

OSCOLA

Oxford University Standard for the Citation of Legal Authorities

Fourth Edition

Faculty of Law, University of Oxford

www.law.ox.ac.uk/oscola

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Introduction

There are two golden rules for the citation of legal authorities. One is consistency. The other is consideration for the reader. Legal writing is more persuasive when the author refers to legal materials in a clear, consistent and familiar way. When it is easy to identify and to find the author's sources, it becomes easier for the reader to follow the argument. The Oxford University Standard for Citation of Legal Authorities (OSCOLA) is designed to help the author to achieve consistency and to make life easier for the reader.

OSCOLA does not purport to be comprehensive, but gives rules and examples for the main UK legal primary sources, and for many types of secondary sources. As far as possible, the guidelines in OSCOLA are based on common practice in UK legal citation, but with a minimum of punctuation. When citing materials not mentioned in OSCOLA, use the general principles in OSCOLA as a guide, and try to maintain consistency.

OSCOLA is a guide to legal citation, not a style guide. For advice on punctuation, grammar and writing style, use the most recent editions of *Fowler's Modern English Usage*, *The Oxford English Dictionary*, and *Hart's Rules*. *Hart's Rules* is particularly useful for information about typographical conventions, but note that the legal citation section is not always consistent with OSCOLA.

OSCOLA was first devised by Peter Birks in 2000, in consultation with law students and faculty at Oxford University, and with Oxford University Press and Hart Publishing. It is used by the *Oxford University Commonwealth Law Journal*, and the editors of that journal have also played an important role in its development. Subsequent editions of OSCOLA were produced in 2002 (by Professor Birks) and in 2004 (revised 2006, both by Timothy Endicott and Sandra Meredith). This latest revision of OSCOLA provides more detailed coverage of domestic legal sources, and in particular the treatment of Welsh, Scottish and Northern Irish sources has been considerably expanded.

Although originally designed for use within Oxford University, OSCOLA is now used by law schools throughout the UK and overseas, and by a number of legal journals and publishers. In recognition of the wider usage of OSCOLA, an editorial advisory board was established in advance of this revision. We are grateful to the members of the advisory board (Ruth Bird, Naomi Chapman, Peter Clinch, Timothy Endicott, Richard Hart, Barbara Lauriat, John Louth and Tracey Varnava) for their invaluable assistance. Peter Clinch, in particular, was very helpful. Others to whom we are grateful for their advice on aspects of this revision are Paul Brand, Mike Macnair, Gareth Ryan, Adrian Zuckerman, and those users of OSCOLA who wrote

to us with comments during the revision. Any errors and omissions remain entirely our responsibility. Finally, we would like to thank Hart Publishing for their generous help with the design.

We are also grateful to Hart Publishing for agreeing to publish OSCOLA while allowing us to continue to make the online version available free of charge from the OSCOLA website. We hope that users of OSCOLA will find the published version to be a useful resource. Some small changes were made when preparing OSCOLA for publication, and an index was added, but the current online version and the published version are the same.

We hope that the revised standard shows the consideration for authors and readers that motivated Professor Birks to devise a uniform standard for the citation of legal authorities.

Sandra Meredith and Donal Nolan

February 2012

OSCOLA is updated every two to three years. Please send feedback to oscola@law.ox.ac.uk.

The OSCOLA website (www.law.ox.ac.uk/oscola) provides support materials for Endnote and other bibliographic software, a link to Cardiff University's online tutorial for OSCOLA, and other materials.

1 General notes

1.1 Citations and footnotes

When writing for an academic or professional audience, provide evidence for your claims by citing your sources in footnotes. Legal writing cites primary legal sources (cases, statutes and so on), as well as secondary sources such as books, journal articles, websites and policy statements.

OSCOLA is a footnote style: all citations appear in footnotes. OSCOLA does not use endnotes or in-text citations, such as '(Brown, 2007)'. Longer works, such as books and theses, also include citations in tables of cases and legislation, and bibliographies.

When citing any source, either directly (as a quotation) or indirectly (by paraphrasing or referring to ideas in a source), cite the reference in a footnote, in the style indicated in OSCOLA.

Indicate footnotes with a superscript number which should appear after the relevant punctuation in the text (if any). Put the footnote marker at the end of a sentence, unless for the sake of clarity it is necessary to put it directly after the word or phrase to which it relates. If the word or phrase to which the footnote marker relates is in brackets, put the marker before the closing bracket. A quotation need not be footnoted separately from the name of the source from which it is derived if the two appear in the same sentence. Otherwise, separate notes should be used.

Close footnotes with a full stop (or question or exclamation mark). Where more than one citation is given in a single footnote reference, separate them with semi-colons.

1.1.1 Citing cases

When citing cases, give the name of the case, the neutral citation (if appropriate), and volume and first page of the relevant law report, and where necessary the court. If the name of the case is given in the text, it is not necessary to repeat it in the footnote.

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

The relevant footnotes would appear as follows:

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.

The numbers at the end of footnotes 33 and 34 are called ‘pinpoints’; they give the page on which the quotation can be found. It is also acceptable to include the full case reference in all footnotes.

1.1.2 Citing legislation

A citation in a footnote is not required when citing legislation if all the information the reader needs about the source is provided in the text, as in the following sentence:

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

Where the text does not include the name of the Act or the relevant section, this information should be provided in a footnote.

British courts must only consider Strasbourg jurisprudence: they are not bound by it.¹

¹ Human Rights Act 1998, s 2.

1.1.3 Citing secondary sources

If relying on or referring to a secondary source, such as a book or an article, provide a citation for the work in a footnote.

Hart wrote that the doctrine of precedent is compatible with ‘two types of creative or legislative activity’: *distinguishing* the earlier case by ‘narrowing the rule extracted from the precedent’, and *widening the rule* by discarding ‘a restriction found in the rule as formulated from the earlier case’.³⁴

³⁴ HLA Hart, *The Concept of Law* (2nd edn, Clarendon Press 1994) 135.

1.1.4 Order of sources in footnotes

When citing more than one source of the same kind for a single proposition, put the sources in chronological order, with the oldest first. Separate the citations with semi-colons, and do not precede the final citation with ‘and’. If one or more of the sources are more directly relevant than the others, cite these first, and then cite the less relevant ones in a new sentence, beginning ‘See also’. If citing legislation and case law for a single proposition, put the legislation before the cases, and if citing primary and secondary sources for a single proposition, put the primary sources before the secondary ones.

¹ FH Newark, 'The Boundaries of Nuisance' (1949) 65 LQR 480; Richard Kidner, 'Nuisance and Rights of Property' [1998] Conv 267; Ken Oliphant, 'Unblurring the Boundaries of Nuisance' (1998) 6 Tort L Rev 21; Paula Giliker, 'Whither the Tort of Nuisance? The Implications of Restrictions on the Right to Sue in *Hunter v Canary Wharf*' (1999) 7 Torts LJ 155.

² *Brent v Haddon* (1619) Cro Jac 555, 79 ER 476; *Broder v Saillard* (1876) 2 Ch D 692 (Ch); *Pemberton v Bright* [1960] 1 All ER 792 (CA). See also *Torette House Pty Ltd v Berkman* (1939) 62 CLR 637, 659 (Dixon J).

Further details of how to cite cases, legislation and secondary sources can be found in parts 2 and 3 of OSCOLA. The appendix includes lists of abbreviations that can be used in footnotes.

1.2 Subsequent citations, cross-references and Latin 'gadgets'

1.2.1 Subsequent citations

In a subsequent citation of a source, briefly identify the source and provide a cross-citation in brackets to the footnote in which the full citation can be found. If the subsequent citation is in the footnote immediately following the full citation, you can generally use 'ibid' instead.

For subsequent citations of cases, a short form of the case name is sufficient to identify the source. Subsequent citations of legislation may use abbreviations or other short forms. Subsequent citations of secondary sources require only the author's or authors' surname(s), unless several works by the same author are being cited, in which case the surname and the title of the work (or a short form of the title) should be given.

Note that it is also acceptable to give the full citation every time a source is cited, and some publishers and law schools may prefer this to the use of short forms. You should always do this if the previous citation was in an earlier chapter.

EXAMPLE of subsequent citation of a case

In this example, a citation for *Austin v Commissioner of Police for the Metropolis* is provided in footnote 1. As the name of the case is given in the text, it is not given in the footnote. The second citation at footnote 2 pinpoints several paragraphs in the case with an attribution to the relevant judge in brackets. The third citation at footnote 7 gives a short form of the case name and a cross-citation to the full citation.

¹ [2009] UKHL 5, [2009] AC 564.

² ibid [34] (Lord Hope), [39] (Lord Scott), [43]–[47] (Lord Walker), [58]–[60] (Lord Neuberger).

...

⁷ *Austin* (n 1).

EXAMPLE of subsequent citation of legislation

This example shows legislation for which a short form could be used in a subsequent citation. The short form is indicated in brackets at the end of the full citation. In such cases, the short form can be used without a cross-citation to the full citation where the proximity of the full citation enables this to be done without confusing the reader. Where that is not the case, a further full citation should be provided, with the result that cross-citation is never necessary.

³² Council Directive (EC) 93/104 concerning certain aspects of the organisation of working time [1993] OJ L307/18 (Working Time Directive).

...

⁴⁰ Working Time Directive, art 2.

EXAMPLE of subsequent citation of a book

This example shows a citation of a book which is first cited (in full) at footnote 1, cited again in footnote 26 with a cross-citation to footnote 1, and then cited again at footnote 27.

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

...

²⁶ Stevens (n 1) 110.

²⁷ *ibid* 271–78.

EXAMPLE of subsequent citation of two works by the same author

In this example, two different works by the same author are cited. The subsequent citation provides the author's surname and the title of the work, or a short form of the title.

²⁷ Andrew Ashworth, 'Testing Fidelity to Legal Values: Official Involvement and Criminal Justice' (2000) 63 MLR 633, 635.

²⁸ Andrew Ashworth, *Principles of Criminal Law* (6th edn, OUP 2009) 68.

...

³⁵ Ashworth, 'Testing Fidelity to Legal Values' (n 27) 635-37.

...

⁴⁶ Ashworth, *Principles of Criminal Law* (n 28) 73.

1.2.2 Cross-references

Cross-references direct the reader to points of substantive discussion elsewhere in your work. Avoid sending the reader off to another part of the text when a short point could as easily be restated. Never make a cross-reference that will be difficult for the reader to find, such as 'See above.' A good cross-reference takes the reader straight to the very place: 'n 109' or, within the same chapter, 'text to n 32'. Do not cross-refer to 'Chapter 6A2(c)' unless you have running headers on each page showing the

sequence of sub-headings. Use ‘See ...’ only when you actually want the reader to look at the place indicated, for example ‘See n 109’.

Pagination may change from draft to draft, especially in preparation for publication. It is therefore easiest to cross-refer to footnote markers, for example ‘Text to n 107 in ch 7’. Cross-reference functions in word processors can help you keep track of changes in footnote numbers.

1.2.3 Latin ‘gadgets’

Avoid the use of ‘Latin gadgets’ such as *supra*, *infra*, *ante*, *id*, *op cit*, *loc cit*, and *contra*, which are not widely understood. The abbreviation ‘ibid’, which is short for *ibidem*, meaning ‘in the same place’, can be used to repeat a citation in the immediately preceding footnote. Standing alone, ‘ibid’ means strictly ‘in the very same place’ while ‘ibid 345’ means ‘in the same work, but this time at page 345’. It is equally acceptable to repeat the immediately preceding citation without using ‘ibid’: ‘Ashworth (n 27) 635–37’ thus does the trick even in n 28. Do not switch back and forth from one to the other. If there is more than one citation in the preceding footnote, use ‘ibid’ only if you are referring again to all the citations in that footnote. Note that the abbreviation ‘cf’ is short for *confer*, meaning ‘compare’; it does not mean the same thing as ‘see’. Never italicize or capitalise ‘ibid’ or ‘cf’.

