

TURKEY (2006)

“Bylaw on the Principles of Preparation of Laws, Statutory Decrees, Regulations (Tüzük) and By-Laws”

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Ekli “Mevzuat Hazırlama Usul ve Esasları Hakkında Yönetmelik”in yürürlüğe konulması; 10/10/1984 tarihli ve 3056 sayılı Kanun’un 2, 8 ve 33 üncü maddelerine göre, Bakanlar Kurulu’nca 19/12/2005 tarihinde kararlaştırılmıştır.

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Mevzuat Hazırlama Usul ve Esasları Hakkında Yönetmelik

BİRİNCİ BÖLÜM

SECTION ONE: Purpose, Scope, Basis, Definitions and Principles

Purpose and scope

ARTICLE 1- The purpose of this by-law is to regulate procedures and principles regarding drafting of laws, decree laws, regulations, by-laws, annexed decisions of Cabinet decrees and other regulatory proceedings to be prepared by the Prime Ministry, ministries and their affiliated, related and associated public institutions and agencies.

Basis

ARTICLE 2- (1) This by-law is based on articles 2, 8 and 33 of the Law Amending and Adopting the Decree Law on Prime Ministerial Organization number 3056 of 10/10/1984.

Definition

ARTICLE 3-(1) The definitions used in this by-law are stated below:

- a) Framework article: refers to articles of framework drafts
- b) Framework draft: refers to texts which provide for the addition, amendment or annulment of articles or provisions to the legislation
- c) Regulatory impact analysis: refers to the preliminary assessment which shows the [future] impacts of the draft on the legislation, social, economic and commercial life, environment and the stakeholders
- ç) Additional article: refers to the article on the provision which is to be adopted in case the provisions of the framework draft which are to be added to the legislation can not be attached to any of the current articles
- d) Provisional article: refers to the articles regulating the transitional provisions
- e) Legislation: refers to the laws, decree laws, regulations, by-laws, annexed decisions of Cabinet decree and other regulatory proceedings
- f) Separate draft: refers to texts of legislation which regulates an individual domain and which will take effect for the first time.
- g) Draft: refers to framework and separate draft.

Principles for preparation of drafts

ARTICLE 4- (1) Below principles apply in preparation of drafts

- a) Drafts shall not be contrary to high norms of law
- b) Drafts shall be prepared in line with purposes of regulation
- c) Judicial decisions shall be taken into account in the preparation of drafts
- ç) All of the legislation on regulated areas shall be reviewed during the preparation of drafts and, if necessary, due changes shall be made in current provisions or redundant provisions shall be repealed
- d) Framework drafts shall not include provisions which can not be integrated into the relevant legislation and which will distort the exclusiveness of legislation
- e) The scope of drafts shall be clearly regulated without leaving any room for misgivings; unless there are any such misgivings, there shall not be an additional provision on the scope of the draft.
- f) Articles of draft shall be concise and clear, there shall not be explanatory provisions in parenthesis.

SECTION TWO : Preparation of Drafts and Their Submission to the Prime Ministry

Units that prepare drafts

ARTICLE 5-(1) Drafts are prepared by the officials of relevant agencies and institutions. Opinions of law councilors shall be obtained about drafts prepared by units other than law consultancies

Soliciting Opinion

ARTICLE 6- (1) Opinions of relevant ministries, public agencies and institutions are solicited before submitting drafts to the Prime Ministry. In addition to the relevant ministries and public agencies and institutions, **it is obligator to solicit the opinions of the following entities:**

- a) the State Planning Organization, in case of drafts of laws and decree laws on economic and social policies and measures as well as drafts providing for a new organization
- b) State Personnel Presidency, in case of drafts regarding public employees and organization
- c) all ministries, including state ministries, on drafts of regulations
- ç) the Ministry of Finance and, depending on the relevance, the State Planning Organization or the Undersecretariat of Treasury, in case of drafts of laws and decree laws affecting public income end spending; the Ministry of Finance, in case of drafts of laws and regulatory proceedings which regulate financial issues
- d) the Ministry of Justice, in case of drafts of laws and decree laws
- e) the Court of Accounts, in case of drafts of by-laws on financial issues, prepared by ministries and other public agencies and institutions subject to the supervision of the Court of Accounts
- f) the Secretariat General for the EU Affairs, in case of drafts prepared in line with the EU legislation.

