

REFERENCING: LAW RESOURCES

LAW SCHOOL STUDENTS should use THIS factsheet. If you are not a law student use the Referencing: Law Resources (Harvard) factsheet.

This factsheet provides basic guidance on how to cite law resources using OSCOLA, the Oxford University Standard for the Citation of Legal Authorities, 4th edn. All examples and guidance have been reproduced with the kind permission of OSCOLA.¹

Some lecturers may have different or additional referencing requirements. You are always advised to check with your lecturer.

Need more help or further examples? Access the full OSCOLA guide at <https://www.law.ox.ac.uk/research-subject-groups/publications/oscola>

WHAT DO I NEED TO KNOW ABOUT CITING REFERENCES?

The reasons for citing a source are to enable someone reading your work to trace a document you have mentioned, and to **avoid allegations of plagiarism** by attributing work correctly. This is done by giving standard details about the document – often referred to as a **bibliographic reference** or **citation**. Every quotation or mention of another person's work must have a reference to the source from which it is taken. It is useful to keep records of all the references you use in your work as you go along.

You can refer to the work of others by **paraphrasing** or **quoting** but you must always include a superscript number and footnote (see below for details). This applies to all sources – judgments, textbooks, websites, articles etc. If you are quoting or using materials from a particular page, include the number after your reference.

- **Paraphrasing** is incorporating someone else's ideas into your work but using your own words to express them
- **Quoting** is copying the words of another person into your assignment:
 - **Short quote** – enclose in single quotation marks within your sentence (see Hart example across).
 - **Long quote** – start on a new line, use single spacing and indent (see Lord Hoffman example overleaf).You can shorten a quote by substituting text with pauses (...).

There are two parts to citing references using OSCOLA:

- Within the text** – enter a superscript number in your text each time you refer to a source.
- Footnotes** – give the details of the source at the bottom of your page.

i) WITHIN THE TEXT

Each time you refer to a source in your text, insert a **superscript number**. This indicates a footnote at the bottom of your page where you can enter the reference details. Footnotes are then listed throughout the document in numerical order. In Word, use the 'Insert Footnote' option to help format your document.

Hart wrote that the doctrine of precedent is compatible with 'two types of creative or legislative activity'.²

² HLA Hart, *The Concept of Law* (2nd edn, Clarendon Press 1994) 135.

Include the superscript number at the end of your sentence, or for additional clarity, directly after the words/quotation to which it relates.

Cases

You should include the full **party names** in your text – the law report reference is then placed in the footnote. Unless it would not be clear to which case you are referring, you can generally refer to the case subsequently by the first party names only:

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*,¹² and in the earlier Court of Appeal decision in *Boulting v Association of Cinematograph, Television and Allied Technicians*.¹³

¹² [1967] 2 AC 46 (HL).

¹³ [1963] 2 QB 606 (CA).

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¹ Faculty of Law, University of Oxford, OSCOLA: *Oxford University Standard for the Citation of Legal Authorities* (4th edn, Oxford University 2012).

< https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf > accessed 13 October 2015.

CONTACT

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When referring to particular sections, **Acts** are broken into sections (s for section and ss for sections), parts (pt), schedules (sch) and paragraphs (para); **Statutory Instruments** into either articles (art), rules (r or rr) or regulations (reg or regs) and then paragraphs and sub paragraphs. You can use the abbreviations in your text and footnotes:

- Human Rights Act 1998, s 15(1)(b).
- Criminal Attempts Act 1981, ss 1(1) and 4(3).
- Public Supply Contracts Regulations 1992, SI 1992/3279, r15(2)(b)(i).

II) FOOTNOTES

UK CASES AND LEGISLATION

UK cases

A case reference should include the **party names** (if not included in your text), **neutral citation** and **law report** citation.

- **Neutral citations** (a unique case reference available for cases since 2001):
 - [Judgment year] Court abbreviation (e.g. UKHL, EWCA) Case number.
- **Law reports:**
 - [Year of publication] Volume number (if available) Law Report abbreviation Start page.

