OSCOLA (Law) Referencing

What is referencing?

Referencing is a standard method of acknowledging the sources of information you have consulted in compiling your assignment. Anything – words, figures, graphs, theories, ideas, facts – originating from another source and used in your assignment must be referenced (i.e. acknowledged).

In your assignment (e.g. essay, seminar paper, dissertation, project, etc.) you must provide the reader with precise information pertaining to every source referred to in your written work or consulted as part of your research.

> **NOTE:**
> The information and examples contained in this guide are chiefly derived from the Oxford University online guide to OSCOLA, available at:
> http://www.law.ox.ac.uk/publications/oscola.php

What is OSCOLA Referencing?

The Oxford Standard for Citation Of Legal Authorities (OSCOLA) is a specific style of referencing, developed by the Oxford University Law Faculty for the referencing of legal materials. OSCOLA referencing uses **numeric references** embedded within the text, which are linked to **footnotes** that contain the full details of the cited source. This guide provides students with a brief introduction to OSCOLA, with examples of the most commonly used source-types provided on the following pages. For further details and examples, students should refer to the official OSCOLA guide, available online at: http://www.law.ox.ac.uk/publications/oscola.php.
All Law students within Dublin Business School are required to use the OSCOLA referencing format in their assignments.

Why reference?

Referencing is a vital part of academic research and writing. There are several reasons why it is so important, some of which are listed below:

- To avoid plagiarism
- To back up your argument(s)
- To establish credibility
- To verify your research and quotations
- To provide your reader with the details needed to source the original documents, etc. used in your research

> **HOW TO CREATE A FOOTNOTE:**
> **(IN MICROSOFT WORD 2007)**
> • When you have reached a point in your text when you want to insert a numeric reference, go to the **References tab** and click **Insert Footnote**.
> • Word inserts the note number and then allows you to type the full reference in the corresponding footnote at the bottom of the page.

What is plagiarism?

Plagiarism is defined by the College as the act of presenting the work, written or otherwise, of any other person, including another student or institution, as your own. The only way to use another person's work without committing plagiarism is to fully and precisely reference the original author(s) in your own work.

You must cite and reference all materials, including both print and electronic, which you have used or presented in your own work. Whether you use another author's words directly or you summarise someone else's ideas and write about them in your own words, you must cite and reference the original work in your assignment. Not to do so would be an act of plagiarism. Please follow the examples detailed in this guide to ensure you cite and reference correctly in all your assignments.

What about common knowledge?

Widely known information or facts such as names, events and/or dates do not always have to be referenced. This is known as common knowledge. For example, it is commonly known that Neil Armstrong was the first man to walk on the Moon in 1969, thus there is no need to cite or reference such a statement in your work.
If you are in doubt over whether or not something is common knowledge, cite it!

How to reference: a three-step process

There are 3 basic steps to citing and referencing throughout your research and writing:

1. **Record the details of all materials used in your research and reading as you go along** – this will ensure you have all the requisite information to create your citations and references when you begin writing your assignment.
2. Create a **footnote citation** every time you use or refer to someone else's lork within your own assignment
3. Build your **bibliography** as you go along – it should be in alphabetical order and contain every source footnoted within your assignment.

Types of use

Direct Quotation

1. Direct quotes should be used sparingly and only when relevant to your argument. Short and long quotes are treated differently.
2. **Short quotes** (3 lines or less) should be contained within the main body of your text and enclosed within single quotation marks. The numeric reference should be placed at the end of the quote (after punctuation) or sentence, with the corresponding footnote listed at the **bottom of the page**.

   > **Example**
   >
   > Ryan states that although the 1937 constitution is a product of its time, it 'has tracked at least some of the major changes that have occurred in Ireland in the intervening period.'[6]
   >
   > [6] FW Ryan, Constitutional law (Thomson Round Hall Nutshells, 2nd edn Thomson Round Hall, Dublin 2008, 3)   **Page Number**

3. **Long quotes** (3 lines or more) should be entered as a separate paragraph from the main body of your text. The quotation should be a double-indented, single-spaced paragraph. Quotation marks are not required.

   > **Example**
   >
   > Cooke describes the primary objectives of tort law:
   >
   > > Tort law has two main objectives: compensation and deterrence. It is generally thought that tort law normally has no punitive function and that this job is performed by the criminal law. There are very limited circumstances, though, where exemplary damages may be awarded in tort and these do have a punitive function. The fact that the judiciary has kept the award of this type of damages within such narrow parameters means that they are wary of tort law performing this function.[4]
   >
   > [4] P Cooke, *Law of tort* (8th edn Pearson Education, Harlow 2007) 12.