(2) Relevant local administrations, universities, trade unions, professional organizations and non governmental organizations shall also be consulted about drafts

(3) Drafts which involve matters of public concern may be made public by the proponent ministry via internet, press and media before submitted to the Prime Ministry.

(4) The Prime Ministry may directly solicit the opinion of relevant ministries and public agencies and institutions about drafts which are not agreed upon.

Delivering opinions

ARTICLE 7-(1) Ministries, public agencies and institutions may deliver their opinions about drafts within **thirty days at the latest**, without prejudice to the specific provisions of the relevant laws. The Prime Ministry may shorten this period in an urgent situation. Ministries and public institutions and agencies may demand extra time to deliver opinions. Ministries and public agencies and institutions can not avoid delivering opinions. If they fail to deliver their opinions in the given period, then their opinions will be assumed to be in the affirmative.

(2) Professional organizations and ngos shall deliver their opinions within **thirty days**. If they fail to deliver their opinions in the given period, then their opinions will be assumed to be in the affirmative.

(3) Ministries, public agencies and institutions, professional organizations and ngos shall review the drafts in terms of their respective duties and check whether conditions stated by regulatory impact analysis are in place.

(4) Opinions shall be submitted by filling up the forms enclosed in Annex-2.

Proposition letters

ARTICLE 8-(1) Proposition letters on drafts prepared by ministries shall be individually signed by the relevant minister.

(2) Proposition letters regarding drafts, which the affiliated, related or associated institutions and agencies will send to the Prime Ministry, shall be signed by the affiliated, related or associated minister. Nonetheless, without prejudice to conditions set by the relevant law, the president of the

regulatory and supervisory agency shall sign the propositions of circulars and notifications and by-laws, which do not require Cabinet decree, provided that the associated ministry is informed.

(3) Proposition letters sent to the Prime Ministry by its directly affiliated institutions shall be signed by top managers of such institutions

Submission of drafts to the Prime Ministry

ARTICLE 9-(1) After opinions of relevant institutions and agencies are taken;

- (a) the draft on which opinions are taken
- (b) opinions on the draft
- (c) the final draft based on opinions and general justification
- (ç) the form enclosed in annex-3
- (d) comparison schedule used to compare the draft with the current regulation
- (e) justifications of articles in the drafts of laws and decree laws and **regulatory impact analysis** are stamped, initialed and then sent to the Prime Ministry both physically and electronically in line with the electronic signature legislation. The draft text contains the name, surname and title of the official who initial it. A copy of documentation sent in writing is also sent by electronic means.

(2) Drafts regarding regulations, which will be enacted in a certain period of time or submitted to the Turkish Grand National Assembly, shall be sent to the Prime Ministry at least fifteen days before such periods.

(3) Drafts which have been sent to the Prime Ministry in contradiction to the principles stated in above paragraphs one and two and to the provisions of article 8, shall be returned to the relevant ministry or agency.

SECTION THREE : Principles and Procedures on Drafts

Form of the drafts

ARTICLE 10-(1) Drafts shall include.

- (a) the name of the draft
- (b) articles
- (c) general justification

Annexes of the draft, if there are any, shall be added after the execution article

(2) It is not obligatory to write the drafts of notification and circulars in articles or to include name and general justifications in circular drafts. Nonetheless, if drafts of notifications and circulars are not written down in articles, then due grouping is made in order not to cause misunderstandings in references to such drafts

(3) Drafts laws and decree laws include justifications for articles and regulatory impact analysis in addition to other requirements set down in paragraph one.

