

Referencing in Coursework: Guide to the Footnote System of Referencing

Fifth Edition

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Introduction

Why Reference?

Good academic practice requires the use of information, ideas and facts from a variety of sources to support, evidence and illustrate your work. The key difference between academic and other types of writing is that it based on traceable evidence. Therefore you must acknowledge these sources by utilising a consistent system of referencing within your work. Ignoring this convention is likely to lead to poor marks and disciplinary measures. For further information see the University's *General Regulations and Procedures Affecting Students*, available online via the University website.

There are three particular reasons for referencing:

To say thank you.

When you use something that belongs to someone else, you normally say thank you. The same principle applies when you use information and ideas too; it is just good manners!

To be academic.

One of the most significant differences between academic and other sorts of writing is that academic writing is based on evidence. If your reader cannot see your evidence, then your work is not academic.

To be traceable.

As well as being able to see that you have used evidence your reader needs to be able to go back and look at it themselves, should they want to. Therefore the reference signposts people to the bibliography and that directs them to the source. If your reader cannot go from your writing to the source, and be sure that they are looking at what you looked at, then your referencing is incomplete.

In summary, referencing:

- acknowledges the source of an idea;
- acknowledges other people's words;
- shows what you have read and what has influenced you;
- makes it clear that you are not presenting someone else's ideas or work as your own;
- provides information to allow the reader, or yourself, to find the original source;
- supports your assertions, points and arguments;
- shows your reader how well you've understood a topic by integrating all of your sources clearly; and
- is a key part of good academic practice.

Referencing Systems

The preferred method of referencing in **most law** modules is to use **footnotes** as explained in this guide and recommended by the Faculty of Business and Law. Other subjects may use the Harvard system which is explained in another guide produced by the Faculty¹. If you need further clarification check with your course team and module leaders.

¹ Annie Britton and Ros Lishman, *Referencing in Coursework: Guide to the Harvard System of Referencing* 5th edition Faculty of Business and Law, De Montfort University 2014.

Most referencing systems, including footnotes, have **two** components. The first is a reference within the text at the point where you use information from another source, this is called **citation**, and the second is the **bibliography** at the end of your work. The two are interrelated; each component is of limited value on its own and each one therefore needs equal attention.

The bibliography is an alphabetical list, by author, of all the books, journal articles and electronic sources that you have used. You do not put cases and legislation in the bibliography. You may however, supply additional lists, one for cases and another for legislation.

Choosing Sources

Academic convention suggests that

The important thing is to choose sources that give credence, authority and support to the ideas and arguments that you present. Your tutor will suggest a range of reliable sources, and this will be your starting point, but you will also be expected to look beyond the recommended reading and search out relevant information for yourself. ... There are four main sets of questions ... you can ask of any source, concerning: ²

INTERROGATING SOURCES

Relevance and bias

- To what extent is the source relevant and applicable to the assignment?
- Does the information presented give a partial or restricted view of the subject?
- How balanced and objective does the language in the source appear to be?
- Are counter-arguments to the author's own ideas treated with respect? If not, why not?

Authority

- Is the source authoritative enough to be included in the assignment? For example, is the source a credible one, e.g. a reputable publishing company or a peer reviewed journal?
- Do other authors refer to and discuss this source?
- How credible is the source to you? You can turn your own reservations into a starting point of critical enquiry about it.

Currency

- When was the source originally published? Are the ideas, practices, assumptions etc. still valid? You need to ask if the ideas expressed are a product of a particular time and place in history that no longer applies today
- Has the author revised or changed his or her views since the date of the original source? If so, when, why and how?

Scope

- How universal or general are the ideas, models or practices described in the source? Do they have a limited geographical or occupational application?
- Do the ideas in the source span a range of cultures or are they just applicable to particular groups?

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² Colin Neville, *The Complete Guide to Referencing and Avoiding Plagiarism* 2nd edition Open University Press 2010 16.

³ Colin Neville, 2010 17 Table 3.2.

