Referencing Guide for OSCOLA (Oxford Standard for Citation of Legal Authorities)

What is referencing?

Referencing is acknowledging the sources you consulted when writing your assignment or dissertation. You must acknowledge the source within the text, and within footnotes, and give full details of each item consulted in a bibliography (where required).

The style of referencing most commonly used to cite (reference) both primary and secondary legal material is called OSCOLA. This is the style approved by the College of Law. OSCOLA was originally developed for use within Oxford University, but is now used by schools in the UK and overseas, and by many legal journals and publishers.

Why is referencing important?

Referencing is a vital part of academic research and writing. Some of the most important reasons are the following:

- **To avoid plagiarism.** Plagiarism means using someone else’s ideas, written or otherwise, but passing them off as your own. Plagiarism is taken very seriously by the University and can be very severely punished.
- **To provide your reader with the details needed to locate the original documents used in your research.**
- **To enable the examiner to check your sources to make sure that your information is correct.**
- **To demonstrate to the examiner that you have read a wide variety of materials and that your research is credible.**

Footnotes

- The OSCOLA system is a footnote style and therefore uses footnotes for referencing at the bottom of each page or at the end of the document before the bibliography.
- When citing any source, regardless of whether you are quoting or paraphrasing the information, cite the reference in the footnote.
- **Provide a footnote the first time a source is referred to.**
- When quoting the authors’ words exactly, use quotation marks as well as a footnote.
- Keep footnotes brief as they should only be used to identify the sources used in your text.
- Each footnote should start with a capital letter unless using an abbreviation such as i.e. which should always be in lower case, and use a full stop at the end of the footnote.
Quotations

- Quotations from journals, books, cases, statutes and so on, **must always** be exactly the same as they are in the original source.
- The numeric reference should be placed at the end of the quote, with the footnote to which it relates at the bottom of the page.
- **Short quotations** (3 lines or less) are incorporated into the text itself, within single quotation marks.

Herring gives the definition of voluntary manslaughter as a situation where ‘the defendant would be guilty of murder but for the existence of a special defence.’

**The footnote at the bottom of the page should read:**
1 Jonathan Herring Criminal Law: the Basics (Routledge 2010) 37

- **Long quotations** (3 lines or more) should be written as a separate paragraph within the body of the text. The quotation should be a single-spaced paragraph indented from both sides of the margin. Do not use any quotation marks.
- If you skip words or sentences within a quote, use three dots (…) in place of where the text would be.

Elliott and Quinn explain the different types of nuisance in tort:

There are actually three types of nuisance: private, public and statutory. Private nuisance is a common law tort and the main subject of this chapter. Public nuisance is a crime ... but it also comes into the study of tort because there are some cases where parties who have suffered as a result of a public nuisance can sue in tort.

**The footnote at the bottom of the page should read:**

Paraphrasing

- Paraphrasing is re-writing another persons’ ideas or statements in your own words rather than quoting their words exactly.
- You must still reference the original source including the page number.

If it can be proved that the victim was justifiably fearful that the defendant would use violence against him in the immediate future, the defendant can be charged with assault.

**The footnote at the bottom of the page should read:**
Summarising

- Summarising means creating a shorter version of somebody else’s work by only mentioning the main points and leaving out much of the detail.
- As with paraphrasing, the original source must be referenced.

Herring explains how criminal law differs in theory and in reality. In reality criminals frequently aren’t caught, there may be a lack of evidence to convict them, or the authorities may choose not to prosecute for various reasons.\(^\text{12}\)

The footnote at the bottom of the page should read:


Secondary Referencing

- Secondary referencing is when you find information that you want to use from an article whose author uses information from research done by someone else.
- Secondary referencing is discouraged as it is much better to find the original article yourself and evaluate it as to whether its content is relevant or not.
- However, sometimes it may not be possible to locate the original article, and if you trust the reliability of the secondary source, you can cite it.
- In that case, use the word “citing” to refer to both sources. Cite the source you’ve consulted first followed by the original source.


- In your reference list/bibliography, only add the source that you referred to directly.

How do I reference using OSCOLA 4\(^\text{th}\) ed.?

Below are some examples of how to cite primary and secondary legal material such as books, journals, Acts, cases, official publications, and on-line resources using OSCOLA. For a complete and comprehensive guide, go to the OSCOLA website at www.law.ox.ac.uk/oscola.

Books

- To cite a book give the author(s), | title of book in Italics | (series title, | edition, | publisher | date of publication) | page.
- Capitalise all of the major words in the title.
- Only use the edition number if it is the 2\(^{\text{nd}}\) edition onwards.
- Do not use full stops in abbreviations.
Books with one author

Jonathan Herring, *Criminal Law* (7th edn, Macmillan 2011) 251


Book with two or three authors


Book with four or more authors


Books with editor(s) or translator(s), INSTEAD OF an author

Phil Huxley (ed), *Blackstone’s Statutes on Evidence* (Blackstone’s Statutes, 11th edn, OUP 2010)

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

Books with an author AND an editor or translator


Repeating citations – Ibid

- ibid (short for ibidem) refers to a source that was cited in the preceding footnote.

The footnote at the bottom of the page should read:

13 Ibid 360.

- Because Latin words such as supra, op cit and ante are not widely understood and are easily misused, OSCOLA recommends avoiding them if possible.
• It is equally acceptable to repeat the immediately preceding citation without using ibid by using “n” followed by the number to refer to an earlier footnote.

