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CRY WOLF!



The incisive newsletter for tax analysts with too much time on their hands.

Autumn Author

In the autumn a gentleman's fancy ponderously turns to thoughts of legal drafting.[1] In keeping with this observation, Cry Wolf! presents, for your delectation, an unattributed piece that recently crossed my desk. If a gentle reader knows its origin, please let the editors know at the usual address.

- Olfo Rilpa

Eating Burgers

Original wording:

I want to eat burgers with you.

Slaughter and May markup number 1:

I want to eat burgers with you. For the avoidance of doubt, the foregoing shall not be construed to mean that I want to eat a burger that has you in, on or under it.

Slaughter and May markup number 2:

I want to eat burgers with you. For the avoidance of doubt, the ~~foregoing~~ immediately preceding sentence shall not be construed to mean that I want to eat a burger that has you (or any part of you) in, on or under it.

Slaughter and May markup number 3:

I want to eat burgers with you. For the avoidance of doubt, the immediately preceding sentence:

(i) shall not be construed to mean that I want to eat a burger that has you (or any part of you) in, on or under it; and

(ii) shall be construed only to mean that I want you to eat a burger and me to eat a burger at the same time and in the same place.

Slaughter and May markup number 4:

I want to eat burgers with you. For the avoidance of doubt, the immediately preceding sentence:

(i) shall not be construed to mean that I want to eat a burger that has you (or any part of you) in, on or under it; and

(ii) shall be construed ~~only~~ to mean only that I want you to eat a burger and I want me to eat a burger **at the same time** and **in the same place**.

For the purposes of the immediately preceding paragraph, with respect to the consumption of one or more burgers (if any) by a person (for the purposes of this paragraph, the "**first person**") and another person (for the purposes of this paragraph, the "**second person**"):

(a) "**at the same time**" means the consumption of the **first person**'s burger by the **first person** at approximately the same time as the

1 With apologies to Alfred Lord Tennyson.

consumption of the **second person**'s burger by the **second person;** and

(b)"**in the same place**" means to the geographic location at which such burgers are consumed and does not, for the avoidance of doubt, refer to any part of any burger.

Final Slaughter and May wording:

I want to eat burgers with you (the "**Original Sentence**"). For the avoidance of doubt, the ~~immediately preceding~~ **Original Sentence**:

(i) shall not be construed to mean that I want to eat a burger that has you (or any part of you) in, on or under it; and

(ii)shall be construed to mean only that I want you to eat a burger and I want me to eat a burger **at the same time** and **in the same place**.



For the purposes of the immediately preceding paragraph, with respect to the consumption of one or more burgers (if any) by a person (for the purposes of this paragraph, the "**first person**") and another person (for the purposes of this paragraph, the "**second person**"):

(a)"**at the same time"** means the consumption of the **first person's burger** by the **first person at approximately the same time** as the consumption of the **second person's burger** by the **second person** (provided, for the avoidance of doubt, that the "**first person's burger**" means the burger (whether made of beef, chicken, lamb or the flesh of any other animal) owned by that person and not a burger made from the flesh of that person and the same shall apply to the "**second person's burger**", *mutatis mutandis* and provided further that "**at approximately the same time**" means that (1) the **first person** commences the consumption of the **first person's burger** within 10 minutes of the commencement of consumption of the **second person's burger** by the **second person** and (2) the **first person** finishes consuming the **first person's burger** (or notifies the **second person,** in an notice in writing which is signed by the **first person**, that the **first person** has determined that it will not finish the consumption of said **first person's burger**) within 10 minutes of either (A) the completion of consumption of the **second person's burger** by the **second person** or (B) the delivery of a notice in writing (signed by the **second person**) by the **second person** to the **first person** which states that the **second person** has determined that it will not finish the consumption of said **second person's burger**); and

(b)"**in the same place**" means ~~to the geographic location at which such burgers are consumed and does not, for the avoidance of doubt, refer to any part of any burger.~~ the **first person** shall consume the **first person's burger** whilst seated at a table (the "**Table**") and the **second person** shall consume the **second person's burger** whilst seated at the **Table**.

For the avoidance of doubt, nothing in the **Original Sentence** (or any paragraph referring thereto) shall be construed to refer to the consumption of human flesh by any person or express the desire on the part of any person to do the same.

[Note to draft: wording is not ideal but may be the best that may be accomplished under the circumstances, given the complexity of the subject matter and the completely unreasonable deadline.]

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