A good academic will look at both the footnotes and bibliography to assess the validity and quality of a piece of academic work. So, consider the following:

- An academic source is one that has been peer reviewed, i.e. other specialists in the field have read and reviewed it, before publication. It has evidence in the form of citations in the text and/or a bibliography.
- Wikipedia is an example of a non-academic source; the information is not peer reviewed, it does not always have citations and those it does have are themselves not always reliable. Furthermore, you do not know who the authors are, so you cannot check their academic or professional backgrounds. However, this may be a good place to *start* to obtain basic information on a subject.
- When using the web, learn to read web addresses. Usually, for example, **.co** or **.com** is a commercial site, **.org** is a charity or NGO (non-government organisation) and **.gov** is a government site. Countries are also often indicated in the web address. For example, **.co.uk** is a British company, while **.gov.au** is from the Australian government site. **.ac** and **.edu** are educational institutions; **.edu** is usually from the US and can include schools; **.ac** usually denotes further and higher educational establishments and is followed by country information. Websites, like books, have their own hierarchy of authority, status and reliability.
- It is important to remember that the law in different parts of the UK varies, so be careful to check where your source is from. A Scottish source, for example, may not be relevant in England and/or Wales even though the address may include **.ac.uk**.

Referencing Sources

In your law coursework you will usually find it necessary to refer to decisions of the courts and to legislation. It is important that you acknowledge and identify these sources. The purpose of correctly citing case law and legislation is to enable the reader to clearly and unambiguously identify the source to which you are referring in your coursework. The information in your footnotes is to support and clarify the information in the text. There is no need to put the full citation in both places. See **page 11** for examples.

Case Law

The first time you refer to any case within your work, you need to cite it in full. Subsequently, you can refer to the case by the name of the parties or the common abbreviated name, for example, *Johnson v Phillips*, *Lynch*, *Infortec v Commission*, *Grobbelaar* and use the footnote to put in additional information regarding paragraph numbers, etc. See examples below, and on **page 11**.

The traditional form of referencing cases is to provide the following information:

Component	Notes
Name of Case	This should be printed in <i>italics</i> (do not underline, highlight or use different coloured ink).
Year	This should be in square brackets [1981] or round brackets (1976). Most modern law reports use a square bracket indicating that the year is an integral part of the reference. Some series adopt a system of volume numbering that runs consecutively through the series, in which case the year is in round brackets and simply indicates the date of judgement. Never change the shape of the brackets!
Volume Number	Many reports have several volumes each year, numbered 1, 2, 3, etc. In this case the year will be in [square brackets] and will be an integral part of the reference. Series which are numbered consecutively from the beginning will have the year in round brackets.
Abbreviation for the Series	This indicates the series in which the law report is published – the All England Reports (All ER) will probably be the series you use most often. See Appendix for key abbreviations. A full list of law abbreviations can be found in the University subject guide on the library pages ⁴ .
Page Number or Case Number	The page number is the number within the volume of the report where you will find the start of the case in the hard/paper copy of the report and which you will see on the database version. Since 2001 some series have started using unique numbers of each case within each year. Thus, [2001] 2 Cr. App. R. 4 is the fourth case of volume 2 of Criminal Appeal Reports 2001 (actually on page 47 of the hard copy). Recent reports also number each paragraph, so that the precise point in the case may be cited. This is especially useful if you are quoting directly from a judgement. In the past, particular passages could be identified by reference to the letter to be found in the margin of the printed report.

⁴ De Montfort University: Department of Library Services, *Legal Abbreviations and Acronyms List* (July 2007) <http://www.library.dmu.ac.uk/Images/Infolines/LegalAbbreviations.pdf> accessed 19 July 2013.

