Essential Skills on Referencing with OSCOLA Citation System
Stefano Mastrocicco
Learning objectives

- Use the OSCOLA system to reference different sources (e.g. international treaties, domestic and foreign legislation, case law, books and scholarly journals).

- Apply correct standards for primary and secondary sources.

- Use pinpoints for detailed referencing.
What is Referencing?

Acknowledging the work of other authors that you have referred to when writing your assignment.
Why do you need to reference?

✓ It shows the breadth and depth of your research

✓ Referring to the work of other authors and experts helps to support your own argument

✓ It allows your lecturer and other readers to refer back to your original sources

It helps you to avoid being accused of plagiarism
Oxford Standard for Citations Of Legal Authorities
Introduction

The system was first devised by Professor Peter Birks in 2000 at Oxford University in collaboration with Oxford University Press and Hart Publishing.

Reference examples can be found in the Oxford Journal of Legal Studies, a scholarly journal, available both in print and digital format in GSM Library.
General Principles

OSCOLA referencing system uses different standards for primary and secondary sources:

- Primary sources include domestic and foreign law cases, Acts, Statutory instruments (SI) and Bills, International Treaties, EU legislation and laws from foreign jurisdictions.

- Secondary sources encompass books, scholarly articles, parliamentary papers, websites, newspapers and other material.
General Principles

OSCOLA does not use in-text citation like the Harvard system. It is a **footnote style**: all citations appear in the footnotes.

- Only longer works, such as books and theses, require the compilation of tables for cases, legislation, and other primary resources and the creation of bibliographies for secondary resources.

- The system uses minimal punctuation. Letters in abbreviations are not separated by dots.
General Principles

- **Tables.** These are compiled only for longer works and are used for primary sources. Distinct tables are created for cases and legislation. Entries are listed in alphabetical order, including the number of the page of the text where the source is cited.

- **Bibliographies.** Secondary sources (books, journals, etc.) should be listed in a bibliography immediately after the tables. Differently from the citations in the footnote, the author’s surname precedes the initial of the first name. Rules on the use of tables and bibliographies are available in the OSCOLA guide.
Citations in bibliographies differ from those in footnotes for the following referencing rules:

(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 (– –).
(4) Remove pinpoint.

Footnote:
Elizabeth Fisher, Risk Regulation and Administrative Constitutionalism (Hart Publishing 2007), 46

Bibliography:
Fisher E, Risk Regulation and Administrative Constitutionalism (Hart Publishing 2007)
Referencing Primary Sources
Citation of Primary Sources
UK case law

Neutral citation

This system was adopted since 2001 by the High Court and the Court of Appeal, becoming a standard for all UK courts. This system does not distinguish between print and online media:

[Year] | court name | division (optional) | case number

[2012] EWCA Civ 1288

United Kingdom
Supreme Court  UKSC
House of Lords  UKHL
Privy Council  UKPC

England and Wales
Court of Appeal  Civil Div.  EWCA Civ
Court of Appeal  Crim Div.  EWCA Crim
High Court, Chancery Div.  EWHC Ch
High Court, Queen’s Bench Div.  EWHC QB
High Court, Family Div.  EWHC Fam
A Practice Direction on the citation of authorities issued in 2012 sets out the hierarchy of most authoritative law reports to be used for referencing:

1) - Official Law Reports (A.C., Q.B., Ch., Fam.) published by the Incorporated Council of Law Reporting for England and Wales (ICLR) accessible on both Westlaw UK and LexisLibrary.

2) - Weekly Law Reports (WLR), both on Westlaw UK and LexisLibrary and All England Law Reports (ALL ER) available on LexisLibrary. If a case is reported in both series, either might be cited.

3 - In the absence of the previous sources, the specialist series are the next ones in the hierarchical line to refer to.

If a case is not cited in any of the previous series, all other reports may be considered.
Citation of Primary Sources
UK case law

1 – Party names in italics.

Dunnett v Railtrack plc

2 – Neutral citation. If not available, state law report from point 3 with the court name in brackets.

[2002] EWCA Civ 303

3 – State volume and first page of the relevant law report cited.

Separate 2 from 3 with a comma.

[2002] 1 WLR 2434

Citation:

Citation of Primary Sources
UK case law

1. – Party names in italics.

R (Miller) v Secretary of State

2. – Neutral citation. If not available, state law report from point 3 with the court name in brackets.

[2017] UKSC 5

3. – State volume and first page of the relevant law report cited. Separate 2 from 3 with a comma.

