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**Legal Writing**

This document is an attempt to set a standard for acceptable legal writing within the law department at Greenwich. If you follow its advice, you cannot be open to criticism. If you do not, you may be criticised, and you may have marks deducted. The document contains advice about good style for legal writing; defines an acceptable house style for the use of footnotes, and outlines rules for the citation of primary and secondary legal sources. It is impossible to set out one set of rules which will cover every situation; if in doubt, look at the way journals and textbooks cite legal materials, and ask your tutors for help, particularly in legal method classes. If all else fails, use your common sense!

**The importance of legal writing**

The principal method of assessment in the law department is written work, whether by examination, assessed coursework, or projects. Written work may take several different forms. You may be set a legal problem, or an essay, or you may be directed to write a letter, a case note, or even a legal opinion. This document contains general propositions applicable to all types of assessment, but is aimed particularly at word-processed answers.

**Types of exercise**

**Problem Questions**
These consist of a statement of facts, usually with the direction to 'Advise X [one of the parties]'. The aim will be to analyse the facts in order to identify the legal issue(s), and analyse the law to find the relevant legal rule(s). Next will be the application of the law to the issue(s), and then you will need to reach a conclusion. Remember: **Issues Rules Application Conclusion - IRAC.**

**Essay Questions**
IRAC is often a good starting point for an essay involving doctrinal analysis of the law. Start with an introduction identifying the legal issue(s) raised in the essay title, review the law, state how the law affects the issue(s) and reach conclusions, in particular pointing to any areas where the application of the law is problematic or in need of reform.

**Examinations**
Examinations are normally hand-written, not word-processed, and you are not expected to reach the standards of citation of sources set out in this document. However, some of what follows about planning, writing and revision will be relevant to examinations.
You may be asked to produce some other type of exercise e.g. a report, a case note, a memorandum or a letter. If in doubt about precisely what is required, look for a model, and if still in doubt, ask.
Assessment Criteria

Written work is assessed according to published assessment criteria, of which you should be aware. Two important general criteria are relevance and a critical approach. What you write must be relevant to the question set. If the relevance of any material is not obvious, you must justify its inclusion. Essay type questions may call specifically for critical analysis, but, whatever the type of exercise it will seldom be sufficient to describe the law without identifying and commenting upon its strengths or shortcomings, i.e. providing a critique.

Planning

Planning is the key to effective writing. Plan your use of available time, dividing the task into manageable sub-tasks. The first stage is to think about the title or problem, in order to decide the scope and purpose of your answer. It may be appropriate to discuss your ideas with other students, in order to test your interpretation of the title. Remember, however, that if you do this, your final piece of written work must be prepared by you alone – see the University’s rules on plagiarism. You may need to decide who your readers are and what they need to know. By default, assume you are writing for a lawyer without detailed knowledge of the topic under consideration.

Research

You will need to discover information by conducting library research. Make full use of printed and electronic searching to find relevant sources. Electronic sources are usually available on demand, but printed materials may not be available when you want them, especially if a large group is engaged on the same exercise. The Copyright Licensing Agency rules displayed besides photocopiers have to be complied with, and the law department is not always able to provide photocopies of relevant materials. Make notes about your sources, including an accurate reference complying with the rules set out in this document. You are solely responsible for the accuracy of these references and for complying with the University's rules about plagiarism.
**Writing**

Whatever the task, your aim should be to write clearly, directly and succinctly, avoiding bad grammar and spelling mistakes as well as unnecessary jargon, repetition or the use of unnecessary words, and tautology. In particular:

- use familiar rather than unfamiliar words,
- use a thesaurus to help find the precise word you need;
- avoid inelegant, pompous or redundant words;
- consider whether terms of legal jargon require definition or explanation;
- write properly constructed sentences without undue subordinate clauses;
- avoid colloquial or “slang” language, and write in a reasonably formal style;
- use a separate paragraph to develop each sub-topic, linking or relating the theme of each paragraph to the previous one and its function in relation to the whole. (Note: a single sentence is unlikely to qualify as a paragraph).
- Do not write in bullet points or lists unless specifically instructed to do so.

**Structure**

Consider carefully the order in which your material is to be arranged so that your arguments can be put as clearly as possible. No matter how good your ideas are, they depend upon your ability to communicate them. The advantages of word-processing include the freedom to assemble a document from parts which can be rearranged to suit your theme, and the ability to re-write sections before committing them to print. Take advantage of this. You do not have to start in order, for example, by writing the introduction and finishing with the conclusion. It may be sensible to postpone writing the introduction until last, after you have planned your arguments.

