OSCOLA Referencing
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
1. Why reference?
2. Footnotes
3. Referencing:
   • Legislation
   • Cases
   • Books
   • Journal articles
   • Websites/blogs
4. Where to get help and advice
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.
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*, and in the earlier Court of Appeal decision in *Boulting v Association of Cinematograph, Television and Allied Technicians*. 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’. In *Phipps*, Lord Upjohn developed his view of the rule further by adding that there must be a ‘real sensible possibility of conflict’.

Footnotes:

31 [1967] 2 AC 46 (HL).
32 [1963] 2 QB 606 (CA).
33 *Boulting* (n 32) 638. OR 33 ibid 638.
34 *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
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.

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,
[2015] A.C. 657

First page of law report

Year case reported
Law report series

Court

Judgement number for that year
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

Include the volume number if there is one

AC – Appeals Cases, The Law Report Series

657 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), 4th 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?

*852 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
Emily Finch and Stefan Fafiniski, *Legal Skills* (7th edn, Oxford University Press 2019)
Legal Skills (7th edn)
Emily Finch and Stefan Fafinski

Publisher: Oxford University Press
DOI: 10.1093/he/9780198831273.001.0001

Print Publication Date: Jun 2019
Published online: Sep 2019
© Emily Finch and Stefan Fafinski 2019
Citation for this book

**Book citation for a footnote**
Emily Finch and Stefan Fafiniski, *Legal Skills* (7th edn, Oxford University Press 2019)

**Book citation for a bibliography**
How should you reference this journal article?

**THE MODERN LAW REVIEW**

Volume 73  
September 2010  
No 5

*What Conversation? Free Speech and Defamation Law*

Andrew T. Kenyon

Common rationales for free speech are offered in legal writing across many countries, even though their laws regulating speech differ markedly. This article suggests another way of thinking about speech, based on particular qualities of speech which help to explain why public speech—or at least public speech perceived as valuable for cultural, political or other purposes—is frequently thought of as a conversation. That often appears as the ideal, but a conversational conception can limit what is seen to be at stake in the control of speech. Instead of imagining public speech as open exchange that leads to agreement, here a slightly different vision is offered based more on the articulation of incomensurable world views and dissent. Implications of such an approach are considered for scholarly understanding, particularly of defamation law—an area of law commonly seen as important for the range and style of public speech.

**INTRODUCTION**

Rationales offered in support of free speech follow common liberal themes in many locations, both geographic and academic. Within legal commentary, these rationales are generally shared across jurisdictions even though the laws regulating speech in them differ markedly. This situation can be seen in relation to Anglo-American free speech literature and defamation law. Defamation is a useful area of law to consider in this regard: it is widely regarded as having significant effects on public speech, and it appears to be an area of law in which conversational ideas about speech are weighed differently across different jurisdictions. In light of the similarity in ideas about free speech and differences in defamation law, this article examines rationales for speech and suggests they can overlook particular qualities.

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: October 2nd 2019
URL: http://ukhumanrightsblog.com

UK Human Rights Blog

APRIL 2, 2018 BY ROSALIND ENGLISH

Violist wins against Royal Opera House for hearing loss

Goldscheider v The Royal Opera House [2018] EWHC 687 (QB) – read judgment

The ROH has been found liable for failing to protect the hearing of its musicians and for causing acoustic shock to former viola player Chris Goldscheider. This is the first time a musical institution has been found responsible for damage to the first time that acoustic shock has been recognised as an injury sound.

Media release on the judgement

The decision leaves insurers for the ROH responsible for a £750,000 compensation in addition, an urgent need to re-think its policies and procedures, a possible re-d probably claims against them by other musicians.

But the issues in this judgment were limited to breach of duty and causation of the claimant’s injury with damage...
Citation for a website/blog

Where to get Help
Law Libguide

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

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

https://libguides.lsbu.ac.uk/law/oscola
1:1 support

Book a 1:1 with an Information Skills Librarian

[Link] go.lsbu.ac.uk/askalibrarian

• Database Searching e.g. Journal articles
• Referencing
• Using RefWorks

Email queries: askalibrarian@lsbu.ac.uk

Research Helpdesk

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