



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

No. 19 /NA
Vientiane Capital, Date: 12 July 2012

Law on Making Legislation

PART I GENERAL PROVISIONS

Article 1. Objectives

This Law defines principles, regulations and procedures for making legislation to ensure that the development and amendment of legislation is effective, transparent and uniform throughout the country and ensuring that the content of legislation has quality, completeness, is easy to understand, implementable and reflects the realities of the country, [that legislation] enables regional and international integration, and [that legislation] contributes to the development of the rule of law state of the people, by the people and for the people.

Article 2. Making Legislation

Legislation is a legal normative document that regulates social relations and is of general or specific legal application, and is developed, adopted and promulgated by the authorized State authority at the central and local levels.

Making legislation is a legislation drafting process by the authorized State authority at the central and local levels, ranging from preparation, information collection and writing; down to the adoption and promulgation steps.

Making legislation includes the amendment of legislation. The amendment of legislation is the addition to and deleting from [legislation], or changing the principles [in legislation] that are inconsistent [with each other].

Article 3. Types of Legislation

There are two types of legislation:

1. Legislation of general application;

2. Legislation of specific application.

Article 4. Legislation of General Application

Legislation of general application is legislation that governs the state, economy and society without focusing on a particular organization or individual, and is enforceable throughout the country or a certain region/area.

Legislation of general application consists of:

1. The Constitution;
2. Laws;
3. Resolutions of the National Assembly;
4. Resolutions of the Standing Committee of the National Assembly;
5. Ordinances of the President of the Republic;
6. Decrees of the Government;
7. Resolutions of the Government;
8. Orders and Decisions of the Prime Minister;
9. Orders, Decisions and Instructions of the Minister, Minister-Equivalent and Head of a Government Authority;
10. Orders, Decisions and Instructions of the Provincial Governors and Capital Governor;
11. Orders and Decisions of the District and Municipality Chiefs;
12. Village Regulations

International treaties are legislation that shall be implemented in accordance with the provisions of specific legislation.

Article 5. Legislation of Specific Application

Legislation of specific application is legislation that governs administrative activities that focus on a certain organization or individual.

Legislation of specific application includes a:

1. Presidential Decree on the Promulgation of a Law;
2. Presidential Decree, Decree or Decision on the award or appointment of a certain person for a certain position or specific activity;
3. Notice.

Article 6. Policy for Developing Legislation

The State promotes the development of legislation comprehensively in all areas for public administration and social regulations by providing the budget, vehicles and equipment, [and] human resources in the legal field to contribute steadily over time to the development of the Rule of Law State.

The State encourages individuals, legal entities and organizations, both public and private, to widely and deeply provide comments on draft legislation to ensure that draft legislation has a comprehensive content.

The State promotes strict abidance and implementation of existing legislation by all sectors of the society.

Article 7. Basic Principles for Developing Legislation

The development and amendment of legislation shall be implemented according to the following basic principles:

1. Consistent with political orientation, the Constitution and laws, and actual economic and social situation;
2. Consistent with agreements and treaties to which Lao PDR is a party;
3. Under the mandate of the authorized [State] authority issuing legislation;
4. Has a development plan and complies with procedures on the making and amendment of legislation;
5. Ensures transparency, openness, and cooperation with relevant sectors, broadly expands democracy, and comments are extensively sought;
6. The national, scientific and community characteristics [of the legislation] are secured.

Article 8. Provision of Comments

Domestic and foreign individuals, legal entities and organizations in both the public and private sectors are eligible to provide comments on draft legislation by sending their comments to the authority in charge of making legislation according to the defined time and procedures.

The organization in charge of making legislation shall post draft legislation including the constitution, laws and decrees on the website or printed media or other means to ensure that the public can have easy access to them for a period of at least sixty days for comments, except for necessary cases and emergencies as decided by a resolution or other legislation as defined in this law.

Article 9. Contradiction of Legislation

Legislation being developed shall be consistent with higher legislation. If the provisions of existing legislation and newly adopted legislation are inconsistent with the provisions of international conventions or treaties that Lao PDR is party to, the provisions of the international convention or treaty prevails and [the provisions of] existing legislation or newly adopted legislation shall be revised in due time.

Where a contradiction exists, legislation of the higher level shall be applied. If a contradiction of legislation at the same level exists, the later legislation shall be applied. If legislations at the same level contradict each other, the provisions of specific legislation shall prevail.

Article 10. Simultaneous Amendment of Several Laws

When it is necessary to amend provisions in several laws at the same time, this may be made through one single legal document called a “law on amendment to laws”.

Article 11. Language Used in Making Legislation

Language used in making legislation shall be the Lao [language]. The use of terms, phrases and wording of legislation shall be certain, precise, complete and easy to understand. If a technical term is used, such term shall be defined or written in a foreign language, if necessary.

Article 12. Translation of Legislation into a Foreign Language

[Promulgated and] enforceable legislation can be translated into a foreign language for the purpose of dissemination and use as [general] information.

Individuals, legal entities and organizations have a responsibility for their own translation.