**Quotations**

Quotations must be enclosed in quotation marks ("...") and must have a pinpoint reference (page or, if available, paragraph number). Short quotations can be included naturally in the text, but anything that runs for more than three lines should be separated from the text in an intervening paragraph and indented from the left hand margin. Large numbers of long quotations should be avoided – we want to know what your answer to the question is, not what everyone else has said. Write the answer in your own words. Make sure you are aware of and comply with the rules against plagiarism. **Unattributed quotation is plagiarism.**

**Footnotes**

You will need to be able to use word-processed footnotes. There is advice on the correct use of footnotes elsewhere in this document.
Abbreviations
You should use recognised legal abbreviations. A list of common abbreviations is given near the end of this document, at appendix 1.

Other abbreviations may be used provided that the name is set out in full, followed by the abbreviation in brackets, at the first usage, e.g. Advisory, Conciliation and Arbitration Service (ACAS). The abbreviation can then be used throughout.

It is common to abbreviate the names of courts as follows: CA – Court of Appeal; HL – House of Lords.

Abbreviated plurals do not have an apostrophe before the s: 1970s not 1970's; MPs not MP's.

Latin abbreviations: Ibid, loc cit, op cit, and cf.
The modern practice is not to use these abbreviated Latin expressions in footnotes at all. Please do not do so. Instead simply refer to another footnote by number e.g.: 19. See n.12.

However, you are likely to come across these abbreviations in legal writing, and so should be aware of their meaning. Their correct use is as follows:

- **Ibid** (L, ibidem, in the same place) used in successive footnotes when the same authority is referred to repeatedly.
- **Loc cit** (L, loco citato, in the place cited) used in successive footnotes to refer to a page in a source previously referred to.
- **Op cit** (L, opus citato, in the work cited) used in successive footnotes to refer to a source previously referred to.
- **Cf** (L, confer, compare) used when some meaningful comparison may be drawn, and often misused.

Other Latin phrases and non-English expressions
Where these are used, they should be italicised (underlined if handwritten) unless they are so common that they have become wholly absorbed into everyday language, such as bona fide. Examples of legal Latin that should be in italics include *res ipsa loquitur* and *amicus curiae*. 
**Spelling, Grammar and Style**

Although your work will be marked primarily on its argument and content, spelling, grammar and style are also important factors. Unless you are genuinely dyslexic, bad spelling will be seen as taking less than adequate care. Even if you are dyslexic, you should take every possible care with your coursework, using spellcheckers and spelling dictionaries. Bad grammar or a poor writing style may divert attention from the points you are trying to make with a consequent loss of marks. Here are some tips.

**Do not form plurals with 'apostrophes'**
- courts = more than one court (i.e. plural)
- court's = of the or a court (i.e. possessive singular)
- courts' = of more than one court (i.e. possessive plural)
Use "1990s" not "1990's" for the plural form.

**Do not confuse singular and plural forms:**
- The Court of Appeal is (not the Court ... are ...)
- Parliament is (not Parliament are ...)
- The Government is (not the Government are ...)
- A committee is (not a committee are...)
- A number is (not a number are ...)

**Do not use "it's" to mean "of it",**
- its = of it,
- it’s = it is or it has
The best advice is: never use it’s, use 'it is' or 'it has' instead.

**Remember that you’re means ‘you are’ and that your means ‘belonging to you’**
- Again, you should not use ‘you’re’ in formal essays. Avoid all contractions of words.

A sentence needs a verb. End sentences with full stops.

**Note the English spelling of "judgment" as applied to courts. In other contexts "judgement" is correct.**

"Principal" means the first or highest in rank i.e. "chief"; "principle" is a fundamental proposition – for example, the principle that no-one should profit from wrongdoing.

**The modern form of "abolishment" is "abolition".**

**Full Stops**
- You should not put full stops in acronyms, so:
  - MLR, USA
Do not over-use capital letters.

Just because a Word is Important it does not Need a Capital Letter! Note words which are capitalised in your legal textbooks (such as Parliament, Act, Bill) but do not simply put a capital wherever a word seems to have a legal meaning!

Do not abbreviate

Use “has not” rather than “hasn’t”; does not rather than “doesn’t” and so on.

Revise your work

Include revision time in your plan. Proof read the entire document, checking for internal consistency, spelling and correct references. It may help to get a friend or family member to read it, as they may spot errors you have missed. Try reading your work out loud – if your punctuation is wrong, you may run out of breath before reaching a full stop; that should tell you to split your sentence into two smaller ones.