[Optional] Court	It is always important to know which court made the decision and it is good practice to develop the habit of including an indication of the court at the end of the reference. See Appendix for abbreviations.
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Examples	Notes
<i>Johnson v Phillips</i> [1975] 3 All ER 682	This is the usual form in civil cases: claimant (plaintiff) v defendant. 'v' stands for versus or against, but the case is normally referred to in speech as Johnson and Phillips.
<i>R v Lynch</i> (1966) 50 Cr. App. R. 59	A criminal case: the Crown v the defendant. R stands for <i>Rex</i> (the King) or <i>Regina</i> (the Queen). This case would normally be referred to in speech as the Crown against Lynch, or just Lynch.

Since January 2001 there has been an alternative method to reference cases introduced to cope with the growth in the number of digital reports, for example, Lexis and Westlaw. All cases from the Supreme Court, House of Lords, Court of Appeal and High Court have been assigned unique numbers to identify the case. This method also uses paragraph numbers within the case.

There are some significant differences between the citation of Scottish cases and those from the rest of the United Kingdom.⁵

European Cases

Component	Notes
Case number	Prior to 1989 there was only the European Court of Justice dealing with all issues of EU law. Cases were simply cited by number and ECR reference (for example, Case 123/70 (1970) ECR 123). From late 1989 onwards there were two courts in Europe, so a way to distinguish between them was needed. The method chosen was to insert a letter before the case number. Cases heard by the ECJ are now prefixed with a C (for example, C-123/12). Cases heard by the General Court (GC) (Court of First Instance (CFI) before December 2009) are prefixed with a T (for example, T-123/12). The Treaty of Lisbon did more than change the name of the Court of First Instance to the General Court. It determined that the name for the Luxembourg courts in general would be the Court of Justice of the European Union (CJEU). What was the ECJ is more commonly referred to as the CJ. Thus the CJEU comprises of the CJ and the GC.
Name of parties	In italics
Year of publication	In square brackets. Never change the shape of the brackets!

⁵ See D Nolan and S Meredith (eds), *OSCOLA Oxford Standard for the Citation of Legal Authorities* 4th edition Faculty of Law, University of Oxford (2010) http://www.law.ox.ac.uk/published/OSCOLA_4th_edn.pdf accessed 18 July 2013, and, Nicola Will, *Citation of Legal Authorities* Library Special Collections and Museums: University of Aberdeen (2012) <http://www.abdn.ac.uk/library/documents/guides/law/qglaw007.pdf> accessed 20 July 2013.

Law report abbreviation	There is only one official report of EU cases – the European Court Reports (ECR). Since 1989 two separate sets of reports are issued each year; one for the ECJ and the other for the GC. The correct citation needs to distinguish which volume of the law reports are being referred to. A report cited as (year) ECR-I [page number] refers to the ECJ. Reports cited (year) ECR-II [page number] refers to the GC.
Volume number/letter – Start page	The use of numbers alone does not tell the reader which court heard the case (for example, there are two different cases each numbered 123/12). The prefix C or T is therefore vital. There <i>may</i> not be a volume number if you are using an electronic version of the report, but check carefully.

Examples	Notes
C-157/90 <i>Infortec - Projectos e Consultadoria Lda v Commission of the European Communities</i> [1992] ECR I-3525	The reference shows that the case was filed with the Registrar of the ECJ in 1990 and heard by that court in 1992. The judgment appears in volume 1 of the European Court Reports for 1992 commencing on page 3525. Remember that most cases will have an Advocate General's Opinion as well as a judgment and you need to identify which you are referring to. The ECR normally prints the AG's Opinion first. Both Opinions and Judgments contain numbered paragraphs which should be used for precise citation of quotes.
<i>Grobbelaar v News Group Newspapers Ltd</i> [2001] EWCA Civ 1213	In addition to the year, the reference shows the jurisdiction, the court, the division of that court, the reference number assigned to the case by the official court shorthand writers, and a paragraph number for pinpoint referencing.

