

OSCOLA – Legal Referencing

What is referencing?

The research one undertakes to produce essays, dissertations, reports, projects, and other forms of assignment in an academic setting requires that one consults information sources in one form or another. Referencing (also known as citing) is the practice of formally acknowledging these sources in your own writing. Each time one uses ideas, theories, arguments, or any kind of information originating from another source, one **must** refer to (or cite) the original source.

OSCOLA referencing

The **Oxford Standard for Citation of Legal Authorities (OSCOLA)** is a particular type of referencing system, developed by the Oxford University Law Faculty, for the referencing of legal materials.

The OSCOLA style uses in-text superscript note identifiers (expressed as running numbers) throughout the text that direct the reader to appropriate footnotes, where full bibliographic details of sources are provided in the first note, and brief follow-up notes provided for subsequent references to the same source.

In longer works, such as theses and books, a bibliography listing all sources is provided after the main body of the text and any appendices. Griffith College Law Department expects students to provide such a bibliography in addition to footnotes in their essays (see page 12 below for guidelines on setting out references in the bibliography).

The OSCOLA citation guide is available to download online at:
http://www.law.ox.ac.uk/published/OSCOLA_4th_edn.pdf

The OSCOLA Ireland citation guide is a version of OSCOLA adapted and amended to suit the Irish legal context. It is available to download online at:
<http://www.legalcitation.ie/page5/files/OSCOLA%20Ireland%202011.pdf>

This guide is based on the OSCOLA and OSCOLA Ireland guides. As it is intended as a quick reference guide, please refer to these guides for comprehensive instructions on OSCOLA referencing.



Why reference?

Referencing is fundamental to academic research and writing for a number of reasons, including the following:

- Referencing respects the principle of intellectual property by acknowledging the authorship (and ownership) of another person's idea, thereby avoiding **plagiarism** – a very serious violation of academic rules – and, potentially, institutional, or even legal, censure.
- In identifying the range of research sources consulted during the research process, referencing lends credibility to analysis and arguments and plays an essential role in establishing the academic quality of one's work.
- Referencing is useful, insofar as the short, standardised format of citations enables the reader to locate the sources you consulted in your work quickly and easily. As such, it not only provides a means for you to return to the sources of your research at a later date, if desired, but for others to examine these sources themselves. In this way, referencing facilitates and promotes the dissemination of ideas and the growth of scholarship.

Plagiarism is definable as: “[A] practice that involves knowingly taking and using another person's work and claiming it, directly or indirectly, as your own.”

C Neville, *The Complete Guide to Referencing and Avoiding Plagiarism* (Open University Press, Maidenhead 2007) 28.

When to reference

A citation for an original source should be given when you are referring, either directly (as a quotation) or indirectly (by paraphrasing, summarising, describing, or referring in some other way) in your writing to arguments, theories, models, facts, statistics, tables, diagrams, images, etc., sourced from any medium whatsoever, such as hardcopy or online texts, images, video or sound recordings, personal communication, or other kinds of media.

A certain kind of information, known as “common knowledge”, does not require a citation. In the academic community, there is no consensus on what exactly constitutes “common knowledge”, but, generally speaking, it is believed to consist of all those facts, ideas, opinions, phrases, etc., that are not distinctive to a particular source, are likely to be well known within the relevant discipline, and may be found without citation in five independent sources. For example, it is commonly known that Ireland has a common law legal system – there would be no need to provide a reference or citation for such a statement in your work.



If you are in any doubt about whether or not you should cite a source, always cite it.



How to reference

The following four-step method may be used to make referencing a relatively simple part of the research and writing process:

1. During the research process, accurately record all bibliographic information (i.e. author's name, title, publisher, date of publication, etc.) of all the sources consulted.
2. During the writing process, each time a citation is required, create a **footnote** in the text after the relevant punctuation in which full bibliographic details of the source are given.
3. Close the footnote with a full stop. For subsequent references to the same source, provide a brief follow-up note. See the next section below for examples of how this is done for a variety of legal sources.
4. For every footnote entry made throughout the text, create a corresponding entry in the bibliography (see below for guidelines on setting out references in the bibliography).

TOP TIP

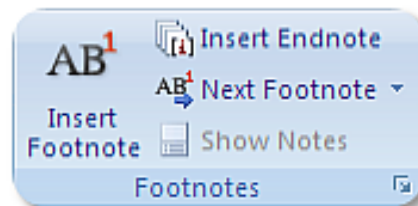


How to Create a Footnote in Microsoft Word

Select the **References** tab and in the **Footnotes** group click **Insert Footnote**.

