

TIPS FOR CONTRACT DRAFTING

In essence, contracts are forward-looking legal instruments. To record the terms of the agreement and perhaps avoid future disagreements, having a contract in writing is essential. When creating contracts, the aim should be to be as precise as possible such that there is only one interpretation that can be consistent with the intended meaning. Understanding a contract's terms increases the likelihood that both parties will uphold it, and contracts with plain language are less likely to experience legal challenges.

The following advice will help you write a contract with more clarity by adding it to your thoughts.

- **Use simple English**

You should try to steer clear of the formal and technical language used in legal documents while establishing a contract, just as you should in court filings. Instead, use plain English. A contract is cluttered and has difficult-to-understand stipulations if it is written in the formal and technical language of legal documents. The contract is more legible to all audiences, including the parties themselves and a judge who might later have to interpret it, by staying away from the formal and technical language of legal documents.

- **Usage of short sentences**

Generally, a contract is easier to understand when the phrases are shorter. You may make your contract more understandable by using vertical lists or subparagraphs to separate difficult topics and using fewer phrases. As a general guideline, you should think about revising a sentence if it is longer than three lines by either dividing it into two or more sentences, reformatting the clause into sub-sections, or both.

- **Apply the active voice**

Contracts written in the active voice are typically simpler to understand, just as agreements used in litigation. The active voice is especially appreciated in contracts since it requires activity from all parties. Keep the "core" of the statement cohesive while employing an active voice. The subject, verb, and object of the phrase make up its "core."

Draft in the active voice whenever feasible, which is subject + verb + object, as opposed to object + verb + subject. Avoid using clauses and phrases that separate the subject from the verb or the verb from the object of the sentence.

- **“Shall” and “will”**

When the term "must" is used without a party, it has probably been misused. To determine the long-term effects of situations and occurrences that do not bind the participants, use the word "will." If a party is required to fulfil a duty, the word "shall" should be used. Make sure you appropriately utilise each of these terms in a contract.

- **Keep an eye out for "synonyms."**

For no obvious reason, lawyers frequently combine two terms that have the same meaning. In research, it was discovered that legal writers used these "synonyms" five times more frequently than other types of authors.

- **Keep the words consistent**

Authors try to use different vocabulary in non-legal writing to create more engaging text. However, contract drafting must refrain from variance and inconsistency. It's more crucial to maintain consistency in the words used than to steer clear of repetition.

- **Take out any needless words**

You may make a text easier to read by cutting out unnecessary words and replacing confusing phrasing.

- **Prevent Using Gender-Specific Language**

The gender-specific language may confuse, divert, or offend certain readers. By employing a plural noun or repeating the term, you can avoid using language that is particular to one gender.

- **The organisation of Sections and Subsections**

Making proper use of sections and subsections is a simple way to add clarity to a contract. A contract is typically easier to read when the sections are shorter. The reader may be inclined to skip over a provision that is comprised of a lengthy block of text. Such a provision can be broken up by creating a broad header for the section and a more

detailed sub-section head. Make sure the headers you assign to the sections and subsections accurately sum up and relate to the contents of that section or subsection.

- **Write in paragraphs**

A hard indent should be used to divide a paragraph into many subsections. Make use of headlines to draw the reader's focus. Documents that are aesthetically appealing are more useful since readers will take the time to read them.

Therefore, these are the tips that one could for while drafting a contract to draft it in the best way.