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FACULTY OF
BUSINESS & LAW

OSCOLA BIBLIOGRAPHIC REFERENCES



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Bibliographic references: OSCOLA

WHY REFERENCE?

Referencing is important in all academic work because it shows where you have used an author's ideas in your work. Consistent referencing shows which ideas are your own and from where you found the supporting evidence for your ideas. It demonstrates your ideas are based on evidence you have found. Anything in your work for which you do not cite a source is assumed to be your own original thought. If you do not show when you have used other people's work, you could be accused of pretending their ideas and findings are your own. This is plagiarism and is a serious academic offence.

DON'T GET CAUGHT OUT!

- Keep a careful note of all sources used as you work on your assignments.
- Record all the details you need about a library book (including page numbers) before you return it – it might be on loan to someone else when you need it again.
- Make sure you write down the source details you need on any photocopies you make.
- Remember to print or save details of any website and the permalink of any electronic journal articles (If you are unsure how to do this, contact the library for help.) you might want to refer to, and record the date when you accessed the information.
- Make sure you are following the referencing system used in your department. If in doubt, do what your lecturer says, not what the library says or what the referencing system says. Only lecturers give and take away marks.

If you are studying Law or submitting work to a member of the Law School, you will be informed that you need to use OSCOLA citations, otherwise you should check with your submitting department which referencing system to use.

OSCOLA REFERENCING

Using OSCOLA (Oxford Standard for the Citation of Legal Authorities) each retrievable information source is acknowledged (cited) whenever information from it is used by inserting a superscript number (e.g.¹) in the text. These direct the reader to correspondingly numbered footnotes at the bottom of each page which provide full details of the source with a pinpoint reference to the page or paragraph number within it being used. These sources are then listed alphabetically in a structured bibliography at the end of the essay or report.

Always follow the instructions and advice given by your lecturer, dissertations supervisor and unit handbook. Always follow the instructions of the person awarding the marks!

1 Exemplar footnote marker. Footnotes in OSCOLA should normally contain precise citations. Any lengthy commentary or explanation will be disregarded by markers.

FOOTNOTES (CITATIONS)

Creating footnotes

Using the inbuilt footnote creation tools included in word processing software, such as Google Docs and Microsoft Word, is easily the best way to create and manage your footnotes.

In Microsoft Word, from the top menu ribbon choose: **References > Insert footnote.**

In Google Docs, from the top menu bar choose: **Insert > Footnote.**

Footnotes in OSCOLA

- OSCOLA uses numbered footnotes for all in-text citations.
- Everything cited in a footnote should also appear in the bibliography at the end. The footnote and reference in the bibliography are formatted differently.
- Titles of cases and secondary sources appear in italics in footnotes.
- The footnote should always pinpoint the paragraph number(s) from which the specific information or rulings were taken, where possible. Where paragraph numbers are not available, give the page number(s) instead. Paragraph numbers are enclosed in square brackets, e.g. [1], page numbers in parentheses e.g. (2).
- Include a full stop at the end of every footnote.
- Do not include full stops in abbreviations, e.g. All ER and not All E.R.
- Separate multiple citations in a footnote using a semicolon, for example: Secretary of State for the Home Department v E [2007] UKHL 47, [2008] 1 All ER 699 (HL) 702; SJ Fredman, 'Equality: A New Generation?' [2001] ILJ 145, 158

Citing the same source more than once

When you cite the same source twice in succession with no intervening references to other sources, you may use "ibid" (an abbreviation for the Latin ibidem meaning "in the same place") in place of the full text of the second footnote.

If you want to cite a source you have already cited in an earlier footnote but have cited other sources in footnotes in between, you need to include the author's name, case name or short title of legislation and then refer back to the earlier footnote by its footnote number, for example "Smith (n 1) 58."

In either case, always give a new pinpoint reference where this differs from that in the first citation.

BIBLIOGRAPHY (REFERENCE LIST)

- The bibliography comprises a structured list of every source cited that appears at the end of the essay or report.
- Primary and secondary legal sources are listed separately in the bibliography.

