



# Arden University Guide to OSCOLA Referencing

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### 1. Introduction

#### 1.1 Importance of referencing skills

Referencing is an important skill for any student writing academic essays, reports, and projects.

There is an expectation that your work will make use of existing sources. To avoid plagiarism, you must always acknowledge sources that you use that are not your own. You may directly quote from a source, paraphrase (integrating another person's ideas into your argumentation using your own words) or summarise (pick out the key points of someone else's work).

The University regulations about plagiarism can be found in your [Student Handbook](#) via the A-Z Key Information on iLearn (under 'S').

## 1.2 Declaration on iLearn

Please note when you submit your assessment on iLearn you will see the following declaration:

*I hereby declare that the attached assignment is my own work, that all sources of reference are acknowledged in full including the use of generative AI (Artificial Intelligence). That all sources of reference are acknowledged in accordance with the relevant referencing system for my programme, and that the work has not been submitted for any other course. I understand that my assignment will be screened by Arden University's plagiarism detection system, and if found guilty of any infringement, penalties will apply in line with the institution's policy on Academic Integrity and Misconduct.*

Using the appropriate referencing system will ensure that you acknowledge all the sources you have used and will help you avoid plagiarism. If at any point you are unsure about how to reference a specific resource, please book a 1:1 appointment with an academic skills tutor who will be happy to help you – [Book an appointment with an academic skills tutor](#)

## 2. Introduction to OSCOLA

OSCOLA stands for **The Oxford Standard for Citation of Legal Authorities**. It was first devised in 2000 by Peter Birks in consultation with the students and faculty at Oxford University. Currently at its 4<sup>th</sup> edition, it is widely used by law schools throughout the UK and overseas. This guide has been compiled using guidelines and examples from the official **4th edition** OSCOLA publication.

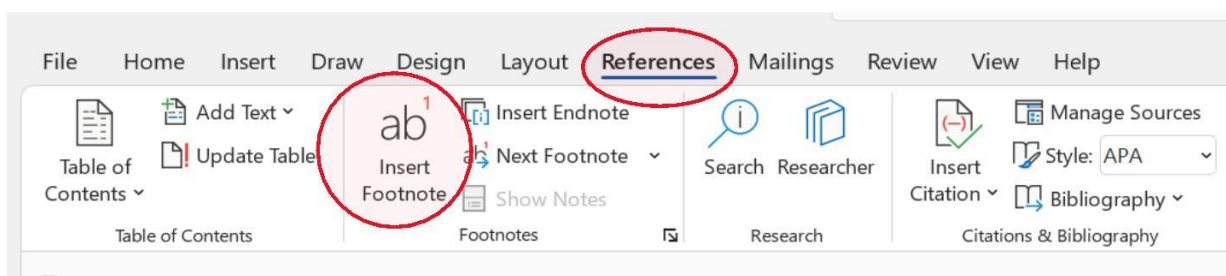
## 2.1 Who should use OSCOLA at Arden University?

**Single major law students** at Arden university should use OSCOLA. You may need to use Arden Harvard if you are doing a joint degree or a foundation course at Arden University. If you are uncertain which referencing system to use, please check with your module tutor.

## 2.2 General notes on OSCOLA

- OSCOLA is a **footnote** style. All citations appear in footnotes.
- Your assignments also need to include a reference list at the end of the work. The list contains three elements: Table of Cases, Table of Legislation, and Bibliographies.
- Insert footnotes with a **superscript number** at the end of a sentence **after the punctuation**. For sake of clarity, you may also insert the footnote directly after the word or phrase to which it relates.
- End the footnotes with a full stop.
- When more than one citation given in a single footnote, separate them with semi-colons.

To create a footnote in Word, go to the 'References' header in the top menu. Place the cursor where you want to add your reference and click on 'Insert Footnote'. This will insert a superscript number alongside the text in your assignment and at the bottom of the page where you can then add detail of the citation.



- A primary source in OSCOLA refers to the legal material itself. This includes case law, legislations or statutory instruments. Secondary sources refer to materials that discuss or critique the law. Examples of secondary sources include books, book chapters, journal articles, websites and so on.

- OSCOLA uses **abbreviations** for courts, law reports, journal titles and so on. Full lists of abbreviations can be found in the Appendix in the official OSCOLA guide. It will be helpful to familiarise yourself with the commonly used abbreviations.
- OSCOLA uses **minimum punctuation**. Full stops and commas are omitted on many occasions, and only used to enhance clarity and avoid confusion.

Example of minimum punctuation	Do this in OSCOLA	Not this
When abbreviating 'High Court' in the footnote...	HC	H.C.
When listing a book by Fatima Jenkinson in the bibliography...	Jenkinson F	Jenkinson, F.

- A 'pinpoint' in OSCOLA means a reference to a particular paragraph, section, page and so on. They are added to **the end of the footnote** and usually appear in abbreviation.