²⁸ Joseph Raz, *The Authority of Law: Essays on Law and Morality* (2nd edn, OUP 2009).

²⁹ ibid 6.

...

³² cf Raz (n 28) 233–36.

1.3 Punctuation, ranges of numbers and years, and foreign words

1.3.1 Punctuation

OSCOLA uses as little punctuation as possible. Abbreviations and initials in author’s names do not take full stops. For example, *Appeal Cases* is cited as ‘AC’ and the Director of Public Prosecutions is abbreviated to ‘DPP’. Insert commas to separate items that may otherwise run together and cause confusion, such as runs of numbers or authors and titles.

Malcolm v DPP [2007] EWHC 363 (Admin), [2007] 1 WLR 1230

JG Fleming, ‘Remoteness and Duty: The Control Devices in Liability for Negligence’ (1953) 31 Can Bar Rev 471

When citing authorities from other jurisdictions, do not include full stops in the citation.

1.3.2 Ranges of numbers and years

When referring to ranges of numbers, use both figures for numbers between ten and

twenty, and thereafter use as few figures as possible, but always use at least two for the final number.

1–6 11–17 21–26 22–32 121–221 1782–83 1782–812

If the range of numbers indicates years, and the years span centuries, give the final year in full.

1871–1914 1925–27 1965–75 1989–2001

1.3.3 Foreign words

In the text, italicize foreign words and phrases, but not quotations. Provide a translation immediately afterwards in brackets, or in a footnote, if required. Do not italicize words that are in common usage in legal English, such as *ultra vires*, *stare decisis*, *obiter dicta*, *ratio decidendi*, *a priori* and *a fortiori*. Commonly used abbreviations, such as *ie* and *eg*, are not italicized and have no full stops.

1.4 Citing foreign materials

When referring to foreign materials, cite primary sources as in their home jurisdiction, with the exception that full stops in abbreviations should be dropped. Guides for other jurisdictions can be found in section 4.3 of the appendix. Cite secondary sources in accordance with the OSCOLA rules governing the citation of secondary sources.

1.5 Quotations

Quotations from other works, cases, statutes and so on must be faithful to the original, except where it is necessary to change quotation marks from single to double, or vice versa. Any comments on the quotation, such as ‘emphasis added’, should be in a footnote.

Incorporate quotations of up to three lines into the text, within single quotation marks (examples 1 and 2). Quotations within short quotations take double quotation marks. Punctuation follows the closing quotation mark, unless it is an essential part of the quotation, as a question or exclamation mark might be (example 2), or unless the whole sentence is a quotation. The footnote marker comes last, after both the closing quotation mark and the punctuation.

Present quotations longer than three lines in an indented paragraph, with no further indentation of the first line (examples 3 and 4). Do not use quotation marks, except for single quotation marks around quotations within quotations (example 3). Leave a line space either side of the indented quotation.

When a quotation begins in the middle of a sentence in the text, the first letter of the quotation should be capitalized if the quotation itself is a complete sentence, but not otherwise. When a quotation begins at the start of a sentence in the text, the first letter should be capitalized, and square brackets placed around it if it was not capitalized in the original text (example 3). When intervening text is missing from

the quotation, or if it ends mid-sentence in the original text, use an ellipsis (...) to indicate that some of the original text is missing. Leave a space between an ellipsis and any text or punctuation, except quotation marks.

If a quotation is incorporated into the text, then no more than a comma (at most) is required to introduce it (examples 1 and 2). Generally, a colon is used to introduce an indented quotation (example 4).

When it is necessary to attribute a quotation or citation within a quotation to its original source, omit the footnote marker from the original text in your quotation, and give the original author's citation in your footnote (example 3). If it is not necessary to attribute such a quotation or citation because it is either implicit or irrelevant, omit the footnote markers or citations and add '(footnotes omitted)' or '(citations omitted)' after the citation in your own footnote. Similarly, if you add emphasis to a quotation put '(emphasis added)' after the footnote citation (example 4).

EXAMPLE 1

The Chief Justice explained that this power 'is not limited to defence against aggression from a foreign nation'.⁶¹

EXAMPLE 2

Bix raises the question, 'What is the point of a dissent, after all, at least on the highest court of the jurisdiction, if the law simply is whatever the majority on that court says it is?'²²

EXAMPLE 3

[T]he House of Lords also concluded that the civil standard of proof (on the balance of probabilities) should be applied in such a way as to be sensitive to the 'seriousness of the matters to be proved and the implications of proving them', which in effect means proof beyond reasonable doubt (ie the criminal standard).²⁷

²⁷ Andrew Ashworth, 'Social Control and "Anti-Social Behaviour": The Subversion of Human Rights' (2004) 120 LQR 263, 276, citing *Clingham and McCann* [2002] UKHL 39, [2003] 1 AC 787 [83] (Lord Hope).

EXAMPLE 4

Lord Hoffmann reasoned as follows:

It seems to me logical to found liability for damages upon the intention of the parties (objectively ascertained) because all contractual liability is voluntarily undertaken. 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.¹²

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

1.6 Tables and lists of abbreviations

A longer legal work, such as a book or a thesis, generally has a list of abbreviations and tables of all the cases, legislation and other primary legal sources cited in the work in the preliminary pages. Shorter works, such as articles and essays, generally only require footnotes. Tables should be indexed, so that each entry indicates on what page or pages the primary source in question is mentioned. The list of abbreviations should come before the tables, and the order of the tables should generally be: table of cases; table of legislation; other tables.

1.6.1 Lists of abbreviations

In an article or essay, define unfamiliar abbreviations in a footnote or in the text. In a book or thesis, define unfamiliar abbreviations in a list of abbreviations in the preliminary pages. Do not define abbreviations that are part of everyday legal usage, such as 'DPP'. For lists of common abbreviations that need not be defined, see section 4.2 of the appendix.

1.6.2 Tables of cases

In a table of cases, case names are not italicised. Unless there are very few cases, divide the table into separate sections for different jurisdictions. Cases should be listed in alphabetical order of first significant word. Thus, *Re Farquar's Estate* should be tabled as 'Farquar's Estate, Re'. Cases identifying parties by initial only should be listed under the initial, so *Re F (mental patient: sterilisation)* becomes 'F (mental patient: sterilisation), Re'. When listing cases with names such as *R v Smith* in works on criminal law, drop the 'R' and list the case as 'Smith', but if citing such cases in a work primarily concerned with another area of law, list them by their full names, under 'R', and also do this when citing judicial review cases with the Crown as the first-named party.

List trade-mark cases and shipping cases under the full case name, but insert an additional entry in the table under the trade mark or the name of the ship (again using the first significant word, so that *The Starsin* becomes 'Starsin, The'), with a cross-reference to the full name.

Starsin, The. See *Homburg Houtimport BV v Agrosin Private Ltd*

If not listed separately, EU cases should be arranged alphabetically by first party name in the table of cases, with the case number following the name of the case in brackets, so that 'Case T-344/99 *Arne Mathisen AS v Council* [2002] ECR II-2905' is cited in the table of cases under 'A' as 'Arne Mathisen AS v Council (T-344/99)

[2002] ECR II–2905'. If the table of cases is divided by jurisdiction, list ECJ, CFI and Commission decisions separately, in chronological and numerical order, citing the cases as in footnotes, with the case number first, but omitting the word 'Case'. If a large number of such cases are cited, it may be helpful to compile a separate table of the cases in alphabetical order.

1.6.3 Tables of legislation and other tables

Tables of legislation and other tables, such as tables of international treaties and conventions, UN documents, official papers and policy documents, should follow the table of cases. A table of legislation should list every statute cited in the work, with the entry for each statute being sub-divided to show which parts of the statute (sections, sub-sections and so on) are cited where. Statutory instruments should be listed separately, at the end of the list of statutes. If there are a large number of citations of statutory instruments, it may be helpful to have wholly separate tables of statutes and statutory instruments. In tables of legislation, legislation should be listed in alphabetical order of first significant word of the title, not chronologically by date of enactment. If legislation from more than one jurisdiction is cited, it may be helpful to have separate lists for each jurisdiction.

1.7 Bibliographies

In longer works, such as theses and books, a bibliography listing secondary sources should be provided after the main body of text and any appendices. It should include all such sources cited in the work and need not be indexed.

Items in bibliographies take the same form as all other citations in OSCOLA, with three exceptions: (1) the author's surname should precede his or her initial(s), with no comma separating them, but a comma after the final initial; (2) only initials should be used, and not forenames; and (3) the titles of unattributed works should be preceded by a double em-dash. Works should be arranged in alphabetical order of author surname, with unattributed works being listed at the beginning of the bibliography in alphabetical order of first major word of the title.

CITATION in a footnote

¹⁵ Elizabeth Fisher, *Risk Regulation and Administrative Constitutionalism* (Hart Publishing 2007).

CITATION in a bibliography

Fisher E, *Risk Regulation and Administrative Constitutionalism* (Hart Publishing 2007)

If citing several works by the same author in a bibliography, list the author's works in chronological order (starting with the oldest), and in alphabetical order of first major word of the title within a single year. After the citation of the first work, replace the

author's name with a double em-dash. Alphabetize works by more than one author under the first author's name, but place them after that author's sole-authored works. If a first author has more than one co-author, arrange the co-authored works in alphabetical order of co-author surname, and if you are citing more than one work by the same first author and co-author, arrange the works in chronological order, repeating the co-author's name each time.

Hart HLA, *Law, Liberty and Morality* (OUP 1963)
— 'Varieties of Responsibility' (1967) 83 LQR 346
— *Punishment and Responsibility* (OUP 1968)
— and Honoré AM, 'Causation in the Law' (1956) 72 LQR 58, 260, 398
— and Honoré AM, *Causation in the Law* (2nd edn, OUP 1985)

2 Primary Sources

2.1 Cases from England and Wales

2.1.1 General principles

The components of a typical case citation are the case name, the neutral citation and the law report. However, neutral citations are a relatively recent development, so many case citations consist only of the case name and the law report. Use italics for the name of the case, with an unpunctuated italic *v* to separate the names of adverse parties. Use roman for the rest of the citation. A comma separates the neutral citation and the law report citation. There are no full stops in the abbreviations: hence 'UKHL' rather than 'U.K.H.L.' and 'AC' rather than 'A.C.'

Case citations including neutral citations

The components of a typical case citation including a neutral citation are:

case name | [year] | court | number, | [year] OR (year) | volume |
report abbreviation | first page

The example below indicates that the case involving *Corr* and *IBC Vehicles Ltd* was the thirteenth judgment issued by the House of Lords in 2008, and that a report of the judgment can be found in volume one of the 2008 volume of the series of the *Law Reports* called the *Appeal Cases*, beginning at page 884.

Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC 884

Case citations without neutral citations

The components of a typical case citation without a neutral citation are:

case name | [year] OR (year) | volume | report abbreviation | first page | (court)

As the following example shows, when the year is used to identify the law report volume it is given in square brackets. In such cases, also give a volume number if the series in question was issued in more than one volume during that particular year, but do not do so if only one volume was issued.

Page v Smith [1996] AC 155 (HL)

Where the year is necessary to identify the volume and there is more than one volume in a year, give the year in square brackets and the volume number before the report abbreviation, as in the following example from volume two of the 2001 *Appeal Cases*.

Barrett v Enfield LBC [2001] 2 AC 550 (HL)

Give the year of judgment (not publication) in round brackets when the volumes of the law report series are independently numbered, so that the year of publication is not needed to find the volume. For example, a report of *Barrett v Enfield LBC*, which was decided in 1999, can also be found in the forty-ninth volume of the *Butterworths Medico-Legal Reports*, beginning on page one. The citation of this report is therefore:

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

2.1.2 Case names

Where there are multiple parties, name only the first claimant and first defendant. Where the parties are individuals, omit forenames and initials. Abbreviate common words and phrases: use *BC* for *Borough Council*, *Co* for *Company*, *DPP* for *Director of Public Prosecutions* and so on (see section 4.2.4 of the appendix for more abbreviations).