(4) In framework articles, other than those related to Laws and Decree Laws,

(a) if the amended regulation is published, a list showing the dates and numbers of Official Journals which issued the regulation and its amendments is made, and

(b) if the amended regulation is not yet published, a list of the dates and numbers of Official Journals which issued the regulation and its amendments is made, and

The name of the draft

ARTICLE 11 – (1) Each draft shall be given a name. The name of the draft shall be written bold and with capital letters; but shall not be underlined.

(2) In framework drafts, the name of the regulation shall be written in the name of the draft. In case the

framework draft provides amendments in more than one law and decree law, the draft shall be given a name which can designate the aim with the current amendments, instead of such names, “ Law Proposal on Amending Some of the Laws “, or “ Law Proposal on Amendment of Various Laws and Decree Laws “.

(3) In the name of the framework draft, statements on amendment of by-law shall be used instead of statements on amendment of by-law articles or adding articles to the by-law.

(4) For providing the unity, the regulatory proceedings except for regulation and by-law to be published in the Official Journal, shall only be named as decision, notification and circular, on condition that special provisions in laws and decree laws remain secret.

SECTIONS AND CHAPTERS

ARTICLE 12 – (1) Separate drafts can be divided into sections and sections can also be divided into chapters. Drafts, broader in scope, can be divided into papers.

(2) Each paper, section and chapter shall be separately given titles. The statements of the papers, sections and chapters shall be written bald and with capital letters, but in titles, only the first letter shall be written with capital and bold. Titles shall not be underlined.

ARTICLES

ARTICLE 13 – (1) Drafts shall successively be composed of articles, paragraphs, clauses and sub clauses.

(2) Paragraphs shall be specified with numbers, clauses with letters, sub clauses shall be specified with numbers. All letters in the Turkish Alphabet can be used in listing the clauses. Paragraphs shall not be numbered in framework articles. The numbers of the paragraphs shall be closed with parenthesis, the letters and numbers of the clauses and sub clauses shall be closed with half parenthesis; and after the letter “ z “, the alphabetical order shall be “aa, bb, cc, çç,.....zz “

(3) Articles and framework articles shall be written in bold and each letter shall be written with capitals. Articles and framework articles shall be numbered and after the numbers, hyphen shall be used; but full stop shall not be used. Articles and framework articles shall not be underlined.

(4) In description articles, descriptions shall be indicated in alphabetical order and with clauses and sub clauses.

TITLES OF THE ARTICLES

ARTICLE 14- (1) Articles, annex-articles and provisional articles shall be titled in line with the content. Framework articles shall not be titled.

(2) In case the title of the article is not in accordance with the content after the amendment of the article provisions, the title of the article shall also be amended in accordance with the content.

(3) The titles of the article shall be written bold but shall not be underlined. Only the first letter of the first word of the article letter shall be written in capital. Punctuation marks shall not be used at the end of the titles of the articles.

LISTING THE ARTICLES

ARTICLE 15 – (1) In drafts, according to the characteristics and the needs, there shall be aim, scope, basis, descriptions, organization, organs, qualifications, duty and responsibilities, penal provisions, provisions on regulatory proceedings and transitional provisions and also validity and current articles and if available the annexes of the regulations.

(2) The date of the draft to take effect shall be specified in current article without any misgiving.

ANNEXED AND PROVISIONAL ARTICLES

ARTICLE 16 – (1) Annexed article shall be used in case new regulation to be made in by-law cannot be added in the current articles and cannot be appropriate in the order of the current articles. Annexed article shall be placed before current articles and if available provisional articles.

(2) There shall not be dual articles in drafts, and annexed articles shall be added to current texts. In case the new article to be added must be placed in the specific parts of the regulation, the article shall be numbered as “ARTICLE.../A-“in the relevant part.