[2017] 1 All ER 593

Citation:
R(Miller) v Secretary of State [2017] UKSC 5 [2017] 1 All ER 593
Text:
British courts must only consider Strasbourg jurisprudence: they are not bound by it. ¹

1 - Short title of the Act.

Human Rights Act

2 - Year of entry into force.

1998

Citation in footnote:

¹ Human Rights Act 1998
Text:
Someone convicted under the Hunting Act could be liable to pay up to £5000.¹

1 - Short title of the Act.

Hunting Act

2 - Year of entry into force.

2004

Citation in footnote:

¹ Hunting Act 2004
The Community Legal Service (Financial) (Amendment No. 2) Regulations 2011, SI 2011/2971

Until 1946, SIs used to be called Statutory Rules and Orders (SROs). When citing them, follow the naming as in the example below:

Hollow-ware and Galvanising Welfare Order 1921, SR & O 1921/2032
## Citation of Primary Sources

### EU legislation

- **Primary sources**: EU treaties.

<table>
<thead>
<tr>
<th>Legislation title</th>
<th>[year]</th>
<th>OJ series</th>
<th>issue/first page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consolidated Version of the Treaty on European Union</td>
<td>2012</td>
<td>OJ C326/13</td>
<td></td>
</tr>
</tbody>
</table>

- **Secondary/subsidiary sources**: Regulations, directives, recommendations and opinions.

<table>
<thead>
<tr>
<th>Legislation type</th>
<th>number title</th>
<th>[year]</th>
<th>OJ L</th>
<th>issue/first page</th>
</tr>
</thead>
</table>

Case law: judgements before the Court of Justice and the General Court. Where possible, refer to official reports, which are cited as ECR.

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

Case C-304/05 Commission v Italy [2007] ECR I-7519


Case T-312/14 Federcoopesca and Others v Commission [2015] OJ C 279, 35

Cases before the Court of Justice are given the prefix C- in the case number. Those ruled by the General Court the T- prefix.

For unreported cases, cite the relevant notice in the Official Journal (OJ) as in the third example here reported.
Case law. For judgements of the ECtHR court, cite either:

- The official reports available on HUDOC database,
- The Reports of Judgements and Decisions available on LexisLibrary (cited as ECHR) or
- The European Human Rights Reports in Westlaw UK collections (EHRR).

**case name | (year) | vol | report abbreviation | first page**

- Piermont v France (1995) 20 EHRR 301
Citation of Primary Sources
Foreign Jurisdictions

- **Case law.** Cite foreign cases as stated in their own jurisdictions, but with minimal punctuation.

- **Legislation.** Cite foreign legislation as cited in its own jurisdiction, but without any full stop in the abbreviations. Appendix 4.3 on OSCOLA manual contains details on how to cite sources. You can also refer to the guide to foreign and international legal citations published by the School of Law at New York University.
Referencing Secondary Sources
Citation of Secondary Sources
Books

- Print and online books.

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


- Edited and translated books.


- Contribution to edited books.

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

Scholarly Journals

- Print articles.

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**Public Law**
2005

**Theory, “pure theory” and values in public law**
Paul Craig

Subject: Jurisprudence. Other related subjects: Administrative law

Keywords: Administrative law; Legal positivism; Pure theory of law

“P.L. 440” In a previous issue of this journal Martin Loughlin proffered thoughts about the relationship between theory and values in public law. He argued that the contributions of Cane, Harlow and Craig were deficient and that these deficiencies could be overcome if we adopted his pure theory of public law. This is a reply to Loughlin’s argument.

Paul Craig, ‘Theory, “Pure Theory” and Values in Public Law’ [2005]
PL 440

While Loughlin and I share the belief that political theory is central to an understanding of public law, he argues that I failed to provide a credible argument as to the nature of the connection. The reality is, however, that it is Loughlin who fails in this respect. It is axiomatic that answer to this inquiry requires articulation of some legal theory, which is expressive of the relationship between law and political theory.

My own position is interpretivist. In an article concerning the rule of law I did not subscribe to a positivist vision, but explicated different meanings ascribed to the rule of law. I have in any event stated on numerous occasions since then, six to be precise, that I subscribe to a Dworkinian interpretivist legal *P.L. 441* theory. On this view propositions of law are true if, subject to questions of fit, they follow from the principles of justice, fairness, and procedural due process that provide the best constructive interpretation of the community's legal practice. Individuals have rights, both with respect to the state, and against the state as a whole. This theory does not distinguish between the rule of law and substantive justice. It provides the foundation for the relation between political theory and law, since political theories, whether liberal, communitarian, utilitarian, public theory of contractualism, and also between different theories of the distribution of power, including legal theories.
Alison L Young, ‘In Defence of Due Deference’ (2009) 72 MLR 554
Citation of Secondary Sources
Scholarly Journals

- Online Journals.