Word inserts the note number after your current cursor location and then places the cursor next to the note number in the corresponding footnote at the end of the page.

Type the note text and double-click the footnote to return to the reference mark in the document.



Examples of OSCOLA References – Primary Sources

The Constitution

Type	Example(s)
The Irish Constitution (Bunreacht na hÉireann)	<p>Capitalise Constitution and Article, but not articles (unless referring to a specific set or range) or constitutional. Use a degree symbol ° when referring to a sub-section, e.g.</p> <p>The Constitution provides in Article 40.3.3° ...</p> <p>Other articles of the Constitution protect ...</p>

Case law: Ireland, UK, EU & other jurisdictions

Format for citing cases that include a neutral citation:
case name in italics | [year] | court | number | [paragraph number], | [year] OR (year) | volume | report abbreviation | first page.

Citing a case without a neutral citation:
case name in italics | [year] OR (year) | volume | report abbreviation | first page | (court).

Give **party names**, followed by the **neutral citation**, followed by the **Irish Reports (IR) citation**. If there is no neutral citation, just give IR citation and the court in parenthesis. If the case is not reported in the IR, cite the Irish Law Reports Monthly (ILRM) if possible. or other relevant report.



Type	Example(s)
<p>Ireland: Case citation (with neutral citation)</p> <p>Not all judgments have neutral citations. Consult the Irish Legal Institute website (www.irlii.org) for transcripts of judgments with neutral citations.</p>	<p>The first time a source is cited, provide full bibliographical information:</p> <p>1 <i>Attorney General v X</i> [1992] IESC 1 [18], [1992] 1 IR 1.</p> <p>Subsequent reference to the same source:</p> <p>4 <i>Attorney General</i> (n 1).</p> <p>Square brackets are used to indicate that the year of publication is used to identify the law report volume. If the series was issued in more than one volume during that particular year, also give a volume number.</p>
<p>Reported case (without neutral citation)</p> <p>Publication information: IR = publication title abbreviation for <i>Irish Reports</i> (see below for more on abbreviations). 36 = page number of first page of judgment. 41 = cited page number, or enclose paragraph numbers in square brackets, if judgment uses numbered paragraphs, e.g. [15].</p> <p>The year of judgment is given in round brackets when the volumes of the law report series are independently numbered, so that the year of publication is not needed to find the volume.</p>	<p>First time cited:</p> <p>2 <i>Norris v The Attorney General</i> [1984] IR 36 (SC) 41.</p> <p>Subsequent reference to the same source:</p> <p>5 <i>Norris</i> (n 2) 44.</p> <p>Unless it immediately follows the first citation without the intervention of a reference to a different work, and is taken from the same page, in which case use:</p> <p>3 <i>ibid.</i></p> <p>or, if it's the same source but a different page number:</p> <p>3 <i>ibid</i> 46.</p> <hr/> <p><i>Conway v Conway</i> (1977) 111 ILTR 133.</p>
<p>Unreported case</p>	<p>If a case is unreported but has a neutral citation, give that. If an unreported case does not have a neutral citation, give the court and the date of judgment in brackets after the name of the case, e.g.</p>



	<i>Alphonsus O'Mara, Claudia O'Mara v Van Morrison</i> (HC, 10 December 2002).
United Kingdom Case citation (with neutral citation)	<i>R. (on the application of Smith) v Secretary of State for Defence</i> [2010] UKSC 29, [2011] 1 AC 1.
Reported case (without neutral citation)	<i>C (A minor) v DPP</i> [1996] AC 1 (HL).
EU Case citation European Court of Justice (ECJ) & General Court (EGC) – previously known as the Court of First Instance	<p>Format for citing cases (ECJ & EGC): case number <i>case name in Italics</i> [year] report</p> <p>ECJ Case C – 286/06 <i>Commission of the European Communities v Kingdom of Spain</i> [2008] ECR I-8025.</p> <p>EGC Case T – 322/06 <i>Manuel José Espinosa Labella and Others v Commission of the European Communities</i> [2008] ECR II-135.</p>
Case citation European Court of Human Rights (ECtHR)	<p>Reports of Judgements and Decisions (ECHR) <i>Airey v reland</i> (1979) Series A no 32. ←</p> <p><i>Osman v UK</i> ECHR 1998-VIII 3124.</p> <p>European Human Rights Reports (EHRR) <i>Bakker v Austria</i> (2004) 39 EHRR 26.</p> <p>Unreported judgments of the ECtHR <i>A, B and C v Ireland</i> App No 25579/05 (ECtHR, 16 December 2010).</p>

Prior to 1996, the official reports were known as Series A and were numbered consecutively.