Article 13. Scope of Application

This Law applies exclusively to make and amend legislation of general application as defined in Article 4 of this Law.

This Law does not apply to legislation on case proceedings of the People’s Court [and] People’s Prosecutor and legislation of specific application.

Article 14. International Cooperation

The State promotes relations and cooperation with foreign countries and with regional and international organizations in relation to the development of legislation by exchanging experiences, sharing data and information, organizing seminars, upgrading knowledge and technical capacity and assisting in the development of legislation and implementation of international conventions and treaties that Lao PDR is a party to.

PART II

MAKING AND AMENDING THE CONSTITUTION

Article 15. Making and Amending the Constitution

The Constitution is the fundamental law of the nation that only the National Assembly is eligible to make and amend.

For the purpose of making and amending the Constitution, a National Committee for Making or Amendment of the Constitution shall be established [to make or amend it], collect information and conduct public consultations in a broader manner than making and amending of laws.

The National Assembly determines the detailed regulations on the procedures for making and amending the Constitution.

Article 16. Adoption of the Development and Amendment of the Constitution

The adoption of the development and amendment of the Constitution shall be voted for by at least two thirds of the total number of National Assembly members.

PART III

MAKING OR AMENDING A LAW

Article 17. Law

A law is legislation that is developed by the authorized authority, adopted by the National Assembly and promulgated by the President of the Republic [and] that defines principles, regulations and measures governing social relationships in many areas or in a specific area, and is effective nationwide and is long lasting.

Article 18. Organizations and Persons Eligible to Propose the Drafting of a Law

Organizations and persons that are eligible to propose drafting a law are:

1. President of the Republic;
2. Standing Committee of the National Assembly;
3. Government;
4. People's Supreme Court;
5. People's Supreme Prosecutor;
6. Lao Front for National Construction and National Mass Organizations.

Article 19. Steps for Making or Amending Laws

Law making and amending shall be implemented according to the following steps:

1. Planning for law making and amendment;
2. Drafting a law;
3. Reviewing the consistency of a draft law by the Ministry of Justice;
4. Reviewing a draft law by the Government;
5. Reviewing a draft law and adoption of a law by the National Assembly;
6. Promulgation of a law by the President of the Republic.

Chapter 1 Planning for Law Making and Amendment

Article 20. Planning for Law Making and Amendment

The organizations and persons that are eligible to make or amend a law shall develop their law making and amendment plan by determining clear prerequisites, purposes, objectives and scope in making and amending a law, requirements and essential conditions needed for law making or amending activities and proposals to submit to the Standing Committee of the National Assembly for consideration.

Other individuals, legal entities or organizations are eligible to provide comments on law making or amendment to the organization and persons in charge of law making and amendment in order to provide input into the law making and amendment plan.

Article 21. Types of Law Making and Amendment Plan

Law making and amendment plans consist of a five-year plan and an annual plan.

A five-year plan for law making and amendment is a plan that is considered and adopted by the first session of each National Assembly.

An annual plan for law making and amendment is a plan that is determined by the Standing Committee of the National Assembly on the basis of the adopted five-year plan for law making and amendment and on the proposal of the authority and person that are authorized to propose drafting laws.

Article 22. Proposal for a Law Making and Amendment Plan

The authorities that are in charge of law making shall develop a five-year law making and amendment plan together with an explanatory note, amendment objectives of the law, potential benefits, resources and implementation mechanism and submit to

the Ministry of Justice before the first of September of the fourth year of the five-year National Assembly term for review and compilation before sending to the Government.

The Government considers and proposes a law making and amendment plan to the Standing Committee of the National Assembly within January of the following year.

The People's Supreme Court, People's Prosecutor, Lao Front for National Construction and National Mass Organizations shall develop their law making and amendment plan and send it to the Government before the first of September of the fourth year of each National Assembly for written consultations before submitting it to the Standing Committee of the National Assembly.

Article 23. Review of the Law Making and Amendment Plan

After receiving the law making and amendment plan from the authorized authority that is in charge of making laws, the Standing Committee of the National Assembly shall assign the Law Committee of the National Assembly to cooperate with other concerned Committees of the National Assembly to review the law making and amendment plan before submitting [it] to the Standing Committee of the National Assembly.

Article 24. Proposal and Consideration for the Law Making and Amendment Plan

The Standing Committee of the National Assembly compiles and proposes a five-year law making and amendment plan to the first session of each new National Assembly term for adoption.

An annual law making and amendment plan is adopted by the Standing Committee of the National Assembly on the basis of the adopted five-year law making and amendment plan and based on the proposals from organizations and persons that are eligible to propose law making and amendment.

Article 25. Amendment of the Law Making and Amendment Plan

If it is needed to amend the law making and amendment plan, the Standing Committee of the National Assembly will consider and adopt [the plan] based on the proposals from organizations and persons that are eligible to propose law making and amendment.

The Standing Committee of the National Assembly shall report the amendment of the law making and amendment plan to the next ordinary session of the National Assembly.

Article 26. Implementation of the Law Making and Amendment Plan

The Standing Committee of the National Assembly shall send the adopted five-year and annual law making and amendment plan to the Government and organizations and persons that are eligible to make and amend laws.

