

Citing References: Law

This document provides guidance on citing legal materials and specific guidance for law students on citing references in assignments.

IMPORTANT

If you are a **LAW** student, you should use this guide to help you cite **ALL** types of materials in your work. You should use the footnote system of referencing, which is conventional in legal academic writing.

If you are **NOT** a law student, you should **ONLY** use this guide to help you cite legal materials (such as Acts, cases, etc). You should **NOT** use the footnote system of referencing. You should use instead the Harvard system, set out in the Library's BU Guide to Citation in the Harvard Style.
www.bournemouth.ac.uk/library/citing_references/docs/Citing_Refs.pdf

This guide is based on The Oxford Standard for Citation of Legal Authorities (OSCOLA), see www.competition-law.ox.ac.uk/published/oscola_2006.pdf for the full version of OSCOLA 2006.

Introduction:

Why reference?

When you write an assignment, you need to cite (quote) the bibliographical references of all the cases, legislation, books, articles, etc to which you have referred. This allows someone reading your work to locate the sources you have used. If you don't acknowledge that you have used another person's work or ideas in your assignment, you will be accused of plagiarism.

You should cite references in two places:

- In the text of your work, using footnotes
- In a list at the end of your work (a bibliography).

Footnotes

You should use footnotes to reference sources in the text of your work. To create a footnote, insert a number after the full stop at the end of the sentence or after the word or phrase to which it relates. Then, insert a numbered note at the foot of the page giving the full citation for the source. Close the footnote with a full stop. If you give more than one citation in a footnote, separate the citations with a semi-colon. You should number the footnotes continuously through the document, starting at 1.

It is well represented in the case law, perhaps most notably in the expression of the no-conflict rule advocated by Lord Upjohn in *Phipps v Boardman*,³¹ and in the earlier Court of Appeal decision in *Boulting v Association of Cinematograph, Television and Allied*

Technicians.³² In *Boulting* [or 'in the *Boulting* case'], Upjohn LJ said that the rule 'must be applied realistically to a state of affairs which discloses a real conflict of duty and interest and not to some theoretical or rhetorical conflict'.³³ In *Phipps*, Lord Upjohn developed his view of the rule further by adding that there must be a 'real sensible possibility of conflict'.³⁴

³¹ [1967] 2 AC 46 (HL).

³² [1963] 2 QB 606 (CA).

If you refer to a source more than once in your footnotes, give the full citation when the source is first mentioned. Thereafter, you can briefly identify the source and identify in which footnote the full reference can be found (n...):

³³ *Boulting* (n 32) 638.

³⁴ *Phipps* (n 31) 124.

You can also use 'Ibid', meaning 'in the same place'. This is used to repeat the information given in the footnote immediately previous. 'Ibid' used alone means 'in the very same place'. 'Ibid 345' means 'in the same work, but this time at page 345'.

Bibliography

Your bibliography should give full references to all materials you have cited or relied on in your work. In your bibliography, separate out types of materials in the order listed below, and within each type list the materials in alphabetical order:

- Statutes (Acts)

Available in alternative formats. Please ask:

Tel +44(0)1202 965959 **Email** LibSupp@bournemouth.ac.uk

Citing References: Law Subject Advice

- Statutory instruments
- Cases
- Official materials
- Books
- Journal articles
- Websites

You should list legislation and cases from different jurisdictions separately within the above categories. For example, in your list of cases give UK cases first, then EU cases and finally international cases.

Case Law:

Cite a report of a judgment in a case as follows:

Names of parties [Year] or (Year) Volume number Abbreviation for law report series Page number (Court)

e.g. *James v Eastleigh* BC [1990] 2 AC 751 (HL)

When referring to a case in the text of your work, use footnotes. It is not necessary to repeat the name of the case in the footnote (see 'Footnotes', above for examples).

Names of parties

- Use italics for the names of the parties separated by an italic *v*
- Omit the first names and initials of individuals
- If there are multiple parties, name only the first claimant and the first defendant
- Use '*Re*' in preference to 'In re' or 'In the matter of'
- Abbreviate '*Ex Parte*' to '*Ex p*' (by one party in the absence of another)
- Common words and phrases should be abbreviated (see OSCOLA, Appendix 2).