Legislation

Acts of Parliament

An Act of Parliament should be referred to by its short title, for example the Human Rights Act 1998. You might be surprised to know that the complete title of this Act is:

Human Rights Act 1998: 1998 CHAPTER 42: *An Act to give further effect to rights and freedoms guaranteed under the European Convention on Human Rights; to make provision with respect to holders of certain judicial offices who become judges of the European Court of Human Rights; and for connected purposes.*[9th November 1998] BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

It is never necessary to put this in any work. So, as long as you make it clear, this short title can then be abbreviated. Your first use would be the Human Rights Act (HRA) 1998, you can then refer to it as the HRA 1998. If you are referring to a specific section, or need additional information, you may put that in the text or in a footnote, otherwise HRA 1998 in the text would be sufficient. Do not just repeat information from the text in the footnotes. See examples on **page 11**.

The first letter of the first word of the title and the first letter of all other words except prepositions (of, by, with, etc.), article (the, a, an) and conjunctions (and, or) should be capitalised. The short title should be immediately followed by the year of the Act. The year is important since there are a number of Acts of Parliament with the same short title, for example, Criminal Justice Act 1967, Criminal Justice Act 1972, Criminal Justice Act 1994, etc.

Secondary Legislation

Statutory Instruments

Name date Serial Number.

Double Taxation Relief (Taxes on Income) (Finance) Order 1987 SI 1987/466.

Parliamentary Bills

Short title HC Bill (Parliamentary session) [Serial number].

Education (Student Loans) Bill HC Bill (1989-90) [66].

Short title HL Bill (Parliamentary session) Serial number.

Further and Higher Education Bill HL Bill (1991-92) 66.

Command Papers

The abbreviation preceding a command paper number depends on the year of publication: 1833–69 (C (1st series)); 1870–99 (C (2nd series)); 1900–18 (Cd); 1919–56 (Cmd); 1957–86 (Cmnd), 1986–(Cm).

Title (Command paper number, Year).

Royal Commission on Local Government, 1966-1969 (Cmnd. 4040, 1969).

EU Legislation

You will see the European Union (EU) referred to in different ways over time. Initially, 1957-1993, it was the European Economic Community (EEC), in 1992 it became the European Community (EC) and in 2009 it was renamed the European Union (EU).⁶

The first time you refer to EU legislation within your work, use its full title. Thereafter, you can abbreviate to the Legislation Number, for example, Council Directive 92/83/EEC.

EU Directives and Decisions

Institutional origin Form Year/Legislation Number/Institutional Treaty of Date it was passed Title.

Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structure of excise duties on alcohol and alcoholic beverages.

⁶ European Union, 'The History of the European Union' http://europa.eu/about-eu/eu-history/index_en.htm accessed 8 July 2013.

EU Regulations

Institutional origin Form (Institutional Treaty) Number/Year Date it was passed Title.
 Council Regulation (EC) No. 2078/92 of 30 June 1992 on the agricultural production methods.

EU Papers

Publishing Institution Title SEC or COM number and date of publication.
 European Commission *Report from the Commission: EU Pilot Evaluation Report* COM (2010) 70 Final, Brussels 3 March 2010.

Other Sources

Checklists of what to include in your bibliography for the most common information sources:

	Book	Journal article	Electronic journal article	Internet site	Newspaper / magazine article (hard copy)	Newspaper / magazine article (online)
Author	✓	✓	✓	✓	✓	✓
Year of publication	✓	✓	✓	✓	✓	✓
Title of publication	✓	✓	✓	✓	✓	✓
Edition	✓					
Publisher	✓					
Title of article		✓	✓		✓	✓
Issue information		✓	✓		✓	✓
Page number(s)		✓	✓		✓	
URL			✓	✓		✓
Date accessed			✓	✓		✓

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⁷ Adapted from Richard Pears and Graham Shields, *Cite Them Right* 8th edition Palgrave 2010 13.