Primary sources

Entries in the bibliography are largely the same as their corresponding footnotes in the text, except that in the bibliography:

- List cases in alphabetical order.
- List cases for different jurisdictions in separate sections.
- Start each reference on a new line.
- Do not italicize case titles.
- Do not include pinpoint references.
- Do not include full stops at the end of references.

Secondary sources

- Either insert a sub-heading of “Secondary sources” in your bibliography and list all your secondary sources in alphabetical order by author’s surname underneath or add subheadings for each type of resource used and list secondary sources alphabetically under these subheadings.
- List secondary sources alphabetically in order of the first named author’s surname. Treat any item with an ISBN as a book. If an electronic source is identical to the print version, treat it as if you used the print version.
- For all works with named authors, list give the names in the form Surname, First name so that they may easily be ordered alphabetically by surname.
- Remember that authors can be corporate or official bodies as well as individuals.

USEFUL SOURCES

You will find links to the main sources of help from the Law subject page on the library website. Library staff are also here to help 24/7 via online chat and phone support, by email or in person during staffed hours.

Referencing@Portsmouth

referencing.port.ac.uk

For further guidance and examples, use Library’s Referencing@Portsmouth tool (referencing.port.ac.uk). Make sure you have set the referencing style to OSCOLA before starting to search for advice. Select a reference source from the dropdown menu or use the search to help you locate the source you want to reference. An A–Z list of sources is available on the Referencing@Portsmouth site, as well as frequently asked questions and guidance on citing in the text of your work.

Cardiff Index to Legal Abbreviations

legalabbrevs.cardiff.ac.uk

Helps you to decipher or create abbreviations in legal references. The University of Cardiff’s ‘Citing the law’ companion tutorial https://xerte.cardiff.ac.uk/play_6716 will test your skills and give you useful hints and tips.

Official guides to OSCOLA referencing

law.ox.ac.uk/research-subject-groups/publications/oscola

The full and shorter guides to OSCOLA are available from its creators at the University of Oxford. This page also gives access to OSCOLA 2006 Citing International Law Sources Section which covers material not to be found in the most up to date version of OSCOLA.

There are reference management tools available to help you to store, manage and format your references. However, please be aware that you must check and edit these formatted references to meet the requirements of your department and the version of OSCOLA in any automated system will need careful checking.

REFERENCING PRIMARY SOURCES

UK LAW

Cases

If there is no neutral citation, give the Law Reports citation (e.g. AC, Ch, QB) followed by the court in parentheses. If the case is not reported in the Law Reports, cite the All ER or the WLR report, or failing that a specialist report.

Footnotes

Party names Neutral citation if available, Law Reports citation, Paragraph or page pinpoint if required.

¹ *Callery v Gray* [2001] EWCA Civ 1117, [2001] 1 WLR 2112 [42], [45].

² *Bunt v Tilley* [2006] EWHC 407 (QB), [2006] 3 All ER 336 [1]-[37].

³ *R v Leeds County Court, ex p Morris* [1990] QB 523 (QB) 530-531.

If citing a particular judge, add their name in parentheses to the end.

⁴ *Arcscott v The Coal Authority* [2004] EWCA Civ 892, [2005] Env LR 6 [27] (Laws LJ).

Bibliography

Party names Neutral citation, Law Reports citation.

Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC 884

Page v Smith [1996] AC 155 (HL)

R (Roberts) v Parole Board [2004] EWCA Civ 1031, [2005] QB 410

Statutes and Statutory Instruments

Footnotes

Title date, SI reference if applicable, section number.

¹ Act of Supremacy 1558.

² Human Rights Act 1998, s 15(1)(b).

³ Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004, SI 2004/3166.

Bibliography

Title date, SI reference if applicable, section number.

Primary legislation

Act of Supremacy 1558

Human Rights Act 1998

Secondary legislation

Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004, SI 2004/3166

EUROPEAN LAW

EU legislation

Footnotes

Legislation type including amendments [year] OJ L issue number/first page number article pinpoint if required.

¹ Consolidated Version of the Treaty on European Union [2008] OJ C115/13.