The Government shall assign concerned sectors to implement the law making and amendment plan. The Ministry of Justice shall support, monitor and inspect the implementation of the law making and amendment plan on timely manner.

Chapter 2 Making a Draft Law

Article 27. Authority In Charge of Law Making

The authority in charge of law making is the authority that is eligible to propose law making in accordance with Article 18 of this Law [;] law making authorities of the Government are ministries and Government authorities[;] the law making authority of the President of the Republic is the Office of the President.

Article 28. Rights and Duties of the Authority in Charge of Law Making

The authority that is in charge of law making has the following rights and duties:

1. Develop a law making and amendment plan under its responsibility and a budget plan to finance the implementation of such plan;
2. Set up a legal unit;
3. Appoint a law drafting committee;
4. Provide policy guidelines to the law drafting committee;
5. Consider and adopt the implementation and budget plans in accordance with the proposal of the law drafting committee;
6. Consider the structure and content of a draft law proposed by the law drafting committee;
7. Propose a draft law and unsolved issues or comments to the Government for recommendations;
8. Propose the Prime Minister to appoint a draft law defending committee to present a draft law under the responsibility of the Government at the National Assembly session;
9. Assess the implementation of the laws in the area of its responsibilities.

Article 29. Making a Draft Law

In making a draft law, the authority that is in charge of making the law shall implement the following:

1. Establish policies on law making;
2. Appoint a law drafting committee;
3. Collect and analyze information;
4. Write the contents of the draft law;
5. Conduct public consultations;
6. Make an explanatory note and impact assessment of the draft law.

Making a new law may lead to the amendment of certain provisions of [other] promulgated laws on the same matter or area to ensure legal consistency and speed of implementation.

Article 30. Establishment of Policies on Law Making

The authority in charge of law making shall determine policies on law making and amendment for the law drafting committee, such as guidelines, principles, policies and scope of the adjustment of a law.

Article 31. Appointment of a [Law] Drafting Committee

The authority in charge of law making shall appoint a law drafting committee that consists of a Vice-Minister or Deputy-Head of the authority as the head of the committee and a head of the legal unit and some relevant technical officials as members to complete the draft and amendment of a law according to the time specified in the plan. If a law is related to several sectors, that committee shall include representatives from such concerned sectors.

The legal unit of the law drafting authority shall act as a secretariat for law making, amending and dissemination under its responsibilities.

With respect to a law that is under the mandate of the Standing Committee of the National Assembly, a law drafting committee shall be appointed by the Standing Committee of the National Assembly.

Article 32. Rights and Duties of the [Law] Drafting Committee

The law drafting committee has the following rights and duties:

1. Develop a work plan and budget plan for its operation in order to submit to the authority in charge of law making for consideration;

2. Collect and analyze information, compile policies and other matters related to the content of the draft law;
3. Determine a structure and write the content of the draft law;
4. Organize workshops, and post the draft law on a website or other printed media for public consultation;
5. Send the draft law to concerned sectors and parties for comments;
6. Ask for comments from domestic and foreign experts who have knowledge and experience related to the content of the draft law;
7. Process and consider comments from individuals, legal entities and organizations on the draft law;
8. Prepare an explanatory note and evaluation report on the draft law;
9. Report activities and progress of law drafting to the authority in charge of law making on a regular basis;
10. Implement other rights and duties as assigned.

Article 33. Determination of the Structure of a Draft Law

The drafting committee shall cooperate with the Ministry of Justice to discuss the preliminary structure and content of the draft law before writing the content of the draft law in accordance with procedures defined in this Law.

In principle, the draft law may be divided into parts, chapters and articles.

A Part or Chapter of the draft law may consist of:

1. General provisions that define objectives, policies and principles of the draft law;
2. Important matters in the law shall be developed in order to manage, resolve or promote such matters;
3. Final provisions that define those who implement the law and its effectiveness, including provisions that are cancelled by such law.

Article 34. Collection and Analysis of Information

The law drafting committee shall collect and analyze information related to:

1. Policies and existing legislation that are relevant to the draft law;
2. Conditions regarding the implementation of other laws and legislation that are related to the draft law;
3. Facts on current social and economic conditions, and social relationships that are related to the main content of the draft law;
4. International agreements and treaties to which Lao PDR is a party and international practice.

Article 35. Writing the Contents of a Draft Law

The law drafting committee writes a draft law in accordance with the structure as agreed with the Ministry of Justice and the content shall be precise, clear, accurate, complete, use terms that have specific meanings, and be easy to understand and enforceable. If a technical term is used, its definition shall be given in the draft law.

Once the preliminary draft law is finalized, the drafting committee shall propose a draft law to the head of the authority in charge of law making for consideration.

Article 36. Public Consultation

Upon approval from the head of the authority in charge of law making, the drafting committee shall submit a draft law with focal questions to [relevant] sectors, local administrations and other concerned parties for comments that are related to matters under their jurisdiction, such as the Ministry of Finance [and] Ministry of Home Affairs to ensure financial and organizational matters. The relevant authorities shall provide written comments to the law drafting committee within fifteen days after the date of receipt of the draft law.