(3) Proceedings and regulations to be made, or principles and rules, also cases on the protection of the rights which is the result of regulations made before and similar transitional provisions shall be regulated with provisional articles until the regulation which is the result of the new by-law text is applied or during the time the new regulation to take effect. The provisional articles are also numbered. Regulations on creating or annulment of staff shall not be made with provisional articles.

(4) Annexed articles or provisional articles to be added shall be regulated in line with the system in the main structure of the regulation and annexed articles and provisional articles shall be numbered in the way that they can continue the numbers of the current annexes and transitional articles.

Amendment of more than one regulation and article

ARTICLE 17 – (1) There shall not be any amendment in the provisions of one framework draft and provisions of more than one regulation except for cases which require amendments in more than one by-law as there is not any connection between the subjects of the by-laws. Amendments shall be made for each regulation with separate framework drafts.

(2) In case articles which are provided to be amended are more than one, the articles shall not be regulated in only one framework article, but each article shall be regulated in separate framework articles.

(3) In case the articles are amended, the text which is amended shall be written with the number of the article. Amendment of the paragraphs, clauses, and sub clauses shall be started from the new line and the letter or the number of the paragraph, clause and sub clause shall be written. The article, paragraph, clause, sub clause which are amended shall be written in quotation marks.

(4) In framework drafts, which make amendment in more than one connected by-laws, framework articles shall be ordered according to the time of agreement or publication.

Amendment in Statements

ARTICLE 18 – (1) It shall be preferred in framework articles to amend the article, paragraph, clause, sub clause, or sentence in which there is the word or the statement amended instead of abolishing, adding, or replacing some words or statements.

Making Invocations

ARTICLE 19 – (1) In case there is an invocation to another by-law in an article, in order not to lead to any misgivings; the date, number, name and also the article, paragraph, clause, sub clause, or the sentence of the by-law which is invocated shall be clear.

(2) In the first invocation;

a) In case the date, number and the name of the law or the decree law is long, only the date and the number,

b) In the regulatory proceedings which are taken effect by the Cabinet decision, the date and the number of the Cabinet decision, also the name of the regulatory proceeding,

c) In the other regulations, the date and the number of the Official Journal in which the regulation published and the name of the regulatory proceeding, shall be written.

(3) Dates shall be written as day, month and year with numbers, also there shall be slashes between days, months and years.

(4) After the first invocation, in laws and decree laws, there shall be invocation of only the number and the name of the law and decree law. But there shall be invocations such as “to the same By-law”, “of the same By-law” in other regulations.

(5) In writing the invocated law, decree law and regulatory proceedings, or in writing their articles,

paragraphs, clauses, sub clauses, or sentences, amendments made before shall not be emphasized.

(6) In invoking a decree draft and decree law draft, there shall only be invocations of the decree and the decree law. There shall not be invocations of by-law in low level in the drafts of related regulations, by-law, and in other regulatory proceedings.

(7) Necessary annex shall be used according to the Turkish euphony after the number of the article invoked, but full stop shall not be used. In invocation of paragraphs, and sentences, writing shall be used instead of numbers. In invocation of clauses or sub clauses, the letter or number of the clauses and sub clauses shall be written in parenthesis.

(8)

a) In case the date, number and the name of the law or the decree law which has been annulled is long; only the date and the number, also the article, clause, sub clause, or the sentence of the law and the decree law,

b) In the regulatory proceedings which has been taken into effect by the Cabinet, the date, number, and the name of the regulatory proceedings, also the article, clause, sub clause, or the sentence of the Cabinet decision,

c) In other regulations, the date, number, and the name of the Official Journal in which the regulation has been published, also the article, paragraph, clause, sub clause, or the sentence of the regulation, shall be clearly stated. Such statements as “Provisions of the other Laws which are illegal, has been annulled/ shall not be applied.” shall not be written.