² Council Regulation (EC) 139/2004 on the control of concentrations between undertakings (EC Merger Regulation) [2004] OJ L24/1, art 5.

Bibliography

Legislation type including amendments [year] OJ L issue number/first page number

Consolidated Version of the Treaty on European Union [2008] OJ C115/13

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

EU CASES

Cases since 1989 are designated C if European Court of Justice or T if Court of First Instance.

Footnotes

Case number, Case name [year] Law Report series abbreviation number of first page, pinpoint paragraph (para) or paragraphs (paras) number(s) if required.

¹ *Case C–176/03 Commission v Council* [2005] ECR I–7879, paras 47–48.

² *Case C–556/07 Commission v France* [2009] OJ C102/8.

Bibliography

Case number, Case name [year] Law Report series abbreviation

Case C–176/03 *Commission v Council* [2005] ECR I–7879

Case C–556/07 *Commission v France* [2009] OJ C102/8

EUROPEAN COURT OF HUMAN RIGHTS

Footnotes

Title Application number if applicable Report details, page pinpoint if required.

¹ *Omojudi v UK* (2010) 51 EHRR 10, 12.

² *Osman v UK* ECHR 1998–VIII 3124, 3125.

³ *Balogh v Hungary* App no 47940/99 (ECHR, 20 July 2004).

⁴ *Simpson v UK* (1989) 64 DR 188.

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Title Application number if applicable Report details

Omojudi v UK (2010) 51 EHRR 10

Osman v UK ECHR 1998–VIII 3124

Balogh v Hungary App no 47940/99 (ECHR, 20 July 2004)

Simpson v UK (1989) 64 DR 188

REFERENCING SECONDARY SOURCES

BOOK WITH AUTHOR(S)

Footnotes

Author's name as it appears on the title page, Title: Subtitle (edition, publication dates), publisher, series title if any (series details, publication year), page number pinpoint.

¹ Thomas Hobbes, *Leviathan* (first published 1651, Penguin 1985) 268.

² Gareth Jones, *Goff and Jones: The Law of Restitution* (1st supp, 7th edn, Sweet & Maxwell 2009), 59.

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Ordered alphabetically by author and the title if one author is responsible for several works.

Author surname, Initials or full first names, Title: Subtitle (edition), publisher, series title if any (series details, publication year)

Hobbes, Thomas *Leviathan* (first published 1651, Penguin 1985)

Jones, G, *Goff and Jones: The Law of Restitution* (1st supp, 7th edn, Sweet & Maxwell 2009)

CHAPTER WITH ITS OWN AUTHOR(S) IN AN EDITED BOOK

Footnotes

Chapter author's name as it appears in the books, 'Chapter Title' in Editors Names as they appear on the title page of the book (eds), Title: Subtitle of edited book taken from the title page, (publisher, publication year) page number pinpoint.

¹ Francis Rose, 'The Evolution of the Species' in Andrew Burrows and Alan Rodger (eds), *Mapping the Law: Essays in Memory of Peter Birks* (OUP 2006) 34.

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Chapter author surname, Initials, 'Chapter Title' in Editors Names as they appear on the title page of the book (eds), Title: Subtitle of edited book taken from the title page, publisher (Publisher Publication year)

Rose, F, 'The Evolution of the Species' in Andrew Burrows and Alan Rodger (eds), *Mapping the Law: Essays in Memory of Peter Birks* (OUP 2006)

ENCYCLOPEDIA ENTRIES

Footnotes

Title (edition, publication year) volume, paragraph (para) pinpoint.

¹ *Halsbury's Laws* (5th edn, 2010) vol 57, para 53.

Bibliography

Title (edition, publication year)

Halsbury's Laws (5th edn, 2010)

JOURNAL ARTICLES

Use the preferred abbreviation for any legal source as given in the Cardiff Index to Legal Abbreviations. For anything not listed, give that used in the journal itself or abbreviate titles using the guidance in the *Appendix to the OSCOLA guidance*.