R v Rezvi [2002] UKHL 1, [2003] 1 AC 1099.
Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC 884.

If there is no neutral citation, include the law report citation and indicate the court afterwards in ():

Page v Smith [1996] AC 155 (HL).

Use references from the *Law Reports* series in preference, followed by the *Weekly Law Reports* (WLR) or *All England Law Reports* (ALL ER) – only refer to a specialised series if a case is not available in the main reports (for example, *Lloyds Law Reports* or *Family Law Reports*).

Square and round brackets

Use of square or round brackets depends on whether the date is essential to locate the case. If the date is essential because there are multiple volumes each year, square brackets are used as above. If the date is not essential because there is a unique volume number, put the year of judgment (not the year of publication) in round brackets:

Barrett v Enfield LBC (1999) 49 BMLR 1 (HL).

Unreported cases

Include the **party names** and **neutral citation**. If there is no neutral citation, use **Party names (Court, Date of judgment)**:

Hare v Pollard (CA, 16 June 1997).

If for any reason you have not included the party names in your sentence, these must then be entered in the footnote along with the law report reference.

Lord Hoffmann reasoned as follows:

It seems to me logical to found liability for damages upon the intention of the parties ... It must be in principle wrong to hold someone liable for risks for which people entering into such a contract in their particular market, would not reasonably be considered to have undertaken.³

³ *Transfield Shipping Inc v Mercator Shipping Inc (The Achilles)* [2008] UKHL 48, [2009] 1 AC 61 [12].

If you are referring to a particular sentence or paragraph, include the page number after your reference (known as a **pinpoint**). For cases, you can also use paragraph numbers entered in [] – this is to distinguish them from page numbers. You can include one or more page/paragraph references or indicate a range:

¹ *Callery v Gray* [2001] EWCA Civ 1117, [2001] 1 WLR 2112 [42], [45].
² *R v Leeds County Court, ex p Morris* [1990] QB 523 (QB) 530–31.

Legislation

Use the **name and date** of the piece of legislation – a footnote is NOT required if full details are provided in the text:

This case highlights the far-reaching judicial role ushered in by the Human Rights Act 1998.

If full details are not provided in your sentence, or you wish to indicate a relevant section, include a footnote:

British courts must only consider Strasbourg jurisprudence: they are not bound by it.³

³ Human Rights Act 1998, s 2.

Cases only available electronically

OSCOLA does not require you to indicate whether you have looked at a printed or electronic version, but where a case is only available electronically you should show that you looked at it online. After your reference include: <web address> accessed date

R v Rezvi [2002] UKHL 1 <<http://www.bailii.org/uk/cases/UKHL/2002/1.html>> accessed 16 June 2008.

You do not need to indicate whether you looked at a case on Westlaw/LexisLibrary – just make sure you include the neutral citation (or court and date of judgment if this is not available).

Notes:

- Do not use full stops in abbreviations
- If there are multiple party names, only use the first claimant and defendant. Unless it would not be clear to which case you are referring, you can generally refer to the case subsequently by the first party names.
- Abbreviate common words such as *Borough Council* (BC) and *Director of Public Prosecutions* (DPP)

UK Legislation

Acts are also known as **statutes**.

Include the **Short Title Year of publication**:

Environment Act 1995.

Statutory Instruments (SIs) are also known as **orders, rules and regulations**. Cite the **Title year, SI number**:

Insolvency Rules 1986, SI 1986/925.

Bills are proposals for legislation heard in both the House of Commons and House of Lords. Include the **Short title House in which it originated Bill (Parliamentary session) Running number**. The running number changes every time the bill is reprinted. Use [] for House of Commons running numbers:

Health and Safety at Work (Offences) HC Bill (2002-03) [38].
Harbours HL Bill (2002-03) 24.