Component	Notes
Author	This should be a named person/people, otherwise, the author will be the name of the company, organisation or newspaper/magazine. Surnames and the first name initials of all the authors should be noted. For a chapter in an edited book note the name(s) of the chapter author(s) as well as the editor(s).
Year of publication	If this is not provided, for example on some web pages, note only the most recent date that you accessed the site.
Title of publication	This is always needed and may be a journal title, or the individual titles of an organisation's web pages.
Edition	This is only for second edition and beyond. This is sometimes abbreviated to 'ed'.
Publisher	This is the publishing company and not the printers. In some instances this could be the name of the website/database.
Title of article	For journal articles you will also need the article title.
Issue Information	This could be the volume and issue number. If there is no issue number, include the date, for example, for newspapers.
Page number(s)	The number of the first page needs to be noted for journal articles and for chapters in edited books.
URL	A URL is the web address. Do not make use of redirecting sites such as TinyURL to shorten the addresses. If you use a database, such as Lexis and Westlaw, do not include the web address.
Date accessed	A note should be made of the date on which an online electronic resource was accessed.

Using Footnotes to Reference

Law students normally use footnotes to incorporate references in the text *this is called 'citation'*. Your footnotes will appear at the bottom of the page to which they refer. Each footnote should contain the information that the reader will need to find the source that you have used, including the page (or paragraph number, where relevant).

The first time that you refer to a source, your footnote should provide a complete reference. Subsequent footnotes can be abbreviated. Footnotes should be inserted either immediately after the source that it refers to, or at the end of the sentence, never at the beginning.

Case Law and Legislation

These examples come from OSCOLA.⁸

Type	UK Case
In the text example	It is well represented in the case law, perhaps most notably in the expression of the no-conflict rule advocated by Lord Upjohn in <i>Phipps v Boardman</i> ¹ and in the earlier Court of Appeal decision in <i>Boulting v Association of Cinematograph, Television and Allied Technicians</i> . ² In <i>Boulting</i> [or 'in the <i>Boulting</i> case'], Upjohn LJ said that the rule 'must be applied realistically to a state of affairs which discloses a real conflict of duty and interest and not to some theoretical or rhetorical conflict'. ³ In <i>Phipps</i> , Lord Upjohn developed his view of the rule further by adding that there must be a 'real sensible possibility of conflict'. ⁴
First footnote	¹ [1967] 2 AC 46 (HL). ² [1963] 2 QB 606 (CA).
Subsequent footnotes	³ [1963] 2 QB 606 (CA) 638. ⁴ [1967] 2 AC 46 (HL) 124.
Notes	The number at the end of the footnote is the page or paragraph number where the quotation can be found. You will find one or other of these numbers on both paper and electronic versions and they <i>must</i> be used for all quotations.

Type	UK Legislation
In the text example	This case highlights the far-reaching judicial role ushered in by the Human Rights Act (HRA) 1998. British courts must only consider Strasbourg jurisprudence: they are not bound by it. ⁵
First footnote	⁵ Human Rights Act (HRA) 1998, s 2.
Subsequent footnotes	HRA, 1998, sX. (Note - where X is the specific section referred to).
Notes	A citation in a footnote is not required if all the information the reader needs about the source is provided in the text, but it is where you have not named the Act in the text, or where you need to refer to a specific section.

⁸ D Nolan, 2010 3-4.

Other Sources

Type	Book
First footnote	Neil Parpworth, <i>Constitutional and Administrative Law</i> 6 th edition Oxford University Press 2010 38.
Subsequent footnotes	Neil Parpworth, 2010 97-98.
Bibliography	Parpworth N, <i>Constitutional and Administrative Law</i> 6 th edition Oxford University Press 2010
Notes	The book name should be in <i>italics</i> . If the book is a second or subsequent edition, this should also be included. The number at the end of the footnote is that of the page/s that you used.

Type	Book
First footnote	Trevor Buck, Richard Kirkham and Brian Thompson, <i>The Ombudsman Enterprise and Administrative Justice</i> Ashgate 2011 5.
Subsequent footnotes	Trevor Buck, 2011 26.
Bibliography	Buck T, Kirkham R and Thompson B, <i>The Ombudsman Enterprise and Administrative Justice</i> Ashgate 2011
Notes	The book used in this example has several authors.