Use *Re* in preference to *In re*, *In the matter of*, and so on: *Re the Companies Act 1985* rather than *In the matter of the Companies Act 1985*, and *Re Farquar's Estate* instead of *In re the Estate of Farquar*. Abbreviate *Ex parte* to *Ex p* with a capital *E* only if it is the first word of the case name. The *p* has no full stop. Do not include expressions such as *and another*, which may appear in titles in law reports. Omit descriptions such as *a firm* if the party in question is named, but if only the initial of the party is provided, then the description (such as *a minor*) should be given, at least in the first citation. Terms indicating corporate status (such as *Ltd* and *plc*) should not be omitted if included in the heading of the report.

Re A (conjoined twins) [2001] Fam 147

Re Bernard L Madoff Investment Securities LLC [2009] EWHC 442 (Ch),
[2010] BCC 328

Emerald Supplies Ltd v British Airways plc [2009] EWHC 741 (Ch),
[2010] Ch 48

Short forms of case names

Give the name of the case in full when it is first mentioned in the text or footnotes; it may be shortened thereafter. Thus, 'in *Glebe Motors plc v Dixon-Greene*' can be shortened to 'in the *Glebe Motors* case' (or 'in *Glebe Motors*') (example 1). If a case name is shortened in this way, the name chosen must be that which stands first in the full name of the case. In shipping cases, the name of the ship can be used instead of the full case name (example 2). It is common in works on criminal law to see 'in

R v Caldwell shortened to ‘in *Caldwell*’, even in the first citation, but less so where a small number of criminal cases are cited in a work primarily concerned with another area of law. Either form is acceptable (example 3). Popular names for cases may also be used. Give the popular name in brackets after the initial full citation, and then use the popular name in subsequent citations (example 4).

EXAMPLE 1

¹⁴ *Phelps v Hillingdon LBC* [2001] 2 AC 619 (HL).

...

¹⁹ *Phelps* (n 14).

EXAMPLE 2

²⁵ *Leigh & Sullivan Ltd v Aliakmon Shipping Co Ltd (The Aliakmon)* [1986] AC 785 (HL).

...

⁴⁵ *The Aliakmon* (n 25).

EXAMPLE 3

¹¹ *R v Evans* [2009] EWCA Crim 650, [2009] 1 WLR 13 OR *Evans* [2009] EWCA Crim 650, [2009] 1 WLR 13.

...

²³ *R v Evans* (n 11) OR *Evans* (n 11).

EXAMPLE 4

¹² *Mirage Studios v Counter-feat Clothing Co Ltd* [1991] FSR 145 (Ch) (Ninja Turtles case).

...

²⁸ *Ninja Turtles case* (n 12).

Judicial review applications

Before 2001, case names in judicial review applications cited the Crown (*R*) against the body under review, on behalf of (expressed as *ex parte*) the individual involved.

R v Lord Chancellor, ex p Witham [1998] QB 575 (QB)

For cases from 2001 onwards, the following form is used:

R (Roberts) v Parole Board [2004] EWCA Civ 1031, [2005] QB 410

In both cases, subsequent citations would cite *Witham* or *Roberts* in the text or in a footnote.

Attorney General's references

For the case name in Attorney General's references, give the number or numbers of the reference and the year in brackets. If there is a name associated with the reference, it should follow at the end of the case name, also in brackets. *Attorney General* can be abbreviated to *A-G* in subsequent references without notice.

Attorney General's Reference (No 3 of 2004) (R v H) [2005] EWCA Crim 1882

Attorney General's Reference (Nos 56, 57 and 58 of 2008) [2009] EWCA Crim 235, [2009] 2 Cr App R (S) 52

Variations in the name of a case

Where the same case is reported under significantly different names in different law reports, use the name given in the heading of the report being cited. Where two or more reports using different names are cited, the report or reports using the alternative name of the case should be introduced by the phrase 'sub nom' in roman (an abbreviation of *sub nomine*, meaning 'under the name').

Gibbons v South West Water Services Ltd [1993] QB 507, sub nom *AB v South West Water Services Ltd* [1993] 2 WLR 507 (CA)

Similarly, where a case appears under a different name at different stages in its history (that difference in the name being more than a mere reversal of the names of the parties), and both stages are being cited, the name of the case at the second stage cited should be introduced by 'sub nom'.

R v Monopolies and Mergers Commission, ex p South Yorkshire Transport Ltd [1992] 1 WLR 291 (CA), affd sub nom *South Yorkshire Transport Ltd v Monopolies and Mergers Commission* [1993] 1 WLR 23 (HL)

2.1.3 Neutral citations

In 2001 the House of Lords, Privy Council, Court of Appeal and Administrative Court began issuing judgments with a neutral citation which identified the judgment independently of any report. This practice was extended to all divisions of the High Court in 2002, and later to tribunals and commissions. Transcripts of judgments with neutral citations are generally freely available on the British and Irish Legal Information Institute website (www.bailii.org). The cases are numbered consecutively throughout the year. All cases with neutral citations have numbered paragraphs.

Neutral citations give the year of judgment, the court and the judgment number. The court is not included in brackets at the end of a neutral citation because the neutral citation itself identifies the court. However, neutral citations from the High Court do include the division in brackets after the judgment number.

Where a judgment with a neutral citation has not been reported, give only the neutral citation, as shown in the last two examples below (note that these judgments may

have been reported since OSCOLA was published). Where such a judgment has been reported, give the neutral citation followed by a citation of the best report, separated by a comma (for information about the ‘best report’, see section 2.1.4).

Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC 884

Farraj v Kings NHS Healthcare Trust [2009] EWCA Civ 1203, (2010) 11 BMLR 131

Court v Despilliers [2009] EWHC 3340 (Ch), [2010] 2 All ER 451

Re Guardian News and Media Ltd [2010] UKSC 1

R (Mahfoud) v Secretary of State for the Home Department [2010] EWHC 2057 (Admin)

If a single report includes more than one judgment and therefore more than one neutral citation, list the neutral citations in chronological order, starting with the oldest, and separate them with a comma.

Masterman-Lister v Brutton & Co (Nos 1 and 2) [2002] EWCA Civ 1889, [2003] EWCA Civ 70, [2003] 1 WLR 1511

As the unreported judgment is generally available online much earlier than the printed report, it is important to check all neutral citations to see if a report has subsequently become available before finalising your work.

A complete list of neutral citations is provided in section 4.1 of the appendix. For up-to-date information, see the case law databases in www.bailii.org.

2.1.4 Law reports

A law report is a published report of a judgment, with additional features such as a headnote summarising the facts of the case and the judgment, catchwords used for indexing, and lists of cases considered.

The ‘best report’

In England and Wales, there are no official law reports of any kind, but the *Law Reports* series published by the Incorporated Council of Law Reporting (www.lawreports.co.uk) are regarded as the most authoritative reports. Different series of the *Law Reports* cover judgments of the House of Lords/Supreme Court and Privy Council (*Appeal Cases*), the Chancery Division, the Family Division, the Queen’s Bench Division and so on. These reports include the arguments of counsel and are checked by both counsel and the judge.

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*.

Note that judgments published in volumes two (January to June) and three (July to December) of the *Weekly Law Reports* will generally be republished, after some time, in the *Law Reports*. Cite 2 WLR or 3 WLR only if the case has not yet been published in the *Law Reports*, as there may be changes in the *Law Reports* version.

Heavily edited reports

Where a report of a case gives only a summary or a heavily edited version of the judgment (which is the norm for reports in newspapers and some practitioner journals), cite the report only if there is no neutral citation and no other, fuller, report. When citing a case report, put the title of a newspaper in roman, not italics.

Taylor v Glass [1979] CLY 672 (CA)

Quainoo v Brent and Harrow AHA (1982) 132 NLJ 1100 (QB)

Powick v Malvern Wells Water Co The Times, 28 September 1993 (QB)

Unreported cases

If a case is unreported but has a neutral citation, give that. If an unreported case does not have a neutral citation (which will always be the case before 2001), give the court and the date of the judgment in brackets after the name of the case. There is no need to add the word 'unreported'.

Stubbs v Sayer (CA, 8 November 1990)

Calvert v Gardiner [2002] EWHC 1394 (QB)

Reports using case numbers in the citation

In some specialist law reports, cases are given case numbers which run consecutively through the volumes, rather than page numbers. Examples include the *Reports of Patents Cases*, the *Criminal Appeal Reports* and the *Personal Injuries and Quantum Reports*. In such cases, follow the citation method used by the series in question.

Rozario v Post Office [1997] PIQR P15 (CA)

Thompson Holidays Ltd v Norwegian Cruise Lines Ltd [2002] EWCA Civ 1828, [2003] RPC 32

R v Kelly [2008] EWCA Crim 137, [2008] 2 Cr App R 11

2.1.5 Courts

Indicate the court in brackets after the first page of the report, and before the pinpoint if there is one. Use (HL) for the House of Lords, (CA) for the Court of Appeal, (QB), (Ch), and (F) for the divisions of the High Court, and (Com Ct) for the Commercial Court within the Queen's Bench Division. Citations of cases decided before 1865 do not require the court, and nor do citations of cases with a neutral citation.

2.1.6 Pinpoints

A pinpoint is a reference to a particular paragraph of a judgment or page of a report.

If the judgment has numbered paragraphs (as will generally be the case where there is a neutral citation), pinpoint to a particular paragraph by putting the relevant paragraph number in square brackets. If pinpointing to more than one paragraph, separate the paragraph numbers in square brackets with a comma. If citing spans of paragraphs, insert a dash between the first and last paragraph being cited.

Callery v Gray [2001] EWCA Civ 1117, [2001] 1 WLR 2112 [42], [45]

Bunt v Tilley [2006] EWHC 407 (QB), [2006] 3 All ER 336 [1]–[37]

If a law report citation ends with the identification of the court in brackets, the pinpoint follows the closing bracket, without any comma. Where the court is not identified in this way, and you are pinpointing to a page number, insert a comma to prevent the numbers running together. Where the pinpoint reference is to the first page of the report, repeat the page number. Multiple page number pinpoints should be separated by commas.

Beattie v E & F Beattie Ltd [1938] Ch 708 (CA) 720, 723

R v Leeds County Court, ex p Morris [1990] QB 523 (QB) 530–31

2.1.7 Judges' names

Where reference is made to a judge in a case, use the judge's surname followed by the conventional abbreviation identifying their judicial office. Do not use honorifics such as 'the Honourable'.

A High Court judge is called 'Mr Justice Smith', or if a woman (and regardless of marital status) 'Mrs Justice Smith' (abbreviated 'Smith J'). A Court of Appeal judge is called 'Lord Justice Smith' or 'Lady Justice Smith' ('Smith LJ'), unless the judge is a peer, in which case he is called, for example, 'Lord Denning'. Forenames are not used unless there are two judges with the same surname, in which case both the forename and surname of the junior judge of the two is given (for example, 'Geoffrey Lane LJ').

A House of Lords judge (or 'Law Lord') is called 'Lord Smith' or, in the case of the first woman Law Lord, 'Lady Hale', unless the judge's rank in the peerage is higher than that of Baron or Baroness, in which case the higher rank is used (for example, 'Viscount Dilhorne'). Omit a Law Lord's territorial qualification (so say 'Lord Scott', not 'Lord Scott of Foscote') unless the omission might cause ambiguity. Abbreviated forms are not used for Law Lords. Judges of the Supreme Court are called 'Lord Smith SCJ'. All other judges, including former High Court or Court of Appeal judges sitting in any court, are referred to by full name (or title if a peer), for example 'Sir John Smith' or 'Judge John Smith QC' (or 'John Smith QC' in the case of a barrister sitting as a deputy High Court judge).

