



UNIVERSITY of the
WESTERN CAPE



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FACULTY OF LAW

Referencing and Style Guide for Graduate Students

Students are required to read their manuscripts very carefully, and to check them carefully against this reference guide.

1 Style

1.1 Type

Italics are used only for emphasis, for case names, names of journals and titles of books, and for web sites and other electronic references. They are also used to indicate paragraphs in legislation, as in s 34(1)(a). Italics are *not* used for foreign words. All italics in direct quotations are reproduced, however.

1.2 Headings

Main headings are in caps. (e g '1 INTRODUCTION').

Subheadings and further sub- divisions are in sentence case (e g 1.1; 1.2; 1.1.1; 1.1.2)

1.3 Lists

Bullet points may be used for any list, and should be used particularly where the list consists of phrases as opposed to full sentences. Full sentences should start with a capital letter and end with a full stop. Phrases may, however, begin with lower case and end with a semi-colon (and a full stop right at the end of the list).

Lengthy items consisting of whole sentences or several sentences may appear in numbered lists (using (a), (i) or whatever seems appropriate). Such items always begin with a capital letter and end with a full stop.

Use 'first' (not firstly); thereafter 'secondly', 'thirdly'.

1.4 Spelling and capital letters

Use the 's' form of English spelling: recognise, emphasise, analyse, realise. Students should ensure that they use the 'UK English' spell check.

Capital letters are used only where essential, i.e. in all proper names (South Africa, Constitutional Court) and by tradition for a few other things, such as, Act, President (of the country), Parliament and the Constitution (in the sense of a particular document; otherwise lower case).

Capital letters are *not* used for court, appeal court, judge, judge of appeal, committee, board, council, municipality, province, premier, etc. (When in doubt, use lower case.)

1.5 Numbers, dates, percentages, currencies

Use words for all numbers between one and ten and for all approximations (about two hundred years, a thousand ways).

Numbers higher than ten are in figures. All numbers in tables and graphs are in figures. So are ages (5 years old), percentages (use the words ‘per cent’ in the text (10 per cent), and only use the figure % in tables), and measurements and quantities and amounts (6 cm, 40 km, R5 million). It is advisable also to use figures where a lot of numbers appear in a piece, as a consistent style looks better. A space (not a comma) is used in large numbers, as for instance in 42 567. Where a ‘rands and cents’ figure is used, the cents should be connoted by a dot (R456.45). For other currencies, use US\$, £, €.

A sentence should *never* begin with figures.

Dates and centuries: on 4 July 1978; in the 1980s (*not* 1980’s – there is no apostrophe); in the twentieth century.

1.6 Quotations

Quotations are reproduced exactly, including all original italics and original punctuation.

Quotations appear in single quotation marks. Quotations within quotations appear in double quotation marks.

Short quotations appear as part of the text. Long quotations, i.e. quotations of more than three lines **or** more than one sentence, are isolated from the text by being indented from the margin. It is permissible to isolate a shorter quotation for emphasis.

Whenever a quotation is introduced with a colon, the quotation itself should begin with a capital letter (using square brackets to indicate an alteration where necessary). If no colon is used, the quotation should start with lower case. Where the quotation begins with a capital letter, the closing full stop should normally appear inside the closing quotation mark. But if the quotation forms part of the larger sentence, the full stop should appear after the closing quotation mark.

Ellipses need not be used at the start of a quotation but must be used in the middle and at the end of a quotation to indicate missing words. Use three dots for any missing word/s and a fourth dot to show any

missing full stop. (The placement of the dots indicates where the full stop appeared, so it will be or)

Square brackets are used for all changes and interpolations.

2 Referencing

2.1 Cases

Broad (Pty) Ltd v Thin 2008 (4) SA 456 (SCA)
Ex parte Stoter [1996] 4 All SA 329 (E)
Harris v Minister of Education 2001 (8) BCLR 796 (T)
Franks v University of the North (2002) 22 ILK 1158 (LC)
S v Martin 1996 (2) SACR 378 (W)

All case titles are to appear in italics.

The case name and citation should be given in full and exactly as it appears in the relevant law report

Paragraph references or page references (with marginal letters) may be given.

If the case is not reported in a published set of law reports, provide some form of citation for the purposes of reference. This could be a JOL or JDR citation, or a neutral citation used by the courts and Southern African Legal Information Institute (SAFLII).

With the proliferation of electronic databases and neutral citations, there is less and less call to refer to a case as being unreported. However, where it is necessary to do so, use the following, the date being the date of judgment:

Dlamini v Jacobs (NPD) unreported case no 98/05 (3 August 2006).

2.2 International Law Reports

International Court of Justice Reports cited as ICJ Rep. Year as on spine of ICJ reports. Provide page on which case begins, and page cited, if necessary. If an advisory opinion, do not cite names of parties.

Examples:

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v US) (Merits) [1986] ICJ Rep 14 92

Corfu Channel (UK v Albania), (Merits) [1949] ICJ Rep 4.