Example of pinpoint	Footnote
Pinpoint page 135 in a book	HLA Hart, <i>The Concept of Law</i> (2nd edn, Clarendon Press 1994) 135.
Pinpoint page 456 in a journal article that begins at page 440	Paul Craig, 'Theory, "Pure Theory" and Values in Public Law' [2005] PL 440, 456.
Pinpoint paragraph 42 and 45 in a reported case judgment	<i>Callery v Gray</i> [2001] EWCA Civ 1117, [2001] 1 WLR 2112 [42], [45].
Pinpoint a section in the legislation	Human Rights Act 1998, s 2.

- When quoting from a source, use single quotation marks for short quotations under three lines.

Bix raises the question, 'What is the point of a dissent, after all, at least on the highest court of the jurisdiction, if the law simply is whatever the majority on that court says it is?'<sup>2</sup>

- Use an indented paragraph (and no quotation marks) for longer quotations over three lines.

Lord Hoffmann reasoned as follows:

It seems to me logical to found liability for damages upon the intention of the parties (objectively ascertained) because all contractual liability is voluntarily undertaken. It must be in principle wrong to hold someone liable for risks for which people

### 3. Writing footnotes

#### 3.1 Citing cases

When citing a case, you need to list the following elements.

- **Name of the case**

Use **italics** for the name of the case, with an unpunctuated **italic 'v'** to separate the two parties in the case. If the name of the case appears in the body of your writing, then you do not need to repeat this information in the footnote.

- **Neutral citation**

Neutral Citations were introduced in 2001 and give the year the judgement was issued, the name of the court where the judgement was issued, and the judgement number. For cases reported before 2001, there was no need to include neutral citation.

- **Law report citation**

A law report is a published report of a judgement. The law report citation gives the year when the judgement is published, the volume number of the law report, the name of the law report and **the first page number** where the report of the case begins.

When the year is used to identify the law report volume, it is given in square brackets [].

Give the year of judgment in round brackets () when the year is not related to the volume of the law report.

#### **Footnote example of a case after 2001 (with neutral citation)**

The following example indicates that the case involving *Corr and IBC Vehicles Ltd* was the 13<sup>th</sup> judgment issued by the House of Lords in 2008. The case was subsequently published in the volume 1 of the 2008 volume of the Law Reports called the Appeal Cases (abbreviated as AC), beginning at page 884.

*Corr v IBC Vehicles Ltd* [2008] UKHL 13, [2008] 1 AC 884.

#### **Footnote example of a case before 2001 (without neutral citation)**

For cases reported before 2001, there was no neutral citation. The footnote will only contain party names, law report citation, and the court in round brackets. For example, the following footnote indicates the case involving *Page and Smith*, and the case was reported in the volume 1 of the 1960 volume of the All England Law Reports (abbreviated as All ER), beginning at page 792. The judgment was issued by Court of Appeal (abbreviated as CA).

*Page v Smith* [1960] 1 All ER 792 (CA).

### [3.2 Citing legislations](#)

If all the information the reader needs about the source legislation is provided in the text, then a footnote is not required. Where the text does not include the name of the Act or the relevant section, this information should be provided in the footnote.

#### **Example of all information already provided in the text and no footnote is needed**

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

#### **Footnote example of legislation with more information**

Human Rights Act 1998, s 2.

### 3.3. Citing books

When citing a book in the footnote, list the information in the following order:

- start with the author's first name followed by the surname. If there are **more than three authors**, give the name of the first author followed by 'and others';
- title of the book should be in italics;
- place information about edition, publisher and publication year in round brackets, but only include edition details for 2nd edition and later editions;
- pinpoints are added at the very end of the footnote.

#### Footnote example of a book

John Knowles, *Effective Legal Research* (4th edn, Sweet & Maxwell 2016).

#### Footnote example of a book with particular page number

John Knowles, *Effective Legal Research* (4th edn, Sweet & Maxwell 2016) 33.

If you are citing an e-book that also exists as a hard copy, cite it the same ways as the **hard copy version**. In rare cases, an e-book is only published in the electronic format. You should include the information of the URL and the most recent access date. Use the example below for the e-book that does not exist as a hard copy.

#### Footnote example of an e-book that does NOT exist as a hard copy

Reiner Schulze, *EU Contract Law* (2nd edn, Sellier European Law Publishers 2020)  
<<http://web.a.ebscohost.com>> accessed 27 August 2021.

### 3.4 Citing journals

When citing journals, list the information in the following order:

- author's first name and surname, followed by a comma;



- the title of the article in **single quotation marks**;
- the year of publication: in square brackets if it identifies the volume, and in round brackets if there is a separate volume number;
- Volume number (and issue number in round bracket after volume number if necessary);
- The title of the journal: in full or in abbreviation;
- **The first page** of the article;
- If you need to pinpoint a certain page in the article, add the pinpoint page number after the first page and separate them by a comma.

