Evaluation of legislation – British experience

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1. Introduction

This paper will examine aspects of the evaluation of legislation by the formal constitutional elements of the state: the Executive, the Legislature and the Judiciary. These various institutions approach evaluation in a variety of ways, both for constitutional reasons and sometimes for practical reasons. For instance, the Judiciary may not formally have before it the same information as either the Executive or the Legislature, and will not have the same time or resources as those institutions to evaluate legislation in a forensic context.

The way that legislation is evaluated by these interdependent constitutional elements of the State will be explored in the context of the manner by which they address three questions: (i) what is the policy? (which relates to both prospective and retrospective evaluation) (ii) how effectively will the normative text implement policy? (perhaps the core question in prospective evaluation of legislation) (iii) how effectively has the normative implemented the policy? (perhaps the core question in the retrospective evaluation of legislation).

The analysis will also be in a United Kingdom context. It will refer in particular to the implications of the United Kingdom being a state which has neither codified domestic law[66] nor a written constitution, in the sense of a single document or a related series of documents[67]; and the implications of its membership of the European Union. This is not to say that there is a complete absence of a legal framework for the evaluation of legislation in the United Kingdom. There are some elements of a statutory framework, although it is very limited. So, for instance, the Law Commissions Act 1965, provides for the establishment of the Law Commission and the Scottish Law Commission which have a competence, in broad terms, to recommend specific law reform. Also UK administrative law, in significant measure developed by the courts in case law, provides authoritative legal statements on, for example, the nature of consultation, reasonableness and proportionality. However, where the evaluation of legislation impinges on the relationship between the Executive and the Legislature, the framework is the procedural rules of the Legislature and understandings between the Executive and Legislature. While this allows for flexibility and development, the dangers are that the inherent political tensions may result in the evaluation by the Legislature falling behind international best practice and possibly the erosion of the scrutiny rôle of the Legislature.

2. What is the policy?

The Executive, Legislature and the Judiciary all address one or more aspects of this question.

The *Executive* determines that the policy shall be x. That determination should lead to a further question: is legislation needed to achieve x?

Legislation may not be required because the policy can be achieved by self-regulation, or there is existing legislation or case law which addresses the matter. One illustration, which encompasses both legislation and a degree of self-regulation, is whether as a result of professional misconduct a medical practitioner should continue to be registered to practise in the United Kingdom. This is only regulated by legislation to the extent that a committee of the General Medical Council, a statutory body largely composed of medical practitioners, is given the task of determining the matter[68].

Note
It may be that x can be achieved by relatively informal means, for example by codes of practice. Such codes may or may not have a statutory basis[69]; and, if they have a statutory basis, they may have varying legal effect[70].

Note
Alternatively, x may be achieved without further legislation because there is existing legislation or case law which addresses the matter. However, even where there is existing legislation or case law, a political decision may be made to legislate for the specific issue if it is one exciting significant public concern[71].

Note
There may be some external standard against which the question has to be addressed. Within the dualist tradition, depending on the terms of a treaty, domestic legislation may be required[72]; even in the monist tradition, domestic legislation may be required to establish administrative structures to carry out legal obligations arising in domestic law from the terms of a treaty. Similar issues may arise for a member state of the European Union in addressing the question. So, unless the state is content to allow an EU directive to have direct effect, it will require to implement it within the implementation period provided in the directive[738]. Again, it may be necessary to provide within domestic legislation for administrative arrangements for the application of a directly effective EU regulation[74]. Of course, some of the previously identified aspects of the question may also arise here: does existing domestic law already meet the requirements of the EU directive? Are the existing legislative powers of regulators sufficient to enforce an EU regulation?[75].

Note
Despite these various considerations it may eventually be decided that legislation is needed. In the United Kingdom this often involves outside consultation by the promoting department; a wide spectrum of political and practical considerations may determine the scope of the consultation. The techniques adopted for such consultation are considered below.

Note
On the other hand, it may be noted that the Executive in Britain has not adopted other evaluation techniques which are used, or are in contemplation, elsewhere. So, for example, there is no provision for the language of the draft legislation to be considered within the government machine by non-lawyers to assess the language for accessibility to the layman; nor has Britain contemplated radical techniques, such as alternative compliant mechanisms, which have been considered but not adopted in some Canadian and Australian jurisdictions.

