

FAQs on OSCOLA

What is OSCOLA and who uses it?

OSCOLA is short for 'Oxford University Standard for the Citation of Legal Authorities'. It is a footnote-based citation system used by Law schools across the UK and abroad, and by a number of legal journals and publishers.

What are the main features of OSCOLA?

- Superscript numbers in brackets [1] are placed in the text each time a source is used or mentioned.
- Correspondingly numbered footnotes (i.e. notes at the bottom of the same page) provide full reference details.
- OSCOLA footnotes use minimal punctuation. For example, abbreviations and initials are not followed by full stops.
- Notice, though, that there is always a full stop at the very end of a footnote.
- OSCOLA also gives guidance on how to format an end-of-text alphabetical list of sources, or bibliography.
- Always check assignment specifications to see whether you need to include a bibliography.

What are primary source and secondary sources?

- Primary sources are legal authorities such as legal cases, statutes and other legislation or official reports.
- Secondary sources - such as textbooks, journal articles, websites and policy statements - typically provide analysis of/commentary on primary texts.

So is OSCOLA suitable for all my course work?

Yes, provided your course work is for the Law school. But if it is for or with another department, you need to take care on selection of a citation style. Different academic disciplines use different referencing systems. That is why Essex departments provide very full and detailed reference guidance for their students. Be sure to look through the relevant department handbook to find out what system you should use for each item of Essex course work.

Where can I find the full OSCOLA Guide?

This leaflet shows layout for only common types of source. The full OSCOLA GUIDE is available online at www.law.ox.ac.uk/oscola

Primary Sources Lists – FAQs

Do I need to include Primary Sources Lists after my text?

- Essex Law Department's guidance on writing undergraduate essays specifies that only secondary sources be listed in your course work (assignment) bibliography.
- Course work at Masters level and above may also need to include citations in tables of cases and legislation.

How should Primary Sources Lists be set out?

- When a primary source list is required, place the list before secondary sources.
- Legislation and cases should be listed in table(s).
- Within each table, list legislation in alphabetical (not chronological) order. Statutory instruments follow statutes, and then cases.

Essex Referencing Quick Guides



- APA Style
- Chicago
- MLA
- OSCOLA
- IEEE

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OSCOLA

Referencing Quick Guide Series

Examples of OSCOLA footnote referencing

Case citation details in footnotes

- QB = Queen's Bench.
- [1977] square brackets for year denoting volume
- 966 and 88 pinpoint the exact locations of the relevant information in the primary sources

Divergent views have been expressed in the Court of Appeal on the question whether the court, in considering an application for an injunction to protect a private right, has a duty to take into account the interests of the general public.

In *Miller v Jackson*³² a cricket club committed the torts of nuisance and negligence in allowing cricket balls to land on the claimants' property. An injunction was refused by the Court of Appeal. The public interest in enabling the inhabitants to enjoy the benefit of outdoor recreation prevailed over the claimants' private right to quiet enjoyment of their house and garden. But in *Kennaway v Thompson*,³³ where the claimant sought an injunction to restrain a motorboat racing club from committing a nuisance by excessive noise, the Court of Appeal granted the injunction, holding that the rights of the claimant should not be overridden by the interests of the club or of the general public.

³² [1977] QB 966
³³ [1981] QB 88.

Taken from:
 Jill Hanbury,
 Hanbury & Martin:
 Modern Equity
 19th edn Sweet
 & Maxwell 2012,
 25-010

Case citation details in-text

- Case names are in italics
- The case name is given in the text, so is not repeated in the footnote

Multiple citations in one footnote

- Separate items with semi-colons
- Arrange in chronological order
- (DC 12 September 1956) round brackets for year or date the case was heard
- NB If one item is more significant, place first. Put others in a separate sentence beginning "See also:"

⁴⁵*Berk v Hair* (DC 12 September 1956); *New Zealand Shipping Co Ltd v Satterthwaite (AM & Co Ltd (The Eurymedon))* [1975]; *R v Leeds County Court ex p Morris* [1990] QB 523 526-29.

