

OSCOLA REFERENCING

Introduction to OSCOLA

OSCOLA is a referencing style published by the The Oxford Standard for Citation of Legal Authorities.

OSCOLA is a numerical footnoted referencing style. It uses **footnotes** for citations in the body of writing which are identified by a superscript number, usually at the end of a sentence after the full stop.

Example:

Cowan contends that there has been an erosion of human rights.¹

The numbers in the text correspond with the footnotes. The full reference is written in the footnote at the bottom of the page and the footnote is always closed with a full-stop.

Example:

¹ A Cowan, *Human Rights in Practice: Cases and Analysis* (3rd edn, Routledge, London 2015).

OSCOLA was developed as a broad set of conventions rather than a definitive style guide. As a result, authors can differ in their use of it. Therefore, students should remember to be consistent with their use of initials or full names, punctuation, and capitalization. OSCOLA uses limited punctuation. A central aim of OSCOLA is clarity for the reader.

Subsequently, no specific guidelines exist for compiling a bibliography. However, to achieve greater clarity it can be useful to present the materials in three distinct sections: a table of cases; a table of legislation and a list of secondary sources.

Pinpointing

Pinpointing is when you wish to cite a specific page within a source. You include this page number at the end of the reference.

Pinpoints must be provided for any direct quotations. It is also good practice to use them when citing long documents to provide clarity for the reader.

Example:

To pinpoint page 46 of a case report that runs from pages 25-57:

³ *R v Crawford* [2011] EWCA Crim 25, 46.

Further references to the same source

The first time you cite a source, **full** details should be given.

Subsequent references to the same source can then be **abbreviated** by briefly identifying the source and providing a cross-reference in brackets to the footnote that contains the full citation.

The Latin term *ibid* means “in the same place”. If two or more consecutive references are from the same source, then they are cited using *ibid*.

Example: ¹

Robert Stevens, *Torts and Rights* (OUP, Oxford 2007).

...

⁶

Stevens, *Torts...* (n 1) 110.

⁷ *ibid* 271-78.

Author names

In **footnotes** the author name(s) should be in the format FORENAME/INITIAL then SURNAME.

Example:

Tim Crawford, *Citing Academic Sources* (Hart, London 2016).

Or

T Crawford, *Citing Academic Sources* (Hart, London 2016).

In the **bibliography** this is reversed to: SURNAME then INITIAL(S).

Example:

Crawford T, *Citing Academic Sources* (Hart, London 2016)

More than 3 authors

For sources with multiple authors. In footnotes write the first author’s name followed by “and others”.

Example:

Samuel Topping and others, *Analysing Law* (Routledge, London 2008).

In the bibliography list all of the authors.

Example: Topping S, Beck D and Wilson P, *Analysing Law* (Routledge, London 2008).

Including quotations

Short quotations

Up to three lines:

- Include as part of the main text
- Use single quotation marks

Example:

Charles Rennie Mackintosh is one of the most influential Scottish architects. Mackintosh’s Glasgow School of Art ‘heralded the birth of a new style in 20th century European Architecture’.¹

Long quotations

Greater than 3 lines:

- Start on separate line
- Indent
- No quotation marks

If you refer to a quotation within a quotation then use double quotation marks use [...] to signify omission of words from the quotation

Example:

Charles Dickens' novel Bleak House opens with the following description to set the scene for his story:

London [...] Implacable November weather. As much mud in the streets as if the water had but newly retired from the face of the earth, and it would not be wonderful to meet a Megalosaurus, forty feet long or so, waddling like an elephantine lizard up Holborn Hill.²

How to reference a...

Case

Cases are made up for 3 main parts: the parties, the neutral citation and the law report.

The neutral citation system began in 2001 to digitize case records. All cases since 2001 should have a neutral citation. Cases from before 2001 will only display the law report and put the initials of the court the case was heard in in round brackets.

Order

- Party names (in *italics*)
- Neutral citation:
 - [Year] in square brackets
 - Court where the case was heard
 - Division of the court - Unique serial number
- Law report:
 - [Year] in square brackets
 - Volume number
 - Report series
 - First page number of the report
 - (if pre-2001) the initials of the Court the case was heard in in round brackets

Example:

R (Haw) v Secretary of State for the Home Department [2006] EWCA Civ 532, [2006] QB 780
R v Human Fertilisation and Embryology Authority, ex p Blood [1997] 2 All ER 687 (CA)

Legislation

Order

- Short Title of Act
- Year
- Section
- (Subsection) in round brackets
- (Paragraph) in round brackets *Example:*

Human Rights Act 1998 s 15(1)(b)

EU Legislation

The numbering of EU legislation changed on 1 January 2015. Using the new approach, EU legislation bears a unique, sequential number.

Before 1 January 2015

Order

- Type of legislation
- (EC) in round brackets
- Number and title
- [Year] in square brackets
- Details of publication *Example:*

Council Regulation (EC) 139/2004 on the control of concentrations between undertakings (EC Merger Regulation) [2004] OJ L24/1, art 5

After 1 January 2015

Order

- Type of legislation
- (body) in round brackets
- Number YYYY/no and title
- [Year] in square brackets
- Details of publication

Example

Council Regulation (EU) 2015/159 of 27 January 2015 amending Regulation (EC) No 2532/98 concerning powers of the European Central Bank

EU Cases

OSCOLA has not yet be changed to include the European Case Law Identifier (ECLI). The advice given in the meantime to those who want to use the ECLI when citing cases from the CJEU is as follows:

Treat it like a neutral citation, adding it after the case name and before the report citation

Example:

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

For unreported cases, cite the ECLI instead of the OJ notice or the Court and date (as previous conventions).