Where the Executive determines that legislation is needed and the draft legislation comes before the Legislature, the *Legislature* will also have to address the question of what is the policy of the legislation, before asking whether it carries out the policy. In the United Kingdom, the policy may not be evident from the draft legislative text. Despite encouragement from various quarters[76], the drafters of British legislation have

remained fairly resistant to introducing purpose clauses[77], and the long and short titles of UK primary legislation may not be very revealing as to the purpose of legislation either[78]. So, for instance, in 1998 the UK Parliament made provision for a legislative and executive devolution to Scotland and Wales. The short title of the legislation relating to Wales is the "Government of Wales Act 1998". Its long title is: "an Act to establish and make provision about the National Assembly for Wales and the offices of the Auditor General for Wales and Welsh Administration Ombudsmen, to reform certain Welsh public bodies and; abolish certain other Welsh public bodies; and for connected purposes". Its opening section is equally unrevealing[79]. Neither there nor elsewhere in the 159 sections and 18 schedules of the Act is there a simple statement of the purpose of the legislation.

Note

The legislation relating to Scotland presents a similar picture. Its short title is the "Scotland Act 1998"; its long title is: "an Act to provide for the establishment of a Scottish Parliament and administration and other changes in the government of Scotland; to provide for changes in the constitution and functions of certain public authorities; to provide for the variation of the basic rate of income tax in relation to income of Scottish taxpayers in accordance with the resolution of the Scottish Parliament; to amend the law about parliamentary constituencies in Scotland; and for connected purposes". Its opening section is equally prosaic[80]. Again, there is no clear statement of purpose elsewhere in the 132 sections and 9 schedules of the Act.

The same pattern can be found not only in UK legislation relation to constitutional reform, but employment legislation[81], social legislation[82] and economic legislation[83].

Note

There is a strong tradition of consultation by the UK Government on policy. This policy often leads to legislation which may be outlined in consultation papers. Traditionally, there have been green papers, which explore a variety of policy options without committing the government to adopt any particular option, and white papers which set out the preferred option of the UK Government but seek comments on the detailed aspects of implementing the option. Also, the UK Government has in recent years adopted the practice of circulating draft primary legislation for consultation which may provide parliamentarians, at least indirectly, with information on the policy behind the legislative text[84]. By contrast, there is extensive pre-legislative scrutiny of Bills introduced into the Scottish Parliament[85] and it may be that this procedure will commend itself to fellow parliamentarians in London.

Note

In addition, the member of the UK Parliament may look for such information in *Explanatory Notes* which accompany the Bill. However, these *Notes* essentially contain a commentary on the provisions of the Bill which, as we have seen, do not necessarily reveal the policy behind the text. It also has statements on its financial effects, public staffing effects, a regulatory impact assessment of the legislation, together with an environmental assessment where that is appropriate and a declaration by the Minister in charge of the Bill that the provisions are compatible with the rights in European Convention on Human Rights (as they are defined in the UK Human Rights Act 1998)[86]. Similarly, shortly after UK membership of the European Community in 1973, the UK Government adopted the procedure of providing memoranda to both Houses of Parliament on draft Community legislation. However, unlike some other jurisdictions, such as Switzerland, there is no legal obligation on the UK Government to provide this range of consultative information and its provision rests on parliamentary undertakings.

Once the legislation is enacted and in force, the *Judiciary*, when interpreting the legislation, may also ask: what is the policy? Contrary to common belief, in interpreting and construing legislation UK courts do adopt a purpose of approach rather than a literal adherence to the legislative text. Although, in common with many jurisdictions, UK courts will not allow a purposive approach to prevail over a clear

and unambiguous normative text[87]. It is sometimes suggested that UK courts adopted this approach to interpretation following membership of the EEC, but it is an approach which long pre-dates 1973, although it may have become somewhat more pronounced since then[88]. In seeking to establish the purpose, or underlying policy, of legislation, the courts will turn to much of the material described above which is available to the parliamentarian seeking an answer to that question[89].

Note
3. How effectively *will* the legislative text implement the policy?

Note
This is a question which is obviously addressed by the Executive, and also by the Legislature in enacting the legislation.

Note
For the *Executive*, this may encompass questions such as whether the administrative arrangements within the normative text will implement the policy effectively. Sometimes this a question to which the answer is unduly influenced by political expediency. A good UK example of this is the Dangerous Dogs Act 1991 which was introduced following heavily publicised public concern about attacks on individuals by breeds of dogs which were specially bred for fighting. In fact, defining the breeds of dog for this purpose and administering the consequential effects of the Act proved extremely difficult. The situation was ameliorated somewhat by subsequently enacting the Dangerous Dogs (Amendment) Act 1997.