In addition, the law drafting committee shall organize public consultation workshops and post all contents of the draft law, including explanatory note and impact assessments of the draft law, as provided in Articles 38 and 39 of this Law on a government website or its website for at least sixty days to allow the people and all parties to give comments on the content of the draft law.

The law drafting committee shall process comments received before considering and amending its draft law.

Article 37. Minutes of Meetings on Law Making

The law drafting committee shall take minutes of [law-making] meetings on important matters that have been considered and discussed in each meeting, particularly, minutes of meetings on the policies, principles, terminologies, timeframe and other important matters.

Article 38. Explanatory Note

An explanatory note is a report on the study of law making that consists of the following main content:

1. Background and matters needed to be resolved;
2. Objectives, rationale and needs for law making or amendment;
3. Explanation on the structure and content of some important articles;
4. Resources, mechanisms and implementing authority;
5. Expected outcomes from the law.

For the amendment of a law, in addition to the provisions provided above, an assessment of the past implementation of that law shall be made.

Article 39. Impact Assessment of the Draft Law

An impact assessment note for the draft law is a report on the findings of the regulatory impact and budgetary impact that may occur from the law making or amendment of the law.

The requirements for the assessments of the draft law shall be determined in a specific regulation.

Article 40. Proposal of a Draft Law to the Ministry of Justice

Once consultations and a review of a draft law have been completed, the authority in charge of law making shall propose the draft law together with an explanatory note and impact assessment note for the draft law to the Ministry of Justice not later than one hundred and twenty days ahead of the start of the National Assembly session to review the consistency and techniques of the law drafting.

Chapter 3

Reviewing the Consistency of the Draft Law by the Ministry of Justice

Article 41. Reviewing the Legal Consistency of the Draft Law

The Ministry of Justice will accept a law submitted by the authority in charge of law drafting for consideration only when the explanatory note and impact assessment note as defined in Articles 38 and 39 of this Law are attached with the draft law.

The Ministry of Justice conducts a comprehensive research and review of a draft law, particularly the structure, arranging of parts, chapters, articles and consistency of the draft law within fifteen days from the date of receipt of the draft law. If there are unclear matters, the Ministry of Justice shall send written comments to the authority in charge of law drafting for reconsideration and [that authority shall] send back the draft law to the Ministry of Justice within fifteen days from the date of receipt of comments.

In reviewing legal consistency, there shall be representatives from the Law Committee and other relevant Committees of the National Assembly to monitor such law making [process].

If it is considered that the content of the draft law is complete, generally, the Ministry of Justice will invite the drafting committee and relevant sectors to review and edit the draft law to ensure that there is consensus before proposing the draft law to the Government.

Article 42. Submitting a Draft Law to the Government

After the draft law is reviewed by the Ministry of Justice, the Ministry of Justice shall propose that draft law with a report on the preparedness of the draft law, unsolved matters, issues needing recommendations and alternatives together with an explanatory note and impact assessment note to the Government at least ninety days before the National Assembly session starts.

Chapter 4 Considering a Draft Law by the Government

Article 43. Preparation Ahead of Cabinet Meeting

After receiving a draft law and related documents, as specified in Article 42 of this Law, the Government Office shall consider the policies, non-consensus matters and matters requiring recommendations and put [them] on the agenda of the Cabinet meeting.

If necessary, the Government Office may organize a workshop with concerned parties, senior [officials] and experts regarding the matters mentioned above.

The Government Office shall submit a draft law and related documents to the Cabinet members and relevant parties not later than seven days before the Cabinet meeting starts.

Article 44. Considering a Draft Law in the Cabinet Meeting

The head of the authority in charge of law making shall present a draft law to the Cabinet meeting for consideration.

The Government meeting considers and focuses on matters reported by the Government Office after a review, particularly [for matters where there is not a] consensus and [for] new policies or principles.

[Representatives of] the Law Committee, other Committees of the National Assembly and other relevant parties may attend the Government meeting in considering a draft law.

In the case where the Government meeting has agreed and recommends that the draft law shall be amended, the authority in charge of law making shall actively and urgently amend the draft law in cooperation with the Ministry of Justice before sending [it] back to the Government to [further] submit to the Standing Committee [of the National Assembly].

Article 45. Appointment of the [Law] Defending Committee

The Prime Minister shall appoint a law defending committee based on the proposal from the authority in charge of law making to present and defend a draft law at the National Assembly session.

A [defending] committee consists of:

1. Minister or Vice-Minister, Head or Deputy-Head of the Authority in charge of law making, as the head of the committee;
2. Vice-Minister of Justice as the deputy-head of the committee;
3. Deputy-Head of the Government Office as a member;
4. Drafting committee as a secretariat.

With regard to the People's Supreme Prosecutor, People's Supreme Court, Lao Front for National Construction and national mass organizations, the Standing Committee of the National Assembly shall appoint a defending committee for that draft law, in which the head of that authority [that initiates the draft law] shall be the head of the committee, and the Vice-Minister of Justice as the deputy-head of the committee and the vice-head of the authority concerned with the draft Law as a member.

