Learning Outcomes

By the end of this session you will know:

1. The basics of using OSCOLA style for primary and secondary sources

2. How to find and search within the official guidance on using OSCOLA style

3. How to get more help with citing your sources
Agenda

1. Why reference?
2. Footnotes
3. Referencing:
   • Legislation
   • Cases
   • Books
   • Journal articles
   • Websites/blogs
4. Where to get help and advice
Law Libguide

https://libguides.lsbu.ac.uk/law/home

https://libguides.lsbu.ac.uk/law/plagiarism

https://libguides.lsbu.ac.uk/law/oscola
Why reference?

- To prove that you have done research to support your analysis
- To give credit to other people’s work
- To enable others to follow up on your work
- To avoid plagiarism!
What is plagiarism?

Plagiarism is the act of presenting the work or ideas of another as your own.

• Penalises honest students
• Degrades academic standards
• Reflects on your academic record
• Persistent or blatant plagiarism could lead to expulsion from the university
OSCOLA

The Oxford Standard for Citation of Legal Authorities

Used to cite (reference) Law materials
• Footnotes
• Abbreviations

OSCOLA full guide

Citing the Law (Cardiff University)
https://ilrb.cf.ac.uk/citingreferences/oscola/tutorial/index.html
Footnotes

• Footnotes at the end of sentences in superscript (little number above the text)

• If the *name* of a case or the name of piece of legislation is named in the text, it is not necessary to repeat it in a footnote (though you can if you want to)
  • Still need to add the *details* of case in footnote

In Microsoft Word:
1. References Tab
2. Insert Footnote
Pinpoints

- [1] means paragraph 1, but 1 (without brackets) means page 1.
- [1]-[2] means paragraphs 1 to 2, while 1-2 means pages 1 to 2.
- [1], [5], [10] means paragraphs 1, 5 and 10 (but not 2, 3, 4, etc.). 1, 5, 10 means pages 1, 5 and 10.
Example

It is well represented in the case law, perhaps most notably in the expression of the no conflict rule advocated by Lord Upjohn in \textit{Phipps v Boardman},\footnote{[1967] 2 AC 46 (HL).} and in the earlier Court of Appeal decision in \textit{Boulting v Association of Cinematograph, Television and Allied Technicians}.\footnote{[1963] 2 QB 606 (CA).} In \textit{Boulting} [or in the \textit{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’. In \textit{Phipps}, Lord Upjohn developed his view of the rule further by adding that there must be a ‘real sensible possibility of conflict’.

Footnotes:

\footnote{[1967] 2 AC 46 (HL).}
\footnote{[1963] 2 QB 606 (CA).}
\footnote{\textit{Boulting} (n 32) 638. OR \footnote{ibid 638.}}
\footnote{\textit{Phipps} (n 31) 124.}
Repeat citations

**Ibid** points the reader to the footnote immediately above the current one. You can have a “chain of ibids” if you refer to the same source in a series of footnotes, but once that chain is broken (by a reference to a different source) you need to switch to option 2.

**(n X)** refers the reader to a footnote earlier in your essay (but not immediately above). You need to include: the author’s surname or an abbreviation of the case name and (n X), where X is the number of the original footnote.

“**Ibid (n 1)**” is wrong and/or a waste of words.

Footnotes:
2 ibid [7]-[9].
...
10 Cannings (n 1) [42], [59]
11 MacCormick (n 3) 231.
12 ibid 222, 224.
Reference List or Bibliography

Your lecturer should tell you whether to include a reference list and/or bibliography.

Reference list – sources you have used in your assignment

Bibliography – everything you have looked at, even if you have not cited it (see OSCOLA guide p11)

Order of materials:

Primary sources
• Cases (UK then other jurisdictions)
• Legislation (UK then other jurisdictions)

Secondary sources
• Book and journals
• Listed together, organised alphabetically by author
Cardiff Index to Legal Abbreviations
http://www.legalabbrevs.cardiff.ac.uk/

• Free resource

Use to work out what a legal abbreviation stands for
• e.g. WLR = Weekly Law Reports

Or to find out the preferred abbreviation for a law report series or journal title
• e.g. Family Law Journal is Fam LJ
Citing Primary Sources
Legislation

Shipping and Trading Interests (Protection) Act 1995, s 5(4)

Most acts can be cited using the short title and date but you can also identify a particular section (and subsection, in brackets)
Legislation

If all the information about the source is provided in the text, a footnote is not needed

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

But, if you don’t use the name of the Act or the relevant section, add a footnote

E.g. in text and footnote:
British courts must only consider Strasbourg jurisprudence: they are not bound by it.¹

¹ Human Rights Act 1998, s 2.
How should you reference this statute?