Note
Perhaps, in the context of this paper, a more interesting sub-question which the Executive in the United Kingdom considers with increasing care is the extent to which a normative text gives power to the judiciary in exercising its rôle of interpreting and construing the text. There is an increased Executive consciousness that this interpretative rôle of the judiciary may create for them a rôle in policy development. There are a number of strands in this. UK courts have in the past 30 years greatly developed the concept of judicial review of administrative action. This elicited a published response from the UK Executive, "The Judge Over Your Shoulder", which outlined to UK non-lawyer civil servants the implications of such judicial review for their work in both developing policy and initiating legislation[90].

The development of the judicial review in the United Kingdom will receive a further impetus as a result the UK Human Rights Act 1998, which applies the standards of the European Convention on Human Rights directly into UK domestic law and came into force on 2nd October 2000. Coupled with that, is a departure from a judicial ethos which, at least prior to UK membership of the European Communities in 1973, placed a significant emphasis on the legislative supremacy of Parliament, and consequently on the normative texts which it enacted. An element in this is also the increased importance of external juridical standards in the form of multilateral treaties and particularly EU law.

The *Legislature* addresses this question institutionally. Within the British Isles, the question was historically addressed in the context of plenary debate. As most legislatures are aware, this may be a dramatic (and therefore politically attractive) technique but it is not systematically effective. An alternative institutional forum for addressing the question is the parliamentary committee. The UK Parliament historically has, as part of the legislative process, in most cases, appointed a committee to consider the text of primary legislation in detail. However, such committees are widely recognised to have two weaknesses in addressing this question. First, they may well operate within a somewhat divisive party political environment which is reflected in the membership of the committee. Secondly, and more significantly for present purposes, they are focused on the draft legislative text which is formally considered (together with amendments often proposed on the initiative of the Government) from the first provision to the last. This process is undertaken without either specialist advice or taking written or oral evidence from those

knowledgeable about, or likely to be affected by, the text[91]. More recently the UK House of Commons has to a limited extent considered draft primary legislation in committees which have a capacity to take oral evidence within a very prescribed period (so that the enactment of the legislation is not unduly delayed)[92]. It has also considered, more systematically, draft EU legislation in committees which have the capacity to examine a Government Minister with domestic responsibility for the substance of the legislation, and other witnesses[93].

Note

However, the UK Parliament came quite late to the practice widely adopted elsewhere of having a range of parliamentary committees which reflect the structure of Government departments and which scrutinise their policy and administration and, to a limited degree the draft legislation which they promote. A system of such committees, described as departmental select committees, was only established in 1979[94]. This may be compared to the committee system of the Scottish Parliament which will be more familiar to continental European practitioners. In the Scottish Parliament, there is a range of committees which reflect Executive functions. These committees consider not only the policy and administration of the relevant Executive departments, but also primary and delegated legislation promoted by the departments and draft legislation promoted by individual Members of the Scottish Parliament relating to the subject matter of the relevant Department. Interestingly, these committees also have the capacity to initiate legislation within their own areas of competence[95]. This institutional approach to the competence of the parliamentary scrutiny committee does have its dangers, as the Scottish Parliament has experienced. It may be that a subject-related scrutiny committee with this degree of competence which finds itself scrutinising a department with a heavy legislative programme may be overwhelmed by scrutinising the Bills produced by the department, and thus will have little time to undertake inquiries into the manner in which the department administers existing policy and is developing policy. This type of committee, both in the UK Parliament and the Scottish Parliament, has a capacity to take written and oral evidence and to appoint specialist advisers. With respect to specialist advisers, in some jurisdictions great emphasis is placed on the need for such advisers to be independent. While it is desirable that advisers are apolitical and objective, it is unlikely that knowledgeable advisers can also be independent in an absolute sense. The British experience suggests that there is a greater danger in both specialist advisers and sometimes those called upon to give evidence, to be drawn from a narrow spectrum, both geographically and professionally. While this may be far from deliberate, the consequence can be that the parliamentary committee adopts an unnecessarily restricted approach.

A parallel parliamentary device found in the British Isles is the more specialist parliamentary committee. These may be appointed to consider technical aspects of delegated legislation[96], EU policy and draft legislation[97], powers in primary legislation to enable the Executive to make delegated legislation in the form of, for example, regulations[98], and to monitor legislative compliance with the standards

required by the European Convention on Human Rights[99]. One disadvantage of committees with such a narrow competence is that a balance has to be struck between the pace and evaluation of legislation. If draft legislation has to be considered by a range of such committees, the time taken to enact the legislation may be unacceptably protracted.