Article 46. Rights and Duties of the [Law] Defending Committee

The [Law] defending committee has the following rights and duties:

1. Prepare information related to a draft law, including policies, principles and other issues;
2. Briefly present the draft law at the National Assembly session;
3. Defend, clarify or answer questions [in response to] members of the National Assembly at the National Assembly session;
4. Amend and edit a draft law on the basis of comments from the National Assembly session.

Article 47. Presenting a Draft Law by the Government to the Standing Committee of the National Assembly

The Government [shall] present a draft law to the Standing Committee of the National Assembly not later than sixty days ahead of the start of a National Assembly session.

Article 48. Law Making and Presenting a Draft Law by Other Authorities to the Standing Committee of the National Assembly.

With respect to law making and presenting a draft law by the People's Supreme Court, People's Supreme Prosecutor, Lao Front for National Construction and national mass organizations, [they] shall follow the same procedures for law making and presenting a draft law as by the Government as defined in Chapter 2 of Part III of this Law before submitting [a draft law] to the Standing Committee of the National Assembly in cooperation with the Ministry of Justice and with comments by the

Government, if necessary, including [presenting on] the use of the State budget and the expansion of an existing [organization] or the establishment of a new organization.

Draft laws initiated by the Standing Committee of the National Assembly shall be made according to law making as defined in Article 29 of this Law, except [without] the review of consistency of the draft law by the Ministry of Justice and the consideration a draft law by the Government.

Chapter 5

Considering and Adopting a Draft Law by the National Assembly

Article 49. Granting of the Right to Review a Draft Law

Once a draft law is received from the Government, the Standing Committee of the National Assembly shall assign the Law Committee and other relevant Committees of the National Assembly to conduct a comprehensive review [of the draft law] before submitting [it] to the Standing Committee of the National Assembly for consideration.

Article 50. Content of the Review

The Law Committee and other concerned Committees of the National Assembly shall conduct a comprehensive review of the draft law that includes the following main content:

1. Necessity, purpose, objective and scope of the draft law;
2. Consistency of the draft law with Government guidelines and policies;
3. Consistency with the Constitution and other laws including international agreements and treaties to which Lao PDR is a party;
4. Compliance with law making procedures;
5. Matters proposed by the Government, particularly strategic [and] non-consensus matters, and new principles;
6. Capacity to implement that law.

Article 51. Review of the Draft Law

Reviewing the draft law shall be carried out as follows:

1. Conduct one or more reviews based on the characteristics of the draft law;
2. The draft law presented to the Standing Committee of the National Assembly for recommendations shall be accompanied by a report on the results of the preliminary review, non-consensus matters and comments made by concerned Committees;
3. The draft law proposed for approval from the Standing Committee of the National Assembly to be presented to the National Assembly session shall be accompanied by a report on the results of the comprehensive review made by the relevant Committees.

Article 52. Organizing an Open Law Consultation Workshop

The Standing Committee of the National Assembly agrees to organize an open law consultation workshop for members of the National Assembly and members of each constituency office to comment on the draft law by defining the content, scope and timing of the workshop.

The Standing Committee of the National Assembly shall process and compile comments from members of the National Assembly and members of each constituency through its assistance body to improve the content of the law before submitting to the National Assembly session for consideration.

Article 53. Conducting Public Consultation

The Standing Committee of the National Assembly agrees to organize a public consultation on a draft law if it is considered that the draft law relates to many sectors or relates directly to the common rights and benefits of the people.

The Standing Committee of the National Assembly determines the content, scope and timing of the public consultation as defined in paragraph 1 of this Article.

The Standing Committee of the National Assembly supervises the implementation and compilation of comments from the people through its assistance body in order to improve the content of the law before submitting to the National Assembly session for consideration.

Article 54. Considering a Draft Law at the National Assembly Session

The National Assembly considers a draft law in one session, unless the draft law is not approved by the National Assembly session or the draft law is presented to the National Assembly for preliminary comments for which the authority in charge of law making shall improve that draft law in accordance with comments of the National Assembly session in order to submit to the next National Assembly session.

Article 55. Procedures for Considering a Draft Law in the Session

The consideration of a draft law in a session of the National Assembly shall be carried out according to the following procedures:

1. The head of the [law] defending committee makes presentations on making and amending the law;
2. The Chairperson of the National Assembly session advises the session on how to provide comments on the draft law;
3. Members of the National Assembly shall comment on the draft law or ask questions;
4. The [law] defending committee clarifies and provides answers to unclear matters raised by the members of the National Assembly;

5. Voting on difficult matters where there is not a consensus;
6. The chairperson of the National Assembly session shall summarize and recommend the [law] defending committee to improve the draft law based on comments from the National Assembly session;
7. The National Assembly session shall vote for the adoption of a law.

Article 56. Adoption of the Draft Law

The consideration on the adoption of a law in the session of the National Assembly shall be carried out by a secret or open voting. A law shall be adopted only if it receives a majority of votes from members of the National Assembly attending the session.

