

# Referencing using OSCOLA

Section 1

Where to find information



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- Study Guides
- Information Skills (Pilot)
- Referencing
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- My Library Account
- Borrowing
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- Interlibrary

### Study

- Study Guides
- Information Skills (Pilot)
- Referencing
- International Students

### More Resources

- Box of Broadcasts

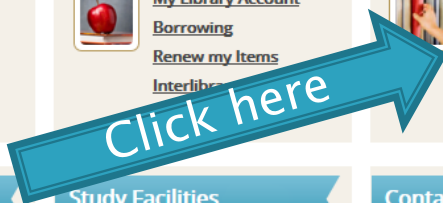
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Cambridge and Chelmsford



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## Referencing

When writing an essay, report or other assignment you will often need to support your arguments by referring to other published work such as books, journal or newspaper articles, government reports, dissertations and theses, and material from the Internet.

You will need to give accurate references:

- To give credit to other authors' concepts and ideas
- To provide the reader (often the marker/examiner of the assignment) with evidence of the breadth and depth of your reading
- To enable the readers of your work to locate the references easily
- To avoid being accused of plagiarism, an academic offence which can lead to loss of marks or module failure

### What is Plagiarism?

Plagiarism is the act of presenting someone else's work as your own, deliberately or even by mistake. The material you use could be text, data, image, sound or performance. Your work includes major projects, dissertations and any assignment, not just written ones, such as a presentation, work of art or performance.

Plagiarism includes:



- Subject Guides
- Database Guides
- Searching
- Getting Started
- Copyright
- Research
- Study Guides
- Information Skills (Pilot)
- Referencing
  - Refworks
  - Harvard System
  - OSCOLA
  - APA
  - International Students



# Useful links

- ▶ OSCOLA website:  
<http://www.law.ox.ac.uk/publications/oscola.php>
  
- ▶ Tutorial from Cardiff:  
<https://ilrb.cf.ac.uk/citingreferences/oscola/tutorial/>

# Citing the law

## Citing the law

Why do I need to cite?

Activity: When to cite?

Inserting footnotes

Example

## Case law

Activity: Which report do I cite?

EU cases

ECHR cases

Example

## Legislation

Welsh legislation

Scottish legislation

Northern Ireland legislation

EU legislation

## Books

Edited books and encyclopedias

## Journal articles

Electronic journal articles

## Government publications

## Hansard

## Newspaper articles

## Websites and blogs

## Correspondence

Activity: Putting it all together

Bibliographies

FAQs and notes

The following pages will show you how to:

- cite cases and legislation, i.e. the 'primary' sources of law, in the accepted way
- refer to 'secondary' sources such as books, journals and government reports in your work
- cite using OSCOLA, the Oxford Standard for Citation of Legal Authorities, fourth edition.

View the pages in order using the arrow below or jump directly to a page using the links in the panel on the left.

This resource was devised by Cathie Jackson and Ian Bradley, Information Services staff at Cardiff University and was partly funded by the UK Centre for Legal Education. The 4th edition revisions have been added by Matthew Davies and Lynn Goodhew. OSCOLA is produced by the Oxford University Law Faculty and further details in the use of the OSCOLA style can be found on the [OSCOLA website](#).