To take effect the low regulations

ARTICLE 20 – (1) In related article of drafts of laws and decree laws, it shall be stated that how long it takes to be put into effect from the validity date of regulatory proceedings, law and decree law and it shall also be stated whether the application of current provisions, if available, will continue or not until new regulations will be taken into effect.

Justifications

ARTICLE 21 – (1) The reasons for preparing the draft shall be clearly stated in the general justification.

(2) The reasons for regulating each article shall be clarified in article justification. Which of the provision to be abolished, amended or added and also the reasons for amendment or addition of provisions shall be clearly stated. Article regulations shall be regulated separately for each article. Article justifications shall not be prepared like the repetition of the article text.

Regulations which bring obligation and responsibility

ARTICLE 22 – (1) In drafts except for regulatory proceedings which are taken into effect by decision of the Cabinet, and laws and decree laws;

a) Provisions which bring obligations except for those stated on the basis of these regulations, provisions which provide income and expenditure on fiscal matters, also provisions which establish or abolish organization, and provisions which abolish or establish staff shall not be placed.

b) In case provisions, which give duty and responsibility to the Ministries, public institutions and agencies, are placed, the opinion of that Ministry and public institutions and agencies shall be taken or the draft shall be prepared with them.

The Language to be used in drafts

ARTICLE 23 – (1) Modern Turkish shall be used in drafts. Foreign words which have the same meaning in Turkish shall not be used. In case using technical words which do not have the same meaning in Turkish is obligatory, these technical words shall be written in line with the original.

(2) In the title of the drafts and in the article texts, with the aim of providing the unity of terminology, the word “ law “ shall be used instead of the word “ act .”

(3) Abbreviations shall not be used in drafts except for abbreviations stated in the description article. Words which represent the abbreviations shall be clearly written instead of abbreviations.

SECTION FOUR: Varied and Last Provisions

Regulatory Impact Analysis

ARTICLE 24 – (1) It is obligatory to make regulatory impact analysis for drafts of laws and decree laws whose impact is predicted to exceed ten million New Turkish Liras in case it is taken into effect. This amount can be determined by the Prime Ministry when necessary.

(2) The Prime Ministry can require regulatory impact analysis to be prepared for laws and decree laws whose impacts are below ten million New Turkish Liras, also for the other regulatory proceedings without making notice of impact amount.

(3) Regulatory impact analysis shall not be prepared for matters related to national security and for drafts of final account law.

(4) Regulatory impact analysis shall be prepared by the Ministry or public institution and agency which own the proposal.

(5) Matters which have been stated in the annex-1 shall be placed in the regulatory impact analysis. When preparing the regulatory impact analysis, current statistical data shall be utilized.

Ex-officio amendment and return

ARTICLE 25 – (1) The Prime Ministry can make ex-officio amendments in drafts in terms of figures.

(2) Drafts, which are confirmed to be against the constitution, laws and other related legislation or drafts which are not appropriate for the By-law, shall be returned to the Ministry, institution or agency which owning the proposal by the Prime Ministry with the aim of filling the deficiencies or providing appropriateness to reassessment.

Examples

ARTICLE 26 – (1) Matters regulated in this By-law is exemplified in annex-4.

Regulation in legislation before By-law

PROVISIONAL ARTICLE 1 – (1) In drafts which provide amendment in current law and decree law when the By-law has been taken into effect, the principle shall be consistent to the structural system of the current regulation.

Exception of preparing the list

PROVISIONAL ARTICLE 2 – (1) On the amendments of the current regulation to be made when this By-law has been taken into effect, in preparing the stated list in the paragraph four of the article ten stating the amendments made before the date of publication of this By-law is not obligatory

Validity

ARTICLE 27 – (1)

a) Provisions related to the regulatory impact of this By-law shall be taken into effect one year after the publication date.

b) Other provisions of the By-law shall be taken into effect on the date of the publication.