The name of the President of the Supreme Court is abbreviated as 'Lord Smith P'; the Deputy President as 'Lord Smith DP'; the Lord Chancellor (now no longer a judge) as 'Lord Smith LC'; the Lord Chief Justice as 'Lord Smith CJ'; the Master of the Rolls as

‘Lord Smith MR’ (or, if not a peer, as ‘Sir John Smith MR’); the Chancellor of the High Court as ‘Sir John Smith C’ (the now obsolete office of Vice-Chancellor is abbreviated ‘V-C’); and the Presidents of the Queen’s Bench Division and Family Division as ‘Sir John Smith P’.

If a judge was elevated to a new appointment after the decision in the case you are citing, use the title of the judge at that time; there is no need to add the words ‘as he then was’. In the text, either the full or the short form of a judge’s name can be used, but use only the short form in footnote citations. If referring to more than one judge of the High Court, the Court of Appeal, or the Supreme Court in the short form, follow their surnames with JJ, LJ, and SCJJ respectively; however, do not say ‘Lords Smith and Jones’ when referring to two Law Lords, but ‘Lord Smith and Lord Jones’. When pinpointing to a particular passage in a judgment, add the judge’s name in brackets after the pinpoint. Do not use *per*.

EXAMPLES in the text

Lord Woolf rejected this argument because ...

This is evident from the decision in *Horncastle*, in which Lord Phillips P said ...

Rimer and Pill LJ were of the opinion that ...

As Tugendhat J pointed out in *Ajinomoto Sweeteners* ...

EXAMPLES in footnotes

¹⁰¹ *Crown River Cruises Ltd v Kimbolton Fireworks Ltd* [1996] 2 Lloyd’s Rep 533 (QB) 547 (Potter J); *Graham and Graham v ReChem International Ltd* [1996] Env LR 158 (QB) 162 (Forbes J); *Arscott v The Coal Authority* [2004] EWCA Civ 892, [2005] Env LR 6 [27] (Laws LJ).

2.1.8 Subsequent history of a case

The subsequent history of a case may be indicated after the primary citation by abbreviating ‘affirmed’ to ‘affd’ and ‘reversed’ to ‘revd’. These abbreviations refer to the decision in the primary citation.

Roberts v Gable [2006] EWHC 1025 (QB), [2006] EMLR 23, affd [2007] EWCA Civ 721, [2008] QB 502

2.1.9 Cases before 1865

The English Reports

More than 100,000 ‘nominate reports’ of judgments handed down before 1865 are reprinted in a series called the *English Reports*. If a judgment is reprinted in the *English Reports*, you should give the citations in both the nominate report and the *English Reports*, divided by a comma (unless there is a pinpoint, in which case by a semi-colon). If you need to identify the court, spell it out in the text.

Boulton v Jones (1857) 2 H&N 564, 157 ER 232

Henly v Mayor of Lyme (1828) 5 Bing 91, 107; 130 ER 995, 1001

Other older cases

Party names in cases in the ecclesiastical courts should be separated by *c* rather than *v*.

James c Harmon (1514) 101 SS 24

Where reported legal argument in a single case in a single court extends over several years, the date format (1621–23) may be used. Where the year of a case is uncertain, but must fall between two known years, use the format (1621x1623).

Yearbook references should begin with the calendar year of the hearing in brackets, followed by ‘YB’ and the term (abbreviated as Mich, Hil, Pas or Trin) and regnal year, and both the folio and the plea number in the (standard) Maynard edition.

(calendar year) | YB | term | regnal year, | folio, | plea number

(1400) YB Mich 2 Hen IV, fo 3v, pl 9

The Rolls Series, Selden Society, Ames Foundation and legal history sourcebooks should be checked for better reports and translations. For example, the case cited above as an example of yearbook citation could also be cited as:

Watton v Brinth (1400) JH Baker and SFC Milsom, *Sources of English Legal History: Private Law to 1750* (Butterworths 1987) 378

Cases dating from the yearbook period, and not reported in the Maynard edition of the yearbooks, can be found in the Rolls Series yearbooks (RS) (Edward I and part of Edward III), in the Selden Society yearbooks series (SS) (Edward II and some outliers), in the Ames Foundation yearbooks series (AF) (Richard II), in separately published books, or in manuscript.

Where a case is reported in one of the three alternative yearbook series, give the party names, the year in brackets, and the source. Anonymous cases should be cited in the same way, but without the party names.

Helton v Kene (1344) YB 18 & 19 Edw III, RS p 194

Petstede v Marreys (1310) YB 3 & 4 Edw II, SS vol 22, p 29

Skyrne v Butolf (1388) YB Pas 11 Ric II, AF p 223, pl 12

Cases reported in separately published books should be cited by party names (if available), followed by the year in brackets, and then the book reference and page number, as in the example from Baker and Milsom’s *Sources of English Legal History* given above.

Cases in manuscript should be cited by party names (if available), followed by the year in brackets, and then the standard reference for the manuscript source.

Blake v Lynch (1744) BL MS Add 32518, p 134

If the Baker *English Legal Manuscripts* microfiche series has been used, the fiche reference should also be given.

Rex v J Wish Taylor of Cambridge (1721) Lincoln's Inn MS Hill 60, p 24
(Baker ELM #2R183 at fiche A412)

There are a range of reports of cases in Selden Society volumes to which it is not appropriate to give yearbook-form citations. These should be cited by case name, followed by the year in brackets, and then the Selden Society volume and page.

Beatrice Queen of Germany v Edmund Earl of Cornwall (1274) 111 SS 21
Anon (1549) 121 SS 347

Standard abbreviations used in legal historical works are provided in section 4.2.2 of the appendix.

2.2 Cases from Scotland

The superior Scottish courts began issuing neutral citations in 2005. Neutral citations follow the model used in England and Wales. The forms of neutral citation for the different Scottish courts are listed in section 4.1.3 of the appendix.

The most authoritative series of law reports in Scotland is *Session Cases*. The single periodical *Session Cases* contains separately paginated sequences of reports from the Court of Session ('SC'), the High Court of Justiciary ('JC') and the House of Lords/Supreme Court ('SC (HL)' or 'SC (UKSC)'). Before 1906, volumes of *Session Cases* were cited by editor and volume number: the editors were Shaw (S), Dunlop (D), Macpherson (M), Rettie (R) and Fraser (F).

Refer to *Session Cases* if possible. The next most authoritative series of law reports is the *Scots Law Times* (SLT), which is also arranged in separately paginated sequences of reports from different courts. With the exception of reports from the superior courts, the section is indicated in brackets following the abbreviation SLT. Other law reports series in Scotland include the *Scottish Civil Law Reports* (SCLR) and the *Scottish Criminal Case Reports* (SCCR).

Citations to judgments of the Court of Session may indicate whether the case was heard in the Inner House or Outer House by adding (IH) or (OH) after the citation, but this is not necessary where there is a neutral citation, as this will itself provide the information.

In citations of Scottish law reports, the year is not put in square brackets if it is required to locate the case in the series of reports, but it is put in round brackets if the volumes

of the report series are independently numbered. In OSCOLA, citations of Scottish law reports have no punctuation other than commas separating page numbers.

Hislop v Durham (1842) 4 D 1168

Adams v Advocate General 2003 SC 171 (OH)

Dodds v HM Advocate 2003 JC 8

Crofters Commission v Scottish Ministers 2002 SLT (Land Ct) 19, 25

Davidson v Scottish Ministers [2005] UKHL 74, 2006 SC (HL) [41]

Smart v HM Advocate [2006] HCJAC 12, 2006 JC 119 [23]–[24]

2.3 Cases from Northern Ireland

The Northern Ireland jurisdiction dates from 1921, and the *Northern Ireland Law Reports* (NI) from 1925. For cases decided before 1925, cite the *Irish Reports* or the *Irish Times Reports*.

Neutral citations follow the model used in England and Wales. The forms of neutral citation for the different Northern Irish courts are listed in section 4.1.4 of the appendix.

Hylands v McClintock [1999] NI 28

Wilson v Commissioner of Valuation [2009] NICA 30, [2010] NI 48

2.4 UK primary legislation

2.4.1 Names of statutes

Cite an Act by its short title and year in roman, using capitals for the major words, and without a comma before the year.

Act of Supremacy 1558

Shipping and Trading Interests (Protection) Act 1995

Do not use popular titles of Acts, such as ‘Lord Campbell’s Act’. If you are referring to a particular Act a number of times in short succession, it is usually possible to use an abbreviated form of the title in the footnotes, without a cross-citation, provided the reader has been warned in advance. The abbreviation is usually the initials of the main words in the title, and should always include the year (so that, for example, the Human Rights Act 1998 becomes ‘HRA 1998’ and not just ‘HRA’). In the text, it is acceptable in such circumstances to refer without any prior warning to ‘the 1998 Act’, but only where this short form is sure to be understood.

¹² Nuclear Installations Act 1965 (NIA 1965) s 7(1).

...

¹⁵ NIA 1965, s 12.

If several jurisdictions are discussed in a work, it may be necessary to add the jurisdiction of the legislation in brackets at the end of the citation.

Water Resources Act 1991 (UK)

2.4.2 Parts of statutes

Statutes are divided into parts, sections, subsections, paragraphs and subparagraphs. In addition, the main text of the statute may be supplemented by schedules, which are divided into paragraphs and subparagraphs. The relevant abbreviations are:

| | |
|----------------------------|------------------|
| part/parts | pt/pts |
| section/sections | s/ss |
| subsection/subsections | sub-s/sub-ss |
| paragraph/paragraphs | para/paras |
| subparagraph/subparagraphs | subpara/subparas |
| schedule/schedules | sch/schs |

Use the full form at the beginning of a sentence, or when referring to a part of a statute without repeating the name of the Act. Elsewhere in the text, either form can be used, though when referring to subsections or paragraphs it is conventional to use the short form. Use the short form in footnotes. In footnote citation of parts of Acts, insert a comma after the year, and a space but no full stop between the abbreviation and the initial number, letter or opening bracket.

Consumer Protection Act 1987, s 2

If specifying a paragraph or subsection as part of a section, use only the abbreviation for the section. For example, paragraph (b) of subsection (1) of section 15 of the Human Rights Act 1998 is expressed as follows.

Human Rights Act 1998, s 15(1)(b)

EXAMPLES in the text

... section 5(1)(a) of the Race Relations Act 1976 ... OR ... the Race Relations Act 1976, s 5(1)(a) ...

... by virtue of section 11(1A) of the Limitation Act 1980 ...

... as provided by sections 1(2) and 7(2) ...

Subsection (1) does not apply to ...

... as sub-s (3) shows ...

EXAMPLES in footnotes

¹⁶ Criminal Attempts Act 1981, ss 1(1) and 4(3).

2.4.3 Older statutes

For older statutes, it may be helpful to give the regnal year and chapter number.

Crown Debts Act 1801 (41 Geo 3 c 90)

In this example, the information in brackets indicates that the Act was given royal assent in the forty-first year of the reign of George III. The abbreviation c stands for chapter. The Crown Debts Act 1801 was the ninetieth Act to receive royal assent in that session of Parliament, and so is chapter 90. Citation by chapter number must be used for older statutes without short titles.

2.4.4 Explanatory notes to statutes

When citing explanatory notes to statutes, precede the name of the statute with the words ‘Explanatory Notes to the ...’. When pinpointing, cite the paragraph number(s), preceded by ‘para(s)’.

Explanatory Notes to the Charities Act 2006, para 15

2.4.5 Bills

Cite a Bill by its title, the House in which it originated, the Parliamentary session in brackets, and the running number assigned to it. Running numbers for House of Commons Bills are put in square brackets; those for House of Lords Bills are not. When a Bill is reprinted at any stage it is given a new running number.

title | HC Bill | (session) | [number] OR title | HL Bill | (session) | number

The rules for referring to parts of Bills mirror those for referring to parts of statutes (see section 2.4.2). ‘Clause’ and ‘clauses’ may be abbreviated to ‘cl’ and ‘cls’ in the text and should be so abbreviated in footnotes.