Next →


# Referencing using OSCOLA

Section 2  
The basics

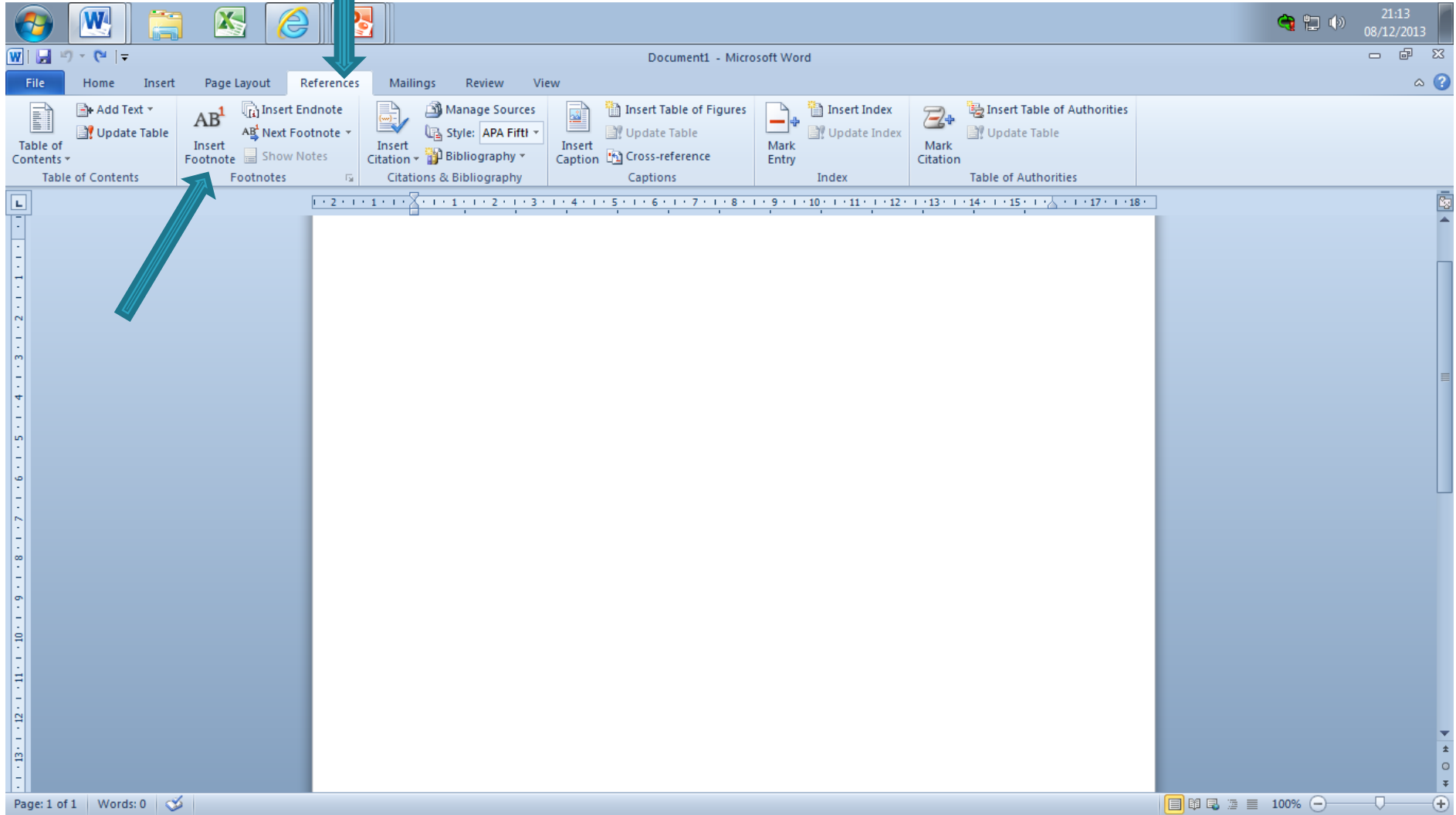
# Principles

- ▶ Consistency.
  - ▶ Consideration for the reader.
  - ▶ Minimum of punctuation.
  - ▶ When citing materials not specifically mentioned in OSCOLA, use its general principles as a guide.
- 

# Footnotes

- ▶ OSCOLA is based on the use of footnotes.
  - ▶ Place the footnote marker at the end of the sentence, unless it needs to be next to a specific word or phrase for the sake of clarity.
  - ▶ Word can automatically insert footnotes into your work: see the screenshot on the next slide (on the References tab, click on 'insert footnote').
- 





# What do you do if you cite the same source several times?

- ▶ There is no need to repeat all the information each time (although it is OK to do so).
- ▶ In a subsequent footnote you can give just the author's name and refer back to the footnote where you gave the full information.

# Example

- ▶ If in footnote 3, you refer to J Bloggs, *OSCOLA Made Easy* (20<sup>th</sup> edn, Sanity Press 2011) and you refer to it again in footnote 25, you only need to put  
25. Bloggs (n 3)

# Use of *ibid*

- ▶ If the subsequent footnote immediately follows the one where the full citation is given, you can use the Latin term *ibid*.
- ▶ This is short for *ibidem*, which means ‘in the same place’.
- ▶ Avoid using other Latin terms.