Type	Journal article
First footnote	Jo Samanta, 'Lasting powers of attorney for healthcare under the Mental Capacity Act 2005: Enhanced prospective self-determination for future incapacity or a simulacrum?' (2009) 17 (3) <i>Medical Law Review</i> 377 379.
Subsequent footnotes	Jo Samanta, 2009 398.
Bibliography	Samanta J, 'Lasting powers of attorney for healthcare under the Mental Capacity Act 2005: Enhanced prospective self-determination for future incapacity or a simulacrum?' (2009) 17 (3) <i>Medical Law Review</i> 377
Notes	Regardless of whether you looked at the hard (paper) or electronic database version of these items, reference as the paper version. The article title is in inverted commas. In this example, the article was published in volume 17, issue 3 of the journal. The article begins on page 377 of the journal and the information referred to in the footnotes has been taken from pages 379 and 398 respectively.

Type	Electronic journal article
First footnote	Caroline Coles, 'The role of new technology in improving engagement among law students in higher education' (2009) 3 <i>Journal of Information, Law & Technology</i> http://go.warwick.ac.uk/jilt/2009_3/coles accessed 13 March 2013.
Subsequent footnotes	Caroline Coles, 2009 online.
Bibliography	Coles C, 'The role of new technology in improving engagement among law students in higher education' (2009) 3 <i>Journal of Information, Law & Technology</i> http://go.warwick.ac.uk/jilt/2009_3/coles accessed 13 March 2010
Notes	There are no page numbers for this article as there is no hard copy.

Type	Electronic journal article
	If the article has page (or paragraph) numbers, put those in, if not use online to indicate why you have no page (or paragraph) number. The article title is in inverted commas.

When reading books and journals you may see the following:

³ *Boulting* (n1) 638. – (n1) refers to a previous footnote where this case was referred to, so in this example this footnote is referring back to case information available in footnote 1, on page 638 of the case report

Or

³ *ibid* 638. – this refers to the source in the footnote immediately above this one (i.e. footnote 2), on page 638 of the case report

You can use these conventions but be sure to use them accurately; and be careful when editing your work that you remember to ensure that the footnote numbers still correlate.

Type	Internet site
First footnote	Gov.UK, 'Guide: Student Finance: Tuition Fee Loan' (10 May 2013) http://www.gov.uk/student-finance/loans-and-grants accessed 13 May 2013.
Subsequent footnotes	Gov.UK, 2013 online.
Bibliography	Gov.UK, 'Guide: Student Finance: Tuition Fee Loan' (10 May 2013) http://www.gov.uk/student-finance/loans-and-grants accessed 13 May 2013
Notes	The date that you accessed the resource is always included as well as the web address. The title of the webpage is in inverted commas.

Type	Newspaper / magazine article (hard copy)
First footnote	Robin McKie, 'Surrogacy shift will help gay men become legal parents' <i>The Observer</i> (London, 28 March 2010) 9.
Subsequent footnotes	Robin McKie, 2010 9.
Bibliography	McKie R, 'Surrogacy shift will help gay men become legal parents' <i>The Observer</i> (London, 28 March 2010) 9
Notes	The article title is in inverted commas and the newspaper title is in <i>italics</i> .

Type	Newspaper / magazine article (online)
First footnote	Robin McKie 'New surrogacy law eases the way for gay men to become legal parents' <i>The Observer</i> (London, 28 March 2010) http://www.guardian.co.uk/world/2010/mar/28/surrogacy-gay-men-legal-parents accessed 17 July 2013
Subsequent footnotes	Robin McKie, 2010 online
Bibliography	McKie R, 'New surrogacy law eases the way for gay men to become legal parents' <i>The Observer</i> (London, 28 March 2010) http://www.guardian.co.uk/world/2010/mar/28/surrogacy-gay-men-legal-parents accessed 17 July 2013
Notes	The article title is in inverted commas and the newspaper title is in <i>italics</i> .