Consolidated Fund HC Bill (2008–09) [5]

Academies HL Bill (2010–11) 1, cl 8(2)

2.4.6 Wales

Welsh measures are primary legislation of the Welsh Assembly. They are cited by short title and year, followed by the National Assembly of Wales Measure (nawm or mccc) number in brackets.

Learner Travel (Wales) Measure 2008 (nawm 2)

Mesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2)

Cite parts of Welsh measures as for parts of UK Parliament statutes (section 2.4.2).

2.4.7 Scotland

Acts

Like UK Parliament statutes, Acts of the Scottish Parliament are cited by short title and year. Each Act is also given an ‘asp’ number, consisting of a lower-case abbreviation of the words ‘Act of the Scottish Parliament’ and a running number in the year (eg ‘asp 13’). For completeness the asp number should be given after the year, in brackets.

Crofting Reform etc Act 2007 (asp 7)

Cite parts of Acts of the Scottish Parliament as for parts of UK Parliament statutes (section 2.4.2).

Bills

Bills before the Scottish Parliament are cited by Scottish Parliament Bill number and title, followed by the printing in square brackets, the session and the year in brackets. Unlike UK Parliament Bills, Scottish Parliament Bills retain their original numbering throughout, with amended versions of the Bill being identified by the use of an alphabetical suffix.

SP Bill 4 Abolition of Feudal Tenure etc (Scotland) Bill [as introduced]
Session 1 (1999)

SP Bill 4A Abolition of Feudal Tenure etc (Scotland) Bill [as amended at
Stage 2] Session 1 (2000)

For advice about how to cite pre-1707 Scottish legislation, see Peter Clinch, *Legal Research: A Practitioner’s Handbook* (Wildy, Simmonds & Hill 2010).

2.4.8 Northern Ireland

When citing Acts of the former Parliament of Northern Ireland, put ‘NI’ in brackets between the short title and the year. When citing Acts of the current Northern Ireland Assembly, which was established in 1998, put ‘Northern Ireland’ in brackets between the short title and the year.

Poultry Improvement Act (NI) 1968

Presumption of Death Act (Northern Ireland) 2009

2.5 UK secondary legislation

2.5.1 Statutory instruments

Statutory instruments (orders, regulations or rules) are numbered consecutively throughout the year. The year combines with the serial number to provide an SI number that follows the abbreviation ‘SI’ and which is used to identify the legislation.

When citing a statutory instrument, give the name, year and (after a comma) the SI number.

Penalties for Disorderly Behaviour (Amendment of Minimum Age)
Order 2004, SI 2004/3166

As with statutes (see section 2.4.1), where the same statutory instrument is cited a number of times in the same work, an abbreviated form can be used in the footnotes (such as ‘UTCCR 1999’ for the Unfair Terms in Consumer Contract Regulations 1999), provided due warning is given with the first full citation.

Statutory instruments used to be called statutory rules and orders, and these are cited by their title and SR & O number.

Hollow-ware and Galvanising Welfare Order 1921, SR & O 1921/2032

2.5.2 Rules of court

The Civil Procedure Rules (CPR) and their predecessors, the Rules of the Supreme Court (RSC) and the County Court Rules (CCR), may be cited without reference to their SI number or year. Cite all other court rules in full as statutory instruments.

CPR 7
RSC Ord 24, r 14A
CCR Ord 17, r 11

CPR Practice Directions (PD) are referred to simply by number, according to the part or rule they supplement.

6A PD 4.1
7A PD 8.2

2.5.3 Parts of statutory instruments

The rules for referring to parts of statutory instruments mirror those for referring to parts of statutes (see section 2.4.2). As with statutes, in the text use the full form at the start of a sentence, and either the full or abbreviated form elsewhere. Use the short form in footnotes. In addition to those given above for parts of statutes, use the following abbreviations:

| | |
|------------------------|----------|
| regulation/regulations | reg/regs |
| rule/rules | r/rr |
| article/articles | art/arts |

When referring to parts of the rules of court, do not insert a comma before the pinpoint, and in the case of the Civil Procedure Rules, omit the abbreviations ‘r’ and ‘rr’.

Eggs and Chicks (England) Regulations 2009, SI 2009/2163, reg 7(2)
CPR 5.2(1)(b)

2.5.4 Wales

Statutory instruments of the Welsh Assembly are cited in the same way as other statutory instruments, but the SI number is followed by a Welsh SI number, in brackets. Statutory instruments made at Westminster that apply to Wales are cited in the same way as UK statutory instruments (see sections 2.5.1 and 2.5.3).

The Learner Travel (Wales) Measure 2008 (Commencement No 2)
Order, SI 2009/2819 (W 245)

Gorchymyn Mesur Teithio gan Ddysgwyr (Cymru) 2008 (Cychwyn
Rhif 2) SI 2009/2819 (Cy 245)

2.5.5 Scotland

Statutory instruments of the Scottish Parliament are cited in the same way as other statutory instruments, but the number takes the abbreviation 'SSI'. Acts of Sederunt and Acts of Adjournal should be cited in the same way as other statutory instruments, with SI or SSI being used as appropriate. Statutory instruments made at Westminster that apply to Scotland are cited in the same way as UK statutory instruments (see sections 2.5.1 and 2.5.3).

Breeding of Dogs (Licensing Records) (Scotland) Regulations 1999, SSI
1999/176

Act of Sederunt (Rules of the Court of Session 1994) 1994, SI 1994/1443

Act of Adjournal (Criminal Appeals) 2003, SSI 2003/387

2.5.6 Northern Ireland

Northern Ireland statutory rules, which are the equivalent of statutory instruments, are made by the Northern Ireland Executive or the Northern Ireland Office. Cite the short title and year, followed by the SR number. Statutory instruments made at Westminster that apply to Northern Ireland are cited in the same way as UK statutory instruments (see sections 2.5.1 and 2.5.3).

The River Bann Navigation Order (Northern Ireland) 2010, SR 2010/126

2.6 European Union legal sources

Official notices of the EU are carried in the *Official Journal of the European Communities* (abbreviated to OJ). The OJ citation is given in the order: year, OJ series, number/page. The letter 'L' denotes the legislation series (the 'C' series contains EU information and notices, and the 'S' series invitations to tender).

2.6.1 EU legislation

When citing EU treaties and protocols, give the title of the legislation, including amendments if necessary, followed by the year of publication, the OJ series and the issue and page numbers. Older treaties were published in the C series. With notable exceptions, such as the Lisbon Treaty, legislation is now published in the L series.

legislation title | [year] | OJ series | issue/first page

Protocol to the Agreement on the Member States that do not fully apply the Schengen acquis—Joint Declarations [2007] OJ L129/35

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

Cite Regulations, Directives, Decisions, Recommendations and Opinions by giving the legislation type, number and title, followed by publication details in the OJ. Note that the year precedes the running number in citations to Directives, but follows it in citations to Regulations.

legislation type | number | title | [year] | OJ L issue/first page

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

Short forms and pinpoints

Give EU legislation its full name on first citation. In subsequent citations, a short form of the title may be used (provided warning is given in the first citation) and in a footnote you may also just give the document type and number (using ‘Reg’ and ‘Dir’ as abbreviations). Pinpoints indicating articles (abbreviated ‘art’ or ‘arts’) or paragraphs follow the OJ citation and a comma.

For more information about subsequent citations, see section 1.2.1.

Older EU legislation

For the years 1952–72 (when there was no English edition of the *Journal Officiel*), refer where possible to the Special Edition of the OJ.

Council Regulation (EEC) 1017/68 applying rules of competition to transport by rail, road and inland waterway [1968] OJ Spec Ed 302

2.6.2 Judgments of the European Court of Justice and General Court

Since 1989, EU cases have been numbered according to whether they were registered at the European Court of Justice (ECJ) or the General Court (GC), and given the prefix C- (for ECJ cases) or T- (for GC cases). The General Court was called the Court of First Instance (CFI) until 2009. Judgments from the Civil Service Tribunal, which was established in 2005, are prefixed F-. Do not add a C- to pre-1989 cases.

Give the case registration number in roman and then the name of the case in italics, with no punctuation between them. Give the report citation in the same form as for UK cases.

case number | *case name* | [year] | report abbreviation | first page

Where possible, refer to the official reports, which are cited as ECR. ECJ cases are reported in volume one (ECR I-) and GC cases are reported in volume two (ECR II-). The volume number, which is in roman numerals, attaches to the page number with a dash. If an ECR reference is not available, the second best report is usually the *Common Market Law Reports* (CMLR). Some cases are reported in the *Law Reports*, the *Weekly Law Reports* and/or the *All England Law Reports (European Cases)*, which may be cited in preference to the CMLR.

For an unreported case, cite the relevant notice in the OJ. If the case is not yet reported in the OJ, then cite the case number and case name, followed by the court and date of judgment in brackets.

(Please note that unreported cases given here as examples will have been reported subsequently.)

Case 240/83 *Procureur de la République v ADBHU* [1985] ECR 531

Joined Cases C-430 and 431/93 *Jereon van Schijndel v Stichting Pensioenfonds voor Fysiotherapeuten* [1995] ECR I-4705

Case T-344/99 *Arne Mathisen AS v Council* [2002] ECR II-2905

Case T-277/08 *Bayer Healthcare v OHMI—Uriach Aquilea OTC* (CFI, 11 November 2009)

When pinpointing, use ‘para’ or ‘paras’ after a comma.

Case C-176/03 *Commission v Council* [2005] ECR I-7879, paras 47–48

Opinions of Advocates General

When citing an opinion of an Advocate General, add the words ‘Opinion of AG [name]’ after the case citation and a comma, and before any pinpoint.

Case C-411/05 *Palacios de la Villa v Cortefiel Servicios SA* [2007] ECR I-8531, Opinion of AG Mazák, paras 79–100

2.6.3 Decisions of the European Commission

Decisions of the European Commission in relation to competition law and mergers are to be treated as cases. Give the names of the parties (or the commonly used short name) in italics, the case number in brackets, the Commission Decision number (where available), and the OJ report.

case name | (case number) | Commission Decision number | [year] |
OJ L issue/first page

Alcatel/Telettra (Case IV/M.042) Commission Decision 91/251/EEC
[1991] OJ L122/48

Georg Verkehrsorgani v Ferrovie dello Stato (Case COMP/37.685)
Commission Decision 2004/33/EC [2004] OJ L11/17

2.7 The European Court of Human Rights

2.7.1 Judgments of the European Court of Human Rights

For judgments of the European Court of Human Rights (ECtHR), cite either the official reports, the *Reports of Judgments and Decisions* (cited as ECHR) or the *European Human Rights Reports* (EHRR), but be consistent in your practice. Before 1996, the official reports were known as *Series A* and numbered consecutively. The EHRR series is also numbered consecutively, but from 2001 case numbers have been used instead of page numbers.

References to unreported judgments should give the application number, and then the court and the date of the judgment in brackets. When pinpointing, use ‘para’ or ‘paras’ after a comma. Further information can be obtained from the ECHR website and the HUDOC database at www.echr.coe.int.

Johnston v Ireland (1986) Series A no 122

Osman v UK ECHR 1998–VIII 3124

Balogh v Hungary App no 47940/99 (ECtHR, 20 July 2004)

Omojudi v UK (2009) 51 EHRR 10

2.7.2 Decisions and reports of the European Commission on Human Rights

Citations of decisions and reports of the European Commission on Human Rights, which ceased to function in 1998, should give the year of the decision in brackets, and then refer to the *Decisions and Reports* of the Commission (DR), or, for decisions prior to 1974, to the *Collection of Decisions* of the Commission (CD). If available, a reference to a report of the decision in the EHRR is also acceptable, but if citing the EHRR for a decision of the Commission insert ‘(Commission Decision)’ after the rest of the citation. If the decision is unreported, give the application number, and then in brackets ‘Commission Decision’ and the date of the decision.