EUROPEAN UNION CASES AND LEGISLATION

European Court of Justice (ECJ) and General Court (GC) cases – include the **Case Prefix-Case number Case Name and European Court Reports citation**. **Case Prefix = Case C** for ECJ, **Case T** for GC (the GC was previously known as the Court of First Instance, CFI)

Case C–176/03 Commission v Council [2005] ECR I–7879.
Case T–340/99 Arne Mathisen AS v Cozuncil [2002] ECR II–2905.

Other European Union materials are included in the *Official Journal of the European Communities* (OJ). This is cited as **Year OJ series Number/Page**. L = legislation series, C= information and notices.

EU treaties and protocols – include the **Title [Year of publication] OJ series Issue/page numbers**:

Consolidated Version of the Treaty on European Union [2008] OJ C115/13.

Regulations, directives, decisions, recommendations and opinions – include the **Legislation Type Number Title and OJ publication details**:

Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever [2002] OJ L192/27.

Council Regulation (EC) 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in bluefin tuna, swordfish and big eye tuna within the Community [2003] OJ L295/1.

BOOKS, JOURNALS AND OTHER SOURCES

Books

The details of a book are cited in the following order:

Author(s), Title (publisher year).

- Cite authors' names exactly as they appear in the publication (for example, Timothy Endicott, JAG Griffiths).
- Include the edition (if available) with the abbreviation **edn**.
- Additional information such as editor, supplement etc can be included before the publisher

Timothy Endicott, *Administrative Law* (OUP 2009).
Andrew Burrows, *Remedies for Torts and Breach of Contract* (3rd edn, OUP 2004).
Gareth Jones, *Goff and Jones: The Law of Restitution* (1st supp, 7th edn, Sweet & Maxwell 2009).

For an **essay/chapter in an edited book**, additionally include the **'Title of the essay' in editor (ed)**:

Justine Pila, 'The Value of Authorship in the Digital Environment' in William H Dutton and Paul W Jeffreys (eds), *World Wide Research: Reshaping the Sciences and Humanities in the Century of Information* (MIT Press 2010).

You do not need to indicate whether you looked at an online version of a textbook – just include the printed book reference as above.

Journals

Printed journal articles

The details of an article are cited in the following order:

Author(s), 'Title' [Year]. Journal name or abbreviation First page.

Cite authors' names exactly as they appear in the publication:

Paul Craig, 'Theory, "Pure Theory" and Values in Public Law' [2005] PL 440.



If the journal has a volume number, then change to **(Year) Volume Journal name or abbreviation First page**.

Alison L Young, 'In Defence of Due Deference' (2009) 72 MLR 554.

If you need to include an additional page reference, insert a comma followed by the number:

JAG Griffith, 'The Common Law and the Political Constitution' (2001) 117 LQR 42, 64.

Most legal journals will give the citation either on the cover or at the start of the article. If you cannot find the journal abbreviation, then use the full journal title instead:

Pamela Davies, 'Post-emotional man and a community safety with feeling' (2011) 13 Crime Prevention and Community Safety 34.

Electronic journal articles

You do not need to indicate that you have looked at an article electronically if it is from a library database, just refer to it as a printed journal above using the correct citation. However, if you have accessed an ejournal on the internet with a website address, you must include this: add **<Web address> accessed date**. Online journals may lack some reference details such as page numbers:

Tony Ciro, 'The Scarcity of Intellectual Property' (2005) 1 JILT http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2005_1/ciro/ accessed 22 June 2010.

Newspapers

Printed articles: **Author(s), 'Title' Newspaper (City of publication, Date) Page number**.

Jane Croft, 'Supreme Court Warns on Quality' *Financial Times* (London, 1 July 2010) 3.

Electronic articles: **Author(s), 'Title' Newspaper (City of publication, Date) <Web address> Accessed date**.

Ian Loader, 'The Great Victim of this Get Tough Hyperactivity is Labour' *The Guardian* (London, 19 June 2008) <http://www.guardian.co.uk/commentisfree/2008/jun/19/justice.ukcrime> accessed 19 November 2009.