Execution

ARTICLE 28 – (1) Provisions of this By-law shall be executed by the Cabinet

Annex- 1

Provisions which will be placed in the Regulatory Impact Analysis are;

- 1- Reasons which are necessary for preparing the regulations, and if the kind of the regulation has been chosen right or not.
- 2- The benefits and costs of the regulation, and if the benefits justify the costs.
- 3- If regulation brings financial burden to the budget, and if so the approximate cost of the regulation.
- 4- If regulation provides establishing new organization or establishing staff and if these are necessary.
- 5- The effects of the regulation on the social, financial and commercial life, also on the environment and related parties.
- 6- If there are points which increase the bureaucracy and the bureaucratic formalities of the regulation.
- 7- If related parties find the opportunity to deliver opinions when making regulation.
- 8- If the regulation is practical or not, ways for providing consistency and ways for following the practice.
- 9- If the administration which has been given authorization and responsibility and if the regulation has been chosen correctly or not.
- 10- Ways for assessment of the regulation impact.

Annex-2 FORM TO BE USED IN DELIVERING OPINIONS ON DRAFTS

Opinion and assessment on general draft		Proposal
Article of the Draft	Opinion and Assessment	Proposal
1-		
2-		
3-		
4-		

Annex- 3 FORM TO BE USED IN SUBMISSION OF OPINIONS TO THE PRIME MINISTRY ON DRAFTS

Institution delivering opinion	Article of the Draft	Proposal	Assessment
1-			
2-			
3-			
4-			

Annex-4. EXAMPLES

EXAMPLE 1- ARTICLE OF THE DRAFT

ARTICLE 1- .../.../... dated and number fourteen article of the law has been amended as below.

“ARTICLE 14- (1) Articles, annexed articles and provisional articles shall be titled appropriately to

the content. Framework articles shall not be titled.

(2) In case the consistency of the title of the article and the content is failed as a result of amendment on the article provision; Title of the article shall be amended appropriately to the content.

(3) The titles of the article shall be written bold and shall not be underlined. Only the first letter shall be written with capital. Punctuation marks shall not be used at the end of the titles of the articles.

ARTICLE 2- Sentence four of the sub clause number two of the (a)clause of the article 20 of the number ... law has been annulled.

ARTICLE 3- Clause (e) of the paragraph four of the article 37, annulled by the article ... of the law of the repealed/Constitutional Court, has been reregulated.

“e) Applying the other duties which have been given by the Minister.”

EXAMPLE 2- FRAMEWORK DRAFT LAW PROPOSAL ON AMENDMENT OF THE ... LAW

ARTICLE 1- .../.../... dated and ... numbered ... Law has been amended with its title as below.

“Counselling units

ARTICLE 16- Counselling units of the Presidency are;

- a) The Department of Strategy Development
- b) Law Consultancy
- c) The Consultancy of Press and Public Relations”

ARTICLE 2- Paragraph two of the article 20 of the ... numbered Law has been annulled.

ARTICLE 3- This Law shall be taken into effect on the publication date.

ARTICLE 4- The provisions of this Law shall be executed by the Cabinet.

EXAMPLE 3- AUTONOMOUS DRAFT THE DRAFT OF THE ... LAW

Aim

ARTICLE 1- (1) The aim of this Law is to point the ... principles.

Scope

ARTICLE 2- (1) This Law shall comprise

Definitions

ARTICLE 3- (1) In application of this Law;

- a) Agency: means Travel agencies,
- b) Minister: means the Minister of Tourism and Culture
- c) Institution: means ... Institution,
- d) Personal articles: means ... article

...

...

By-law

ARTICLE 26- (1) By-law stated in this Law shall be taken into effect by the Ministry of Culture and Tourism in three months from the publication date of this Law.

Legislation which has been annulled

ARTICLE 27- (1) .../.../... dated and ... numbered Law has been annulled.