Spell checkers

Word processing spelling checkers should be used with caution. They will detect many typographical errors but may offer incorrect or even absurd alternative forms, and are not a substitute for proof reading and the use of a dictionary. For example, the word ‘statute’ often appears as ‘statue’ in students’ essays! US spellings are inappropriate in UK documents, so check that your spellchecker is set to UK English.
**Citation of sources**

Legal writing requires, in various measure, analysis, synthesis, evaluation and criticism of other documentary sources, which may be primary, such as cases and statutes, or secondary, such as books and articles. Suppression of sources (i.e. not attributing something to a source) can amount to plagiarism which may attract academic and possibly other penalties. The purpose of citation is to enable the reader to identify the writer's sources accurately and unambiguously. There are well-established conventions for the citation of legal materials in UK publications, but they differ from social science conventions and also from the practice in the USA.

**Selection of sources**

Always cite the best available source. Cite a primary source for any proposition of law. A primary source is the law itself, stated in legislation or in a binding case. Primary sources are authoritative statements of the law. Secondary sources consist of legal writing, and are never more than persuasive arguments. The authority of secondary sources has to be evaluated. Eminent jurists, especially after death has removed the possibility of any change of mind, are quote-worthy. So too, are authors of peer-reviewed articles in leading journals such as Modern Law Review, Cambridge Law Review, Oxford Journal of Legal Studies, Legal Studies (and for these purposes) Law Quarterly Review. Cite secondary sources for the views of their authors, not for a summary of a primary source.

Student text books are not authority for propositions of law, nor are they peer reviewed, so you should not cite them extensively. Similarly, in-house accounts of reported cases on the websites of solicitors firms are not the 'best available' source of the case. However, if you do use any of these as sources, you must cite them accurately.

**House Style**

The recommended house style for written work in the law department is the numerical footnote system. Do not use endnotes. If you comply with the house style you cannot be faulted. You will be advised specifically if use of the author-date system is more appropriate for a particular piece of work.

Citation must follow a recognisable existing pattern, uniformly and with internal consistency. Non-conforming citation will lead to deduction of marks. It makes good sense to keep a proper record (i.e. correct title, author, year, volume number, and page reference) of everything you read in preparing every piece of written work, (a) so that you can find it again if need be, and (b) so that you have adequate information for citing that source, should you decide to use it.

If in doubt as to the standard form of a particular reference, consult a publication such as, Current Law or Halsbury's Laws of England. Most series of law reports and periodicals actually state their own method of citation.
Numerical system of citation

The principal system of citation of legal material in the UK and the recommended house style for word-processed documents in the law department is the system of numerically ordered footnotes. This process is automated by modern word-processing software, which you must be able to use. A complete list of all sources should be listed separately in a bibliography appended to the written work. The footnotes and bibliography do not count against the word limit unless you are specifically told otherwise.

Numerical system – example:

In *Khorasandijan v Bush*\(^1\) the tort of nuisance was utilised to grant the plaintiff an injunction against the defendant who had previously been convicted of threatening and abusive behaviour and subsequently of threatening to kill but who continued to pester her by following her and by phoning her.\(^2\)

Footnotes (in numerical order)
31 [1993] QB 727 CA

Footnotes do not count towards the word limit for a piece of work unless you are specifically told otherwise. You should not, however, attempt to include material that should be in the main body of your work in a footnote. Footnotes should be used mainly for referencing, and only very occasionally indeed to develop a point that would break the flow of the text. If you do not use footnotes in this way, you are likely to have marks deducted. Substantive work included in footnotes will not be marked.

The Bibliography

The bibliography should list all sources, both primary and secondary, used in the production of the written work, irrespective of whether they appear in footnotes. You should sub-divide the list into the different classes of materials e.g. Statutes, Statutory Instruments, Cases, Journals, and Books.

The advantage of full referencing in a bibliography is that, after your first citation of the source in the text, you will be able to truncate your references in the ‘main body’ of text.

For example, the full reference to the two journal articles cited in n.32 (above) in the bibliography might read (in alphabetical order):

Once this full reference has been provided (as at n.32), a further reference would merely require:
46. Bridgeman and Jones, see n.32.

This shortened citation leaves the source no less identifiable and reduces the number of words needed to cite it.