Legal Encyclopaedias

Reference these as books but remember to include the edition and the year of issue. If an author is credited for a particular section, cite both the author and the title of the entry. Online encyclopaedia references need to include the **<database>** and accessed date:

Halsbury's Laws of England

Always include the **volume** and **paragraph** number. For the electronic 5th edition version, include **<LexisLibrary>** and the **accessed date**.

Halsbury's Laws (4th edn, 2003) vol 31, para 53.

Halsbury's Laws (5th edn, 2008) vol 2, para 954 **<LexisLibrary> accessed 22 July 2011**.

Westlaw Insight

Additionally include the author and title and updated date:

Michelle Heeley, 'Double Jeopardy', *Insight* (5 December 2013) **<Westlaw> accessed 23 July 2014**.

LexisPSL

If you are using a case, article or piece of legislation from LexisPSL, then use the guidance in the previous sections. For an overview or additional LexisPSL item, use the appropriate topic area on LexisPSL as the name of the encyclopaedia and reference as below:

'Unfair terms in contracts', *LexisPSL Commercial* **<LexisPSL> accessed 14 March 2015**.

Legal Dictionaries

For legal dictionaries on Westlaw, use the format below:

'Jury', *Stroud's Judicial Dictionary* (8th edn, supp 2, Westlaw edn, Sweet & Maxwell 2014).

LexisLibrary 'Find a legal term'

If you are referencing a definition from this search, make sure you include the following details in the footnote:

LexisNavigator <LexisLibrary> accessed date.

For more authoritative references, use the Halsbury's Laws of England encyclopaedia.

Government publications

References to Parliamentary debates (**Hansard**) should include the **House abbreviation (HC or HL) Deb Date, Volume and Column numbers**:

HL Deb 12 November 2009, vol 714, col 893.

HC Deb 3 February 1977, vol 389, cols 973–76.

A reference to a **Command Paper** is cited as follows: **Name of Department, Title (Command paper number, Year)**.

Department for Children, Schools and Families, 2008 *Autumn Performance Report* (Cm 7507, 2008).

Websites

OSCOLA states that where an online publication is also available in print, you do not **need** to indicate that you looked at the electronic version. **However, it is important to provide a full reference for any electronic-only resources including all websites.** Some electronic resources will not have page numbers or identifiable authors/dates. Try to include the following:

Author(s), 'Webpage Title' (website or additional information date) <web address> accessed date.

- Where there is no author, begin your reference with the title.
- If available, include additional information before the publisher. Additional information can include document numbers or other relevant items to help identify the source:

Lord Bingham, 'Keynote Address' (Liberty conference, London, 6 June 2009) <<http://www.liberty-human-rights.org.uk/publications/3-articles-and-speeches/index.shtml>> accessed 19 November 2009.
Sarah Cole, 'Virtual Friend Fires Employee' (*Naked Law*, 1 May 2009) <<http://www.nakedlaw.com/2009/05/index.html>> accessed 19 November 2009.

NOTE: You do not need to include LexisLibrary and Westlaw as separate electronic resources – only include the legal sources you have actually accessed via these databases.

EXTRAS

Subsequent citations

It is always acceptable to give a full footnote reference each time you cite a source but you can shorten your references if using the same source multiple times. To reference subsequent citations:

- Use a short identifiable version (such as author, abbreviated case name or first party name, short form of legislation etc). If you are using a shorter name that is not obvious from the original reference, include this after the original citation in ().
- Add the footnote number where the full reference can be found as **(n)**.
- If there are several references to different sources by the same author, include part of the title for clarity.
- If the reference is in the footnote immediately above, use **ibid**.

¹ Robert Stevens, *Torts and Rights* (OUP 2007).

...

²⁶ Stevens (n 1) 110.

²⁷ *ibid* 271–78.

...

³⁷ Andrew Ashworth, 'Testing Fidelity to Legal Values: Official Involvement and Criminal Justice' (2000) 63 MLR 633, 635.

³⁸ Andrew Ashworth, *Principles of Criminal Law* (6th edn, OUP 2009) 68.