# Punctuation


- ▶ OSCOLA uses very little punctuation. It is only used where it is essential to avoid confusion.
- ▶ Therefore, an author's name will be given as  
AC Smith, not A.C. Smith.

# Quotations

- ▶ OSCOLA provides for quotations of under 3 lines to be included within the text, and longer quotations to be indented
- ▶ However, Anglia Ruskin requirements for word counts make a distinction between quotations of up to and over 50 words: **rule 6.60 of the Academic Regulations:**

[http://web.anglia.ac.uk/anet/academic/public/academic\\_regs\\_5ed\\_\(july12\).pdf](http://web.anglia.ac.uk/anet/academic/public/academic_regs_5ed_(july12).pdf)

# How to present quotations

- ▶ Use 50 words as the cut-off point rather than 3 lines (in practice these will be much the same).
  - ▶ Quotations of up to 50 words are incorporated in the text, within single quotation marks.
  - ▶ Quotations of over 50 words are indented, with no quotation marks. A line space is left before and after the indented paragraph.
- 

# An example of a quotation of over 50 words

As Campbell puts it:

Both sides of the metal detecting debate are caught within a paradigm of which they are unaware, and continue to talk to each other in a language of mutual incomprehension. In particular many archaeologists are mystified by the reluctance – or sometimes animosity – which they experience from metal–detector users while many metal–detector users expect the same from archaeologists, and unhappily sometimes get it.<sup>1</sup>




# And one with fewer than 50 words

- ▶ The assumption underlying the legal protection is the public interest in the preservation of the past. However 'State intervention is not inherently more public – more democratic, more empowering.'<sup>1</sup> So the question becomes who is the public?

# Referencing using OSCOLA

Section 4  
Books

# What is the reference telling the reader?

- Who wrote the book
  - What it is called
  - When it was published (including which edition)
  - Who the publisher was
- 

# A simple formula to apply

- ▶ Author, *Title in Italics* (edition, publisher date) page
- ▶ N.B two commas, no full stops!

# Authors' names

- ▶ Give the names as they appear in the publication.
- ▶ If there is no individual author, but an institution or organisation is identified, give that as the author.

# What information do you need to include?

- ▶ Author's name, then a comma, then title of the book in italics.
- ▶ Follow this with publication information in brackets: the edition (if it's not the first edition), publisher and year of publication.
- ▶ NOTE a change from the previous edition of OSCOLA is that you no longer need to give the place of publication.

# Points to note

- You need to be precise about the order in which you present the information, and use EXACTLY the same pattern of punctuation.
- In a footnote, the page number will identify the page where you can find the passage you are quoting or referring to.

# Putting it into practice



fourth edition

## law of the european union

PENELOPE KENT





**Edition**

fourth  
edition

**Title**

# Law of the European Union

**Author**

Penelope Kent

**Publisher**



Harlow, England • London • New York • Boston • San Francisco • Toronto  
Sydney • Tokyo • Singapore • Hong Kong • Seoul • Taipei • New Delhi  
Cape Town • Madrid • Mexico City • Amsterdam • Munich • Paris • Milan

# So...

- Most of the information you need is on the title page.
  - The only piece missing is the date of publication.
  - This is slightly harder to find – it's in the detailed information over the page.
- 

**Pearson Education Limited**  
Edinburgh Gate  
Harlow  
Essex CM20 2JE  
England

and Associated Companies throughout the world

Visit us on the World Wide Web at:  
[www.pearsoned.co.uk](http://www.pearsoned.co.uk)

First published 1992 © Longman Group UK Limited  
Second edition published 1996 © Pearson Professional Limited  
Third edition published 2001 © Pearson Education Limited  
Fourth edition published 2008 © Pearson Education Limited

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ISBN: 978-1-4058-3526-8

**British Library Cataloguing-in-Publication Data**

A catalogue record for this book is available from the British Library

**Library of Congress Cataloguing-in-Publication Data**

Kent, Penelope.

Law of the European Union / Penny Kent. – 4th ed.  
p. cm.

Includes bibliographical references and index.

