May legally defined terms be useful for improved interoperability in the public sector?

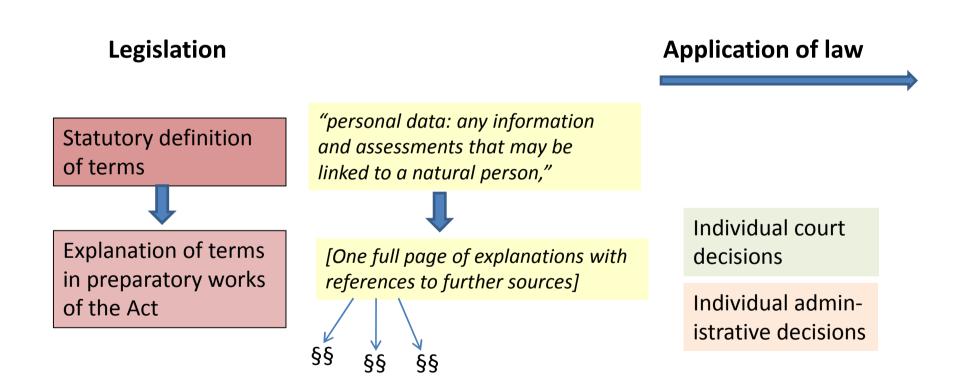
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How may terms be legally defined?

Point of departure: Legal regulation pervades public sector Semantic interoperability within the legal domain is thus crucial



Some results from an investigation of statutory definitions in Norwegian legislation, 2007 - 2010

- 66% of new Acts of Parliament in Norway contained statutory definitions;
- defining a total of 210 terms; (170 in Norwegian and 40 in English language);
- normally 5 10 novel defined terms per Act;
- 118 of the defined terms were single words, 52 terms contained two or more words
- Only one definition was exhaustive (not explained in preparatory works);
- approx. 70 % of defined single words in Norwegian are in common use, while the remaining words are composed for the regulatory purpose;
- approx. 20% of common words were defined in a clearly divergent way;
- statutory definitions was generally more detailed than definitions in dictionaries
- Statutory definitions often use references to decisions etc, i.e. defined by means of formal and rather fixed elements;
- several terms are defined in accordance with other, existing definitions in related Acts

To what degree should terms be legally defined?

(Depends on what you wish to achieve)

Complete statutory definition Strict and fixed

If objective is to make laws easier to read:
Strict solutions should be preferred

Explanations of terms in preparatory works

Firm and flexible

If objective is to *accommodate IS*:

Median strict solutions should be preferred

If objective is to *govern emerging problems*:

Median soft solutions should be preferred

Terms which occur in Acts (without definitions or explanations)

Soft and dynamic

Possible elements in a model for legal definitions aiming at accommodating IS

- Priority should be given to terms which represents data being bases of individual decisions (e.g. "income", "supporter", "live-in-partner", "employee")
- If legal terms require voluminous definitions, extra terms should be introduced to make the meaning more easy to express

Definition of "vassdrag" [water system] in the Water Resources Act

Som vassdrag regnes alt stillestående eller rennende overflatevann med årssikker vannføring, med tilhørende bunn og bredder inntil høyeste vanlige flor helhet som vassdra Lovens regler fc

Would it instead be possible to use several basic terms?:

"water way", "artificial water way", "natural water way"

- a) kunstige vannløp med årssikker vanntøring unntatt ledninger og tunneler;
- b) kunstige vannmagasiner som står i direkte samband med grunnvannet eller et vassdrag.

Mot sjøen gjelder loven så langt

- a) vassdraget ved midlere vannføring ligger over havets nivå ved alminnelig lavvannstand; eller
- b) bunnen er preget av tilløp av ferskvann.

Kongen kan fastsette

- a) hvor grensen mot fast mark går etter første ledd;
- b) hvor grensen mot sjø går etter tredje ledd;
- c) at loven helt eller delvis skal gjelde for poller og andre innelukkede vannområder uten fall til havet, når det er rimelig å likestille dem med vassdrag;
- d) ved forskrift i hvilken utstrekning lovens bestemmelser skal gjelde for kunstige vannløp og vannmagasiner;
- e) ved forskrift at loven også ut over kapittel 9 helt eller delvis skal gjelde for ledninger og tunneler som fører vann under trykk.

Each definition should consist of/be described by means of clearly structured elements, of which only principal and stable elements should be expressed in the Act

In the Act

- § 3 Definitions Live-in partner:
- a) Dette er en tulletekst OR
- b) tullet ekst dette eren tulle tekstde OR
- c) entull etekst detteeren tulletekstde.

Other elements should be expressed in preparatory works as explanations

Preparatory works

"Live-in partner":

- a) Dette er en tulletekst OR
 - Clarification
 - Clarification
 - III. ...
- b) tullet ekst dette eren tulle tekstde OR
 - Clarification
 - Clarification
 - III. ...
- c) entull etekst detteeren tulletekstde.

Definitions should preferably be modular

P1 and P2 are live-in partners if they [fixed conditions]:

- 1. have identical residential address in the Population Register and
- 2. are not registered as members of the same family in the Population Register; and
- 3. are not registered as a married couple in the Marriage Register.

[soft/discretionary conditions]

- 3. live in a stable and established relationship
- 4. have the intention of continuing to live together
- 5. have joint housekeeping

Concluding remark

We need to accumulate a "library of legal definitions and explanation of terms in statute law", in order to facilitate better interoperability between laws