

SENTENCES USE PRESENT TENSE

See 6.7 of the Checklist

The present tense is the tense we use most often day-to-day. It is the simplest and strongest form of the verb. It indicates that the action is taking place now, in the present, relative to the writer. Occasionally, of course, you may need to use other tenses, but use them only when necessary for accuracy.

The present tense makes your writing simpler, more direct, and more forceful. The more you use the conditional or the future tense, the harder your audience has to work to understand your meaning.

Writing in the present tense saves your audience work, helps make your point clearly, and helps with consistency of expression.

EXAMPLE 1 – CLARITY

- ✘ These sections describe types of information that **would satisfy** the application requirements as they **would apply** to this grant programme.
- ✔ These sections **tell** you how to **meet** the requirements for this grant programme.

In legislation, this approach is supported by the principle of interpretation that “an enactment applies to circumstances as they arise”.¹

EXAMPLE 2 – ONGOING APPLICATION

- ✔ A person who **contravenes** this section **commits** an offence.

Even if you are referring to an event that happened in the past, you can clarify the meaning for your audience by writing as much as possible in the present tense.

EXAMPLE 3 – REFERENCE TO PAST EVENTS

- ✘ Applicants who were employees at the time that the injury was sustained should have **filed** a compensation request at that time. Failure to do so could have an effect on the degree to which the applicant can be covered under this Part.
- ✔ You may not be covered under this Part if you are an employee at the time of the injury and do not **file** a claim at that time.

¹ See section 6, Interpretation Act 1999 (1999 No 85)

The present tense can also be used to imply future actions:

EXAMPLE 4 – IMPLIES FUTURE ACTION

Present: the milk **expires** on Monday

Future: the milk **will expire** on Monday

Tip: Look for cases where the present tense can be used in place of the future tense.

LEGISLATION EXCEPTIONS

Exceptions to writing legislation in the present tense include—

- where a past action continues until the present; and
- where future obligations may determine a present outcome in law; and
- where you need to differentiate between scenarios that have happened, are currently happening, or will happen in the future.

EXAMPLE 5² – PAST ACTION CONTINUES

- ✔ The Minister may grant an overseas launch licence only if the Minister is satisfied that the applicant **has taken**, and **will continue to take**, all reasonable steps to manage risks to public safety.

EXAMPLE 6 – PAST, PRESENT, AND FUTURE SCENARIOS

- ✔ (1) A party to a contract may cancel if—
 - (a) the party **has been induced** to enter into it by a misrepresentation made by another party to the contract; or
 - (b) a term in the contract **is breached** by another party to the contract; or
 - (c) it is clear that a term in the contract **will be breached** by another party to the contract.

² See Government of Canada, Department of Justice, *Legistics: Present Indicative*