Introduction to OSCOLA Referencing

Hints & Tips

Learning and Research Support Team
Library & Information Services
Why Reference?

• Acknowledge the work of other writers
• Demonstrate the body of knowledge on which your work is based
• Enable the reader to easily locate the sources quoted
• Avoid accusations of plagiarism
What is plagiarism?

“Plagiarism is a specific form of cheating defined as presenting someone else’s work or ideas as your own”

R Pears and G Shields, *Cite them right: the essential referencing guide* (8th edn, Palgrave Macmillan 2008)
Some Tips to avoid Plagiarism

• Always note down the full details of the source when taking notes – difficult and time consuming to trace later
• Use quotation marks when directly stating another person’s words
• Acknowledge the sources you’ve used by citing them in your work and having a reference list at the end
• Use your own ideas & words
• Make sure you understand what paraphrasing is
What is Paraphrasing?

“When you paraphrase, you express someone’s writing in your own words, usually to achieve greater clarity.”

R Pears and G Shields, *Cite them right: the essential referencing guide* (8th edn, Palgrave Macmillan 2008)
Quoting and Paraphrasing

- Smith believes that “As teachers we recognise the complex nature of plagiarism”
- Footnote=1. I Smith, Different in similar ways (TSO, 2005) 94

- Smith concluded that due to the complexity....

When paraphrasing make it clear that the words or ideas are not your own.
OSCOLA

- Numeric references and footnotes system
- Very sparing use of punctuation
- Extensive use of legal abbreviations
Footnotes

1. Insert a footnote marker after the full stop at the end of the sentence or after the word or phrase to which it relates.
2. At the bottom of the page, note the footnote number and give the full citation.
3. End the footnote with a full stop.

Footnotes

An alternative view was suggested by Clarkson, and most recently by Behan and O'Donnell.

Footnotes


Case citation

James v Eastleigh BC [1990] 2 AC 751 (HL)

- Names of the parties
- Year of law report
- Volume number in which the case is reported
- Abbreviation for law report title
- Page number or case number
- Court
All judgments in the High Court and above are now assigned a unique “neutral citation” by the court which helps identify cases which have been published on the Internet even when they have not been reported in a law report series.
Cases: authority

- Some law publications are more respected than others
- Always cite the most respected:
  1) The Law Reports (AC, QB, Ch, Fam)
  2) Weekly Law Report
  3) All England Law Reports
  4) Specialist law reports, for example Lloyds Law Reports, Industrial Cases Reports, Reports of Patent Cases, Criminal Appeal Reports
  5) All journal and newspaper reports are summaries, so should only be cited if the decision is not available in a full text report.
Neutral citations for cases after 2001

Cite the parties, year of the judgment, the court and the case number, followed by details of the citation from the best available published report, with a comma to separate

e.g.
Arkin v Borchard [2005] EWCA Civ 655, [2005] 1 WLR 3055
R v Dunlop [2006] EWCA Crim 1354, [2007] 1 WLR 1657
Task answer

• Mirvahedy v Henley [2003] UKHL 16, [2003] 2 AC 491
Legislation

• Short title of Act or Statutory Instrument
e.g. Access to Justice Act 1999

• Use pinpoints to section, clause or paragraph
e.g. Access to Justice Act 1999 s 14(2)(b)

If citing in the text, do not create a footnote
Task answer

• Animals Act 1971 s2
• OR
• 1971 c. 22 s2

Pinpointing to pages 47-49:

C M V Clarkson, *Criminal Law: Text and Materials* (Sweet & Maxwell 2007), 47-9
English Law

Third Edition

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Task answer


Pinpointing to page 36:
THE MODERN LAW REVIEW

Volume 66  November 2003  No 6

The Constitutional Limits of Judicial Activism:
Judicial Conduct of International Relations and Child Abduction

James Young*

Judges are increasingly visible in their participation in activities off the bench. This may create difficulties in drawing the line between their duties in court and their other activities. However, if judges are not acutely aware of the importance of this line their extra-curial activities may interfere with their judicial duties. This considers the failure to observe the importance of this differentiation of international child abduction. It is argued that some judges...

* Cardiff Law School. Thanks to my friends and colleagues David Campbell and to anonymous referees, for their valuable and positive comments.


2 Named after Lord Kilmuir LC, but abolished by Lord Mackay LC in 1987. They are reproduced with a comment by A. W. Bradley in [1986] PL 383.

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Library & Information Services
Task answer

Cross-referencing

5. Clarkson (n 3) 50.
Finally

- Only with practice will you master these skills
- See “Referencing” on the LibGuide for Law
- Help is always available so please ask
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