Interpretation of Peace Treaties with Bulgaria, Hungary and Romania (Advisory Opinion) [1950] ICJ Rep 65 68.

Permanent Court of International Justice cited as PCIJ. These were published in six series (A to F). Cite by number of the case, not the page on which the case begins.

Examples:

Chorzow Factory (Germany v Poland) (Jurisdiction) [1928] PCIJ (ser A) No 178.

Diversion of Water from the Meuse (Netherlands v Belgium) [1937] PCIJ (ser A/B) No 70 7.

United Nations Reports of International Arbitral Awards

Trail Sineltre Arbitration (US v Canada) (1938 and 1941) 3 RIAA 1905.

2.3 Books

When a book is referred to, the author/s' name/s must be given as follows in both the footnotes and the bibliography: Smith JD, *not* John D Smith or Smith John D.

In a *reference* the co-authors of any work (book, article, chapter, whatever) take an ampersand: Smith & Dlamini. Cite up to three authors: Smith, Dlamini & Pillay. Thereafter use 'et al'. When referring to authors in an ordinary sentence the ampersand is not used: 'Smith and Dlamini believe that . . . '.

If the named person is the editor, then the abbreviation (ed) or (eds) must appear after the name.

Book titles take the title case and appear in italics.

If the book is in an edition after the first, the number of the edition must appear after the title: 2 ed, 3 ed, 4 ed – but not 2nd or 3rd ed. If it is the first edition of the book, then no edition need be referred to; it will be assumed that it is the first edition.

The year of publication must appear in brackets after the title (first editions) or edition.

The precise page number where the authority was found comes next, if necessary. If the book operates by paragraphs or sections (to be connoted by 'para'), then this will be a sufficient reference. If it is necessary to refer to both paragraph/section and page, then do so as follows: para 27 160. This latter method should be used only where absolutely necessary. Where the reference is generally to a chapter in the book, this should be indicated by the abbreviation 'ch' (unless the word chapter starts the sentence, in which case it must be in full).

Examples:

In footnotes

Smith JD & Dlamini S *Hand's Law of Arbitration* 5 ed (2006) 115.

Boberg PQR *The Law of Delict: Aquilian Liability* (1984) ch 3.

In bibliography: similar, but omit page number and add publisher and place, for example:

Boberg PQR *The Law of Delict: Aquilian Liability* (1984) Cape Town: Juta

2.4 *Chapters in books*

Where an author refers to a chapter in a book written by a specific author (most commonly in a book constituted of chapters by experts on a common theme, and which have been collected and edited by a general editor or editors), then both the chapter and the book must be referenced in full when the work is cited.

The author must be referred to exactly as indicated above, and the titles of chapters in collections are always in sentence case and roman. The book is to be cited as above.

Example:

Bear M & Bear D 'Too hot, too cold, just right?' in Goldilocks M (ed) *The Politics of Cookery* 3 ed (2004) 23–7.

In the bibliography, the page numbers must be omitted, and replaced with publisher and place of publication.

Some works (especially *LAWSA* and looseleaf books) can give problems. Try to follow this style:

Kerr AJ 'Lease' in Joubert WA (founding ed) *The Law of South Africa* vol 14 First Reissue (1999) para 164.

Bloggs J 'Executive government' in Woolman S et al (eds) *Constitutional Law of South Africa* 2 ed (Service 12) 6-18.

2.5 *Journal articles*

The name of the author(s) must appear as indicated for the author/s of a book.

The title of the article must appear in sentence case, in roman, and within single inverted commas.

The year (in brackets) the volume (where relevant) and the title of the journal must be supplied. The title of the journal must be in italics.

The names of well-known journals (such as *SALJ*) should be abbreviated. Otherwise *LJ*, *LR* and other abbreviations may be used.

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Examples:

Dube J 'The new Consumer Protection Act: An introduction' (2002) 119 *SALJ* 700 725.

Moyo SP 'The decline and fall of constitutionalism' (1998) 23 *SAJHR* 456.

Where the periodical carries no volume number, the year is not placed in brackets, eg 2006 *Acta Juridica* 43; 2003 *TSAR* 89; 2004 *Annual Survey of South African Law* 776.

The above referencing style is followed for references to journal articles in footnotes. In the bibliography the first and last pages of the article must be included.

2.6 *Theses*

Brown M *South African Theories of Justice* (unpublished LLM thesis, Rhodes University, 2001) 334.

2.7 *Newspapers*

Jones A 'Nuclear reactor in trouble' *The Star* 24 May 2005 2.

2.8 *White papers, etc*

The *White Paper on Energy Policy* (GN 3007 in GG 19606 of 17 December 1998).

The 'National Policy on HIV/AIDS for Learners and Educators' (published in GG 20372 of 10 May 1999).

2.9 *Law Commission papers*

South African Law Commission Issue Paper 20 (Project 123) *Protected Disclosures* (2002) para 3.

South African Law Commission Discussion Paper 107 (Project 123) *Protected Disclosures* (2004) para 56.

South African Law Commission (Project 123) *Report on Protected Disclosures* (2007).