Cite either the official reports, the *Reports of Judgments and Decisions* – cited as ECHR – or the *European Human Rights Reports* (EHRR), but be consistent in your practice.

For unreported judgments of the ECtHR, give the case name in italics, the application number, and then the court and the date of the judgment in parenthesis.



<p>Case citation</p> <p>EC Commission Decisions</p>	<p>Format for citing cases (decisions of the European Commission): <i>case name in Italics</i> (case number) Commission Decision number [year] OJ L issue/first page.</p> <p>Alcatel/Telettra (Case IV/M.042) Commission Decision 91/251/EEC [1991] OJ L122/48.</p>
<p>Other jurisdictions</p>	<p>Cite cases from other jurisdictions as they are cited in their own jurisdiction, but without full stops in abbreviations. If the law report series cited does not indicate the court, and the identity of the court is not obvious from the context, you should identify the court in parenthesis at the end of the citation.</p> <p>Roe v Wade 410 US 113 (1973).</p> <p>CA Paris 10 January 1970, D 1972.122.</p> <p>Sue v Hill [1999] HCA 30, 199 CLR 462.</p>



Titles of law reports and journals are abbreviated in citations. To find commonly used abbreviations, consult the appendix of the OSCOLA citation guide, or the Cardiff Index to Legal Abbreviations website (available at <http://www.legalabbrevs.cardiff.ac.uk/>).



Legislation: Ireland, UK, EU & other jurisdictions

Format for citing legislation:

- Statutes

short title | year, | parts, sections, etc. (See section 2.3.2 of OSCOLA Ireland guide.)

- Statutory Instruments

title | year, | SI number.

Type	Example(s)
Ireland Act	Copyright and Related Rights Act 2000, s 50(1).
Statutory Instrument	Citizens Information Act 2007 (Commencement) Order 2007, SI 2007/141.
UK Act	Human Rights Act 1998, s 15(1)(b). <div style="border: 1px solid black; padding: 5px; background-color: #e6f2e6;"> <p>Pre-1963 UK statutes, and pre-1800 Irish statutes, were numbered using the year of the sovereign's reign in which the act was passed, for example: 8 Edw 7 c 59 This citation refers to the fifty-ninth statute passed in the parliamentary session that commenced in the eight year of the reign of King Edward VII.</p> </div>
Statutory Instrument	Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004, SI 2004/3166.



<p>EU</p> <p>EU treaties & protocols</p>	<div data-bbox="662 121 1534 262" style="border: 1px solid black; border-radius: 15px; background-color: #e6f2e6; padding: 10px;"> <p>Format for citing EU treaties & protocols: legislation title [year] OJ series issue/first page.</p> </div> <p>Consolidated Version of the Treaty on European Union [2010] OJ C83/13.</p> <div data-bbox="625 373 1507 514" style="border: 1px solid black; border-radius: 15px; background-color: #e6f2e6; padding: 10px;"> <p>The Official Journal of the European Union (OJ) – containing both the legislation (L) and Information and Notices (C) series – is available online at http://eur-lex.europa.eu.</p> </div>
<p>Regulations, Directives, Decisions, Recommendations & Opinions</p>	<div data-bbox="597 611 1304 730" style="border: 1px solid black; border-radius: 15px; background-color: #e6f2e6; padding: 10px;"> <p>Format for citing EU Regulations, Directives, etc.: legislation type number title [year] OJ L</p> </div> <p>Council Directive (EC) 2009/119 of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products [2009] OJ L 265/9.</p>
<p>Other jurisdictions</p>	<div data-bbox="597 961 1513 1081" style="border: 1px solid black; border-radius: 15px; background-color: #e6f2e6; padding: 10px;"> <p>Cite legislation from other jurisdictions as it is cited in its own jurisdiction, but without full stops in abbreviations. If necessary,</p> </div> <p>Victims’ Rights Act 2002 (NZ).</p> <p>Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001.</p> <p>1976 Standard Terms Act (<i>Gesetz über Allgemeine Geschäftsbedingungen</i>) (FRG).</p>



Examples of OSCOLA References – Secondary Sources

Books

Format for citing books: author, *I title in italics* | (additional information, | edition, | publisher | year).

Additional information should be of a clarifying nature, giving details of an editor, translator, etc.

