version)*

*This unofficial consolidated version contains the text of the Unified Rules for Legislative Drafting in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH“, no. 11/05), text of the Amendments to the Unified Rules for Legislative Drafting in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH“, no. 58/14) and text of the Amendments to the Unified Rules for Legislative Drafting in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH“, no. 60/14).*

*Unofficial consolidated version can be used only for internal purposes and it cannot be used for official purposes.*

**SECTION ONE - INTRODUCTORY NOTES**

**Article 1**

**(Scope of application with regards to subjects)**

- (1) Unified rules for legislative drafting in the institutions of Bosnia and Herzegovina (hereinafter: Rules) define the rules to be observed by those in charge of legislative and normative tasks when drafting the rules in the institutions of Bosnia and Herzegovina.
- (2) Other incumbents of normative tasks at lower levels of authority in Bosnia and Herzegovina, as well as the Office of the High Representative are recommended to observe these rules.
- (3) If legal acts are enacted following an emergency procedure and in case when they regulate special issues that, due to their urgent nature, specific content and particularity in relation to other regulations, these rules cannot be applied, those in charge of drafting legislation are not bound to observe these rules.

**Article 2**

**(Scope of application regarding a subject)**

- (1) According to these rules, the term “regulation” implies:
  - a) Constitution,
  - b) Agreement (if the other party agrees),
  - c) Law,
  - d) Rules of procedure,
  - e) Decision,
  - f) Instruction,
  - g) Rulebook, and
  - h) Other general legal acts.
- (2) These rules can be applied on individual acts, as well as on international agreements, resolutions and other acts of declaratory nature, if their nature allows it.

## **SECTION TWO - UNIFIED TECHNIQUE OF LEGISLATIVE DRAFTING**

### **CHAPTER I - CONTENT OF REGULATION**

#### **Article 3 (Structure of regulation)**

(1) Regulation is structured in the following way:

- a) Introductory part
- b) Main body
- c) Final part

(2) If the nature of regulation requires it, regulation can have its annexes.

#### **Part A. Content of introductory part of regulation**

#### **Article 4 (Introductory part)**

(1) Introductory part of a regulation comprises:

- a) Preamble,
- b) Title of regulation,
- c) Subject.

(2) Introductory part of regulation can contain definitions.

#### **Article 5 (Preamble)**

(1) Preamble is part of regulation that stands at its beginning and contains information the legal basis for adoption of the regulation, i.e. provisions from which the power of its enactment arise.

(2) Preamble of legal regulation represents the procedural manner by which the regulation has assumed its legal power, referring to the regulations of higher legal relevance, the name of the body passing it and the ordinal number of the session at which the body has adopted it as well as the date of adoption.

(3) When a body passing a legal regulation is previously obliged to obtain opinion or approval of another body, the preamble should contain the name of the body that issued its opinion, i.e. approval for passage of the regulation.

(4) Abbreviations and acronyms are not used in preamble.

(5) Paragraphs (1) and (2) of this Article do not relate to constitutional provisions.

#### **Article 6 (Title of regulation)**

(1) Title is part of regulation that follows the preamble and contains basic information on the subject regulated by the regulation according to which it is identified.

(2) Title must be written without abbreviation and acronyms and punctuation marks.

(3) Title needs be a term that is synthetic, yet adequate to the content of the legal regulation. If that is not possible, sine the regulation contains different subject s then the title contains synthetic content that is most relevant for the regulation.

## **Article 7**

### **(Overview of the content)**

- (1) Overview of content is part of explanation and it contains the information on the structure of the regulation.
- (2) In the formulation of content list or table is used in which all the segments of the regulation or of its articles are marked by numbers and titles.
- (3) Overview of content is particularly needed when a new subject or a complex subject is subject of regulation.
- (4) Publishing service of the House of Peoples decides on eventual need to publish the content overview in the "Official Gazette of BiH".

## **Article 8**

### **(Subject)**

- (1) Subject is part of regulation that follows the title or precedes the content overview and to contain information on the purpose and goals of the regulation.
- (2) When formulating the subject, basic content of the regulation relevant for the entire content of the regulation should be mentioned.

## **Article 9**

### **(Definition)**

- (1) Definition is part of regulation that follows the subject and contains information on the meaning of terms used in the regulation.
- (2) When formulating the definition it is important to use common and unambiguous terms that do not need further definitions.

