Legal drafting

# Paragraphing

Paragraphing (also called tabulation) can make sentences easier to understand .Paragraphing is more than breaking a long text into indented units (clauses). It should follow rules that reflect the grammatical structure of the text, and achieve a continuous flow of ideas.

## Definition of clause

[What’s a clause?]

## Rules for paragraphing

We must follow simple rules in order to write clauses properly.

### Numbering

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1. Paragraphs numbering should be generated with MS Word – Multilevel List tool:
   1. Sections are numbered with Arabic numerals and may contain subsections, which are numbered with Arabic numerals in parentheses.
   2. Sections and subsections may contain opening or umbrella words followed by other units of text and punctuation, including:
      1. paragraphs, which are called “clauses” in some jurisdictions and may contain opening or umbrella words followed by other units of text and punctuation, including:
         1. subparagraphs, which are called “sub clauses” in some jurisdictions and may contain opening or umbrella words followed by other units of text and punctuation, including
            1. clauses, which are called “paragraphs” in some other jurisdictions and may contain opening or umbrella words followed by other units of text and punctuation, including:

sub clauses, which are called “subparagraphs” in some other jurisdictions, and

a comma at the end, unless the clauses are at the end of a higher unit of text, and

* + - * 1. a comma at the end, unless the subparagraphs are at the end of a higher unit of text, and
      1. a semi-colon at the end, unless the paragraph is at the end of a section or subsection; and
    1. units of text found only in clause sandwiches, which, because they:
       1. have no official name, and
       2. do not correspond to grammatical concepts outside legal discourse are commonly known as middle sections or mid-ambles (if they divide two series of units of text) and, if a sentence
       3. keeps on going, or
       4. is followed by another sentence within the same section or subsection, units that follow called bottom or tail sections or post-ambles.   
          When there are middle sections, the numbering of the intervening units below them continues the numbering from the series of units above them.

### Opening words

There must be at least 2 parallel unit of text preceded by opening words (the “umbrella” or “chapeau”) indented from the opening words.

1. **The minister may issue a licence if**: [*opening words*]
   1. the application is complete; and [*first parallel unit*]
   2. the applicant has paid the licence fee. [*second parallel unit*]

### Parallelism

Each paragraph unit must be capable of being read grammatically with the opening words.

**Incorrect**

1. The minister may issue a licence:
   1. before the fishing season begins; and
   2. **the licence may be revoked at any time for noncompliance with the regulations**

### Grammatically equivalent

Each parallel unit must be grammatically equivalent. Same grammatical function, and modify the same part of speech in the opening words.

1. The Minister may issue a licence
   1. before the fishing season begins; and [*this is a phrase*]
   2. that is revocable at any time for noncompliance with the regulations. [*this is a clause*]
2. The Minister may issue a licence
   1. before the fishing season begins; and [*modifies the verb "issue”*]
   2. to catch fish. [*modifies the noun "licence”*]

### Multiple modifiers

Multiple modifiers in a parallel unit must modify either the same thing in the opening words, or something within the parallel unit itself.

1. *Tax* is imposed at the scheduled rate on **widgets** that are
   1. **manufactured** and **sold** in Canada, and *is payable* by the manufacturer when the widgets are delivered to a purchaser; and
   2. **imported**, and *is payable* by the importer when the widgets are imported.

### Independent clauses

Avoid independent clauses within paragraphs.

1. Tax is imposed at the scheduled rate on widgets that are
   1. manufactured and sold in Canada, **and the manufacturer shall pay the tax when the widgets are delivered to a purchaser**; and
   2. imported, and the importer shall pay the tax when the widgets are imported.