Defamation Act 2013

2013 CHAPTER 26

An Act to amend the law of defamation. [25th April 2013]

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Requirement of serious harm

1. Serious harm
   (1) A statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant.
   (2) For the purposes of this section, harm to the reputation of a body that trades for profit is not “serious harm” unless it has caused or is likely to cause the body serious financial loss.

Defences

2. Truth
   (1) It is a defence to an action for defamation for the defendant to show that the imputation conveyed by the statement complained of is substantially true.
How should you reference this statute?

Defamation Act 2013, s 1(1)
Law reports (Cases)

Party names (in italics)

R (Nicklinson) v Ministry of Justice 2014 UKSC 38, (2014) 3

WLR 200

First page of law report

Law report series

If the name of the case is given in the text, it is not necessary to repeat it in the footnote.
The neutral citation


A neutral citation
A judgment from any division of the High Court, independent of any printed series of law reports (from 2001 onwards)

UKSC – UK Supreme Court

38 - the case number (ie the 38th judgement in this court in 2014)
The law report reference


When you use a neutral citation, you should follow it with a citation of the most authoritative (‘best’) law report

3 is the volume number

WLR – Weekly Law Reports

200 is the first page of the report
What is the best law report?

“If a case is reported in the *Law Reports*, this report should generally be cited in preference to any other report. If a judgment is not reported in the *Law Reports*, cite the *Weekly Law Reports* or the *All England Law Reports*. Only if a judgment is not reported in one of these general series should you refer to a specialist series, such as the *Lloyd’s Law Reports* or the *Family Law Reports*.”

From Oxford Standard for the Citation of Legal Authorities (OSCOLA), 4\textsuperscript{th} ed.
Hierarchy of Law Reports

The Law Report Series
Eg. Appeal Cases (AC), Queen's Bench (QB), Family (Fam), Chancery (Ch)

Weekly Law Reports
or
All England Law Reports

Specialist Series e.g.
Lloyd’s Law Reports, Family Law Reports

BEST

BETTER

GOOD
How should you reference this case?

Joseph and others v Spiller and another (Associated Newspapers Ltd and others intervening)

Supreme Court

1 December 2010

[2010] UKSC 53

[2011] 1 A.C. 852


2010 July 26, 27; Dec 1
Citation for this case

Citation for this case

[2010] UKSC 53 is the neutral citation
UKSC - abbreviation for United Kingdom Supreme Court
53 - case number (ie the 53rd case heard at UKSC in 2010)

[2011] 1 AC 852 is from a law report series
1 - the volume number
AC - abbreviation for Law Reports, Appeal Cases (law report series)
852 - first page of the report
Citing Secondary Sources
Books

How should you reference this book?

Pearson Education Limited
Edinburgh Gate
Harlow CM20 2JE
United Kingdom
Tel: +44(0)1279 623623
Fax: +44(0)1279 431059
Web: www.pearson.com/uk

First published 1996 (print)
Second edition printed 1999 (print)
Third edition printed 2001 (print)
Fourth edition printed 2003 (print)
Fifth edition printed 2005 (print)
Sixth edition printed 2007 (print)
Seventh edition printed 2009 (print)
Eighth edition printed 2011 (print)
Ninth edition printed 2013 (print and electronic)
Citation for this book

Book citation for a footnote
Catherine Elliott and Frances Quinn, *Tort Law* (9th edn, Pearson 2013)

Book citation for a bibliography
Elliott, C and Quinn, F, *Tort Law* (9th edn, Pearson 2013)
How should you reference this journal article?

73 (5) refers to the volume and issue number

697 is the first page of the article

MLR is the abbreviations for Modern Law Review (the journal title)

If there is no author details begin the citation with the title.
If there is no date of publication on the website, give only the date of access.
How should you reference this?

Author: Rosalind English

Date: April 2nd 2018

URL: http://ukhumanrightsblog.com
Where to get Help
Law Libguide
https://libguides.lsbu.ac.uk/law/home

Law and Social Sciences
LLRLss@lsbu.ac.uk

Research Helpdesk
3 Bridge
Mon-Fri 12.00-4pm
Any questions?