Year

The year may be enclosed in either square brackets [] or round brackets ():

- [] indicates the year the case was reported. You would use the date to locate the case
- () indicates the date of judgment (a case may have been judged in one year, but not reported until the following year). You would use the volume number to locate the case; the date is additional information.

Law report series

- Use a standard abbreviation for the title of a law report series. To check these, see OSCOLA Appendix 1 or use the Cardiff Index to Legal Abbreviations www.legalabbrevs.cardiff.ac.uk/
- No punctuation is needed in the abbreviation: for example use 'QB' not 'Q.B.'
- Use the best report of a case; the most authoritative series is the official Law Reports (Appeal Cases, Chancery, Family, King's/Queen's Bench, etc). If the case is not reported in the Law Reports, cite the Weekly Law Reports. Failing that, cite the All England Law Reports. In specialist areas, it may be preferable to cite a specialist series, such as Lloyds Law Reports.

Neutral citations

Since 2001, cases from the Court of Appeal and divisions of the High Court have been given neutral citations. These identify judgments independently of any law report series:

Names of parties [Year of judgment] Court Case number

e.g. *Rottman v MPC* [2002] UKHL 20

If you have both a neutral citation and a citation from a law report series for a case, give the neutral citation first followed by a comma and the citation of the best report (there is no need to note the court again as this is indicated in the neutral citation).

Unreported cases

If a case has not been reported in a law report series, you should cite the case using a neutral citation, where available. If an unreported case has no neutral citation, cite the case as follows:

Names of parties (Court Date of judgment)

e.g. *Peter Scott v Process Mechanical Ltd* (Bradford County Court 20 July 2006)

Cases before 1865

Pre-1865, cases were published in report series named after the individual law reporter ('nominate reports'). These cases are reprinted in a series called the English Reports.

You should give the citations for both report series, as follows:

Names of parties (Year) Nominate Report citation, English Report citation

e.g. *Boulton v Jones* (1857) 2 H&N 564, 157 ER 232

Repeated references

The first time you cite a case in the text of your work, you should give the full party names, '*in Glebe Motors plc v Dixon-Greene*'. Thereafter, you can refer to the case in the text using a shortened form, such as 'in the Glebe Motors case' or '*in Glebe Motors*'.

In criminal cases, it is conventional to abbreviate 'in *R v Caldwell*' to 'in *Caldwell*'.

You should only use this method where there is no ambiguity about which case is being referred to.

Pinpoint

To identify a particular passage within a report of a case, follow the citation with the page number(s) of the relevant passage.

e.g. *R v Leeds County Court, ex p Morris* [1990] QB 523 (QB) 526-9

For cases with a neutral citation, give the paragraph number(s) of the relevant passage enclosed in square brackets (you do not need to follow the citation with a comma before giving the paragraph number).

e.g. *Re A (Conjoined Twins: Surgical Separation)* [2000] EWCA Civ 401 [20]

Judges

To identify the decision of a judge in a case, follow the citation with the judge's surname in parenthesis and the conventional abbreviation identifying their judicial office:

e.g. [1999] All ER 400 (HL) 411 (Lord Steyn)

- High Court Judge - Mr or Miss/Mrs Justice Smith, abbreviated Smith, J.
- Court of Appeal Judge – Lord or Lady Justice Smith, abbreviated Smith LJ (unless the judge is a peer, then use Lord or Lady Smith)
- House of Lords Judge - Lord or Baroness Smith (abbreviated forms are not used for Law Lords).

Other jurisdictions

For guidance on citing EU and international cases, see the full OSCOLA guide.

Statutes (Acts of Parliament):

Cite an Act by its short title and date. You should not include 'the' at the beginning of the title, or use any punctuation between the title and the date in your citation:

e.g. Anti-terrorism, Crime and Security Act 2001

You should refer to an Act by name and date in the text of your work. You do not need to create a footnote.

Pinpoint

To identify a particular point within an Act:

- To cite a section, follow the citation with the abbreviation 's' and the section number: e.g. Gambling Act 2005 s 3
- To cite two or more sections, follow the citation with the abbreviation 'ss' and the section numbers: e.g. Gambling Act 2005 ss 3 and 4
- To cite a part, follow the citation with the abbreviation 'Pt' and the part number: e.g. Gambling Act 2005 Pt I
- To cite a schedule, follow the citation with the abbreviation 'Sch' and the schedule number: e.g. Gambling Act 2005 Sch 1.