If the publication date identifies the volume (i.e. a single volume number is used for a title throughout the year), give the date in square brackets and omit the volume number. Otherwise, give the date in parentheses (round brackets) and include the volume number. The issue/part number of a journal should only be included if every issue/part has pages numbered from 1 upwards (i.e. issues are not consecutively paginated). In such cases, include the issue number in parentheses after the volume number. For journals only available electronically, include the date you accessed the article.

Footnotes (*Publication year identifies a particular journal volume*)

Author's name as it appears on the article, 'Article Title: Subtitle' [publication year] Journal Title Abbreviation number of first page of article, page pinpoint.

¹ Paul Craig, 'Theory, "Pure Theory" and Values in Public Law' [2005] PL 440, 443.

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Craig, P, 'Theory, "Pure Theory" and Values in Public Law' [2005] PL 440

Footnotes (*Publication year does not identify a particular journal volume*)

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¹ JAG Griffith, 'The Common Law and the Political Constitution' (2001) 117 LQR 42, 64.

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Author's Surname, Initials, 'Article Title: Subtitle' (publication year) Volume number Journal Title Abbreviation number of first page of article

Griffith, JAG, 'The Common Law and the Political Constitution' (2001) 117 LQR 42

Footnotes (*E-journal with no available print version*)

Author's name as it appears on the article, 'Article Title: Subtitle' (publication year) Volume number (Issue/part number) Journal Title Abbreviation number of first page of article accessed day month year.

¹ 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.

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Author's Surname, Initials, 'Article Title: Subtitle' (publication year) Volume number (Issue/part number) Journal Title Abbreviation accessed day month year

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

COMMAND PAPERS AND LAW COMMISSION REPORTS

Footnotes

Author as it appears on the title page, *Title: Subtitle* (type of paper, Command paper series number, publication year) chapter (ch) number. Publisher, series if any (series details, year) paragraph pinpoint(s).

¹ Department for International Development, *Eliminating World Poverty: Building our Common Future* (White Paper, Cm 7656, 2009) ch 5.

² Law Commission, *Reforming Bribery* (Law Com No 313, 2008) paras 3.12–3.17.

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Author Surname, Initials, *Title: Subtitle* (type of paper, Command paper series number, publication year) chapter (ch) number. Publisher, series if any (series details, year) paragraph

Department for International Development, *Eliminating World Poverty: Building our Common Future* (White Paper, Cm 7656, 2009)

Law Commission, *Reforming Bribery* (Law Com No 313, 2008)

WEB PAGES AND BLOGS

Footnotes

Author name as it appears on the webpage, ‘Web page or blog post title’ (*Website or Blog Title*, day month year of blog post or last web page update) accessed day month year.

¹ Sarah Cole, ‘Virtual Friend Fires Employee’ (*Naked Law*, 1 May 2009) <<http://www.naked.aw.com/2009/05.index.html>> accessed 19 November 2009.

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Author Surname, Initials, ‘Web page or blog post title’ (*Website or Blog Title*, day month year of blog post or last web page update) accessed day month year

Cole, S, ‘Virtual Friend Fires Employee’ (*Naked Law*, 1 May 2009)

<<http://www.naked.aw.com/2009/05.index.html>> accessed 19 November 2009

NEWSPAPER ARTICLES

Footnotes

Author name as it appears in the newspaper, 'Newspaper Article Title' *Newspaper Title* (Place of publication, day month year of publication) first page of article.

¹ Jane Croft, 'Supreme Court Warns on Quality' *Financial Times* (London, 1 July 2010) 3.

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Author Surname, Initials, 'Newspaper Article Title' *Newspaper Title* (Place of publication, day month year of publication)

Croft, J, 'Supreme Court Warns on Quality' *Financial Times* (London, 1 July 2010)

Examples in this booklet were all taken from OSCOLA Quick Reference Guide written by the Oxford Law Faculty, in consultation with the OSCOLA Editorial Advisory Board.