The principles of duty of loyalty and duty to avoid conflicts of interest are well represented in the case law, most notably in the expression of the no-conflict rule advocated by Lord Upjohn in *Phipps v Boardman*,³³ and in the earlier Court of Appeal decision in *Boulting v Association of Cinematograph, Television and Allied Technicians*.³²

In the *Boulting* 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'.³³ In *Phipps*, Lord Upjohn developed his view of the rule further by adding there must be a 'real sensible possibility of conflict'.³⁴

³¹ [1967] 2 AC 46 (HL).
³² [1963] 2 QB 606 (CA).
³³ *Boulting* (n16) 638.
³⁴ *Phipps* (n 31) 124.

■ LJ = Lord Justice.

Short quotations

- Up to 3 lines can be in the text, within single quotation marks

Long quotations

- Use indentation not quotation marks
- Put an extra line before & after the quotation to clearly separate it from your own words.
- 3 dots ... show that you have cut some words from the original sentence at this point
- [Square brackets] show a small - usually grammatical - change to the original

Lord Radcliffe stated the position as follows:

...[T]here is no precise formula that will determine the extent of detail called for when a director declares his interest or the nature of his interest. ... His declaration must make his colleagues 'fully informed of the real state of things' ... If it is material to their judgement that they should know not merely that he has an interest but what it is and how far it goes, then he must see to that they are informed.¹⁶

It is this last sentence which is most important of the current discussion because it reveals

- HL = House of Lords
- CA = Court of Appeal

Repeat citations

- Footnote 33 refers back to footnote 16
- Footnote 33 can also be written: *ibid* 638
- *ibid* = in the same place

Legislation
 In this example, legislation details are given in the text, so no footnote is needed

This case highlights the far-reaching judicial role ushered in by the Human Rights Act 1998.

In this example, legislation details are given in the footnote

British courts must only consider Strasbourg jurisprudence: they are not bound by it.¹

¹ Human Rights Act 1998 s2.

Examples showing footnote layout compared to bibliography layout for secondary sources

Footnote 'pinpoint' information
 ch = chapter
 art = article
 vol = volume
 para = paragraph
 pt = part
 s = section

Footnote author names are exactly as printed on the source title page

Bibliography entries do not need pinpoints

Authors are listed by surname first

(2009) round brackets for year of publication when volume number also given

4(5) = volume (issue)

No name?
 Then start the bibliography entry with a double em-dash (--)

Book	
Footnote	Mark P Thompson, <i>Modern Land Law</i> (2nd edn, OUP 2012) ch 3, 260-1.
Bibliography	Thompson MP, <i>Modern Land Law</i> (2nd edn, New York: Oxford University Press 2012).
Journal article	
Footnote	Barry Bozeman, 'Public values theory: Three big questions' (2009) 4(5) <i>IJPP</i> 369, 372.
Bibliography	Bozeman B, 'Public values theory: Three big questions' (2009) 4(5) <i>International Journal of Public Policy</i> , 369.
Encyclopaedia	
Footnote	Halsbury's <i>Laws</i> (5th edn, 2010) vol 57, para 53.
Bibliography	-- Halsbury's <i>Laws</i> (5th edn, 2010).
Newspaper article	
Footnote	'Reform the Lords', <i>Times</i> (2 Aug 2013) 12.
Bibliography	-- 'Reform the Lords', <i>Leading Article</i> , <i>Times</i> (London 2 August, 2013) 12.
Website or blog	
Footnote	Sara Cole, 'Virtual Friend Fires Employee' (<i>Naked Law</i> , 1 May 2009) <www.naked.law.com> accessed 26 July 2016
Bibliography	Cole, Sarah 'Virtual Friend Fires Employee' (<i>Naked Law</i> , 1 May 2009) www.naked.law.com. accessed 26 July 2016.