When reading, you will find that authors quote other people. You should always try to go back to the original source, and with legal information you *must* go back to the original. However, sometimes that will not be possible, therefore, use the system as follows:

Type	Author quoting another source
Example	"...Pecorari (2003) confirms "most students will use sources inappropriately before they learn how to use them appropriately" (p342)...."
First footnote	Mary Davis and Jude Carroll, 'Formative feedback within plagiarism education: Is there a role for text-matching software?' (2009) 5 (2) International Journal for Educational Integrity 58 59 citing D. Pecorari, 'Good and original: Plagiarism and patch writing in academic second-language writing' (2003) 12 Journal of Second Language Writing 317
Subsequent footnotes	If the source is important enough to refer to more than once, find the original.
Bibliography	Davis M and Carroll J, 'Formative feedback within plagiarism education: Is there a role for text-matching software?' (2009) 5 (2) International Journal for Educational Integrity 58
Notes	In this example the first name of Pecorari is unknown so only a first name initial has been used in the footnotes. If you are referring to cases or legislation, go to the original source.

This is not an exhaustive list, but it provides the main varieties of sources that you are likely to reference in your assignment. If there is something not listed here that you need to reference in your work, please ask your tutor.

Personal Communication

A personal communication can be, for example, a letter, memo, email, fax, an interview, an informal conversation, telephone call, etc. They should be included within the text/footnote but **not** generally in the bibliography as the reference is not traceable. You should ask permission of the person before quoting them. However, this would only arise if you were doing your own empirical research which is unlikely as a Law undergraduate or on taught LLM programmes.

When referring to a personal communication remember to include:

- the author and recipient's initials and surname;
- the type of communication; and
- the exact date of the communication.

For example:

In an email to the author (23 July 2014), T Hillier stated that...

In a conversation with A Britton (25 July 2014), R Lishman confirmed that...

It is important that you consider any ethical elements that might be raised in this instance. Further guidance on **research ethics** is available on the Faculty Blackboard site with the referencing resources.

Additional Features of Referencing

Generally speaking, unless quoting legislation or judgements, you should try and put the information that you use into your own words, but still reference the original source. However, if you quote directly from sources, there may be a reason for you to modify the quotation (although this should never affect its meaning). The modifications can take a number of forms, but these conventions should be used sparingly. However, *remember*, the words of a judge should never be altered as they will have spent considerable time selecting the language used to be legally rigorous. If you were to change it you may inadvertently change the legal meaning.

Italics in Quotes

For example:

“Only use quotations *sparingly*, and for a specific purpose, *not* as a substitute for your own summary of the relevant law or the writer’s arguments.”⁹

- **Italics** provide a way to emphasise key words within a quotation.
- You should always state that you have added italics.
- If the italics were already in the quotation, you should state ‘original emphasis’.

Square brackets []

For example:

“The [result] is that referencing has become a real bugbear for many people, and worse still, students (and tutors!) often fail to distinguish between what is important in referencing and what isn’t”.¹⁰

- Anything that is within **square brackets** is indicated as **not** part of the original quote.
- You may correct sexist, racist or homophobic language.

sic

For example:

“Over the last few years, a number of psychologists have begun to look more closely at the role these kind of unconscious – or as they like to call them, implicit – associations play in our beliefs and behavior [sic]”.¹¹

- You may also see **[sic]** within quotations. This is useful when you encounter a spelling or grammatical mistake in a quote.
- You must retain the mistake in the quote but you should insert [sic] after the mistake to signal that it is the original author’s mistake and not yours.

Ellipsis ...

For example:

“For most of the second half of the twentieth century there was a very buoyant system of legal aid ... the last decade has seen almost an abandonment of ... legal aid for litigation”.¹²

- Should you need to quote only parts of a long section of text, you can use **ellipsis** (three dots) to signal that you have trimmed unnecessary material from your quote.

⁹ Steve Wilson and Philip Kenny, *The Law Student’s Handbook* Oxford University Press 2007 149 emphasis added.