Type	Example(s)
Book (one author)	<p>The first time a source is cited, provide full bibliographical information:</p> <p>6 JM Kelly, <i>A Short History of Western Legal Theory</i> (Clarendon Press 1992).</p> <p>Subsequent reference to the same source:</p> <p>8 Kelly (n 1) 415.</p> <p>unless it immediately follows the first citation without the intervention of a reference to a different work, and is taken from the same page, in which case use:</p> <p>7 <i>ibid.</i></p> <p>or, if it's the same source but a different page number:</p> <p>7 <i>ibid</i> 373.</p>
One author (subsequent/revised edition)	HLA Hart, <i>The Concept of Law</i> (2nd edn, Oxford University Press 1994).
Two to three authors	Raymond Byrne and J Paul McCutcheon, <i>The Irish Legal System</i> (5th edn, Butterworths 2009).
More than three authors	Damian Chalmers and others, <i>European Union Law: Text and Materials</i> (Cambridge University Press 2006).

The numbers at the end of the footnotes are called “pinpoints”. They identify the page number on which the quotation is found.



Edited bookTim Murphy (ed), *Western Jurisprudence* (Round Hall 2004).**Chapter in an edited book**Brian Bix, 'Natural Law Theory' in D Patterson (ed), *A Companion to Philosophy of Law and Legal Theory* (Blackwell 1996).**Journal Articles****Format for citing journal articles (hard copy):**

Author, I 'title' I [year] I journal name or abbreviation I first page of article.

Or

Author, I 'title' I (year) I volume I journal name or abbreviation I first page of article.

Journal articles only published online:

Author, I 'title' I [year] / (year) I journal name or abbreviation I web address I date accessed.

Type	Example(s)
Journal article <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> Publication information: 11 = volume number. ILT = journal title abbreviation for <i>Irish Law Times</i>. 12 = page number of first page of article. </div>	First time cited: 9 Hilary Delany, 'The Scope of Judicial Review – A Question of the Source or Nature of Powers' (1993) 11 ILT 12. Subsequent reference to the same source: 11 Delany (n 4) 14.
Journal article (only published online)	David Gwyn Morgan, 'Parliamentary Inquiries: The Context of the Joint Oireachtas Committee's Proposals' [2011] COLR 1 http://corkonlinelawreview.com/editions/2011/03/2011COLR.pdf accessed 9 May 2011.



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South Circular Road | Dublin 8

Library phone: 021-4150490 | Email: library@gcd.ie

Cove Street | Sullivan's Quay | Cork

Library phone: 021-4507027 | Email: library@gcc.ie

Parliamentary reports

Format for citing parliamentary debates:

Dáil Deb OR Seanad Deb | date, | volume, | column.

Type	Example(s)
Parliamentary debates	Dáil Deb 5 October 2005, vol 606, col 1690.
Oireachtas committees debates	<div style="border: 1px solid #ccc; border-radius: 10px; padding: 10px; margin-bottom: 10px;"> <p>Format for citing Oireachtas committee debates: Committee name Deb date, page number.</p> </div> <p>Select Committee on Enterprise and Small Business Deb 30 June 1998, 3.</p>

Official publications

Format for citing official publications:

author, | *title in italics* | (document number, | year).

Type	Example(s)
Official publications	All-Party Oireachtas Committee on the Constitution, <i>Bunreacht na hÉireann: A Study of the Irish Text</i> (Pn 7899, 1999) 286.

Law Reform Commission reports & consultation papers

Format for citing Law Reform Commission Reports & consultation papers:

author, | *title in italics* | (Commission number—year) OR (LRC CP number—year).

Type	Example(s)
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South Circular Road | Dublin 8

Library phone: 021-4150490 | Email: library@gcd.ie

Cove Street | Sullivan's Quay | Cork

Library phone: 021-4507027 | Email: library@gcc.ie

Law Reform Commission publications	<p>Law Reform Commission, <i>Legal Aspects of Family Relationships</i> (LRC 101—2010).</p> <p>Law Reform Commission, <i>Consultation Paper on Legal Aspects of Family Relationships</i> (LRC CP—2009).</p>
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Websites

Format for citing websites and blogs:
 author, | 'title' | (type of document (if relevant), | (date) | web address | date of access.