Chapter 6

Promulgation of a Law by the President of the Republic

Article 57. Proposing a Law to the President of the Republic

The Standing Committee of the National Assembly proposes a law adopted by the National Assembly to the President of the Republic within twenty days from the date of the adoption by the National Assembly session to consider for promulgation.

Article 58. Consideration by the President of the Republic

The President of the Republic considers the issuance of a Presidential Decree on the Promulgation of a law not later than ten days from the date of receipt of a law from the National Assembly. During this period, the President of the Republic is eligible to propose to the National Assembly to reconsider the law. If the National Assembly confirms the original version, the President of the Republic shall promulgate a law within fifteen days from the date of the receipt of a conformation statement from the National Assembly.

PART IV

MAKING LEGISLATION LOWER THAN A LAW

Chapter 1

Making a Resolution of the National Assembly and of the Standing Committee of the National Assembly

Article 59. Resolution of the National Assembly

A Resolution of the National Assembly is a decision on a specific matter brought into discussion at the National Assembly session related to a social-economic development plan, state budget plan, implementation of a law and other matters under the mandate of the National Assembly.

Article 60. Making a Resolution of the National Assembly

A Resolution of the National Assembly is developed by the secretariat of the session of the National Assembly in cooperation with the Cabinet and Committees of the National Assembly. The making of a Resolution of the National Assembly does not require posting on a website or printed media or other means for public consultation as defined in Article 8 of this Law.

Once the draft resolution is finalized, the secretariat of the session of the National Assembly shall propose it to the National Assembly session for adoption.

A Resolution of the National Assembly session shall be approved in accordance with the provisions defined in the Law on the National Assembly.

Article 61. Resolution of the Standing Committee of the National Assembly

A Resolution of the Standing Committee of the National Assembly is a decision made on any matter brought into a meeting of the Standing Committee of the National Assembly on the implementation of a resolution of the National Assembly, the inspection of the implementation of the Constitution, laws including interpretation of the Constitution, and laws and other matters under the rights and duties of the Standing Committee of the National Assembly.

Article 62. Making a Resolution of the Standing Committee of the National Assembly

Resolution of the Standing Committee of the National Assembly is made by the Cabinet or concerned Committee of the National Assembly. The making of a resolution of the Standing Committee of the National Assembly does not require posting on a website or printed media or other means as defined in Article 8 of this Law.

Once the resolution is finalized, it shall be presented to the meeting of the Standing Committee of the National Assembly for consideration and adoption.

A resolution of the Standing Committee of the National Assembly shall have legal validity when more than half of its members present in the meeting adopt it.

Chapter 2

Making a Presidential Ordinance

Article 63. Presidential Ordinance

A President Ordinance is legislation that is lower than a law that defines principles, regulations and measures for governing social relationships or amending selected articles of a law issued by the President of the Republic in accordance with the proposal of the Standing Committee of the National Assembly.

Article 64. Authority Eligible to Draft a Presidential Ordinance

An authority eligible to draft a Presidential Ordinance is the same authority that is eligible to draft a law as defined in Article 18 of this Law.

Article 65. Drafting a Presidential Ordinance

Drafting a Presidential Ordinance shall be processed according to the same procedures as for drafting a law as defined in Part III of this Law, except procedures defined in Chapters 1, 5 and 6. The Standing Committee of the National Assembly shall examine, consider and present it to the President of the Republic.

For a Presidential Ordinance issued to amend or adjust certain articles of a [particular] law, the Standing Committee of the NA shall submit such [Presidential Ordinance] to the next NA session for adoption.

Chapter 3

Making a Government Decree

Article 66. Government Decree

A Government Decree is legislation of the Government issued to:

1. Implement a resolution of the National Assembly, resolution of the Standing Committee of the National Assembly, social-economic development plan and a strategic plan;
2. Govern social relationships in a certain area to meet the needs for State management and social-economic management where conditions to make a law are lacking;

3. Establish the organization and activities of a ministry [and] a Government agency.

In addition, the Government may also issue a decree to instruct the implementation of a law by elaborating and providing detailed explanations to certain articles of the law to make it easier to understand and to ensure uniform implementation of the law or in case that the law required that specific regulations shall be developed.

Article 67. Government Decree Making Plan

The Government shall establish a decree making plan based on the proposals of the ministries, government agencies or based on the initiative of the Government.

Ministries and government agencies shall submit their decree-making plan to the Government Office before the first of September each year.

Article 68. Drafting a Government Decree

Drafting a Government Decree shall apply the same procedures as for drafting a law as defined in this Law, except drafting a Government Decree as defined in paragraphs 1 and 3 of Article 66 of this Law that shall not be accompanied by an impact assessment note and shall not be proposed to the Ministry of Justice, while a draft Government Decree as defined in paragraph 3 of Article 66 shall be proposed to the Ministry of Home Affairs for recommendations.

Chapter 4 Drafting a Resolution of the Government

Article 69. Resolution of the Government

A Resolution of the Government is a decision on certain matters brought into consideration at the Government meeting, for instance: National Social-Economic Development Plan, State Budget Plan, and other matters under the mandate of the Government.