## **Part B. Content of the main body of regulation**

### **Article 10**

#### **(Main body)**

The main body of legal regulation contains normative power of the regulation and determines rules that would be used in order to achieve the set goals, and it may include:

- a) General principles,
- b) Right and obligations,
- c) competencies,
- d) Application of provisions,
- e) Punitive provisions.

### **Article 11**

#### **(General principles)**

- (1) General principles are part of regulation that is put in the beginning of the main body of the regulation and it contains information on the key values the regulation regulates.
- (2) The content of principles should be clearly explained, except in the case when the principles correspond to a well-known legal concept.

**Article 12**  
**(Rights and obligations)**

- (1) Rights and obligations are part of regulation that follows general principles, if they exist, and they contain information on the effect of regulation on those concerned.
- (2) Provisions relating rights and obligations should be defined as clearly as possible, with particular emphasis on their effect on the budget.

**Article 13**  
**(Competencies)**

- (1) Competencies are part of regulation that follows rights i obligations, if they exist, and it contains information on additional by-laws that should be adopted by different bodies in the framework of implementation of the regulation.
- (2) Competence for passing regulation indicates:
  - a) The body responsible for passing a by-law,
  - b) Scope of by-law,
  - c) Included time frame and can contain a clause whereby by-laws' validity terminates automatically after a certain period of time.

**Article 14**  
**(Application of provisions)**

- (1) Application of provisions is part of regulation that follows competencies, if they exist, and it contains information on institutions and procedures necessary to implement the regulation.
- (2) Provisions establishing new institutions must clearly determine their responsibility, management structure and obligations.
- (3) Provisions establishing new procedures must clearly determine the situations in which general rules of administrative procedure are not applied.

**Article 15**  
**(Penal provisions)**

- (1) Penal provisions are part of regulation that follows provisions on application, if they exist, and they contain information on sanctions in case of violation of a certain provision of the regulation.
- (2) Each punitive provision indicates the punitive actions and relevant sanctions, taking into account that:
  - a) Definition of punitive action is determined without the possibility of different interpretation,
  - b) Definition of sanction is determined within the limitations of their maximum and minimum sanction.

**Part C. Content of the final part of regulation**

**Article 16**  
**(Final part)**

- U final part of legal regulation, information is contained on the time when the regulation enters into force and the initial period of its application and it may include:
- a) Transitional provisions,
  - b) Final provisions,
  - c) Date and signature.

**Article 17**  
**(Transitional provisions)**

- (1) Transitional provisions are part of regulation at the beginning of the final part of regulation, and they contain information on special circumstances envisaged for the period of the start of application of the regulation.
- (2) Transitional provisions incorporate the provisions on transition to the new system that regulates a certain situation or relationship in a different manner.

**Article 18**  
**(Cases, i.e. proceedings pending before legally valid decision)**

Transitional provisions regulate the cases, i.e. proceedings that are not concluded in a legally binding manner on the date of entry into force of the regulation:

- a) By determining deadline after which a new manner of regulating cases, i.e. proceedings shall be applied,
- b) Allowing for cases, i.e. proceedings that were initiated on the basis of earlier provisions to be concluded, using the following formulation:

*"All cases, i.e. proceedings that were not concluded in a legally binding manner until the date of entry into force of this regulation, shall be concluded following the provisions of the regulation that was in force at the time of its entry into force."*

**Article 19**  
**(Limiting provisions)**

- (1) Limiting provisions are part of regulation that follows transitional provisions, if they exist, and they contain information on special limitations in the application of the regulation with regards to space and time.
- (2) Limitations in the application of the regulation with regards to space may be solved by using the following formulation:

*"these regulations are valid only for... ''.*

- (3) Limitations in the application of the regulation with regards to time may be solved by using the following formulation:

*"these regulations are valid only until... or ... from... ''.*

**Article 20**  
**(Provisions on putting regulation out of force)**

- (1) Provisions on putting regulation out of force are part of regulation that follows the limiting provisions, if they exist, and they contain information on regulations that are put out of force by entry of the new regulation into force.
- (2) Provisions on putting regulation out of force must state clearly every regulation that is put out of force.

**Article 21**  
**(Final provisions)**

- (1) Final provisions are part of regulation that follows transitional provisions and they contain information on when the regulation enters into force.
- (2) Regulation, in terms of constitutional principles, enters into force upon the expiry of a certain deadline after their publication and it must be stated that way. In the case of law, it is a period of eight days, and never earlier than one day after the day of publication.