EXAMPLE

This essay is an assessment of the new retirement unfair dismissal regime, introduced by the Employment Equality (Age) Regulations 2006 in October 2006,¹ to implement the UK's obligations under the age strand of the EU Framework Equal Treatment Directive.² Already, variations of the contractual retiring age following a transfer of undertakings have been challenged in *Power v Regent Security Services Ltd*.³ In the old regime the Normal Retirement Age (NRA) and the State Retirement Age (SRA), which was 65, ruled out a finding of unfair dismissal, by making access to a tribunal dependent on being dismissed before the NRA or, in its absence, the SRA.⁴ The right to request flexible working was introduced under sections 80 and 81 of the Employment Rights Act 1996⁵ and regulations 2-5 of the Flexible Working (Procedural Requirements) Regulations 2002.⁶ Parents of children under six (or eighteen for disabled children) were given the right to request flexible working arrangements.⁷ Statutory Dispute Resolution procedures were formalised under the Employment Act 2002 (Dispute Resolution) Regulations 2004.⁸ The new legislation could be criticised as unnecessary in the light of the Gibbons Review which spectacularly recommended the complete repeal of Statutory Dispute Resolution procedures stating 'complexity drives users to seek legal advice earlier with associated increased costs'.⁹ This advice was reinforced by a government consultation.¹⁰ Reinforcing this criticism in terms of the impact of the new retirement regime we can turn to a survey of 2000 plus establishments' policies, practices and preferences relating to age between November 2004 and May 2005. Of these establishments, 37% employing over half of the total number of employees had formal compulsory retirement ages for at least some of their staff.¹¹ Those more likely to have compulsory retirement ages were larger private sector organisations and the public sector. Assuming that these formal compulsory retirement ages are found to be contractually agreed, as discussed above,¹² it is likely that they will constitute the NRA for the employees they cover.¹³

1 Employment Equality (Age) Regulations 2006, SI2006/1031, reg 2.

2 Council Directive (EC) 2000/78 establishing a general framework for equal treatment in employment and occupation (EU Framework Equal Treatment Directive) [2000] OJ L303/16 art 3.

3 *Power v Regent Security Services Ltd* [2007] EWCA Civ 1188, [2008] 2 All ER 977, 987.

4 Claire Kilpatrick, 'Age, Retirement and the Employment Contract' [2007] ILJ 119, 121.

5 Employment Rights Act 1996, ss 80-81.

6 Flexible Working (Procedural Requirements) Regulations 2002, SI 2002/3207, regs 2-5.

7 J Stredwick, *Flexible Working* (2nd edn Chartered Institute of Personnel and Development 2005) 20.

8 Employment Act 2002 (Dispute Resolution) Regulations 2004, SI 2004/752.

9 M Gibbons, *Better Dispute Resolution: A Review of Employment Dispute Resolution in Great Britain* (Department of Trade and Industry 2007) 60.

10 Department of Trade and Industry, *Success at Work: Resolving Disputes in the Workplace: A Consultation* (Department of Trade and Industry 2007).

11 H Metcalf and P Meadows, *Survey of Employers' Policies, Practices and Preferences Relating to Age* (Department of Trade and Industry 2006) Table 4.2.

12 Ibid 240.

13 Kilpatrick (n 4) 120.

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Cases

Power v Regent Security Services Ltd [2007] EWCA Civ 1188, [2008] 2 All ER 977

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UK Statutes

Employment Rights Act 1996 Work and Families Act 2006

Statutory Instruments

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Flexible Working (Procedural Requirements) Regulations 2002, SI 2002/3207

EU Directives

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Department of Trade and Industry, *Success at Work: Resolving Disputes in the Workplace: A Consultation* (Department of Trade and Industry 2007)

Gibbons M, *Better Dispute Resolution: A Review of Employment Dispute Resolution in Great Britain* (Department of Trade and Industry 2007)

Metcalf H and Meadows P, *Survey of Employers' Policies, Practices and Preferences Relating to Age* (Department of Trade and Industry 2006)

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Kilpatrick C, 'Age, Retirement and the Employment Contract' [2007] ILJ 119

Books

Stredwick, J, *Flexible Working* (2nd edn Chartered Institute of Personnel and Development 2005)

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