ISBN 978-1-4058-3526-8

1. Law – European Union countries. I. Title.

KJE947.K46 2008

341.2422–dc22

2008026594

10 9 8 7 6 5 4 3 2 1  
11 10 09 08

Typeset in 9.5/13 pt Stone Sans by 35

Printed in Great Britain by Henry Ling Ltd, at the Dorset Press, Dorchester, Dorset.

*The publisher's policy is to use paper manufactured from sustainable forests.*

© Pearson Education Limited 2008

Date of publication

## Presenting this correctly

- The author is given with first name or initial first, then surname, in the form in which it appears in the publication. If initials are used, they are not followed by full stops or spaces between the initials.
- The author's name is followed by a comma
- So in this case, it will be:

Penelope Kent,

# Remind yourself of the formula:

- ▶ Author, *Title in Italics* (edition, publisher date) page
- So we can put the first piece of information in place – the author – in this case **Penelope Kent**.

Putting these two pieces of information together:

- **Penelope Kent, *Law of the European Union***

This is the basic information about who wrote the book, and its title. There are some more important elements to a complete reference – which would enable the reader to find your original source.

# Now the title

- The next piece of information you need is the title of the book
- In this case it is 'Law of the European Union'
- Looking back at the formula we see that this is the next piece of information you need. The title should be given in italics (N.B. no quotation marks)
- So in this case, it will be:
  - ▶ *Law of the European Union*

# Now we need to add the information in brackets

(edition, publisher date)

We've seen that the first two pieces of this information are on the title page

- It's the 4<sup>th</sup> edition
- The publisher is Longman Pearson



# Presenting this information

- Inside the brackets:
- Give the edition first, then a comma, then the publisher.
- Make sure you punctuate in exactly the form given in the formula
- Edition is abbreviated as edn and is followed by a comma
- So in this case, we'll have **(4<sup>th</sup> edn, Pearson Longman)**

# Just one thing missing!

- ▶ The date of publication, which we've already found on the next page.
- ▶ Adding this final piece of information, we have the full reference:
  - Penelope Kent, *Law of the European Union* (4<sup>th</sup> edn, Pearson Longman 2008)

# Pinpointing

- ▶ Outside the brackets, you pinpoint the page your reference relates to.
- ▶ So with our example above, if you were quoting from page 98, your footnote would be
- ▶ Penelope Kent, *Law of the European Union* (4th edn, Pearson Longman 2008) 98

# Chapters in edited books

- ▶ Give the author of the contribution, followed by a comma.
- ▶ Then the title of the chapter in single quotation marks, then the details of the book in the normal format


# Example

- ▶ V Easy, 'All you need to know about referencing' in Joe Bloggs (ed), *OSCOLA for Everyone* (9<sup>th</sup> edn, Sanity Press 2010)

# Referencing using OSCOLA

Section 5  
Journal Articles

# What information do you need?

- ▶ Author's name
  - ▶ Title of the article
  - ▶ Name of the journal
  - ▶ Volume number (if there is one)
  - ▶ Year of publication
  - ▶ First page of the article
- 

First, the title of the journal: Legal Studies

Legal Studies, Vol. 30 No. 1, March 2010, pp. 126–146  
DOI: 10.1111/j.1748-121X.2009.00147.x

## Reconstructing European insolvency law – putting in place a new paradigm

Gerard McCormack\*

Centre for Business Law and Practice, University of Leeds

*This paper critically examines the European Insolvency Regulation. It suggests the Regulation contains a fatal flaw at its heart; namely the 'centre of main interests' or COMI test governing the exercise of universal insolvency jurisdiction. The paper argues for greater jurisdictional flexibility to replace the COMI test and defends this proposal against charges that it will contribute to an excess of 'forum shopping' and encourage a 'race to the bottom'. The American experience with bankruptcy court competition is considered in this connection.*

### INTRODUCTION

This paper calls for reform of the European Insolvency Regulation (the Regulation).<sup>1</sup> The Regulation is widely considered to be unsatisfactory and has been the subject of urgent attention by reform-oriented lobbyists.<sup>2</sup> The Regulation is in the process of review, although this is the normal process of review built into the Regulation rather than any extraordinary or emergency review.<sup>3</sup> In this paper, I put the case for a radical revision of the Regulation. This revision would recognise the reality of modern corporate groups and replace the 'centre of main interests' with the fact of incorporation in a particular State as the principal connecting factor governing the exercise of insolvency jurisdiction. The paper consists of six parts. The first part sketches out the background. The second part sets out the reasons why the Regulation is considered to be unsatisfactory. The third part considers various proposals for reform and advances and develops a specific proposal for radical revision of the Regulation. The American experience is examined as illustrating how the proposal might work in practice. The fourth part considers objections to the proposal and the American experience of bankruptcy forum shopping and objections thereto are considered in this connection.