Article 70. Procedures for Making a Government Resolution

The Government Office shall draft a Resolution of the Government that shall be implemented according to the following procedures:

1. Collect information and analyze the situation relating to the implementation of the national social-economic development plan, state budget plan, legislation and other relevant matters;
2. Coordinate with relevant organizations and parties to gather comments to draft a Resolution in order to propose to the Cabinet Meeting for consideration.

A draft government resolution is not required to be posted on the website or printed media or other means as defined in Article 8 of this Law.

Article 71. Adopting a Government Resolution

After finalizing a draft resolution, the Government Office shall propose it to the Cabinet Meeting for adoption.

The Government Resolution shall be approved in accordance with the provisions defined in the Law on the Government of Lao People's Democratic Republic.

Chapter 5

Making Orders, Decisions and Instructions

Article 72. Order

An Order is a legislation issued by the head of the relevant Government agency to require individuals or organizations to implement a plan, laws, Presidential Decree and other legislation and other matters under their scope of rights and duties.

Article 73. Decision

A Decision is a legislation issued by the head of a relevant government authority to implement its rights and duties or to elaborate and implement higher government legislation.

Article 74. Instruction

An Instruction is a legislation that is issued by the head of the relevant government authority to implement the National Social-Economic Development Plan, the State Budget Plan, a law, other legislation, a plan or certain activities by providing a general understanding, methods, procedures and the use of equipment, timeframe for the implementation, coordination and others.

Article 75. Making an Order and Decision of the Prime Minister

The Government Office drafts an Order of the Prime Minister by coordinating with relevant authorities before submitting to the Prime Minister for consideration.

With regard to drafting a Decision of the Prime Minister, the Government Office shall coordinate with relevant authorities and post such draft with an impact assessment note of such draft Decision on the website, printed media or other means as defined in Article 8 of this Law before submitting to the Prime Minister for consideration.

Article 76. Making an Order, Decision and Instruction of the Ministry and Government Authority

A relevant cabinet, office or department of a ministry and government agency shall make an order or instruction of the Minister or head of a Government authority with the participation of its legal unit, division or law department and coordinated with other relevant agencies before submitting to the Minister or Head of the Government agency for consideration.

For drafting a decision of the ministry or Government agency, its legal unit, legal division or law department shall participate and [there shall be] coordination with other relevant agencies and the posting of a draft decision with its impact assessment note on the website, printed media or other means as defined in Article 8 of this Law before submitting [it] to the Minister or Head of the Government agency for consideration.

Article 77. Making an Order, Decision and Instruction of the Provincial and Capital Governor, District and Municipality Chief

The office, department or unit of the local administration [shall] draft an order of the provincial and capital governor, and district and municipal chief, by coordinating with relevant authorities including the members of the National Assembly Constituency Office before submitting [it] to the provincial or capital Justice Department, or district or municipal Justice Office, for inspection and comments before submitting [it] to the provincial or capital governor or district or municipal chief for consideration.

Drafting an order of the provincial and capital governor shall also coordinate with other relevant authorities, including the members of the National Assembly Constituency Office, and be reviewed by the provincial or capital Justice Department and a draft decision shall be posted with its impact assessment note on the website, printed media or other means as defined in Article 8 of this Law.

Drafting an order of the district and municipal chief shall also coordinate with relevant authorities and go through a review of the district or municipal Justice Office and be published on local printed media or posted on the billboard of the district or municipal chief's office, village office or central community area for public consultation.

Chapter 6 Making a Village Regulation

Article 78. Village Regulation

A village regulation is a legislation that is issued by the village authority to implement legislation of higher level or to manage the security and public order under its jurisdiction.

Article 79. Making and Adopting a Village Regulation

A village regulation is made by the village authority and then presented to a village meeting for comments from villagers for improvement.

After finalizing the improvement of the regulation, the village authority shall propose it to the District or Municipal Office for consideration after having received comments from the District or Municipality Justice Office.

The adopted village regulation shall be posted and disseminated to villagers for understanding and implementation.

PART V EFFECTIVENESS, PUBLICATION AND INTERPRETATION

Article 80. Effectiveness of Legislation

The promulgated Constitution, Laws and Presidential Ordinances are effective fifteen days after the date of publication in the Official Gazette.

Other legislation is effective fifteen days after the date of publication in the Official Gazette, except legislation at the District and Village levels that may be published in other local media or posted in a way that people can access it easily.

The original version of the adopted or promulgated legislation shall be submitted to relevant Government Authority within five days after the date of promulgation. Such Government Authority shall publish that legislation in the Official Gazette within ten days from the date of receipt of that legislation, except for the issuance of legislation for cases [where there is an] emergency or [where it is determined] necessary and [in these cases] shall be effective immediately from the date of promulgation, but it shall be published in the Official Gazette later.

With respect to legislation that is in force before this Law takes effect, the authority responsible for making legislation shall submit [such] legislation under their responsibilities to the Government Authority to be published in the Official Gazette within two years from the first of January 2013. Any legislation that is not published in the Official Gazette within the given period shall no longer be valid.