Example:

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

Book

Order

- Author initial(s) or forename followed by surname
- Title in *italics*
- (Edition, Publisher, Place Year) in round brackets
- Page(s)

Example:

JH Baker, *An Introduction to English Legal History* (4th edn, Butterworths, London 2002) 419- 21.

Chapter in a book

Order

- Author initial(s) or first name followed by surname
- Title of chapter in single quotation marks
- In
- Editor(s) (eds)
- Book title in *italics*
- (Edition, Publisher, Place Year) in round brackets

Example:

I Brownlie, 'The Relation of Law and Power' in Bin Cheng and ED Brown (eds), *Contemporary Problems in International Law: Essays in Honour of Georg Schwarzenberger on his Eightieth Birthday* (Stevens and Sons, London 1988).

Ebooks

If the ebook has the same page numbers as the printed book, cite the book as the printed version.

If the ebook has no page numbers, follow the normal book citation form, including the ebook type/addition before the publisher.

For pinpoints in an ebook with no page numbers, provide chapter of section number (or name if not numbered) and subsection or paragraph number if provided.

Example:

Williams on Wills (9th edn, Lexis Library edn, Lexis Nexis 2007) vol 1, part F, para 23.1.

J E Martin, *Hanbury & Martin Modern Equity* (19th edn, Kindle edn, Sweet & Maxwell 2012) ch 1, part 2E, 1-0008, text above n 24.

W Lucy, *Philosophy of Private Law* (Kindle edn, OUP 2007) ch1, text above n 16.

Journal article

- Order
- Author initial(s) or firstname followed by surname
- Title of article in single quotation marks
- [Year] in square brackets
- Acronym for journal title
- First page
- Pinpointed page *Example:*

Paul Craig, 'Constitutional Foundations, the Rule of Law and Supremacy' [2003] PL 92, 96

Electronic journal article

Order

- Author initial(s) or firstname followed by surname
- Title of article in single quotation marks
- [Year] in square brackets
- Volume number issue (series)
- Acronym for journal title
- <URL>
- Date accessed *Example:*

Graham Greenleaf, 'The Global Development of Free Access to Legal Information' [2010] 1 (1) EJLT <<http://ejlt.org//article/view/17>> accessed 27 July 2010

Conference paper

Order

- Author initial(s) or firstname followed by surname
- Title of paper in single quotation marks
- (Conference Name, Place, Date) in round brackets

Example:

Ben McFarlane and Donal Nolan, 'Remedying Reliance: The Future Development of Promissory and Propriety Estoppel in English Law' (Obligations III Conference, Brisbane, July 2006).

Newspaper article

Order

- Author initial(s) or firstname followed by surname
- Title of article in single quotation marks
- Title of newspaper in *italics*
- (Place, Date) in round brackets
- Page number

Example:

Simon Cunningham, 'Custody Death Raises Questions' *The Irish News* (Belfast, 15 June 2011) 18

Website

Order

- Author initial(s) or first name followed by surname
- Title in single quotation marks
- Type of document and Year
- <URL>
- Date accessed

Example:

Shami Chakrabarti, 'The End of Innocence' (Lecture at the Centre for Public Law in Cambridge 2004) <<http://www.liberty-human-rights.org.uk/resources/articles>> accessed 16 August 2011

Other secondary sources (general principles to follow)

If a source has an ISBN, cite it like a book. If it does not have an ISBN, put the title in roman and within single quotation marks, as for journal articles.

Order

- Author
- 'title'
- (additional information,
- Publisher
- Year)

Additional information includes a document description, date of adoption, and any information that may help the reader locate the source.

Podcasts, YouTube, etc

Following the general principles for secondary sources (above), the following form is suggested for citing podcasts, YouTube videos and similar sources:

Order

- Author
- 'Title'
- (publication date)
- <url>
- Accessed xx month yyyy

If no clear author, give the organization providing the source as the author.

Examples:

Dr Douglas Guilfoyle, 'The UN Convention on the Law of the Sea: Origins and Importance' (14 August 2013) <www.youtube.com/watch?v=3SOqz1Yu8tY> accessed 15 April 2014.

To pinpoint the comments of a particular person, add that information before the url. Include the person's position if relevant.

Example:

British Medical Journal podcast, 'Insanity in the Dock' (20 July 2012) comments by Matthew Thompson, Centre for Evidence Based Medicine in Oxford
<www.bmj.com/podcast/2012/07/20/insanity-dock> accessed 15 April 2014.

A source cited in a secondary source

It is best to find the original source and cite it. If this is not possible, cite the source as cited in the secondary source then in brackets put 'as cited in' then cite the secondary source including the page number.

Example:

Quoted in WL Clay, *The Prison Chaplain: A Memoir of the Reverend John Clay* (London 1861)
554 (as cited in M Wiener, *Reconstructing the Criminal Culture, Law and Policy in England 1830–1914* (CUP 1990) 79)

Bibliography

Format

- The bibliography may be divided into sections, for example legislation, cases, books, journal articles, websites etc.
- Each section should be arranged in alphabetical order by author's surname.
- The surname comes first, followed by initial(s).
- No comma is required until after the final initial.
- Note that forenames are not used.
- If citing several works by the same author, cite in chronological order starting with the oldest.

For more information, please download the OSCOLA guide from http://www.law.ox.ac.uk/published/OSCOLA_4th_edn.pdf