**Footnote example of a hard copy journal article.**

Paul Craig, 'Theory and Values in Public Law' [2005] PL 440.  
 Alison L Young, 'In Defence of Due Deference' (2009) 72 MLR 554.

**Footnote example with a particular page in the journal article**

Paul Craig, 'Theory and Values in Public Law' [2005] PL 440, 445.

If an online journal article exists in hard copy, cite it as a hard copy journal article. If the journal article is only available online, you need to add the URL address in angled brackets (i.e. <<http://...>>) and the date you most recently access the article. In the case where page number is not available, omit the 'first page' information.

**Footnote example of an online journal article**

Graham Greenleaf, 'The Global Development of Free Access to Legal Information' (2010) 1 (1) EJLT <<http://ejlt.org/article/view/17>> accessed 27 July 2010.

**3.5 Citing websites**

To reference information from a website, you should include the information in the following order:

- the author's name. If no author identified, and it is appropriate to cite an anonymous source, begin the citation with the webpage title;
- the webpage title in single quotation marks;
- the website name in italics and publication date in round brackets. If no publication date/year can be identified, give only the date of access;
- the URL in angled brackets;
- the most recent accessed date.

#### Footnote example of a website

Sarah Cole, 'Virtual Friend Fires Employee' (*Naked Law*, 1 May 2009)  
 <www.nakedlaw.com/2009/05.index.html> accessed 19 November 2009.

## 4. References List

At the end of your essay, you should include a list of all the materials you have referred to throughout your writing. This allows readers to see all and check your references in one place. The reference list should be divided up into three sections: **Table of Cases**, **Table of legislations**, **Bibliographies**. Each of them is explained in more detail in the sections below.

### 4.1 Tables of Cases

This section contains **all the case law** to which you have referred in the main texts and cases are listed in alphabetical order. The format should be the same as in your footnotes, except the parties' names should be **in plain text** and pinpointing is not required.

Footnote citation of a case	Table of Cases
<i>Corr v IBC Vehicles Ltd</i> [2008] UKHL 13, [2008] 1 AC 884, 886	Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC 884
<i>Page v Smith</i> [1996] AC 155 (HL)	Page v Smith [1996] AC 155 (HL)

## 4.2 Tables of Legislations

This section contains every statute cited in the assignment. The format should be the same as in your footnotes. List legislations **in alphabetical order of first significant word** of the title.

## 4.3 Bibliographies

The bibliography lists **all the secondary sources** (e.g. books, journal articles, websites etc.) you have referenced in the main text.

These items should also be organised in **alphabetical order** of the **author's surname**. Therefore, you should list the author's surname first, followed by their initials (only initials, not forenames). This allows the list to be alphabetised more conventionally.

Footnote citation of a book	In the Bibliography
Paul Craig, 'Theory, "Pure Theory" and Values in Public Law' [2005] PL 440	Craig P, 'Theory, "Pure Theory" and Values in Public Law' [2005] PL 440

## 5. Citing Artificial Intelligence (AI)

### 5.1 Using generative AI

It is crucial that your writing demonstrates your ability to apply and analyse theories, develop and structure arguments, critically engage with the subject, explore ethical implications and manage multiple sources. While generative AI, such as ChatGPT, can be used as a tool to help you in the process, over-reliance on generative AI takes away the opportunities to develop and demonstrate these competencies and will negatively impact on the academic results.

It is recommended that you attend Academic Skills workshops to develop these competencies and understand how to use generative AI ethically and effectively. For example, AI can be used to:

- develop research questions;
- create an outline for an assignment;
- create examples/guidance for different writing styles and forms;
- discover relevant sources (though it is essential to confirm that the source is not falsified by finding and using the original source);
- brainstorm ideas;

You should also carefully verify the information obtained from generative AI with other more credible sources.

## 5.2 Referencing AI-generated texts

In addition to the acknowledgement, you also need to clearly indicate the section(s) in your writing that has been informed by AI-generated content. Simply using AI-generated texts and submitting the writing as your own work without referencing will be treated as academic misconduct. Students who commit academic misconduct are subject to the penalties outlined in Arden policy.

Until official guidance is released, you will reference AI-generated texts as ‘personal communications’ (see OSCOLA 3.4.11). **These are only cited in footnotes.**

In the footnote, you need to add discursive text to capture:

- the model of AI used;
- the date the output was generated;
- the prompt used in single quotation marks.

### **Footnote example of referencing AI-generated text**

Output from ChatGPT Open AI to Author, 23 February 2023. The output was generated in response to this prompt, 'Provide an overview of how Legislation is passed in England and Wales'.

**Note:** As AI is constantly evolving, the advice provided here is therefore interim and could be subject to change.