Bills

Cite a Parliamentary Bill as follows:

Name HC Bill (for House of Commons bill) or HL Bill (for House of Lords bill) (Parliamentary session) Number [HC Bills are numbered within square brackets]

e.g. Identity Cards HC Bill (2005-06) [49]

Citing References: Law Subject Advice

To identify a clause within a Bill: use 'cl' followed by the clause number:

e.g. Identity Cards HL Bill (2005-06) 28 cl 4

Other jurisdictions

For guidance on citing EU and international legislation, see the full OSCOLA guide.

Statutory Instruments (SI):

Cite a SI by name, date and number (where available). You should not include 'the' at the beginning of the title, or use any punctuation between the title and the date in your citation:

e.g. Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004 SI 2004/3166

You should refer to a SI by name and date in the text of your work only. You do not need to create a footnote.

Pinpoint

To identify a particular point within a SI (NB a SI may be a 'Rule', a 'Regulation' or an 'Order'):

- To cite a section of a Rule, follow the citation, the abbreviation 'r' (plural 'rr') and the number: e.g. Information Tribunal (National Security Appeals) Rules 2005 r 13
- To cite a section of a Regulation, follow the citation with the abbreviation 'reg' (plural 'regs') and the number: e.g. Smoke Flavourings (England) Regulations 2005 reg 2
- To cite a section of an Order, follow the citation with the abbreviation 'art' (plural 'arts') and the number: e.g. Dutch Potatoes (Notification) (England) Order 2005 art 3.

Other jurisdictions

For guidance on citing EU and international legislation, see the full OSCOLA guide.

Other Sources:

Law Commission reports

Cite a Law Commission report as follows:

Law Commission, 'Title' (Law Commission report number Command paper number where available, Year)

e.g. Law Commission, 'Evidence of Bad Character in Criminal Proceedings' (Law Com No 273 Cm 5237, 2001)

To pinpoint a particular passage, follow the citation with the relevant paragraph number(s) in square brackets:

e.g. Law Commission, 'Evidence of Bad Character in Criminal Proceedings' (Law Com No 273 Cm 5237, 2001) [2.89]

Command Papers

Cite a Command paper as follows:

Author, Title (Command paper number, Year)

e.g. Secretary of State for the Home Department, 'Identity Cards: The Next Steps' (Cm 6020, 2003)

You should note the abbreviation for 'Command' given on the title page of the publication carefully. There have been several series of Command Papers; each series has its own unique abbreviation.

To pinpoint a particular passage, follow the citation with the relevant page number(s):

e.g. Secretary of State for the Home Department, 'Identity Cards: The Next Steps' (Cm 6020, 2003) 4

Parliamentary debates (Hansard)

Cite Hansard as follows:

Hansard HC (House of Commons) or HL (House of Lords) vol Volume number col Column number (Date)

e.g. Hansard HC vol 446 col 366 (10 May 2006)

Use 'cols' for two or more columns.

Select Committees

Cite a report of a Parliamentary Select Committee as follows:

Committee name, 'Report name' HC (House of Commons) or HL (House of Lords)
(Parliamentary session) Serial number

e.g. Defence Select Committee, 'Iraq: An Initial Assessment of Post-Conflict Operations' HC (2004-05) 65-I

To pinpoint a particular passage, follow the citation with the relevant page number(s) or the relevant paragraph number(s) in square brackets.

e.g. Defence Select Committee, 'Iraq: An Initial Assessment of Post-Conflict Operations' HC (2004-05) 65-I [85]-[91]

Books:

You should only refer to this section if you are a **LAW** student. Otherwise, please use the Library's BU Guide to Citation in the Harvard Style.

In the text of your work, you should give the name of the author of a book; the full reference should appear in both a footnote and the bibliography.

You should give the following information, where available:

Author, *Title* (Series Title, Edition Publisher, Place Date)

e.g. J Herring, *Criminal Law: Text, Cases and Materials* (Oxford University Press, Oxford 2008)

If there is more than one author insert 'and' before the last author's name. If there are more than three authors, note the first author only, followed by 'and others'.

The edition should be included where the book is in its second edition or beyond.