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

**Helen Gubby** [1]

*Cite as Gubby H., *Universities need to teach business students about patents: a suggested approach* (2015) 6/3 EJLT


**European Journal of Law and Technology Vol 6, No 3 (2015)**

**Universities need to teach business students about patents: a suggested approach**

**Helen Gubby** [1]

An understanding of intellectual property is essential for business students. Many business students are not aware of how to patent an idea when already working for a firm. They learn through trial and error. It is time for business schools to provide integrated, interdisciplinary IP programmes because innovation requires the expertise of a variety of professionals: inventors, business professionals and legal advisors. Innovation is essentially a team activity, demanding that participants understand at least some aspects of each other’s expertise, as well as effective communication across areas. While a general IP course could already be offered at the bachelor level, a specialized patent law and strategy course for managers at the master level is a must and not just for those who have opted for technology management. A course that combines patenting theory and the kind of errors so commonly made by managers in practice would be of great value.

**Keywords:** Management education; Technology and innovation management; Patent law; Patent strategy; Competition tools
Citation of Secondary Sources
Websites and Newspapers

- **Websites.**

  | author, | ‘title’ | (site name, date of publication) | <url> | accessed date |

United Nations, 'Libya: UN Development Programme Launches Initiative to Support Country’s Stabilization' (United Nations, 12 April 2016)
Citation of Secondary Sources

Websites and Newspapers

- **Newspapers.**


  - **Demonstrations indicate a level of anger the Kremlin will have to take into account.**

    President Vladimir Putin’s expected re-election on March 18th was marked by nationwide anti-corruption protests across Russia. The protests were a response to the mass anti-corruption protests that took place in 2011-2013. The protests in 2011-2013 were the largest opposition protests in Russia since the 1991 anti-communist protests. The protests were sparked by anger over perceived corruption and lack of political freedom.

    The protests were largely peaceful, with some tensions between protesters and police. However, there were reports of police violence against protesters. The protests were also a response to the conviction of opposition leader Alexei Navalny on charges of fraud. Navalny was sentenced to five years in prison on charges of fraud. The conviction was widely seen as a political move to silence Navalny and other opposition leaders.

    The protests continued for several days, with hundreds of thousands of people taking to the streets in more than 50 cities. The protests were largely peaceful, with some tensions between protesters and police. However, there were reports of police violence against protesters. The protests were also a response to the conviction of opposition leader Alexei Navalny on charges of fraud. Navalny was sentenced to five years in prison on charges of fraud. The conviction was widely seen as a political move to silence Navalny and other opposition leaders.

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Pinpoints
OSCOLA referencing system uses pinpoints to cite specific information like a page, section, subsection or part within a source.

- **Case law.**
  Pinpoint a page
  R v Leeds County Court, ex p Morris [1990] QB 523 (QB) 530

  A range of paragraphs

- **Statute.**
  Pinpoints in Act introduced by comma. Citation of paragraph (b) of subsection (1) of section 15 from HRA 1998

  Human Rights Act 1998, s15(1)(b)
Hunting Act 2004

PART I
OFFENCES

1 Hunting wild mammals with dogs
A person commits an offence if he hunts a wild mammal with a dog, unless his hunting is exempt.

Citation in footnote:

1 Hunting Act 2004 s6

Text:
Someone convicted under the Hunting Act could be liable to pay up to £5000.¹

1 - Short title of the Act.

2 - Year of entry into force.

Citation in footnote:

1 Hunting Act 2004 s6
EU case law.
Paragraph
Case C-176/03 Commission v Council [2005] ECR-I 7879, paras 47-48

Scholarly article.
Page
Legal Sources

- British and Irish Legal Information Institute
- Cardiff Index of Legal Abbreviations
- Court of Justice of the European Union
- Courts and Tribunals Judiciary - UK
- Eur-Lex
- Guide to foreign and international legal citations 1st edition
- Guide to Using OSCOLA for Legal Referencing – University of Salford
- HUDOC – European Court of Human Rights
- Legislation.gov.uk