...

⁴⁵ Ashworth, 'Testing Fidelity to Legal Values' (n 37) 635–37.

...

⁴⁶ Ashworth, *Principles of Criminal Law* (n 38), 73.

⁴⁷ *Mirage Studios v Counter-feat Clothing Co Ltd* [1991] FSR 145 (Ch) (Ninja Turtles case).

...

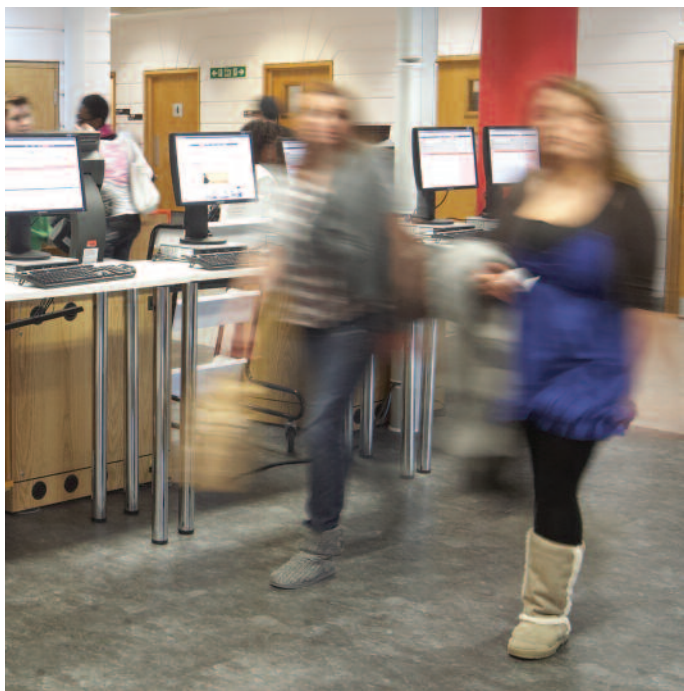
⁵² Ninja Turtles case (n 47).

⁵³ University of Oxford, *Report of Commission of Inquiry* (OUP 1966) vol 1, ch 3 (Franks Report).

⁵⁴ Council Directive (EC) 93/104 concerning certain aspects of the organisation of working time [1993] OJ L307/18 (Working Time Directive).

...

⁷⁵ Working Time Directive (n 54), art 2.



NEED MORE HELP?

For more information on plagiarism, referencing and links to OSCOLA resources, visit www.solent.ac.uk/referencing

Useful links include:

- OSCOLA website: <https://www.law.ox.ac.uk/research-subject-groups/publications/oscola>
- Citing the law tutorial: <https://ilrb.cf.ac.uk/citingreferences/oscola/tutorial/index.html>
- OSCOLA 4th edition full guide: https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf
- OSCOLA quick reference guide: https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012quickreferenceguide.pdf

Bibliographies

Some lecturers may require you to include a **bibliography** at the end of your assignment. References in a bibliography should include the full details for each source, in the same format as your footnotes, listed in alphabetical order, by author surname. The only differences are that the **author surname comes first** followed by the initial, with a comma afterwards (for example, Fisher E.), and you do not include a full stop at the end of your reference. If there is more than one source for a particular author, list these in chronological order, oldest first.

For works with no author, use -- and list these at the beginning of your bibliography in A-Z order of the first word.

Please see the full OSCOLA 4th guidance for more information about bibliographies.

- **You are always advised to check with your lecturer for specific requirements.**
- **Dissertation students should consult their supervisor and handbook for layout details.**

Word count

The **Law School Word Count Policy** states that **ALL text** within the body of your work counts towards the word restriction, so references within the text count as the number of words used. The text must read coherently so you do need to name the case or legislation within your text.

INFORMATION SUPPORT:

Hannah Porter, Information Librarian – School of Business, Law and Communications

Email: hannah.porter@solent.ac.uk

Tel: 023 8201 3687

Twitter: @hannahporterssu

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https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf

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