2.10 *Reports and policies of governmental bodies*

Use the governmental body as the 'author' and list title and year as if it were a book. In the bibliography, add publisher and place (as if it were a book).

Ministry for Provincial Affairs and Constitutional Development *White Paper on Local Government* (1998) 25.

International Organisation for Migration *World Migration Report 2010 - The Future of Migration: Building Capacities for Change* (2010) 22-29.

In bibliography:

Ministry for Provincial Affairs and Constitutional Development *White Paper on Local Government* (1998)
 Department of Constitutional Development: Pretoria.

International Organisation for Migration *World Migration Report 2010 - The Future of Migration: Building Capacities for Change* (2010) International Organisation for Migration: Geneva.

2.11 *The Constitution*

The new long citation (used when referring to the Constitution for the first time) is simply Constitution of the Republic of South Africa, 1996. The interim Constitution remains the Constitution of the Republic of South Africa, Act 200 of 1993.

2.12 *Legislation*

In the first reference give the short title, number and year of a statute without any punctuation: the Judicial Service Commission Act 9 of 1994. Thereafter variants may be used: the Judicial Service Commission Act, the Act, Act 9 of 1994.

Use abbreviations for sections, subsections, paragraphs and subparagraphs, but never at the start of a sentence: chapter = chap, section = s, sections = ss, subsection = subsec, paragraph = para, subparagraph = subpara, article = art. (Plurals: subsecs, paras, subparas, arts.)

Use italics as shown to avoid confusion: s 45(2)(b)(i)(aa).

Schedules: 'in terms of Schedule 4 to the Act' (capitals), but 'according to the schedule' (lower case).

2.13 *Delegated legislation*

A proclamation is cited as follows: Proc R46 GG 24567 of 31 January 2003.

Regulations are cited by referring to the notice in which they appear, eg the Road Accident Fund regulations in GN 232 GG 24568 of 1 February 2003. A regulation is abbreviated to reg, as in reg 5(1) (but not at the start of a sentence).

Some pieces of delegated legislation should be abbreviated, others not:

Government Notice = GN
 General Notice = General Notice
 Proclamation = Proc
 Provincial Notice = Provincial Notice
 regulation = reg

If unsure whether you are dealing with a proclamation, a government notice or a general notice, consult the list of contents on the back page of the *Government Gazette* in question or check Juta's annual index to the *Government Gazette*.

2.14 *Treaties and Conventions*

Provide the ILM reference, if available. Alternatively, provide the UNTS reference or the full UN or OAU or EU reference.

Examples:

Vienna Convention on the Law of Treaties, 1969 (1969) 8 ILM 679.

OAU Convention for the Elimination of Mercenaries in Africa, 1972 OAU Doc. CM/433/Rev.L, Annex 1 (1972)

International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 1989 United Nations General Assembly Resolution 44/34 (1989).

2.15 *Internet references*

Where an internet reference is to be used, it must appear as follows:

Bringardner J 'IP's brave new world' available at <http://www.law.com> (accessed 12 May 2008).

Stick BIG 'Time to bring back the death penalty?' *The Star* 24 May 2005 2 available at <http://www.thestar.com/arts/wed> (accessed 23 February 2009).

NB: the URL must appear in italics and must be underlined.

2.16 *Footnotes*

Use the referencing format indicated above.

Do not use: *ibid*, *item*, *op cit*, *loc cit* and *supra*. The following options are available for multiple references to a work:

- *repeat* full reference, or
- use *acceptable* abbreviation for the title of the work, or
- state author(s), year and page.

Example:

First reference to work:

Du Toit F *South African trust law: Principles and practice* 2ed (2007) 81 (hereafter *South African trust law*).

Thereafter:

Du Toit F *South African trust law* (2007) 82.

or

Du Toit F (2007) 82.

This approach can also be adopted for articles and cases.

2.17 Bibliography

Create categories for the various kinds of materials. List contents for category in (author) alphabetical order. Add place of publication and name of publisher for books and similar works.

Create as many categories as are required (in alphabetical order), and do not use all-inclusive categories. Common categories include: Books; chapters in books; articles; cases (with different jurisdictions in alphabetical order); legislation (with different countries in alphabetical order); treaties and conventions; internet sources; newspaper articles.

Example:

Robinson OF, Fergus TD and Gordan WM *An Introduction to European Legal History* (1985) Abingdon: Professional Books Limited.

2.18 Miscellaneous

A name should appear in full before any acronym is used for it. However, this does not apply to acronyms that are very well known, such as, NGO and UN and US.

If at all possible, avoid starting a sentence with an acronym or any other kind of abbreviation.

Where an entire sentence appears in parentheses, the full stop is placed *inside* the second closing bracket. (Here an entire sentence is bracketed.)

When giving starting and ending page numbers and paragraph numbers, chop off the unnecessary ones: thus 34–5 and not 34–35. Care must be taken with ‘teens’: it is 514–15 not 514–5. However, with ‘ones’ it is correct to say 20–1, 400–1 and so on.

[Approved by LHD 2012/6 dated 18 July 2012]