Next to that, we can find  
the volume number:  
Vol 30 No.1

*Journal of Business Law and Practice*, Vol. 30 No. 1, March 2010, pp. 126–146  
DOI: 10.1111/j.1748-121X.2009.00147.x

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And then the date:  
2010

Journal of Business Law, Vol. 10, No. 1, March 2010, pp. 126–146  
DOI: 10.1111/j.1748-121X.2009.00147.x

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And finally the pages  
of the article

Journal of Business Law, March 2010, pp. 126–146  
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The title of the article  
itself

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and the author

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# Putting it together

As with books, the first thing is the author,  
followed by a comma:

Gerard McCormick,

# Now the title of the article

**‘Reconstructing European insolvency law – constructing a new paradigm’** – in single quotation marks

# When it was published

(2010)

Round or square brackets?

- ▶ round brackets if there is a separate volume number, but square brackets if there isn't a separate volume number.
- ▶ In this example we know there is a volume number – Vol 30 no 1



# And finally...where to find it

30(1) LS 126

The volume number, followed by the issue number in brackets

Then the title of the journal – which can be abbreviated

Then the first page of the article




# So the complete reference is...

Gerard McCormick, 'Reconstructing European insolvency law – constructing a new paradigm' (2010) 30(1) LS 126

# Pinpointing

- ▶ When pinpointing, put a comma between the first page of the article and the page pinpoint.
- ▶ Gerard McCormick, 'Reconstructing European insolvency law – constructing a new paradigm' (2010) 30(1) LS 126, 131

# The formulae for journal articles

- ▶ author, | 'title' | [year] | journal name or abbreviation | first page of article
  - ▶ [OR]
  - ▶ author, | 'title' | (year) | volume | journal name or abbreviation | first page of article
- 

# Examples of references without and with volume numbers

- ▶ 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

# Finding abbreviations for journals

- ▶ List in section 4.2.1 of the OSCOLA guide
- ▶ For other journals, use the Cardiff Index to Legal Abbreviations
- ▶ <http://www.legalabbrevs.cardiff.ac.uk/>
- ▶ Above all, be consistent!

21:24  
08/12/2013

http://www.legalabbrevs.cardiff.ac.uk/

Cardiff Inde... x Anglia Ruskin U... Anglia Ruskin U... Find a documen... Citing the law

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EXPLORE CARDIFF UNIVERSITY HOME ABOUT EDUCATION RESEARCH NEWS EVENTS A-Z

**CARDIFF UNIVERSITY**  
PRIFYSGOL  
CAERDYDD

## Cardiff Index to Legal Abbreviations


Home About

### Cardiff Index to Legal Abbreviations

This database allows you to search for the meaning of abbreviations for English language legal publications, from the British Isles, the Commonwealth and the United States, including those covering international and comparative law.

A wide selection of major foreign language law publications is also included. Publications from over 295 jurisdictions are featured in the Index.

The database mainly covers law reports and law periodicals but some other legal publications are also included. The Index is under continuous development with new abbreviations and titles being added on a regular basis.



#### Search by Abbreviation

Enter an abbreviation to find matching Law publication titles

**Search Options:**

- Exact
- Close

#### Search by Title

Enter the title of a Law publication to find the abbreviation

**Search Options:**

- Exact Words (ALL words, any order)
- Phrase (ALL words in order)
- Keyword (ANY words, any order)

# Referencing using OSCOLA

Section 6

What about articles from databases such as  
Westlaw?



# What about articles you find through Westlaw or other databases?

- ▶ Treat them *exactly* the same as print journals.
- ▶ You don't need to give the name of the database – whether you found the article in print or electronic form is not relevant.

