Laos Legislative Drafting Programme

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Comments on bill — and how addresses causes of behaviors of 4 PCs we have identified.

1. Language = too complicated for Lao business people (??); since one cause of failure to deposit money = use checks = ignorance of law, must write laws in simple form — or alternatively, summarize in simple form of public info.

2. Art 6 — if sum payable is definite, the check states will be repd in another currency.
   How does this relate to evaluation of kip? Obviously odd = problem for a Lao citizen paying sum to foreign investor (??)

3. Given Arts 6 thru 9 = too complicated for ordinary judge to fully understand ???
   "Solutions:
   Note: all these = responses in other countries to causes of peoples' failure to use checkds; those have not occurred in Lao PDR, will likely do so some time.

4. See #1 above: do bank employees fully understand all conditions of Art 6? — or is their lack of knowledge likely to cause delay in passage?
   (If so — should law require ?
   banks to educate employees? or that at least one pass an examination that shows can deal with all issues raised??)
5 Issues which both bank employees and judges must be able to decide — quickly & efficiently — include:

Art 24 & 25: rights of holder & protected holder:
They will have the opportunity to judge, but do they have the capacity? What forces exist to help them? How prove capacity? Process?

ie if look at law as guide to judge in deciding dispute, does manage criminal court judge have capacity to decide it? (as written=hard to read, very complex)

Note: many conditions (Art 26 - Art 55) as to grounds on which may protest non-payment of checks — go thru articles to see how “clear” conditions are

Sect. 3
Art 56: Amts payable — whom holder may hold, responsible "liable" for check + interest; & furnish proof, ways permits can be made (partially, fully, in specified currency) on checks.

6 Art 65: Does Lao bancs now require crossing checks (in US, do not; it grew up in Lao for historical reasons — after crossed can only be deposited in acct of person to who it is addressed, but in US, just say Ok for cash, can draw cash otherwise put in acct)
Gill discusses how it will be implemented - so still will go thru criminal law courts = 4 wks to a year; given lax circumstances, she discusses how will ensure enforcement.

eg: protests re non-payment go to special commercial law court (with appeal)

where judges trained can quickly assess violation; set limits on time of case in ct (with appeal)

delayed service

eg: To prevent bank employee entitely require all es take a short course (4 hr long) to understand law/must cases j see in every bank take more extended course so can handle complex cases quickly