



# Referencing using OSCOLA

## Section 6: Citing case law



## Citing case law

- If you give the full case name in the main text of your essay or dissertation, then you only need to give the case citations in the footnote (the case name can be omitted from the footnote).



# Citing case law

- 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) .



# Citing case law

- 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.



# Cases with a neutral citation

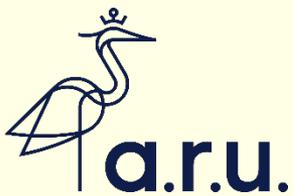
## ***Case Name* | Neutral Citation, | Report Citation**

- Neutral Citation = [Year] | Abbreviation for Court | Case number
- Report Citation = [(Year)] | Volume | Abbreviation for Law Report | Page number
- Where possible cite cases from The Law Reports first, then Weekly Law Reports and All England Law Reports.



## Example: Cases with a neutral citation

- Footnote: *Lucasfilm Ltd v Ainsworth* [2011] UKSC 39, [2012] 1 AC 208.
- If pinpointing to page: *Lucasfilm Ltd v Ainsworth* [2011] UKSC 39, [2012] 1 AC 208, 228.
- If pinpointing to a judge:- *Lucasfilm Ltd v Ainsworth* [2011] UKSC 39, [2012] 1 AC 208 [42]-[44] .(Lord Walker SCJ).
- Short form: *Lucasfilm* (n #).
- Bibliography: *Lucasfilm Ltd v Ainsworth* [2011] UKSC 39, [2012] 1 AC 20.



## Cases without a neutral citation

### ***Case Name* | Report Citation | (Court)**

- Report Citation = [(Year)] | Volume | Abbreviation for Law Report | Page number
- Where possible cite cases from The Law Reports first, then Weekly Law Reports and All England Law Reports.



## Example: Cases without a neutral citation

- Footnote: *Tyburn Productions Ltd v Conan Doyle* [1990] 3 WLR 167 (Ch).
- If pinpointing to page: *Tyburn Productions Ltd v Conan Doyle* [1990] 3 WLR 167 (Ch), 168.
- If pinpointing to a judge: *Tyburn Productions Ltd v Conan Doyle* [1990] 3 WLR 167 (Ch), 178-179 (Vinelott J).
- Short form: *Tyburn* (n #).
- Bibliography: *Tyburn Productions Ltd v Conan Doyle* [1990] 3 WLR 167 (Ch).



# Citing EU case law

## **Case Number | Case Name | ECLI citation, | Report citation**

- ECLI citation = Region | Court | Year | Case number
- ECLI (European Case Law Identifier) is a new case law metadata standard and is similar to a UK neutral citation. It is not well known, and not currently part of OSCOLA (so can be omitted), although is covered in OSCOLA's FAQs.
- ECR citation = [Year] | ECR | Volume- | Page number
- CMLR citation = [Year] | Volume | CMLR | Page number
- Where possible cite cases from the European Court Reports first, then Common Market Law Reports, or other major series.
- If pinpointing to a paragraph number, use the prefix paragraph instead of [brackets].
- In the bibliography, reorder the citation by case name first, then case number and citation.



## Citing EU case law

- If the case is not reported in the Official Journal then conclude the citation after the case name (don't insert the date here) with the court and date of judgment enclosed within round brackets, like this: (ECJ, 6 January 2017) – the only punctuation is a comma after the date. The European Court of Justice is abbreviated to ECJ and the Court of First Instance to CFI.



## Citing EU case law

- Until the 5<sup>th</sup> edition of OSCOLA is published, guidance on using the European Case Law Identifier ( ECLI) is as follows:
- Insert an ECLI after the case name and before the law report citation, in the same way as neutral citations are used in cases from the UK High Courts. If there is no report citation, or the case is unreported, use the ECLI on its own.



## Example: ECLI

- **Case with a report law citation:**

Case C-176/03 *Commission v Council* EU:C:2005:542, [2005] ECR I-7879.

- **Case without a law report citation:**

Case C-542/09 *Commission v the Netherlands* EU:C:2012:346.



## Example: EU case law (Reported case)

- Footnote: Case C-607/11 *ITV Broadcasting Ltd v TV Catchup Ltd* EU:C:2013:147, [2013] 3 CMLR 1.
- If pinpointing: Case C-607/11 *ITV Broadcasting Ltd v TV Catchup Ltd* EU:C:2013:147, [2013] 3 CMLR 1, paras 30-36.
- Short form: *ITV Broadcasting Ltd* (n #).
- Bibliography: *ITV Broadcasting Ltd v TV Catchup Ltd* (Case C-607/11) EU:C:2013:147, [2013] 3 CMLR 1.



## Example: EU case law (Unreported)

- Footnote: Case C350/11 *Commission v Ireland* (ECJ, 19 December 2017).
- If pinpointing: Case C350/11 *Commission v Ireland* (ECJ, 19 December 2017), paras 20-30.
- Short form: *Commission v Ireland* (n5).
- Bibliography: *Commission v Ireland* (Case C350/11) (ECJ, 19 December 2017).