Article title

Journal title

Public Law

2011

Year

Striking down legislation under bi-polar sovereignty

C.J.S. Knight

Author

Subject: Constitutional law

Keywords: Common law; Constitutionality; Human rights; Judgments and orders; Legislation; Parliamentary sovereignty; Separation of powers

Legislation: European Convention on Human Rights 1950

Page

\*P.L. 2011, 90 In this article, I argued that it was possible to construct a theoretical argument which supported a sharing of sovereignty between Parliament and the courts.<sup>1</sup> The way in which it can work is by identifying that there is a functional overlap: both Parliament and the courts have a legal sovereignty role in making law, and an enforcement sovereignty role in ensuring the following of the law by others. The argument made was placed squarely in the English tradition of institutional pragmatism.

# Reference complete

- ▶ CJS Knight, 'Striking down legislation under bi-polar sovereignty' [2011] PL 90

# Referencing using OSCOLA

Section 6  
Internet sources

# Thinking about websites

Not all websites are reliable (anyone can put information on to the internet)

Websites may present a biased, misleading or inaccurate viewpoint.

The variable quality of information freely available on the internet makes it even more important to provide detailed information.

Websites also move, change or are deleted: another reason to make sure you provide as much information as possible

# Referencing a website

- ▶ Remember the basic purpose of referencing is to document:
  - Who wrote it
  - Where, when and by whom it was published

What information do you need to include?

Look at the instructions in the *Citing the Law* online tutorial

Some of it is the same as for citing a book:

- Author
- Title

Note that sometimes an individual author is not given. In that case, use the name of the organisation responsible for the website. Remember the purpose is to tell the reader *who is responsible for writing the material*.

# You also need to show

- ▶ The date it was written (if there is one)
- ▶ Additional relevant information
- ▶ The url - i.e. where to find it (indicated with `<>`)
- ▶ The date you accessed the site



Date accessed

URL

Author

Title

Date

Windows taskbar with icons for Internet Explorer, Word, and other applications. The address bar shows the URL: <http://www.icrc.org/eng/war-and-law/contemporary-challenges-for-ihl/overview-contemporary>. The browser title is "Contemporary challenges f...". The system clock shows 09:28 on 09/12/2013.



ICRC

# CONTEMPORARY CHALLENGES FOR IHL

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## Contemporary chal

05-02-2013 Overview

In contemporary armed conflicts, civilians are the primary victims of violations of IHL committed by non-State parties. The nature of contemporary armed conflicts continues to provide challenges for the application and respect of IHL in a number of areas, ranging from the classification of armed conflicts to the use of new technologies. There is a need to understand and respond to these challenges to ensure that IHL continues to perform its protective function in situations of armed conflict.

The increasing complexity of armed conflicts has given rise to discussions over the notion and typology of armed conflicts, including whether the IHL classification of conflicts into international (IAC) and non-international (NIAC) is sufficient to encompass the types of armed conflicts taking place today. The ICRC believes that to be the case, while recognizing that there is an increasing number of different factual scenarios that may be classified as NIAC.

The interplay between IHL and human rights law continues to have practical consequences on the conduct of military operations. The relationship between human rights law and IHL impacts issues related to detention, as well as to the use of force, in both international and non-international armed conflicts, as well as the extraterritorial targeting of persons.

In contemporary armed conflicts the protective scope of IHL remains of utmost concern. In many situations States are unable or unwilling to meet the basic needs of civilians and in such situations IHL provides that relief actions may be undertaken by other actors, including humanitarian organizations, subject to the agreement of the State. However, there remain many obstacles to humanitarian access, including military, political and security-related concerns, which hinder the provision of assistance to civilians in need.