¹⁰ Kate Williams and Jude Carroll, *Referencing & Understanding Plagiarism* Palgrave Macmillan 2009 9.

¹¹ Malcolm Gladwell, *Blink: the power of thinking without thinking* Penguin 2006 77.

¹² Steve Wilson, 2007 37.

Compiling the Bibliography

At the end of your written coursework you will need to present a bibliography which will be made up of references from books, journals, electronic and any other published sources that you have used. These should be alphabetically ordered according to the name of the author (surname or organisation). **Cases and legislation should not be included in the bibliography.** It is important to remember to be consistent in your referencing style.

Below is an example of a bibliography which has been created using the illustrative sources from pages 12 to 14 of this guide.

Bibliography

Buck T, Kirkham R and Thompson B, *The Ombudsman Enterprise and Administrative Justice* Ashgate 2011

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McKie R, 'Surrogacy shift will help gay men become legal parents' *The Observer* (London, 28 March 2010) 9

Parpworth N, *Constitutional and Administrative Law* 6th edition Oxford University Press 2010

Samanta J, 'Lasting powers of attorney for healthcare under the Mental Capacity Act 2005: Enhanced prospective self-determination for future incapacity or a simulacrum?' (2009) 17 (3) *Medical Law Review* 377

You could include separate case law and legislation lists but it is not usually necessary. Should you wish to list your cases and legislation, they would be in alphabetical order according to the significant name in the case or the legislation title.

Ensuring Consistency Between the Footnotes and the Bibliography

This will take very little time but it will ensure that you do not have missing entries in the bibliography. Simply work your way through the text of your assignment and whenever you come across a footnote check to ensure that the full bibliographical citation can be found in the bibliography.

In addition, before you submit your coursework, work through the following checklist:

- I have referenced all sources of information, including facts, ideas and arguments that I have used
- I have cited all sources used in my work
- All citations are complete
- All quotations are clearly indicated
- All references are complete
- I have used original sources rather than relying on lecture notes
- My bibliography lists all books, journals and electronic sources used
- My bibliography is in alphabetical order
- Another person could find my sources with the information I have provided

As a final check, when you are doing your referencing, consider whether or not another person who is not familiar with your subject could **find** the source and **access** the items. If you use a website, for example, and only reference the web address and the website is reorganised, would you or say, your flat mate or colleague, be able to find the same information again? If not then there is not enough referencing information.

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Appendix: legal abbreviations

These are the key legal abbreviations. Additional ones can be found on the University's library web pages via Subject Guides, Law, Legal Abbreviations and Acronyms List <http://libguides.library.dmu.ac.uk/content.php?pid=242489>.

Courts

Court	Division	Abbreviation
United Kingdom Supreme Court		UKSC <i>or</i> SC
House of Lords		UKHL <i>or</i> HL
Court of Appeal	Civil	EWCA Civ
Court of Appeal	Criminal	EWCA Crim
High Court	Chancery	EWHC (Ch)
High Court	Queen's Bench	EWHC (QB)
High Court	Administrative Court	EWHC (Admin)
High Court	Family	EWHC (Fam)

Note: UKSC replaced UKHL in 2009

Reports

All ER	All England Law Reports
WLR	Weekly Law Reports
AC	Law Reports: Appeal Cases
QB	Law reports: Queen's Bench Division
ECR	European Court Reports
EHRH	European Human Rights Reports
Cr. App. R	Criminal Appeal Reports

Countries

EW	England and Wales
NI	Northern Ireland
Scot	Scotland

Further Information

If at any time you are unsure about referencing conventions you can ask:

- your tutor/course team
- your subject librarian, which for Law is Marie Letzgus, mletzgus@dmu.ac.uk, see also <http://libguides.library.dmu.ac.uk/>
- CLaSS (the Centre for Learning and Study Support) in the Kimberlin Library, class@dmu.ac.uk, www.library.dmu.ac.uk/Services/LSS.

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