X v Netherlands (1971) 38 CD 9

Council of Civil Service Unions v UK (1987) 10 EHRR 269 (Commission Decision)

Simpson v UK (1989) 64 DR 188

P v UK App no 13473/87 (Commission Decision, 11 July 1988)

2.8 Cases and legislation from other jurisdictions

2.8.1 Cases

Cite cases from other jurisdictions as they are cited in their own jurisdiction, but with minimal punctuation. If the name of the law report series cited does not itself indicate the court, and the identity of the court is not obvious from the context, you should also give this in either full or short form in brackets at the end of the citation. When citing a decision of the highest court of a US state, the abbreviation of the name of the state suffices.

Henningsen v Bloomfield Motors Inc 161 A 2d 69 (NJ 1960)

Roe v Wade 410 US 113, 163–64 (1973)

Waltons Stores (Interstate) Ltd v Maher (1988) 164 CLR 387

BGH NJW 1992, 1659

Cass civ (1) 21 January 2003, D 2003, 693

CA Colmar 25 January 1963, Gaz Pal 1963.I.277

2.8.2 Legislation

Cite legislation from other jurisdictions as it is cited in its own jurisdiction, but without any full stops in abbreviations. Give the jurisdiction if necessary.

Accident Compensation Act 1972 (NZ)

1976 Standard Terms Act (*Gesetz über Allgemeine Geschäftsbedingungen*) (FRG)

loi n° 75-1349 du 31 décembre 1975 relative à l'emploi de la langue française

Guides for citations from other jurisdictions can be found in section 4.3 of the appendix.

3 Secondary sources

3.1 General principles

3.1.1 Authors' names

Give the author's name exactly as it appears in the publication, but omit postnominals such as QC. When judges write extra-curially, they should be named as in the publication in question. If there are more than three authors, give the name of the first author followed by 'and others'. If no individual author is identified, but an organisation or institution claims editorial responsibility for the work, then cite it as the author. If no person, organisation or institution claims responsibility for the work, begin the citation with the title. Treat editors' names in the same way as authors' names.

In footnotes, the author's first name or initial(s) precede their surname. In bibliographies, the surname comes first, then the initial(s), followed by a comma (see section 1.7).

3.1.2 Titles

Italicise titles of books and similar publications, including all publications with ISBNs. All other titles should be within single quotation marks and in roman. Capitalize the first letter in all major words in a title. Minor words, such as 'for', 'and', 'or' and 'the', do not take a capital unless they begin the title or subtitle.

3.1.3 Parts, chapters, pages and paragraphs

Pinpoints to parts, chapters, pages and paragraphs come at the end of the citation. Use 'pt' for part, 'ch' for chapter, and 'para' for paragraph. Page numbers stand alone, without 'p' or 'pp'. If citing a chapter or part and page number, insert a comma before the page number. Where possible, give a specific range of pages but if you must refer to an initial page and several unspecified following pages, give the initial page number followed immediately by 'ff' (eg '167ff').

3.1.4 Electronic sources

If you source a publication online which is also available in hard copy, cite the hard copy version. There is no need to cite an electronic source for such a publication.

Citations of publications that are available only electronically should end with the web address (or 'url') in angled brackets (< >), followed by the date of most recent access, expressed in the form 'accessed 1 January 2010'. Include 'http://' only if the web address does not begin with 'www'. More detailed guidelines for the citation of electronic sources can be found in sections 3.3.3, 3.3.4, and 3.4.8.

3.1.5 Subsequent citations and short forms

In subsequent citations of books and articles, cite only the author's surname and provide a cross-citation (in the form (n n)) to the footnote with the full citation. The pinpoint follows the cross-citation. If you cite more than one work by the same author, it may be useful to provide the title as well, or a short form thereof, and the title alone should be used in subsequent citations of unattributed works and some other secondary sources, such as reports and policy documents. Further advice on subsequent citations and short forms is given in section 1.2.

3.2 Books

Cite all publications with an ISBN as if they were books, whether read online or in hard copy. Older books do not have ISBNs, but should be cited as books even if read online.

3.2.1 Authored books

Cite the author's name first, followed by a comma, and then the title of the book in italics (see section 3.1). Where a book has a title and subtitle not separated with punctuation, insert a colon.

Publication information follows the title within brackets. Publication elements should always include the publisher and the year of publication, with a space but no punctuation between them. The place of publication need not be given. If you are citing an edition other than the first edition, indicate that using the form '2nd edn' (or 'rev edn' for a revised edition). Additional information should be of a clarifying nature: it may include the editor, the translator or other descriptive information about the work.

author, | *title* | (additional information, | edition, | publisher | year)

Timothy Endicott, *Administrative Law* (OUP 2009)

Gareth Jones, *Goff and Jones: The Law of Restitution* (1st supp, 7th edn, Sweet & Maxwell 2009)

If a book consists of more than one volume, the volume number follows the publication details, unless the publication details of the volumes vary, in which case it precedes them, and is separated from the title by a comma. Pinpoint to paragraphs rather than pages if the paragraphs are numbered.

Christian von Bar, *The Common European Law of Torts*, vol 2 (CH Beck 2000) para 76

Andrew Burrows, *Remedies for Torts and Breach of Contract* (3rd edn, OUP 2004) 317

Julian V Roberts and Mike Hough, *Public Opinion and the Jury: An International Literature Review* (Ministry of Justice Research Series 1/09, 2009) 42

3.2.2 Edited and translated books

If there is no author, cite the editor or translator as you would an author, adding in brackets after their name ‘(ed)’ or ‘(tr)’, or ‘(eds)’ or ‘(trs)’ if there is more than one.

Jeremy Horder (ed), *Oxford Essays in Jurisprudence: Fourth Series* (OUP 2000)

Peter Birks and Grant McLeod (trs), *The Institutes of Justinian* (Duckworth 1987)

If the work has an author, but an editor or translator is also acknowledged on the front cover, cite the author in the usual way and attribute the editor or translator at the beginning of the publication information, within the brackets.

HLA Hart, *Punishment and Responsibility: Essays in the Philosophy of Law* (John Gardner ed, 2nd edn, OUP 2008)

K Zweigert and H Kötz, *An Introduction to Comparative Law* (Tony Weir tr, 3rd edn, OUP 1998)

3.2.3 Contributions to edited books

When citing a chapter or essay in an edited book, cite the author and the title of the contribution, in a similar format to that used when citing an article, and then give the editor’s name, the title of the book in italics, and the publication information. It is not necessary to give the pages of the contribution.

author, | ‘title’ | in editor (ed), | *book title* | (additional information,
| publisher | year)

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)

John Cartwright, ‘The Fiction of the “Reasonable Man”’ in AG Castermans and others (eds), *Ex Libris Hans Nieuwenhuis* (Kluwer 2009)

3.2.4 Older works

Books published before 1800 commonly have as ‘publisher’ a long list of booksellers; in such cases it is appropriate to cite merely the date and place of publication. When citing a recent publication of an older work, it may be appropriate to indicate the

original publication date within the brackets and before the publication details of the recent publication.

Thomas Hobbes, *Leviathan* (first published 1651, Penguin 1985) 268

3.2.5 Books of authority and institutional works

A small number of older works, such as Blackstone's *Commentaries*, are regarded as books of authority, and are therefore generally accepted as reliable statements of the law of their time. These works have evolved commonly known abbreviations and citation forms, which should be used in all footnote references to them. A list of some of these works and their abbreviations can be found in section 4.2.3 of the appendix.

3 Bl Comm 264

Co Litt 135a

Similarly, there are a small number of 'institutional works' which are regarded as formal sources of Scots law. In footnote references, these works should also be referred to by their commonly known abbreviated forms.

Bankton *Institute* II, 3, 98

Stair *Institutions* I, 2, 14

3.2.6 Encyclopedias

Cite an encyclopedia much as you would a book, but excluding the author or editor and publisher and including the edition and year of issue or reissue. Pinpoints to volumes and paragraphs come after the publication information. When an encyclopedia credits an author for a segment, give both the author and the segment title at the beginning of the citation. If citing an online encyclopedia, give the web address and date of access.

Halsbury's Laws (5th edn, 2010) vol 57, para 53

CJ Friedrich, 'Constitutions and Constitutionalism', *International Encyclopedia of the Social Sciences III* (1968) 319

Leslie Green, 'Legal Positivism', *The Stanford Encyclopedia of Philosophy* (Fall edn, 2009) <<http://plato.stanford.edu/archives/fall2009/entries/legal-positivism>> accessed 20 November 2009

3.2.7 Looseleaf services

For looseleaf services, cite the title of the work in italics, excluding the name of the current author or editor, but including names which have become part of the title. Do not give publication details. Try to avoid pinpointing when referring to looseleaves, but if you must do so give the volume (if appropriate), and pinpoint to paragraphs rather than pages. If pinpointing, you should also give the release number and/or date of issue at the foot of the relevant page in brackets after the paragraph number, in the form used by the publisher, but without any full stops.

Ryde on Rating and the Council Tax

Cross on Local Government Law, para 8–106 (R 30 July 2008)

Parker's Law and Conduct of Elections, vol 1, para 9–24 (issue 29)

3.3 Articles

3.3.1 Hard copy journals

When citing articles, give the author's name first, followed by a comma. Then give the title of the article, in roman within single quotation marks. After the title, give the publication information in the following order:

- year of publication, in square brackets if it identifies the volume, in round brackets if there is a separate volume number;
- the volume number if there is one (include an issue number only if the page numbers begin again for each issue within a volume, in which case put the issue number in brackets immediately after the volume number);
- the name of the journal in roman, in full or abbreviated form, with no full stops; and
- the first page of the article.

author, | 'title' | [year] | journal name or abbreviation | first page of article
[OR]

author, | 'title' | (year) | volume | journal name or abbreviation | first page of article

For guidance on journal abbreviations, see section 4.2.1 of the appendix. Abbreviations do vary, so choose an abbreviation and stick with it throughout your work. Some publishers prefer all journal names to be given in full.

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

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

Put a comma after the first page of the article if there is a pinpoint.

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

Jeremy Waldron, 'The Core of the Case against Judicial Review' (2006) 115 Yale LJ 1346, 1372

3.3.2 Case notes

Treat case notes with titles as if they were journal articles. Where there is no title, use the name of the case in italics instead, and add (note) at the end of the citation.

Andrew Ashworth, '*R (Singh) v Chief Constable of the West Midlands Police*' [2006] Crim LR 441 (note)

If the case discussed in the note is identified in the text it is not necessary to put the name of the case in the case-note citation as well. In such a case, the example above would become:

Andrew Ashworth [2006] Crim LR 441 (note)

Even if not separately cited, the case should be included in the table of cases, citing its best report.

3.3.3 Forthcoming articles

Cite forthcoming articles in the same way as published articles, following the citation with '(forthcoming)'. If volume and/or page numbers are not yet known, simply omit that information.

3.3.4 Online journals

When citing journal articles which have been published only electronically, give publication details as for articles in hard copy journals, but note that online journals may lack some of the publication elements (for example, many do not include page numbers). If citation advice is provided by the online journal, follow it, removing full stops as necessary to comply with OSCOLA. Follow the citation with the web address (in angled brackets) and the date you most recently accessed the article. Pinpoints follow the citation and come before the web address.

author, | 'title' | [year] OR (year) | volume/issue | journal name or abbreviation |
<web address> | date accessed

Graham Greenleaf, 'The Global Development of Free Access to Legal Information' (2010) 1(1) EJLT <<http://ejlt.org/article/view/17>> accessed 27 July 2010

James Boyle, 'A Manifesto on WIPO and the Future of Intellectual Property' 2004 Duke L & Tech Rev 0009 <www.law.duke.edu/journals/dltr/articles/2004dltr0009.html> accessed 18 November 2009

Citation guidelines for other electronic works are provided in section 3.4.8.