The footnote at the bottom of the page should read:
6 Herring (n 3) 125.

• Whichever method you use, stick to it throughout your document.

**Journals**

**Paper copy journal articles**

• To cite a journal article give the author, | ‘title within single quotation marks’ | (date of publication) | volume | journal name or abbreviation | first page of article
• Use round brackets when the volumes of the journal series are independently numbered so that the year of publication is not needed to identify the volume.
• If there is NO volume number, use square brackets [1985] for the date.
• Capitalise all of the major words in the title.
• Do not use full stops in abbreviations or within the title of the journal.
• Abbreviations for journals title can be used (see appendix of OXCOLA guidelines for a full list of abbreviations) but be consistent when using them.


**Online Journal articles**

• If both the online source and paper copy are available, follow the referencing style for the paper copy version.
• When citing online articles use the same format as for the hard copy journals but follow the citation with the web address and the date you most recently accessed the article.

Cases, Legislation and Reports

- Do not use full stops in abbreviations.
- When the year is crucial to identify the law report volume use square brackets. Also give a volume number if there was more than one volume published during that year.
- Give the year of judgement in round brackets when the volumes of the law report series are independently numbered so that the year of publication is not needed to identify the volume.

Cases with a neutral citation

- Cases which have been heard since 2001 will have a neutral citation which indicates in which court the case was heard.
- To cite a case with neutral citation give the name of the case in italics \[year of judgement\] | court | number, | [year of publication] OR (year of judgement) | volume | report abbreviation | first page


Cases without a neutral citation

- To cite a case without a neutral citation give the name of the case in italics \[year\] OR (year of judgement) | volume | report abbreviation | first page | (court)

| Chapman v Honig [1963] 2 QB 502 (CA) |
| UCB Bank plc v Chandler (1999) 79 P & CR 270 (CA) |

Unreported cases

- With unreported cases use the neutral citation, if there is one.
- If there is no neutral citation, give the court and date of judgment in brackets after the name of the case.
- It is not necessary to add the word ‘unreported’ to the citation.

| Calvert v Gardiner [2002] EWHC 1894 (QB) |
| Stubbs v Sayer (CA, 8 November 1990) |
Statutes and statutory instruments

- To cite a statute give the short title | year.
- To cite a section of a statute give the short title | year, | s | space | section number(subsection)(paragraph).

Act of Supremacy 1558
Human Rights Act 1998, s 15(1)(b)

- For older statutes, it may be helpful to give the regnal year and chapter number in brackets, in addition to the title and year of the Act.
- The example below shows that the Act received royal assent in the 41st year of the reign of George III. The abbreviation ‘c’ is for chapter and this means that it was the 90th Act to receive royal assent in that session of Parliament.

Crown Debts Act 1801 (41 Geo 3 c 90)

- To cite a statutory instrument give the name, | year, | SI number

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

Bills

- To cite a Bill give the title | HC Bill | (session) | [number] OR title | HL Bill | (session) | number
- If the Bill originates in the House of Commons, put the running number in square brackets. If it is from the House of Lords, do not put any brackets around the number.
- When referring to parts of Bills, the words ‘clause’ and ‘clauses’ should be abbreviated to ‘cl’ and ‘cls’.

Consolidated Fund HC Bill (2008-09) [5]
Academies HL Bill (2010-11) cl 8(2)

Official (Government) Publications

- An official publication is any document issued by an organisation that may be considered an official body, and then made available to the public. This includes command papers, White and Green papers, relevant treaties, government responses to select committee reports, and reports of committees of inquiry, and Law Commission Reports.
- To cite a report by parliamentary committee give the name of the committee as the author, | details of the report as the title | [years of parliamentary session] | HL for the House of Lords OR HC for the House of Commons | serial number.
• For publications by individual government departments give the name of department or committee who produced the report, | title of paper in italics | (command paper number, | year) | page or paragraph number.


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

Law Commission Reports

• To cite Law Commission reports give the title in italics | (law commission number, | year of publication) followed by the paragraph number if needed.
• Scottish Law Commission reports are cited the same way but give the Scot Law Com number instead.
• It is not necessary to give the Command paper number.

The High Court’s Jurisdiction in Relation to Criminal Proceedings (Law Com No 324, 2010) paras 8.15 – 8.19

Level Crossings (Scot Law Com No 234, 2013)

EU Legislation and cases

• To cite EU treaties and protocols give the title of the legislation including amendments if necessary | [year of publication] | OJ series | issue/first page.
• Older treaties were published in the C series. With notable exceptions, such as the Lisbon Treaty, legislation is now published in the L series.


Newspaper Articles

• To cite a newspaper article give the author, | ‘title within single quotation marks’ | the name of the newspaper in italics | (city of publication, | date of publication) | page number on which the article was published, if known.

KJ 8 January 2018
- If the article comes 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


Websites

- To cite websites follow the general principles for citing books, journals and newspaper articles.
- If both the online source and paper copy are available, follow the referencing style for the paper copy version.
- If no author can be identified, 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.


Further Help

For the full OSCOLA guidelines, a full list of abbreviations and more examples go to www.law.ox.ac.uk/OSCOLA

For help with legal abbreviations go to http://www.legalabbrevs.cardiff.ac.uk/

Further information on OSCOLA can be found on the Referencing page of the Law Library guide at http://libguides.swansea.ac.uk/law/referencing

For help with referencing using OSCOLA, contact the Law and Criminology team mailbox: lawcrimlib@swan.ac.uk