Application of the current By-law

PROVISIONAL ARTICLE 1- (1) Application of the provisions which are not against to the current by-law shall continue until the By-laws provided in this Law are taken into effect.

Validity

ARTICLE 28- (1) This By-law shall be taken into effect on the publication date.

Execution

ARTICLE 29- (1) The provisions of this Law shall be executed by the Council.

.....

EXAMPLE 5- LIST RELATED TO THE AMENDMENTS IN REGULATION

5- A) Published in the Official Journal

The Official Journal's, in which the By-law, Regulation/the Decision of the Cabinet Published,		
Number Date		
24682		1/3/2002
The Official Journal's, in which the Regulation Making Amendments in By-law/Regulation/and on the Decision of the Cabinet		
Number Date		
1-	25066	1/4/2003
2-	25439	20/4/2004
3-	25589	20/9/2004
4-	25851	20/6/2005

5- B) Not Published in the Official Journal

By-law/The Cabinet Decision's		
Decree Number Date		
2002/1452		16/5/2002
The Regulation's which makes amendment in the By-law/The Cabinet Decision		
Number Date		
1-	2003/1452	1/4/2003
2-	2004/3526	20/4/2004
3-	2004/8654	20/9/2004
4-	2005/8505	20/6/2005

By-law's/Comminique's		
Permission Number Date		
B.02.0.KKG/105-26-2687		16/5/2002
By-law'/Comminique's which makes Amendment in the By-law/Comminique		
Permission Number Date		
1-	B.02.0.KKG/105-26-6387	1/4/2003
2-	B.02.0.KKG/105-26-5244	20/4/2004
3-	B.02.0.KKG/105-26-9875	20/9/2004
4-	B.02.0.KKG/105-26-8965	20/6/2005

EXAMPLE 6- NAME IN DRAFTS DRAFT LAW ON PRIME MINISTERIAL ORGANIZATION

DRAFT LAW OF CHILD PROTECTION

DRAFT LAW ON MAKING AMENDMENT IN THE LAW OF THE COURT OF ACCOUNTS

DRAFT LAW OF TAX PEACE

REGULATION LAW ON MASTER IN MEDICAL

DRAFT OF BY-LAW ON MAKING AMENDMENT IN THE BY-LAW OF LAND REGISTRY

DRAFT OF BY-LAW ON THE PROCEDURES AND PRINCIPLES OF LEGISLATION

DRAFT OF BY-LAW ON PRINCIPLES OF PROMOTION AND AMENDMENT OF APPELLATION IN PUBLIC INSTITUTIONS AND AGENCIES

DRAFT OF BY-LAW ON THE PROCEDURES AND PRINCIPLES OF ENTRANCE OF MINISTERIAL EXPERT ASSISTANCE AND MINISTERIAL EXPERT PROFICIENCY TEST, AND ON THE APPOINTMENT, EDUCATION, AUTHORIZATION AND LABOUR

DRAFT OF BY-LAW ON MAKING AMENDMENT OF BY-LAW ON THE MINISTERIAL PERSONNEL TO BE SENT OVERSEES WITH THE AIM OF

EDUCATION

DRAFT OF COMMUNIQUE ON THE STANDARTS OF INSTITUTION

DOCTORS

DRAFT OF COMMUNIQUE ON MAKING AMENDMENT OF PROCEDURES AND PRINCIPLES ON ADJUSTMENT OF FINANCIAL TABLES IN TIME OF

HIGH INFLATION

EXAMPLE 7- SECTIONS IN DRAFTS

TURKISH PENAL CODE

FIRST BOOK

General Provisions

FIRST CHAPTER

Main Principles, Definitions and Application Field

FIRST PART

Main Principles and Definitions

EXERCISE 8- PARAGRAPH, CLAUSE, SUBCLAUSE IN DRAFTS

The Principle of legality in crime and punishment

paragraph

ARTICLE 2- (1) Anyone shall be given punishment for an act which is not explicitly regarded as a crime by Law and security measure shall not be applied.

paragraph

(2) Crime and punishment shall not be placed to gather with the regulatory proceedings of administration.

paragraph

(3) Comparison shall not be applied for the application of provisions of law which include crime and punishment. Provisions including crime and punishment shall not be interpreted broadly which leads to comparison.

