Essential Skills on Referencing with OSCOLA Citation System
Stefano Mastrocicco
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 and cross-citing 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 improve your academic practice
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.
Golden Rules

- OSCOLA uses different standards for primary and secondary sources:

- It’s a **Footnote style**. All citations to appear as footnotes at the bottom of the page.
  
  ➢ No in-text citations.

- Footnote markers usually go at end of sentence, after full stop, like this.
  
  ➢ European Union (Withdrawal) Act 2018.²

- End each footnote with a full stop.

- Clarity and consistency are the guiding rules.
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 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:**

**Bibliography:**
Referencing Primary Sources
Citation of Primary Sources
UK case law

Let's do some math!

THE PARTIES
THE (hearing) COURT
THE LAW REPORT
Neutral citation

This system was adopted since 2001 by the High Court and the Court of Appeal, becoming a standard for all senior UK courts:

<table>
<thead>
<tr>
<th>Year</th>
<th>Court Name</th>
<th>Division (optional)</th>
<th>Case Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Supreme Court</td>
<td>UKSC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>House of Lords</td>
<td>UKHL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Privy Council</td>
<td>UKPC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Court of Appeal</td>
<td>Civil Div.</td>
<td>EWCA Civ</td>
</tr>
<tr>
<td></td>
<td>Court of Appeal</td>
<td>Crim Div.</td>
<td>EWCA Crim</td>
</tr>
<tr>
<td></td>
<td>High Court</td>
<td>Chancery Div.</td>
<td>EWHC Ch</td>
</tr>
<tr>
<td></td>
<td>High Court</td>
<td>Queen’s Bench Div.</td>
<td>EWHC QB</td>
</tr>
<tr>
<td></td>
<td>High Court</td>
<td>Family Div.</td>
<td>EWHC Fam</td>
</tr>
</tbody>
</table>

A list of common abbreviations is on page 45 of the OSCOLA guide.
Hierarchy of law reports

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) – The Weekly Law Reports (WLR), accessible on both Westlaw and LexisLibrary and the All England Law Reports (ALL ER), available via LexisLibrary are the second series of reports to refer to.

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

[2018] AC 61

Citation:
R(Miller)v Secretary of State [2017]
UKSC 5, [2018] AC 61
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.

[R (Miller) v Secretary of State] [2017] UKSC 5, [2018] AC 61

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

[Crown — Minister — Exercise of prerogative power — Notification of decision by United Kingdom to withdraw from European Union — Whether ministers entitled to give notice in exercise of Royal Prerogative — Whether primary legislation required to authorise notification — European Communities Act 1972 (c 68), ss 1, 2 — EU Treaty, art 50EU]

Citation:

*R (Miller) v Secretary of State* [2017] UKSC 5, [2018] AC 61
Citation of Primary Sources
Statutes

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
### Citation of Primary Sources

#### Statutory Instruments (SIs)

<table>
<thead>
<tr>
<th>Name</th>
<th>year,</th>
<th>SI number</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Community Legal Service (Financial) (Amendment No. 2) Regulations 2011, SI 2011/2971</td>
<td>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 &amp; O 1921/2032</td>
<td></td>
</tr>
</tbody>
</table>
Citation of Primary Sources
EU legislation

- **Primary sources:** EU treaties.


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


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

<table>
<thead>
<tr>
<th>Case number</th>
<th>case name</th>
<th>[year]</th>
<th>report abbreviation</th>
<th>first page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case C-304/05 Commission v Italy [2007] ECR I-7519</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Case T-312/14 Federcoopesca and Others v Commission [2015] OJ C 279, 35</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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).

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

Map from University of Ottawa- JuriGlobe project
Referencing Secondary Sources
Citation of Secondary Sources

Books

- **Print and online books.**
  
  author, | title | (additional information, edition, | ( edn. | publisher | year)


- **Edited and translated books.**


- **Contribution to edited books.**

Citation of Secondary Sources
Scholarly Journals

- Print articles.

**author, | ‘title’ | [year] | journal name or abbreviation | first page of article**

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**Public Law**

2005

Theory, “pure theory” and values in public law

Paul Craig

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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.


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Concerning the paradox. My argument.explicated the descriptive and prescriptive foundations of pluralist thought and the way in which the pluralist challenged theory’s conception of the unitary state. This argument was not in any sense based on the assumption of “indisputable facts in the field”, nor was it based on any distinction between fact and value. Indeed, the quotation Loughlin criticises was demonstrating precisely the opposite, the connection between fact and value. It should moreover be added that in Loughlin’s latest work the choice of sources, their interpretation, and relevance for modern public law are contestable. So too is the linkage he makes between them: sources are constantly juxtaposed from different countries across different centuries with scant explanation of why we are, for example, moving from seventeenth century...
Citation of Secondary Sources
Scholarly Journals

- Print articles.

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

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**The Modern Law Review**

**In Defence of Due Deference**

Alison L. Young

The doctrine of deference permeates human rights review. It plays a role in defining Convention rights, in determining the nature of the proportionality test applied when analysing non-absolute rights, as well as in deciding the stringency of its application. The role of deference has recently been subjected to both judicial and academic criticism, some of which advocates the demise of the doctrine. This article develops a contextual account of deference that is justified for egality, understanding, and detail, and distinguishes between substantive deference and procedural deference.

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

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**Introduction**

Determining the extent to which courts can control the substance of actions and decisions of the administration has always required a delicate balancing act. Courts are required to control the substance of the decision, without determining the issue for themselves and substituting their account of the merits of the decision for that of the administration. To intrude too far poses a potential threat to the separation of powers; courts are accused of performing the function of the administration, as opposed to merely checking the manner in which the administration exercised its powers. But to intrude too little leaves courts open to the
Citation of Secondary Sources
Scholarly Journals

❑ Online Journals.

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


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


ABSTRACT
An understanding of intellectual property and the process of patenting business requires considerable training and legal advice. 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.**

  United Nations, 'Libya: UN Development Programme Launches Initiative to Support Country’s Stabilization' (United Nations, 12 April 2016)
  accessed 14 April 2016
Citation of Secondary Sources
Websites and Newspapers

- **Newspapers.**

  **author, | ‘title’ | | name | (city of publication, date of publication)**

  Max Seddon, ‘Protests jolt Putin’s Easy Ride to Re-election’
  
  *Financial Times* (London, 28 March 2017) 6
Citation of Secondary Sources
Hansard

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

HL Deb 18 July 2014, volume 755, cols 778-779

Assisted Dying Bill [HL]

18 July 2014
Volume 755

Second Reading

Moved by

Lord Falconer of Thoroton
That the Bill be read a second time.
Pinpoints & cross-citing
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

2004 CHAPTER 37

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An Act to make provision about hunting wild mammals with dogs; to prohibit hare coursing; and for connected purposes.

[18th November 2004]

BE IT ENACTED by The Queen’s most Excellent Majesty, by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Acts 1911 and 1949, and by the authority of the same, as follows:

Extent
Printable: England, Wales

PART 1
OFFENCES

Law in force

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.

Commencement
Pt 3, s. 1: February 18, 2005. (2004 c. 37 Pt 3, s. 15)

Extent
Pt 3, s. 1: England, Wales

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.

Hunting Act

2 - Year of entry into force.

2004
EU case law.

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

Scholarly article.

Page
Dr Simon Cooper and Emma Lees, ‘Interests, Powers and Mere Equities in Modern Land Law’ [2017] 37/2 OJLS, 435
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