3.3.5 Working papers

Working papers may be available online on institution websites and on sites such as the Social Science Research Network (www.ssrn.com). They should be cited in a similar fashion to electronic journal articles. Because the content of working papers is subject to change, the date of access is particularly important. If a working paper is subsequently published in a journal, cite that in preference to the working paper.

John M Finnis, 'On Public Reason' (2006) Oxford Legal Studies Research Paper 1/2007, 8 <<http://ssrn.com/abstract=955815>> accessed 18 November 2009

3.4 Other secondary sources

3.4.1 General principles

Follow the general principles for citing secondary sources (section 3.1). If a source has an ISBN, cite it like a book. Generally, cite sources that do not have ISBNs in a similar way, but with the title in roman and within single quotation marks, as for journal articles.

author, | 'title' | (additional information, | publisher | year)

Additional information may include a document number, a document description, a date of adoption and any other information that may help a reader to locate the source. The publisher may be a government body or an organisation, and it is also possible that no publisher will be identifiable. Depending on the source, it may be more appropriate to provide the publication date, rather than the year. If a source is available only online, then give the web address and the date of access as described in section 3.1.4.

If you wish to use an abbreviated name for the source in subsequent citations, give the short form in brackets at the end of the first citation.

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

Simon Whittaker, 'La Protection du Consommateur Contre les Clauses Abusives en Grande Bretagne' (Commission des Clauses Abusives 2009) <www.clauses-abusives.fr/colloque/swhittaker.htm> accessed 19 November 2009

Lord Bingham, 'Keynote Address' (Liberty conference, London, 6 June 2009) <www.liberty-human-rights.org.uk/publications/3-articles-and-speeches/index.shtml> accessed 19 November 2009

3.4.2 *Hansard* and parliamentary reports

There are three series of *Hansard*, one reporting debates on the floor of the House of Commons, one debates in the House of Lords, and one debates in the Public Bill committees of the House of Commons, which replaced standing committees in 2007.

When referring to the first two series, cite the House abbreviation (HL or HC), followed by 'Deb', then the full date, the volume and the column. Use 'col' or 'cols' for column(s). In the House of Commons, written answers are indicated by the suffix 'W' after the column number; in the House of Lords, they are indicated by the prefix 'WA' before the column number.

HL Deb OR HC Deb | date, | volume, | column

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

HC Deb 4 July 1996, vol 280, col 505W
HL Deb 21 July 2005, vol 673, col WA261
HL Deb 12 November 2009, vol 714, col 893

Cite debates in the Public Bill committees of the House of Commons with the title of the Bill, followed by 'Deb', followed by the date and the column number. If the Bill title is very long, begin the citation with 'PBC Deb', followed by the Bill number in brackets, as in the alternative form shown in the first example. The second example shows how to cite debates in the old standing committees.

Health Bill Deb 30 January 2007, cols 12–15
OR
PBC Deb (Bill 99) 30 January 2007, cols 12–15
SC Deb (A) 13 May 1998, col 345

When citing reports of select committees of either House, or joint committees of both Houses, give the name of the committee, the title of the report in italics, and then in brackets HL or HC, the session and after a comma the paper number and volume number (the latter in roman numerals). For reports of joint committees, cite both the House of Lords and House of Commons paper numbers, in that order.

Science and Technology Committee, *Genomic Medicine* (HL 2008–09, 107–I)
Health Committee, *Patient Safety* (HC 2008–09, 151–I) paras 173–75
Joint Committee on Human Rights, *Legislative Scrutiny: Equality Bill (second report); Digital Economy Bill* (2009–10, HL 73, HC 425) 14–16

3.4.3 Command papers

Command papers include White and Green Papers, relevant treaties, government responses to select committee reports, and reports of committees of inquiry. When citing a command paper, begin the citation with the name of the department or other body that produced the paper, and then give the title of the paper in italics, followed by the command paper number and the year in brackets. If additional information is required, insert it within the brackets before the command paper number.

The abbreviation preceding a command paper number depends on the year of publication:

| | | |
|--------------------------|--------------------------|--------------|
| 1833–69 (C (1st series)) | 1870–99 (C (2nd series)) | 1900–18 (Cd) |
| 1919–56 (Cmd) | 1957–86 (Cmnd) | 1986– (Cm) |

Home Office, *Report of the Royal Commission on Capital Punishment* (Cmd 8932, 1953) para 53

Department for Children, Schools and Families, *2008 Autumn Performance Report* (Cm 7507, 2008) 54

Department for International Development, *Eliminating World Poverty: Building our Common Future* (White Paper, Cm 7656, 2009) ch 5

3.4.4 Law Commission and Scottish Law Commission reports

Cite Law Commission reports by title in italics, Law Com number and year. Do the same with Scottish Law Commission reports, giving the Scot Law Com number. For Law Commission consultation papers and Scottish Law Commission discussion papers, give the Law Com CP number or the Scot Law Com DP number. Command paper numbers need not be given.

Law Commission, *Reforming Bribery* (Law Com No 313, 2008) paras 3.12–3.17

Scottish Law Commission, *Damages for Psychiatric Injury* (Scot Law Com No 196, 2004)

Law Commission, *Privity of Contract: Contracts for the Benefit of Third Parties* (Law Com CP No 121, 1991)

3.4.5 European Commission documents

When citing European Commission documents (such as proposals and action plans), give the body that produced the document, followed by the title in quotation marks, and the COM number. Describe the document type in brackets after the title if appropriate. In subsequent citations give only the COM number.

Commission, ‘Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Protocol on the Implementation of the Alpine Convention in the Field of Transport (Transport Protocol)’ COM (2008) 895 final, ch I, art 3

Commission, ‘Action Plan on consumer access to justice and the settlement of disputes in the internal market’ (Communication) COM (96) 13 final

Commission, ‘Proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters’ COM (99) 348 final

3.4.6 Conference papers

When citing conference papers that were only available at a conference or directly from the author, give the author, the title in quotation marks and then in brackets the title, location and date of the conference. If a conference paper has been published, cite the published version instead; papers that are available online should include a web address and date of access. Cite conference papers that are not publicly available only if you have the author’s permission.

Ben McFarlane and Donal Nolan, 'Remedying Reliance: The Future Development of Promissory and Proprietary Estoppel in English Law' (Obligations III conference, Brisbane, July 2006)

3.4.7 Theses

When citing an unpublished thesis, give the author, the title and then in brackets the type of thesis, university and year of completion.

Javan Herberg, 'Injunctive Relief for Wrongful Termination of Employment' (DPhil thesis, University of Oxford 1989)

3.4.8 Websites and blogs

Where there is no relevant advice elsewhere in OSCOLA, follow the general principles for secondary sources (section 3.1) when citing websites and blogs. If there is no author identified, and it is appropriate to cite an anonymous source, begin the citation with the title in the usual way. If there is no date of publication on the website, give only the date of access.

Sarah Cole, 'Virtual Friend Fires Employee' (*Naked Law*, 1 May 2009) <www.nakedlaw.com/2009/05/index.html> accessed 19 November 2009

3.4.9 Newspaper articles

When citing newspaper articles, give the author, the title, the name of the newspaper in italics and then in brackets the city of publication and the date. Some newspapers have 'The' in the title and some do not. If known, give the number of the page on which the article was published, after the brackets. If the newspaper is divided into sections, and the page numbering begins afresh in each section, put the section name in roman before the page number, with a space but no comma between the two. If the reference is to an editorial, cite the author as 'Editorial'. If the article is sourced from the web and there is no page number available, provide the web address and date of access.

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

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

3.4.10 Interviews

When citing an interview you conducted yourself, give the name, position and institution (as relevant) of the interviewee, and the location and full date of the interview. If the interview was conducted by someone else, the interviewer's name should appear at the beginning of the citation.

Interview with Irene Kull, Assistant Dean, Faculty of Law, Tartu University (Tartu, Estonia, 4 August 2003)

Timothy Endicott and John Gardner, Interview with Tony Honoré, Emeritus Regius Professor of Civil Law, University of Oxford (Oxford, 17 July 2007)

3.4.11 Personal communications

When citing personal communications, such as emails and letters, give the author and recipient of the communication, and the date. If you are yourself the author or recipient of the communication, say ‘from author’ or ‘to author’ as appropriate.

Letter from Gordon Brown to Lady Ashton (20 November 2009)

Email from Amazon.co.uk to author (16 December 2008)

4 Appendix

4.1 Guide to neutral citations

4.1.1 United Kingdom

| | |
|----------------|--------------------|
| Supreme Court | [Year] UKSC number |
| House of Lords | [Year] UKHL number |
| Privy Council | [Year] UKPC number |

4.1.2 England and Wales

| | |
|--|-----------------------------|
| Court of Appeal (Civil Division) | [Year] EWCA Civ number |
| Court of Appeal (Criminal Division) | [Year] EWCA Crim number |
| High Court, Chancery Division | [Year] EWHC number (Ch) |
| High Court, Family Division | [Year] EWHC number (Fam) |
| High Court, Queen's Bench Division | [Year] EWHC number (QB) |
| High Court, Administrative Court | [Year] EWHC number (Admin) |
| High Court, Admiralty Court | [Year] EWHC number (Admlty) |
| High Court, Commercial Court | [Year] EWHC number (Comm) |
| High Court, Patents Court | [Year] EWHC number (Pat) |
| High Court, Technology and Construction Court | [Year] EWHC number (TCC) |

4.1.3 Scotland

| | |
|--|---------------------|
| Court of Session, Inner House | [Year] CSIH Number |
| Court of Session, Outer House | [Year] CSOH Number |
| Court of Criminal Appeal | [Year] HCJAC Number |
| High Court of Justiciary (sitting as a trial court) | [Year] HCJT Number |

4.1.4 Northern Ireland

| | |
|--|--------------------|
| Court of Appeal in Northern Ireland | [Year] NICA number |
| High Court of Justice in Northern Ireland, Queen's Bench Division | [Year] NIQB number |
| Crown Court for Northern Ireland | [Year] NICC number |

4.1.5 Tribunals

| | |
|--|------------------------------|
| Employment Appeal Tribunal | [Year] UKEAT number |
| Special Immigration Appeals Commission | [Year] UKSIAC number |
| Upper Tribunal (Administrative Appeals Chamber) | [Year] UKUT number (AAC) |
| First-tier Tribunal (Health, Education and Social Care Chamber) | [Year] UKFTT number (HESC) |
| First-tier Tribunal (Social Entitlement Chamber) | [Year] UKFTT number (SEC) |
| First-tier Tribunal (War Pensions and Armed Forces Compensation Chamber) | [Year] UKFTT number (WPAFCC) |

4.2 Abbreviations

4.2.1 Abbreviations of the names of law reports and journals

Define abbreviations in a list at the beginning of a book or thesis. The abbreviations provided below for law reports and journals do not need to be defined. For abbreviations that are not in these lists, use any preferred abbreviation given in the *Cardiff Index of Legal Abbreviations*, at www.legalabbrevs.cardiff.ac.uk; failing that, use *any* of the possible abbreviations given in the *Cardiff Index*; and, failing that, use the following terms to develop an abbreviation:

| | | | |
|---------------|------|------------|-----|
| Criminal | Crim | Quarterly | Q |
| European | Eur | Report(s) | Rep |
| International | Intl | Review | Rev |
| Journal | J | University | U |
| Law or Legal | L | Yearbook | YB |

In the case of journals, you may also give the full name of the journal, and you should always do this if not doing so might cause confusion. In OSCOLA, abbreviations do not have full stops.