In recent years extraterritorial military operations have given rise to new forms of military presence in the territory of a State and refocused attention on the rights and duties of an occupying power, the regulation of the use of force in occupied territory and the applicability of the law of occupation to UN forces. The responsibilities and tasks assigned to multinational forces have also

### PHOTOS



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### RELATED SECTIONS

- > Contemporary challenges for IHL

### RELATED PAGES

- > Transatlantic workshop on international law and armed conflict
- > As the nature of warfare changes, how should international humanitarian law adapt?
- > Preparation of international humanitarian law topics for the 31st International Conference
- > International Humanitarian Law and the challenges of contemporary armed conflicts


# So the reference will be:

- ▶ International Committee for the Red Cross, 'Contemporary Challenges for IHL' (5 February 2013)  
<<http://www.icrc.org/eng/war-and-law/contemporary-challenges-for-ihl/overview-contemporary-challenges-for-ihl.htm>> accessed 9 December 2013

# Referencing using OSCOLA

Section 8  
Bibliographies

# Key points

- ▶ You must always include a bibliography
  - ▶ Every reference you include in your footnotes must also be in your bibliography
  - ▶ There may be additional sources in your bibliography which do not appear in your footnotes (sources you have used in the preparation of your work but have not referred to directly)
- 

# Is the information in the bibliography exactly the same as in the footnotes?

- ▶ No!
- ▶ Two key differences:
  - You leave out page numbers pinpointing a quotation.
  - The surname of the author comes first, and full first names are not used, only initials e.g. in your footnotes an author might be Joe Bloggs, but in the bibliography it will be Bloggs J, (followed by the rest of the information).

# An Example

- ▶ First, copy and paste all your footnotes into one list.
- ▶ Keep cases, legislation and secondary sources under separate headings

# Next

- ▶ For the books and articles, swap the order of the author's first name (or initial) and surname around.
- ▶ Delete the page numbers at the end of the reference

# For example...

- ▶ Simon Lester and Brian Mercurio, *World Trade Law* (Hart 2008) 78
- ▶ Catherine Barnard, *Substantive Law of the European Union* (3rd edn, OUP 2010) 13




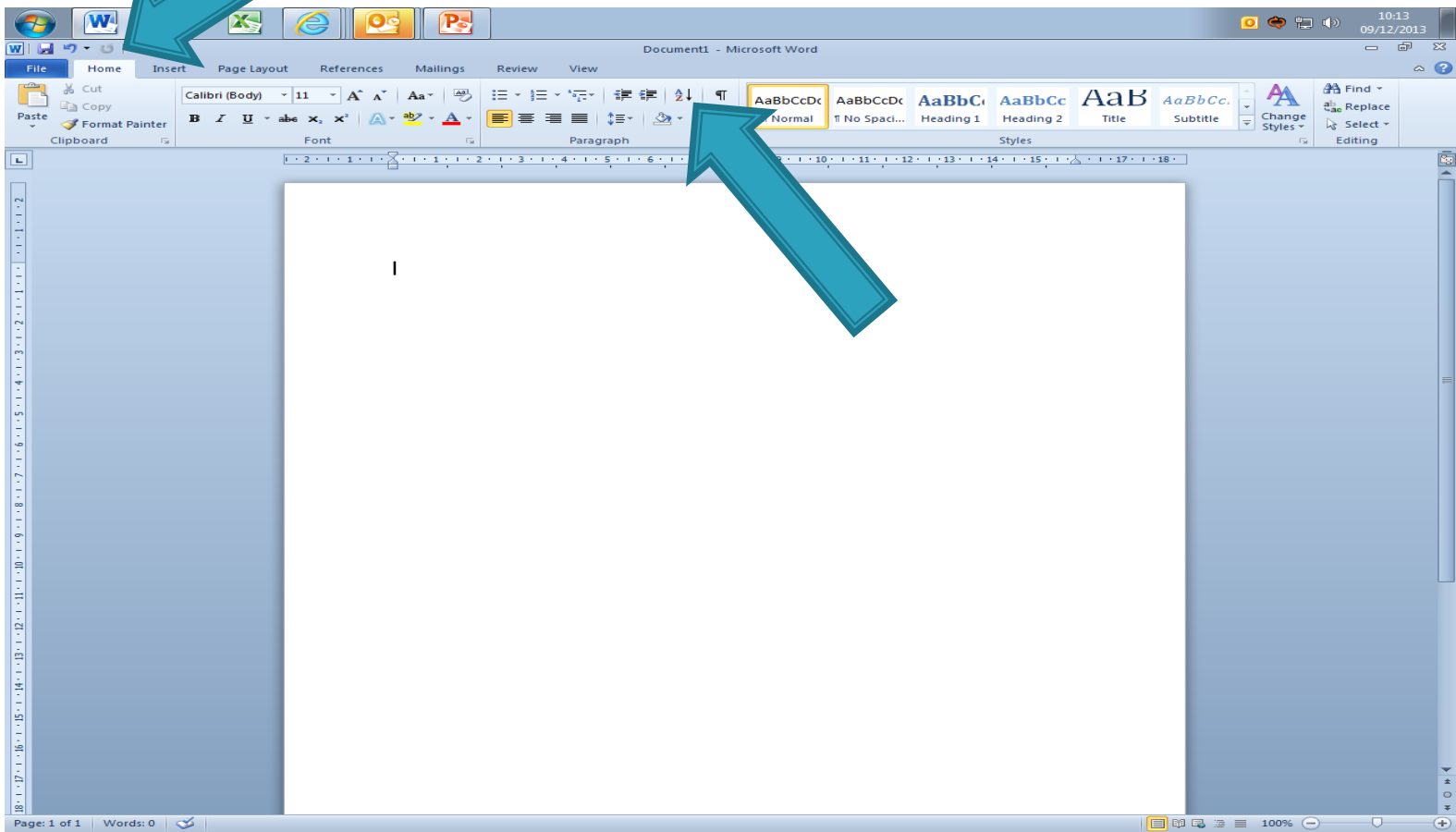
Lester S, and Mercurio B, *World Trade Law* (Hart 2008)