4. If you omit a section of a quote, place three dots (...) in place of the removed text.
5. If you want to explain a section of the quote in more detail (with your own words), your comments should be placed within the main body of your text, not within the quotation, or in the footnote.

Paraphrasing

1. Paraphrasing is re-writing or re-stating another person's idea or argument in your own words, rather than using a direct quote.
2. You must always cite (including page number) and reference the original material when you paraphrase another writer's work.
3. Paraphrasing is often more appropriate than a direct quote as it does not disrupt the natural flow of your own writing style.

   > **Example**
   >
   > Ideals of individual freedom and rational human behaviour had gained significant prominence by the nineteenth century and these ideals strongly influenced the development of contract law in England at this time.[44]
   >
   > [44] RJ Friel, *The law of contract* (2nd edn Round Hall, Dublin 2000) 6.

Summarising

1. Summarising is different to paraphrasing. When you summarise something you create a brief synopsis or list the main points of another piece of work without providing minute detail of the arguments or ideas portrayed in that work.
2. As with quotations and paraphrasing, you must always cite (no page number needed) and reference the original author(s).

   > **Example**
   >
   > Friel's work on contract law presents a clear and concise account of the practical implications of contract law as well as the underlying conflicts and controversies of this area.[58]
   >
   > [58] RJ Friel, *The law of contract* (2nd edn Round Hall, Dublin 2000).

Secondary referencing

1. If you are reading a source by one author and they cite or quote work by another author or a case, you may in turn cite or quote the original work/case.
2. In such instances, you use the word "citing" in your footnote to refer to both sources in this order: **the source you've consulted** (first) | **original source** (second).

   > **Example**
   >
   > [12] Andrew Ashworth 'Social Control and "Anti-Social Behaviour": The Subversion of Human Rights' (2004) 120 LQR 263, 276, citing Clingham v McCann [2003] 1 AC 787 [83] (Lord Hope of Craighead).

3. In your final reference list/bibliography, you should only add the source that you referred to directly.
4. Although secondary referencing is acceptable, ideally you should try to locate and read the original work in order to confirm and critically evaluate the point or issue being referred to in the secondary source.

Fair Use or Copyright Infringement?

- It is important to note that extensive use (either quotes or paraphrasing) of another person's work can constitute unfair use and be deemed a case of copyright infringement.
- Therefore, although you may reference everything correctly you may still commit an act of plagiarism if your assignment is made up of a significant amount of another person's work.
- **Your assignment should be your own thoughts and words** based on a critical analysis of the ideas, theories, discussions and arguments that you have researched and read.

BOOKS

Format of book reference (for both footnote and reference list):
Author, *Title in Italics* (series title, edition publisher, place date) page.

Type	Example
Book - single author	**Body of text:** ...a significant influence on the development of legislation in this area.[59] **Footnote:** [59] PA McDermott, *Contract law* (Butterworth Ireland, Dublin 2001) 251.
Book – two to three authors	[66] Eric Barendt and Leslie Hitchens, *Media law: cases and materials* (Longman Law Series, Longman, Harlow 2000). ⟶ *Series title*
Book – four or more authors	[40] Roy Goode and others, *Transnational commercial law: international instruments and commentary* (OUP, Oxford 2004).
Book - editor	[50] A Kerr (ed), *Employment equality legislation* (Round Hall Annotated Legislation, Round Hall, Dublin, 2001). **Note:** If the book is a **translation** use '(tr)' for translator in place of '(ed)' for editor.
Book – chapter in an edited book	[74] D Cahill, 'European law, litigation and the ECJ' in TP Kennedy (ed), *European law* (4th edn Oxford University Press, Oxford 2008).

Repeating Citations – 'Ibid'

• If you have cited the same source consecutively, rather than repeating the same footnote one after another you can use 'Ibid', which is an abbreviation of 'ibidem' and means 'in the same place'.
• 'Ibid', on its own, can be used to repeat a citation in the immediately previous note.
• 'Ibid 345' means 'in the same work but this time at page 345'. **For example**, citing a particular book consecutively looks like this:
> 12 PA McDermott, *Contract law* (Butterworth Ireland, Dublin 2001) 251.
> 13 ibid 324.