Article 81. Retro Effectiveness of Legislation

Legislation may or may not have retroactive effect.

Legislation has a retro effectiveness only when it is defined in the relevant legislation.

Legislation shall not be retro effective in the following cases:

1. Legal liabilities that are defined in a new legislation that have not been defined in other laws;
2. Legal liabilities that have a higher level of liability than defined in promulgated laws.

Penal laws shall have no retroactive effect; otherwise retro-effectiveness of a law shall only be possible when based on a reasoned decision and objectives, and shall appropriately respect the legitimate interests of the concerned persons.

When retroactive legislation entails the State to nationalize the property of other persons, the State shall compensate such persons according to regulations.

Article 82. Official Gazette and Responsible Authority

The Official Gazette is an official document of the Government where adopted and promulgated legislation is published to allow the public to be informed and to implement.

The Official Gazette can be made either in electronic format or on paper. The Government Authority that is responsible for the Official Gazette shall publish promulgated legislation in the Official Gazette.

Article 83. Publication and Dissemination of Legislation

The authority in charge of making legislation shall print and send a copy of the promulgated and enforceable legislation to each sector and organization at the national level, and provincial and capital levels; such [sectors and organizations at the national, provincial and capital levels] shall also send copies within their own sectors from the national to local levels.

Legislation issued by the local authority shall be submitted to their higher level for information and storage and shall be sent to organizations within their jurisdiction.

The authority in charge of law making and governmental organization at the national and local levels shall disseminate legislation and educate through different means and methods, including dissemination in ethnic languages, to ensure effective implementation of legislation.

Article 84. Interpretation of [Legal Terms]

In case any term or provision of a law is unclear or has a contradiction when interpreting the meaning of the term or provision, it shall be proposed to the Standing Committee of the National Assembly to interpret the meaning.

The Standing Committee of the National Assembly shall issue a resolution on the interpretation of terms or provisions of the law.

For other legislation, the authority that issued such legislation shall define interpretation [of legal terms].

PART VI

INSPECTION OF THE ACCURACY OF THE ISSUANCE OF LEGISLATION

Article 85. Objectives of Inspection

The objectives of inspection of the issuance of legislation are to ensure that the promulgated and enforced legislation is in line with the Constitution, laws and other legislation and harmonized in the legal system.

Article 86. Inspection Authority

The inspection authority is an authority at a higher level that is eligible to inspect the issuance of legislation of an authority at the lower level in accordance with the scope of their rights and responsibilities. In case the promulgated and enforced legislation contradicts the Constitution, laws or other legislation, the authority at the higher level is eligible to suspend or order the cancellation of such legislation partly or wholly.

Article 87. Inspection Authority of the National Assembly

The National Assembly is the inspection body on the issuance of legislation and legislation by governmental organizations at all levels.

The National Assembly session is eligible to cancel partly or wholly legislation of the Standing Committee of the National Assembly, the President of the Republic, Government, Prime Minister, President of the People's Supreme Court, Head of the People's Supreme Prosecutor, Lao Front for National Construction and mass organizations at the national level that contradict the Constitution or law on the basis of the proposal of such authorities and persons.

The Standing Committee of the National Assembly is eligible to suspend partly or wholly the implementation of legislation of the Government, the President of the People's Supreme Court, Head of People's Supreme Prosecutor, Lao Front for National Construction or mass organizations at the national level that contradict the Constitution or law and propose to the National Assembly session for approval of the cancellation, except legislation related to legal proceedings of the Courts and the People's Prosecutor's Office.

If legislation of the local administration contradicts the Constitution or Law, it [shall] be proposed to the Government for considering the suspension of the implementation of such legislation.

Article 88. Monitoring the Implementation of Legislation

The authority in charge of law making shall monitor the implementation of the legislation under its jurisdiction[;] if any provision contradicts other legislation [or is] inconsistent with social-economic conditions or contradicts with agreements and treaties to which Lao PDR is a party, it shall solve it or propose to the higher level authority for considering the suspension or cancellation [of the contradicting provisions].

Article 89. Proposal for Suspension or Cancellation of Legislation

[If] Individuals, legal entities or organizations discover that the provisions of an existing legislation contradict provisions of other legislation or treaties to which Lao PDR is a party, this shall be reported (proposed) to the Ministry of Justice or an Inspection Authority at a higher level as defined in Articles 86 and 87 of this Law for consideration.

Article 90. Evaluation of the Implementation of Legislation

The Authority in charge of making legislation shall evaluate the implementation of legislation in order to amend inconsistent matters, loopholes, negative impacts or the lack of enforceability.

PART VII FINAL PROVISIONS

Article 91. Implementation

The National Assembly, Government, the Presidential Office, the People's Supreme Court, People's Supreme Prosecutor, Lao Front for National Construction, national mass organizations and local administrations shall strictly implement this Law.

Article 92. Effectiveness

This Law enters into force one hundred and eighty (180) days after the date the President of the Lao People's Democratic Republic issues its implementing decree.

Any regulations and provisions that contradict with this Law shall be cancelled.

President of the National Assembly
Stamped and signed

Pany Yathortou