Note
4. How effectively *has* the legislative text implemented the policy?

This is a question which must in various forms be addressed by the Executive, Legislature and the Judiciary.

For the *Executive*, how adequately this question is answered depends on the administrative, statistical and consultative arrangements available to address it. It is rare for legislation in the United Kingdom to require the Executive to report on the implementation of the legislation once it has been enacted. To the outsider, it may seem that the question is not infrequently addressed by the Executive only as an aspect of crisis management. This is perhaps an over severe criticism. UK Government departments do undertake research, both within the department and outside it under contract, on the impact of legislation within its departmental responsibilities. Similarly, the law reform bodies, the Law Commission and the Scottish Law Commission, undertake such inquiries as part of their work. Finally, there may now be significant projects to consolidate and redraft legislation, with a view to clarifying rather than alter it. These projects may involve considerable consultation with interested parties. A pertinent contemporary example is the Tax Law Rewrite[100].

Note
For the *Legislature*, there are a range of approaches to the question, relatively few of which are adopted in the United Kingdom. Although the select committees which scrutinise specific government departments may examine the impact of legislation which the department promoted, the UK Parliament is largely devoid of an effective institutional means of systematic scrutiny of the effectiveness of the legislation once it has been enacted. This appears to be a feature of many legislatures and is perhaps only commonly addressed by statutory rather than institutional provision. So, for example, some jurisdictions employ "sunrise" provisions in enacted legislation. Such provisions normally require the executive to report periodically to the legislature on provisions of primary legislation which have been enacted but have not been brought into force. Another technique is the "sunset" provision. This is a statutory provision under which legislation ceases to have effect after a given period of years, unless it is formally continued or re-enacted[101]. "Sunset" provisions have their dangers; there is a possibility that the need to continue or re-enact the provision may be overlooked and the formal continuance or re-enactment will, to some extent at least, be time-consuming both for the Executive and Legislature. Techniques such as these have a value. However, as a means of determining whether a normative text has implemented policy, their operation is merely indicative of the matter and do not go to the core of the question.

The *Judiciary* may address the question in its interpretative rôle. Broadly, the question is posed by UK courts in the rather artificial forum of: "what was the intention of Parliament?"[102]. There is a wide spectrum of situations in which a court may pose this question. Two illustrations may be given.

Note
The first is the use of the parliamentary history of normative text for the purposes of interpretation, as opposed to determining the policy behind the text. For many years, UK courts refused to admit

parliamentary history as an aid to the interpretation of a normative text. This rule was relaxed by the House of Lords decision in *Pepper v Hart*[103]. There Lord Browne-Wilkinson stated that the rule excluding parliamentary history for this purpose should be relaxed "so as to permit reference to Parliamentary materials where (a) legislation is ambiguous or obscure, or leads to an absurdity; (b) the material relied upon consists of one or more statements by a Minister or other promoter of the Bill together if necessary with such other Parliamentary material as is necessary to understand the statements and their effect; (c) the statements relied upon are clear"[104]. Without considering the full implications of this statement[105], it will be obvious that it is essentially a judicial recognition of the need to equate in most circumstances "Parliamentary intention" with "Executive intention". It is also a demonstration of the present willingness of UK courts to seek an informal parliamentary statement of the policy behind legislation as opposed to the previously held position of only seeking the policy, often by implication, from the formal normative text enacted by Parliament.

Note

The second illustration of the question being addressed is the capacity of the courts to correct obvious drafting errors. This has also been the subject of a comparatively recent House of Lords decision, *Inco Europe Limited v First Choice Distribution*[106]. The case concerned the question of whether the court should adopt the strict application of the normative text which would have had the effect of abolishing a pre-existing right of appeal, or should treat the text as containing a drafting error which did not implement the parliamentary intention. The House of Lords adopted the latter approach.