[This means 'in the same work, but this time at page 324.]
• Alternatively, you can repeat a reference by using 'n' to refer to an earlier footnote (more details can be found in the full handbook).
• Whichever method you choose, it is important to be consistent and not switch back and forth between methods.

JOURNALS

This guide presents examples of how to reference **textual sources**. However **if you use material from non-textual sources such as podcasts or documentaries you must also cite the source in full**. For details check out the OSCOLA manual online*.

Type	Example
Journal - article from a print journal	Joan O'Connor and Gerard Feeney, 'Transfer pricing legislation in Ireland – a new reality?' (2010) 23 IrTR (2) 45. **Publication information**: **23** = Volume number **IrTR** = Journal title abbreviation (see next page for more on abbreviations). **2** = Issue number (only needed if the page numbers begin again for each issue). **45** = Page number (the first page number only is usually sufficient).
eJournal – full text article an electronic database	D Brooke, 'Police interrogation: for justice not punishment – part I' (2010) 28 ILT 22 <http://www.westlaw.ie> accessed 3 June 2010.
eJournal – full text article from a free open-access online journal	J Mulcahy, 'Duty of care' (2010) 104 GLSI (4) 34 <http://www.lawsociety.ie/Documents/Gazette/Gazette%202010/May2010.pdf> accessed 3 June 2010.

* For more information and examples please refer to the following online guide:
http://www.law.ox.ac.uk/publications/oscola.php

MANAGING YOUR REFERENCES
You can use a software package such as **Zotero** to manage your references. Check out the Library's guide to **Zotero**, available online & in the Library.

More examples...

LEGISLATION, CASES & REPORTS

Type	Example
Irish Statute – Bill or Act	Arbitration Act, 2010.
Irish Statute – Statutory Instrument	Solicitors Acts 1954 TO 2008 (Section 44) Regulations 2009 SI 2010/35.
EU Legislation – from the Official Journal of the European Union (OJ)	Council Regulation (EC) 260/2009 of 26 February 2009 on the common rules for imports [2009] OJ L84/1.
Reported Judgment (Ireland)	**Within the text of an assignment you would simply refer to the names of the two parties, like so:** *Quinlivan v O'Dea*[46] [46] *Maurice Quinlivan v Willie O'Dea* [2010] 1 ILRM 72 **Publication information**: **1** = Volume number **ILRM** = Publication title abbreviation (see below for more on abbreviations). **72** = Page number
Reported Judgment (UK) – *All England Law Reports*	*Gill & Anor v l Vino Co. Ltd.* [1993] 1 All ER 398.
Unreported Judgment	*Christopher Giblin v Irish Life & Permanent Plc* [2010] IEHC 36 (unreported). **Court information**: As the case was not reported in an official law report, the judgment is referred to by the court in which it was handed down In this example it was the High Court: **IEHC = High Court (Ireland).**
Law Reform Commission Report (Ireland)	Law Reform Commission, 'Report: corporate killing (LRC 77-2005) [4.22]. **Publication information**: **LRC =** Law Reform Commission **77-2005 =** Law Com Number (found on report; always includes the year) **4.22 =** Paragraph number

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Legal Abbreviations
- In legal writing and referencing, law reports and journals are always cited using an abbreviated version of the title.
- Check out either of the following websites for an index of the most commonly used abbreviations:
  - **Cardiff Index to Legal Abbreviations - http://www.legalabbrevs.cardiff.ac.uk/about.jsp**
  - **OSCOLA 2006 (Appendix) - http://www.law.ox.ac.uk/published/oscola/oscola_2006.pdf**

EVALUATING WEBSITES: You should always ask the question *'Is this website reliable?'* when using the internet for research. Check out the guide to 'Evaluating Websites' for further details.

WORLD WIDE WEB (WWW)

Type	Example
Web page with an individual author	C Baksi, 'Solicitors support advocacy quality assurance scheme' (2010) <http://www.lawgazette.co.uk/news/solicitors-support-advocacy-quality-assurance-scheme> accessed 4 June 2010.
Web page with an organisation as author	Department of Enterprise, Trade and Innovation, 'Credit Supply Clearing Group' (2010) http://www.entemp.ie/enterprise/smes/creditsupply.htm accessed 24 May 2010.
Web page with no author and no date	'Irish Redundancy Payments Scheme' (no date) <http://www.finfacts.com/Private/personel/redundancy.htm> accessed 4 June 2010.