You can usually find the publication details on the reverse of the title page. If there is more than one place of publication listed, give only the first.

Pinpoint

If citing information from a specific page, add the page number directly after the reference.

e.g. J. Herring, *Criminal Law: Text, Cases and Materials* (3rd edn Oxford University Press, Oxford 2008) 32

Contribution to a book

Sometimes books contain collections of chapters which are written by different authors and collated by an editor or editors. To reference a chapter in an edited book you should give the following information:

Chapter author, 'Title of chapter' in Book editor (ed), *Book title* (Publisher, Place Date)

e.g. PA Thomas and A Rees, 'Law Students - Getting In and Getting On' in PA Thomas (ed), *Discriminating Lawyers* (Cavendish, London 2000)

Where there are two editors, use (eds).

You do not need to give the pages of the chapter. You only need to note the page number if you are citing information from a specific page or pages.

Law Journals:

You should only refer to this section if you are a **LAW** student. Otherwise, please use the Library's BU Guide to Citation in the Harvard Style.

In the text of your work, you should give the name of the author of a journal article; the full reference should appear in both a footnote and the bibliography.

You should give the following information:

Author, 'Article Title' (Date) Volume number
Abbreviation for journal title First page number
of article

e.g. J Young, 'The Constitutional Limits of Judicial Activism: Judicial Conduct of International Relations and Child Abduction' (2003) 66 MLR 823

Citing References: Law Subject Advice

Use a standard abbreviation for the journal title. To check these, see OSCOLA Appendix 1 or use the Cardiff Index to Legal Abbreviations www.legalabbrevs.cardiff.ac.uk/

Pinpoint

If citing information from a specific page, add a comma after the first page of the article and give the page where the information is to be found:

e.g. J Young, 'The Constitutional Limits of Judicial Activism: Judicial Conduct of International Relations and Child Abduction' (2003) 66 MLR 823, 824

Online journals

If a journal article is also available in print, follow the guidelines above.

If the journal is only published online, cite it as follows:

Author, 'Article Title' [Date] (Volume number) Abbreviation for journal title First page of article if available <URL> accessed Date

e.g. M Connolly, 'Discrimination on Grounds of Sexual Orientation Outside the Workplace - Is It Actionable?' [2005] (2) Web J Current Legal Issues <<http://webjcli.ncl.ac.uk/2005/issue2/connolly2.html>> accessed 2 June 2006

Journals that are only published online may not have page numbers, or may use a system of numbered paragraphs. You should give the paragraph number in square brackets.

Newspaper articles:

You should only refer to this section if you are a **LAW** student. Otherwise, please use the Library's BU Guide to Citation in the Harvard Style.

Cite a newspaper article as follows:

Author, 'Title' *Newspaper* (City of publication Full date) Page number

e.g. F Gibb, 'Prison is not the right place for minor criminals' *The Times* (London 11 May 2006) 7

If the author is not named, insert two joined em dashes (--) instead.

Where the reference is to an editorial, the author is cited as 'Editorial'.

Add the country of publication after the city, if it is not obvious.

If the article is sourced from the web and there is no page available, provide the website address and date of access.

Online Resources:

You should only refer to this section if you are a **LAW** student. Otherwise, please use the Library's BU Guide to Citation in the Harvard Style.

Websites

You should cite information derived from an Internet source, which is not covered elsewhere in OSCOLA as follows:

Author, 'Title' (type of document if relevant) <URL> accessed Date

e.g. Home Office, 'Anti-Social Behaviour Orders' <<http://www.homeoffice.gov.uk/anti-social-behaviour/penalties/anti-social-behaviour-orders>> accessed 2 June 2006

If no personal author is identifiable, insert the organisation responsible for the web page instead. If neither are obvious, begin your reference with two em-dashes (--).

NB The general rule when citing legal materials derived from an Internet source is that you do not need to state that the material was found online, if it is also available in printed form. Cite the source using the guidelines given above for printed materials.

For example, if you are citing a case from the Weekly Law Reports, it would not matter if you obtained the case from the printed law report series or from a law database.

Further Information

There are tutorials to help you with legal referencing on the Library webpages at via the Using Information Community on

<p>Melissa Bowden Subject Support Librarian (Law) mbowden@bournemouth.ac.uk July 2009</p>
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Notes

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