Law reports

| | |
|--------------------------------------|--------------------|
| Law Reports | AC, QB, Ch, Fam, P |
| All England Law Reports | All ER |
| British Company Law Cases | BCC |
| Common Market Law Reports | CMLR |
| Criminal Appeal Reports | Cr App R |
| Criminal Appeal Reports (Sentencing) | Cr App R (S) |
| Current Law Yearbook | CLY |
| English Reports | ER |

| | |
|-------------------------------------|-------------|
| Estates Gazette | EG |
| European Court Reports | ECR |
| European Human Rights Reports | EHRR |
| Family Law Reports | FLR |
| Financial Times Law Reports | FTLR |
| Fleet Street Reports | FSR |
| Industrial Cases Reports | ICR |
| Industrial Relations Law Reports | IRLR |
| Journal of Planning Law | JPL |
| Justice of the Peace Reports | JP |
| Law Society Gazette | LS Gaz |
| Lloyd's Law Reports | Lloyd's Rep |
| Local Government Reports | LGR |
| Property and Compensation Reports | P & CR |
| Public and Third Sector Law Reports | PTSLR |
| Reports of Patent Cases | RPC |
| Road Traffic Reports | RTR |
| Scots Law Times | SLT |
| Scottish Civil Law Reports | SCLR |
| Scottish Criminal Case Reports | SCCR |
| Session Cases | SC |
| Simon's Tax Cases | STC |
| Tax Cases | TC |
| Weekly Law Reports | WLR |

Journals

| | |
|---|---------|
| American Journal of International Law | AJIL |
| British Tax Review | BTR |
| Common Market Law Review | CML Rev |
| Cambridge Law Journal | CLJ |
| Conveyancer | Conv |
| Current Legal Problems | CLP |
| Criminal Law Review | Crim LR |
| EC Bulletin | EC Bull |
| European Competition Law Review | ECLR |
| Estates Gazette | EG |
| European Intellectual Property Review | EIPR |
| European Industrial Relations Review | EIRR |
| European Law Review | EL Rev |
| Industrial Law Journal | ILJ |
| International & Comparative Law Quarterly | ICLQ |
| Journal of Business Law | JBL |
| Journal of Planning and Environmental Law | JPEL |
| Lloyd's Maritime & Commercial Law Quarterly | LMCLQ |
| Law Quarterly Review | LQR |
| Legal Studies | LS |

| | |
|--|--------|
| Law Society Gazette | LS Gaz |
| Modern Law Review | MLR |
| New Law Journal | NLJ |
| Official Journal of the European Communities | OJ |
| Oxford Journal of Legal Studies | OJLS |
| Oxford University Commonwealth Law Journal | OUCLJ |
| Public Law | PL |
| Solicitors' Journal | SJ |

4.2.2 Abbreviations used in legal historical works

| | |
|------------------------------------|------|
| Ames Foundation | AF |
| <i>Bracton's Note Book</i> | BNB |
| <i>Curia Regis Rolls</i> | CRR |
| Easter term | Pas |
| Hilary term | Hil |
| Michaelmas term | Mich |
| Publications of the Selden Society | SS |
| plea number | pl |
| Rolls Series | RS |
| <i>Rotuli Curiae Regis</i> | RCR |
| Trinity term | Trin |
| Yearbook | YB |

4.2.3 Abbreviations of the titles of books of authority

| | |
|--|------------|
| Blackstone, <i>Commentaries on the Law of England</i> | Bl Comm |
| Bracton, <i>On the Laws and Customs of England</i> | Bracton |
| Brooke, <i>La Graunde Abridgement</i> | Brooke Abr |
| Coke, <i>Commentary upon Littleton</i> | Co Litt |
| Coke, <i>Institutes of the Laws of England</i> | Co Inst |
| Fitzherbert, <i>La Graunde Abridgement</i> | Fitz Abr |
| Fitzherbert, <i>La Novel Natura Brevium</i> | Fitz NB |
| Glanvill, <i>Treatise on the Laws and Customs of England</i> | Glanvill |
| Hawkins, <i>A Treatise on the Pleas of the Crown</i> | Hawk PC |
| Hale, <i>The History of the Pleas of the Crown</i> | Hale PC |

4.2.4 Abbreviations in case names

| | |
|----------------------------------|------|
| Attorney General | A-G |
| Anonymous | Anon |
| Area Health Authority | AHA |
| British Broadcasting Corporation | BBC |
| Borough Council | BC |
| Brothers | Bros |
| County Council | CC |
| Company | Co |

| | |
|---------------------------------|------------|
| Commissioner/Commisioners | Comr/Comrs |
| Co-operative | Co-op |
| Corporation | Corp |
| Crown Prosecution Service | CPS |
| District Council | DC |
| deceased | decd |
| Department | Dept |
| Director of Public Prosecutions | DPP |
| European Communities | EC |
| Executor | Exor |
| Executrix | Exrx |
| Great Britain | GB |
| Health Authority | HA |
| Her Majesty's | HM |
| Incorporated | Inc |
| Inland Revenue Commissioners | IRC |
| London Borough Council | LBC |
| liquidation | liq |
| Limited | Ltd |
| New Zealand | NZ |
| others | ors |
| public limited company | plc |
| Proprietary | Pty |
| The Queen (or King) | R |
| Railway | Rly |
| Rural District Council | RDC |
| South Africa | SA |
| Urban District Council | UDC |
| United Kingdom | UK |
| United States | US |
| United States of America | USA |
| Vice-Chancellor | V-C |

4.2.5 Abbreviations of words and phrases in footnotes

| | |
|--------------------------------|------------|
| Advocate General | AG |
| affirmed | affd |
| appendix | app |
| article/articles | art/arts |
| Cambridge University Press | CUP |
| chapter/chapters | ch/chs |
| chapter/chapters (of statutes) | c/cc |
| clause/clauses | cl/cls |
| column/columns | col/cols |
| compiler/compilers | comp/comps |
| Directive | Dir |

| | |
|--|------------------|
| edition | edn |
| editor/editors | ed/eds |
| and following | ff |
| footnote/footnotes (internal to the work) | n/nn |
| footnote /footnotes (external to the work) | fn/fns |
| for example | eg |
| manuscript/manuscripts | MS/MSS |
| number/numbers | no/nos |
| number/numbers (of a Report etc) | No/Nos |
| Oxford University Press | OUP |
| paragraph/paragraphs | para/paras |
| part/parts | pt/pts |
| regulation/regulations | reg/regs |
| reversed | revd |
| Rex/Regina | R |
| rule/rules | r/rr |
| schedule/schedules | sch/schs |
| section/sections | s/ss |
| subsection/subsections | sub-s/sub-ss |
| subparagraph/subparagraphs | subpara/subparas |
| supplement/supplements | supp/supps |
| that is | ie |
| translator/translators | tr/trs |
| University Press | UP |
| volume/volumes | vol/vols |

4.3 Guides for other jurisdictions

International Law

New York University School of Law, *Guide to Foreign and International Legal Citations* (2nd edn, Wolters Kluwer 2009).

Australia

Australian Guide to Legal Citation (3rd edn, Melbourne University Law Review Association 2010) <<http://mulr.law.unimelb.edu.au/go/aglc>> accessed 12 August 2010.

Canada

McGill Law Review, *Canadian Guide to Uniform Legal Citation* (6th edn, Carswell 2006).

Canadian Citation Committee, 'A Neutral Citation Standard for Case Law' <www.lexum.umontreal.ca/ccc-ccr/neutr/index_en.html> accessed 10 August 2010.

France

Follow the form of citation and presentation generally adopted by the *Recueil Dalloz*.

Germany

Hildebert Kirchner, *Abkürzungsverzeichnis der Rechtssprache* (6th edn, de Gruyter 2008).

Ireland

Thomas L O'Malley, *Sources of Law: An Introduction to Legal Research and Writing* (2nd edn, Round Hall Sweet & Maxwell 2001).

Israel

'The Uniform Citation Rules' (1989) 39 *The Lawyer* and (1998) 44 *The Lawyer* (in Hebrew).

New Zealand

Geoff McLay, Christopher Murray and Jonathan Orpin, *New Zealand Law Style Guide* (Thomson Reuters 2009).

South Africa

Follow the style used in the *South African Law Journal*.

USA

Association of Legal Writing Directors and Darby Dickerson (eds), *ALWD Citation Manual: A Professional System of Citation* (3rd edn, Aspen Publishers 2006).

The Bluebook: A Uniform System of Citation (19th edn, Harvard Law Review Association 2010).

4.4 Other useful sources

RW Burchfield, *The New Fowler's Modern English Usage* (3rd rev edn, OUP 2004)

Peter Clinch, *Legal Research: A Practitioner's Handbook* (Wildy, Simmonds & Hill 2010)

Derek French, *How to Cite Legal Authorities* (Blackstone 1996)

Bryan A Garner, *A Dictionary of Modern Legal Usage* (3rd edn, OUP 2011)

Bryan A Garner, *The Elements of Legal Style* (2nd edn, OUP 2002)

Sir Ernest Gowers, *The Complete Plain Words* (3rd edn, Penguin 1987)

RM Ritter, *Hart's Rules: The Handbook of Styles for Writers and Editors* (OUP 2004)

ATH Smith, *Glanville Williams: Learning the Law* (14th edn, Sweet & Maxwell 2010)

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Primary Sources

Do not use full stops in abbreviations. Separate citations with a semi-colon.

Cases

Give the party names, followed by the neutral citation, followed by the *Law Reports* citation (eg AC, Ch, QB). If there is no neutral citation, give the *Law Reports* citation followed by the court in brackets. If the case is not reported in the *Law Reports*, cite the All ER or the WLR, or failing that a specialist report.

Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC 884

R (Roberts) v Parole Board [2004] EWCA Civ 1031, [2005] QB 410

Page v Smith [1996] AC 155 (HL)

When pinpointing, give paragraph numbers in square brackets at the end of the citation. If the judgment has no paragraph numbers, provide the page number pinpoint after the court.

Callery v Gray [2001] EWCA Civ 1117, [2001] 1 WLR 2112 [42], [45]

Bunt v Tilley [2006] EWHC 407 (QB), [2006] 3 All ER 336 [1]–[37]

R v Leeds County Court, ex p Morris [1990] QB 523 (QB) 530–31

If citing a particular judge:

Arcscott v The Coal Authority [2004] EWCA Civ 892, [2005] Env LR 6 [27] (Laws LJ)

Statutes and statutory instruments

Act of Supremacy 1558

Human Rights Act 1998, s 15(1)(b)

Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004, SI 2004/3166

EU legislation and cases

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

Council Regulation (EC) 139/2004 on the control of concentrations between undertakings (EC Merger Regulation) [2004] OJ L24/1, art 5

Case C–176/03 *Commission v Council* [2005] ECR I–7879, paras 47–48

European Court of Human Rights

Omojudi v UK (2009) 51 EHRR 10

Osman v UK ECHR 1998–VIII 3124

Balogh v Hungary App no 47940/99 (ECHR, 20 July 2004)

Simpson v UK (1989) 64 DR 188

Secondary Sources

Books

Give the author's name in the same form as in the publication, except in bibliographies, where you should give only the surname followed by the initial(s). Give relevant information about editions, translators and so forth before the publisher, and give page numbers at the end of the citation, after the brackets.

Thomas Hobbes, *Leviathan* (first published 1651, Penguin 1985) 268

Gareth Jones, *Goff and Jones: The Law of Restitution* (1st supp, 7th edn, Sweet & Maxwell 2009)

K Zweigert and H Kötz, *An Introduction to Comparative Law* (Tony Weir tr, 3rd edn, OUP 1998)

Contributions to edited books

Francis Rose, 'The Evolution of the Species' in Andrew Burrows and Alan Rodger (eds), *Mapping the Law: Essays in Memory of Peter Birks* (OUP 2006)

Encyclopedias

Halsbury's Laws (5th edn, 2010) vol 57, para 53

Journal articles

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

When pinpointing, put a comma between the first page of the article and the page pinpoint.

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

Online journals

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