Type	Example(s)
Websites	Leslie Green, 'Legal Positivism' (Article from Stanford Encyclopedia of Philosophy, 2003) < http://plato.stanford.edu/entries/legal-positivism/ > accessed 01 September 2011.
Blogs	Fiona de Londras, 'Constitutional Renewal' (Human Rights in Ireland, 13 May 2010) < http://www.humanrights.ie/index.php/2010/05/13/constitutional-renewal/ > accessed 01 September 2011.

Newspaper articles

Format for citing newspaper articles:
 author, | 'title of article' | *title of newspaper in italics* | (city of publication, | date).

Type	Example(s)
Newspaper articles	Jamie Smyth, 'Coalition Urged to Clarify Law on Abortion' <i>The Irish Times</i> (Dublin, 6 June 2011).



Secondary referencing (second-hand references)

Type	Example(s)
Second-hand references	<p>You may wish to cite a quotation from, summary of, or reference to another author's work in the source you are reading. This is called secondary referencing and, although it is acceptable, you should try to avoid it. Always locate, read and cite the original work when possible. In your bibliography, only cite the source you have read yourself. In the example below, you would only cite Byrne and McCutcheon's book in your bibliography.</p> <p>Raymond Byrne and J Paul McCutcheon, <i>The Irish Legal System</i> (5th edn Butterworths 2009) 17 citing Robert P George (ed), <i>Natural Law Theory: Contemporary Essays</i> (Clarendon Press 1992).</p>

Quotations

- Quotations must be faithful to the original, except where it is necessary to change quotation marks from single to double, or vice versa.
- Quotations of fewer than three typed lines should be incorporated into the text within single quotation marks, and should be introduced by a comma.
- Quotations of three typed lines or more should be presented in an indented paragraph with no quotation marks (except for quotations within quotations), and should be introduced by a colon. Leave a line space either side of the indented quotation.
- When a quotation begins in the middle of a sentence in the text, capitalise the first letter if the quotation itself is a complete sentence, but not otherwise.
- When a quotation begins at the start of a sentence in the text, capitalise the first letter, and place square brackets around it if it was not capitalised in the original text.
- Use an ellipsis to indicate an omission of text within a sentence, or if the quotation ends mid-sentence. An ellipsis is indicated by ellipsis points or dots: three periods with a space before and after each period (. . .). Leave a space between an ellipsis and any text or punctuation, except quotation marks.
- Punctuation follows the closing quotation mark, unless it is part of the quotation. The superscript footnote marker comes last, after both the punctuation and the closing quotation mark.



Order of sources in footnotes & in the bibliography

- When citing more than one source in the same footnote, cite the sources in chronological order with the oldest first, separate the citations with semi-colons., and do not precede the final citation with 'and'.
- If one or more of the sources are more directly relevant than the others, cite these first, and then the less relevant ones in a new sentence, beginning 'See also'.
- When citing legislation and case law in the same footnote, cite the legislation first.
- When citing primary and secondary sources in the same footnote, cite the primary sources first.
- The bibliography should be provided after the main body of text, and entries should be arranged in alphabetical order of author surname, with unattributed works being listed at the beginning of the bibliography in alphabetical order of first major word of the title.
- Items in bibliographies take the same form as in footnotes, with three exceptions:
 1. author's surname should precede his or her initial(s), with no comma separating them, but a comma after the final initial;
 2. only initials should be used, and not surnames;
 3. the titles of unattributed should be preceded by a double em-dash.
- Example of a bibliography (using some of the sources used in the example footnotes above):

Bibliography

Attorney General v X [1992] IESC 1 [18], [1992] 1 IR 1.

Byrne R and McCutcheon JP, *The Irish Legal System* (5th edn, Butterworths 2009).

Delany H, 'The Scope of Judicial Review – A Question of the Source or Nature of Powers' (1993) 11 ILT 12.

de Londras F, 'Constitutional Renewal' (Human Rights in Ireland, 13 May 2010)

<<http://www.humanrights.ie/index.php/2010/05/13/constitutional-renewal/>> accessed 01 September 2011.

Green L, 'Legal Positivism' (Article from Stanford Encyclopedia of Philosophy, 2003)

<<http://plato.stanford.edu/entries/legal-positivism/>> accessed 01 September 2011.

Kelly JM, *A Short History of Western Legal Theory* (Clarendon Press 1992).

Law Reform Commission, *Legal Aspects of Family Relationships* (LRC 101—2010).

Murphy T (ed), *Western Jurisprudence* (Round Hall 2004).

Roe v Wade 410 US 113 (1973).

Smyth J, 'Coalition Urged to Clarify Law on Abortion' *The Irish Times* (Dublin, 6 June 2011).