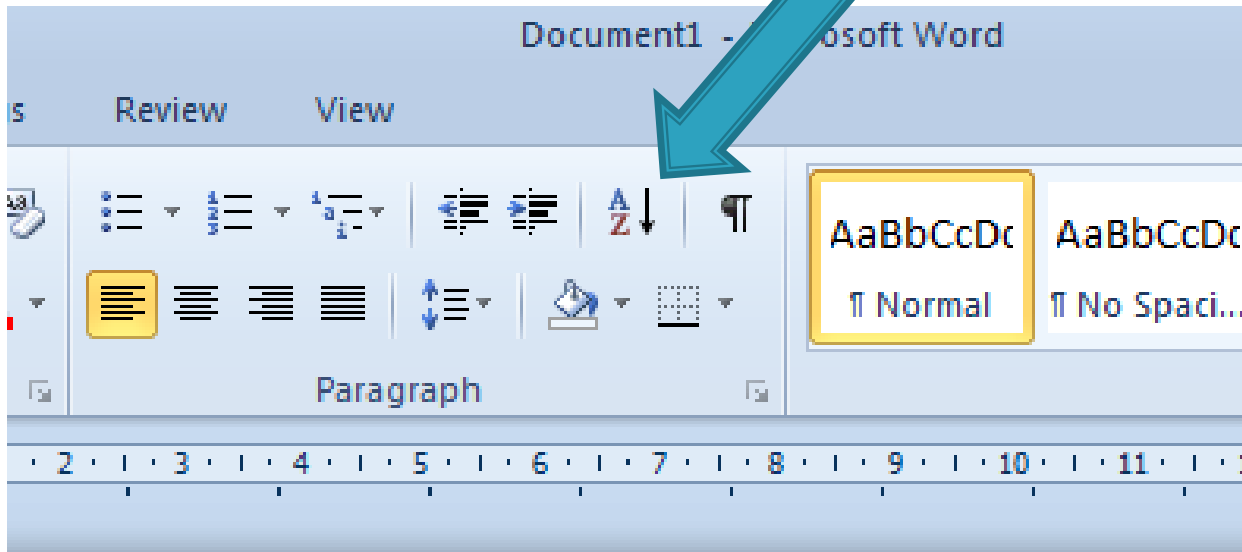
Barnard C, *Substantive Law of the European Union* (3rd edn, OUP 2010)



# Sorting the list alphabetically

- ▶ Use the automatic sort function in Word.
  - ▶ On the Home tab, click the Sort icon
  - ▶ Use the default settings of Paragraphs, Text, Ascending
  - ▶ Click OK
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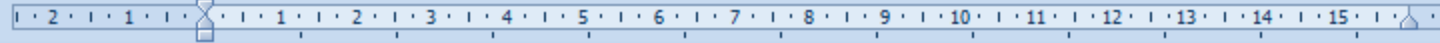
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