Note

In his judgment, Lord Nicholls of Birkenhead recognised that courts: "must abstain from any course which might have the appearance of judicial legislation. A statute is expressed in a language approved and enacted by the Legislature"[107]. However, he recognised that the courts do have a capacity to correct obvious drafting errors, but before doing so should be "abundantly sure" of three matters: (1) the intended purpose of the statute or provision in question; (2) that by inadvertence the draftsman and the Parliament failed to give effect to that purpose in the provision in question; and (3) the substance of the provision Parliament would have made, although not necessarily the precise words Parliament would have used, had the error in the Bill been noticed. Even then, Lord Nicholls suggested that there were other factors which might inhibit the court from correcting drafting errors; for instance, that a proposed judicial alteration of the normative text would be too far reaching, in that it is too large or too much at variance with the enacted words, or that the subject matter of the normative text, such as in penal legislation, carries with it a judicial presumption in favour of a strict textual interpretation.

Note

5. Conclusion

Note

Obviously, the evaluation of normative texts in the United Kingdom, as elsewhere, is the concern of, and certainly would benefit from, the expertise of many disciplines. This paper has sought to demonstrate that

even within the formal constitutional structures of the Executive, Legislature and the Judiciary, this evaluation may take place by various, and delicately interdependent, means. It is, however, by no means clear that the formal institutions of the state always undertake such evaluation in a systematic and effective manner.

Evaluation of legislation – Swedish experience

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1. *Ex-ante* evaluation

It is obvious that careful consideration is needed before a law is proposed and enacted. The legislator must, firstly, make sure that all formal requirements are complied with. So, for instance, the draft law must be in line with the Constitution and other superior statutes. Since Sweden is a member of the European Union, European Community law must also be taken into consideration.

Besides the formal requirements, the legislator must pay attention to matters of a more practical nature. For instance, will the intended law be efficient? What measures have to be taken in order to achieve sufficient efficiency? Should the application be supervised by a special authority? Can the supervision be entrusted to an existing organ or should a new authority be set up? What would be the costs?

In many cases, it will be difficult to make a law efficient if it is not broadly accepted. The ideal thing is that the law is accepted not only by the courts and other bodies entrusted with the task of applying the law but also by ordinary citizens forming the target group. Then the question arises of how to find out what is the common opinion among authorities and citizens.

In Sweden, as in other countries, the legislative process normally includes comprehensive investigative work. The process often starts with the setting up of a governmental committee. Sometimes, however, a working group within the ministry concerned will be sufficient. When a committee is set up, it might be authorized to work fairly freely, but it might also be governed by strict terms of reference. The composition of the committee will vary depending on the matter at issue. Sometimes a single person committee will be sufficient, but in most cases the committee will be composed of several members. The committee will often include experts – legal experts as well as experts in the special field at issue – and also members of Parliament and other people representing ordinary citizens.

With respect to experts, it is, of course, desirable that they be as independent as possible. Since, in many fields, the opinion among experts varies, it might be appropriate to attach several experts, representing different views, to the committee.

The committee will often have a certain freedom as to how its work will be carried out. Sometimes, however, the terms of reference of the committee contain some statements on this point. Normally, it is stipulated when the work of the committee shall be finished. In Sweden, committees will rarely be allowed to work for more than two years.

The committee work will usually include extensive studies and inquiries. The committee may, for instance, send out questionnaires and arrange oral hearings. The committee may also make study tours, within Sweden and abroad.

Before proposing a law (a new act or changes to an existing act) the committee must estimate the cost effects of the proposal. This is, in fact, one of the most important tasks of the committee. In principle, committees are forbidden to propose anything that would entail costs. It must, in any case, be shown how the costs, if any, shall be covered. If a committee proposes a law that implies the setting up of a new authority with the task of supervising the application of the law, it might be appropriate to introduce a system of fees to cover the costs for the authority.

When the committee has finished its work and published its report, the ministry concerned will normally refer the report to a number of authorities and organizations for consideration. Here, the number and type of addressees will vary depending on the matter dealt with in the report. The actors on the labour market will often be heard, as well as authorities and organizations representing consumer interests. If the committee report involves questions of a legal nature, it will be referred to a number of courts and university faculties. In cases where, according to the report, an existing authority shall be vested with a certain task, it is, of course, important to give this authority the opportunity to express its opinion.

After all observations on the report have been submitted to the ministry, there will be further studies and considerations within the ministry or ministries concerned. Sometimes complementary investigations will be needed. A ministry might, for instance, arrange a public hearing where the matters in question are discussed. The government will then, on the basis of all this material, take a position. It may decide to send the bill including the draft law to the Parliament.

During recent years, attention has become more and more focused on the importance of formulating law provisions in a clear and simple way. To achieve this objective, linguistic experts are often consulted when a draft is prepared. In Sweden, a system has been introduced which entails every draft law being scrutinized by a special department within the Ministry of Justice, consisting of linguistic experts, before the draft is finalised and sent to Parliament.