Task and authorization of the Directorate General

ARTICLE 3- (1) The tasks and authorizations of the Directorate General are;

clause

clause

clause

clause

clause a) ...,

clause b) ...,

c) ...,

ç) ...,

d) ...,

e) ...,

sub clause

sub clause

sub clause

sub clause 1) ...,

sub clause 2) ...,

3) ...,

4) ...,

5) ...,

clause f) ...,

clause g) ...,

clause ğ) ...,

clause h) ...,

EXERCISE 9- AUTONOMOUS ARTICLE, FRAMEWORK ARTICLE autonomous article

Aim

ARTICLE 1- (1) The aim of this Law is to regulate

autonomous article

The Principle of legality in crime and punishment

ARTICLE 2- (1) Anyone shall be given punishment for an act which is not explicitly regarded as a crime by Law and security measure shall not be applied. Other punishment and security measure except for written punishments and security measures in Law shall not be imported.

(2) Crime and punishment shall not be placed to gather with the regulatory proceedings of administration.

(3) Comparison shall not be applied for the application of provisions of law which include crime and punishment. Provisions including crime and punishment shall not be interpreted broadly which leads to comparison.

framework article

ARTICLE 1- The first sentence of paragraph one of article 313 of 22/11/2001 dated and numbered 4721 Turkish Civil Code has been amended as below.

“It is possible to adopt a adult or incapacitated child with the clear agreement of sub descendance of the person who adopts the child.”

EXAMPLE 10- ARTICLE TITLES

Article Titles

ARTICLE 14-

Oversees education

ANNEX ARTICLE 38-

Submission of proposals

PROVISIONAL ARTICLES 1-

EXAMPLE 11- ARTICLE TO BE ADDED TO

CERTAIN PART OF THE REGULATION

ARTICLE 3- Article below has been added to the number ... Law after the article 10.

“Legal Consultancy

ARTICLE 10/A- (1) Law Consultancy has these tasks stated below:

a) Delivering opinion on law, regulation and by-law drafts, also on the other legal subjects which are sent by the minister, the ministry units and by the other ministries.

b) Taking the legal measures on time which help to protect the benefit of the ministry and to prevent disagreements, also helping the agreements and conventions to be made in line with these procedures.

c) Preparing the necessary information in legal and executive cases according to the provisions of 8/1/1943 dated and number 4353 of Law, also representing the ministry on executive cases it is party of or following and coordinating the cases which are represented by paying contract by the ministry.

ç) Doing the other tasks which are submitted by the Minister and Undersecretary.”

ARTICLE 25- Article below has been added to the number ... Law after the article 20/A.

“The Directorate of Strategy Developing

ARTICLE 20/B- (1) The Directorate of Strategy Developing has these tasks stated below:

a) ...

b) ...

c) ...

d) ...

e) ...

f) ...

g) ...

ğ) ...”

EXERCISE 12- MAKING ATTRIBUTIONS

12-A) Paragraph one of article 19

Provisions which are reserved

ARTICLE 56- (1) The provision of clause (c) of paragraph four of article 51 of date .../.../... and number ... Law is reserved.

The characteristics to be searched

ARTICLE 29- People who will be appointed to the expert staff in the General Directorate shall have requirements stated in the clause (c) of article 7 of 9/12/1994 dated and number 4059.

12- B) Paragraph two, three and four of article 19

Provisions not to be applied

ARTICLE 56- (1) Provision of clause (c) of paragraph four of article 51of the Law of 26/9/2004 dated and number 5237 of the Turkish Penal Code shall be reserved.