As a rule, a bill containing a law cannot be sent to the Swedish Parliament unless it has first been submitted to the so-called Law Council. The Law Council is an independent authority composed of three judges from the highest courts, the Supreme Court and the Supreme Administrative Court. The task of the Law Council is, in the first place, to examine the drafts prepared by the government. However, law provisions are sometimes drafted also within the Parliament, following, for instance, a motion by one of the members of the Parliament. Such a draft might be sent to the Law Council from the parliamentary committee in question.

One important feature of the Law Council's work is to consider whether a draft is compatible with fundamental laws and with the legal system in general. On this point, the Law Council has, by tradition, very much focused on the relation between the draft in question and the Swedish Constitution. However, since Sweden became a

member of the European Union in 1995, it has become increasingly important to examine whether the proposal is in line with European Community law.

Besides checking that there is no conflict with other parts of the legal system, the Law Council has to examine how the different provisions of the draft law relate to each other. The Council shall also pay attention to the need for legal security. Finally, the Council has to consider whether the proposal is framed so as to satisfy its purposes and what problems are likely to arise when the law is applied.

The views expressed by the Law Council are of an advisory nature. They are, accordingly, not binding on the government or the Parliament. The Council's advice will, however, usually be accepted. That is especially true in cases where the Council has stated that the draft in question contradicts the Constitution or European Community law. The draft will then, in most cases, be withdrawn or revised.

After the Law Council has sent its report to the ministry in question, the ministry will, on the basis of the report, finish the bill and submit it to Parliament. The bill will then be handled by one of the standing committees of Parliament. Even there, careful examination will take place before the draft law is adopted. If the proposed law has been subject to significant amendments by the parliamentary committee, it might be sent to the Law Council for further consideration.

2. *Ex-post* evaluation

As far as *ex-post* evaluation of laws is concerned, contrary to many other European countries, Sweden has no special Constitutional court, vested with the task of examining laws that have been enacted and seeing if they are in line with the Constitution and other existing laws. To a certain extent, the Law Council that has just been mentioned fulfils similar tasks.

Since Sweden has no special Constitutional court, it is for the ordinary courts to execute an *ex-post* control. In Sweden all courts, district courts as well as higher courts, have the authority to set aside any legal provision that, according to the court's findings, is in conflict with the Constitution or another superior statute. This follows from one of the articles of the Swedish Constitution. If the provision in question has been approved by Parliament or by the government, it may be set aside only if the conflict is manifest. However, the prerequisite that the conflict shall be manifest does not apply to cases where European Community law is at issue. European Community law will always take precedence over Swedish domestic law.

As an example of cases where a law provision has been set aside, a case which was recently handled by the Supreme Court of Sweden could be mentioned. The case concerned a provision of the general taxation law. According to this provision, representatives of legal persons could be held responsible for the taxes of the legal persons themselves, even with respect to taxes which should have been paid before the said provision entered into force. The Supreme Court found that the law provision in question was contrary to a provision of the Swedish Constitution which forbids retroactive tax legislation. Therefore, this taxation law provision was not upheld and, when deciding the case, the court disregarded it.

After a law has been in force for some time, studies might be initiated in order to find out if the law is efficient or not. Such studies will, in the first place, be performed within the ministry or ministries concerned. *Ex-post* evaluation might, however, also be entrusted to an existing authority or to a special committee. Authorities with the task of supervising a law are, of course, under a duty to report whether the law functions well or not and to propose appropriate changes.

In the criminal law field, evaluation is continuously executed by the Swedish National Council for Crime Prevention. This Council publishes statistics concerning rate of crimes and it also initiates studies in order, *inter alia*, to find out if criminal laws are effective.

Other control organs performing evaluation of legislation are the parliamentary ombudsmen, as well as the auditors of Parliament and the Chancellor of Justice.

It sometimes happens that a law is introduced on a trial basis for a limited period of validity. Its scope of application may also be limited to certain parts of the country. This method has been used when new kinds of criminal sanctions have been introduced in Sweden, such as community service and electronic supervision.

In this context, there is also reason to mention the rules on court procedure. In Sweden, reform work is constantly going on, aiming at making the court procedure simpler, more effective and less costly. When new procedures are introduced, it may be decided that they shall first be tested by a limited number of courts.

In all cases where a new law is tested in some of the ways described, the functioning of the law must, of course, be evaluated before the testing period has come to an end.