Full citations of case names in the bibliography allow for similar shortening of footnotes. Consider:

With this full reference provided in the bibliography, and fully cited the first time the case is referred to in the main body of your assignment, a subsequent footnote in the main body would merely require:
Butler Machine Tool, see n. 24

Citation is compulsory. You must cite sources correctly in footnotes and you must provide a full bibliography.
**How to cite legislation.**

**Acts of Parliament**

With very few exceptions, Acts of the UK Parliament have short titles provided by statutory authority:

Dangerous Dogs Act 1991, s.10 Short title, interpretation, commencement and extent

(1) This Act may be cited as the Dangerous Dogs Act 1991. Although the statute says 'may be cited...' you should treat this as imperative. Short titles have been enacted retrospectively for many older statutes.

Short titles used to have a comma between the name of the Act and the year it was passed. The Tangynika Independence Act 1962 was the first to omit the comma, and modern practice is to leave it out, even for Acts passed before the practice changed. It is permissible to abbreviate the short title to initials, e.g. DDA 1991, provided there is no ambiguity. It is good practice to set out the short title in full the first time you mention the statute, and then use the abbreviation.

Acts of Parliament are published in their original form by the Queen's Printer who also publishes electronically the full text of the Data Protection Act 1984 and all Acts of Parliament passed since 1st January 1988. These are original versions only; they are not amended to take account of the process of legislative reform. Private publishers’ editions of the statutes (e.g. Halsbury's Statutes; Current Law Statutes; CCH Editions; Blackstone's statutes) although not strictly authoritative, are highly reliable and often more convenient than Queen’s Printer's copies, because they provide the amended text of the statute.

It will usually be sufficient to refer to the primary sub-division of statutes, namely sections, which in turn may be sub-divided into sub-sections, paragraphs and subparagraphs.

Other sub-divisions employed include: parts; chapters; and schedules. Schedules contain paragraphs, which may be further subdivided into sub-, subsub, and even subsubsub-paragraphs, and a schedule may be subdivided into parts.
To refer to a particular provision in an Act of Parliament use the following method:

<table>
<thead>
<tr>
<th>Act/Act and Schedule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Companies Act 1985 s.6</td>
<td>Section 6 of the Companies Act 1985</td>
</tr>
<tr>
<td>Children Act 1989, s.15 and sch 1 para 5</td>
<td>Paragraph 5 of schedule 1 to the Children Act 1989</td>
</tr>
<tr>
<td>Land Registration Act 2002 s.2(1)</td>
<td>Section 2, subsection 1 of the Land Registration Act 2002</td>
</tr>
<tr>
<td>Land Registration Act 2002 s.2(1)(a)</td>
<td>Section 2, subsection 1, paragraph a, of the Land Registration Act 2002</td>
</tr>
<tr>
<td>Theft Act 1968 s.34(2)(a)(i)</td>
<td>Section 34, subsection 2, paragraph 9, sub-paragraph i of the Theft Act 1968.</td>
</tr>
<tr>
<td>Companies Act 1985 ss 6-9</td>
<td>Sections 6 to 9 of the Companies act 1985.</td>
</tr>
</tbody>
</table>

Get the exact name right! For example, do not add apostrophes: Companies’ Act 1985 or Children’s Act 1989 unless, of course, the possessive form is used in the short title.

Note the numbering system that is used: s.34(1)(a)(i) – here the section and subsection numbers are in Arabic numerals, the paragraph is in lower case alphabet and the sub-paragraph in lower case Roman numerals. (It may be worth learning Roman numerals as they are often used in legislation). Capital letters are used only to indicate an amendment. For example, s.78A indicates that a later statute has added a new section after s.78 of the Act. Likewise, s.78(1A) indicates a new subsection, and is not the same as s.78(1)(a).

It is permissible to refer the "Section 10 of the Children Act 1989..." in the text, or even “s.10 CA 1989”, but always use the house style set out above in footnotes. You can, of course, use the house style in the main body of the text, and this may be easier. Try to be consistent, whatever you do!
Subordinate UK legislation

Subordinate (delegated) legislation is issued in a series called Statutory Instruments (SIs) published on paper from 1894, and electronically from January 1987. They should be cited by their designated title which includes the year they were passed followed by SI year/number in parentheses (e.g. SI 1997/201).

The Education (Mandatory Awards) Regulations 1997 (SI 1997/431)

The title may be abbreviated to initial letters if to do so would not create ambiguity. Statutory Instruments may be further classified as an 'Order', sub-divided into articles;

'Regulations' sub-divided into regulations; and 'Rules' sub-divided into rules, abbreviated as 'r'.

<table>
<thead>
<tr>
<th>Order</th>
<th>Regulations</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>art</td>
<td>arts</td>
<td>reg</td>
</tr>
<tr>
<td></td>
<td>regs</td>
<td>r</td>
</tr>
</tbody>
</table>

The Civil Procedure Rules 1998 are divided into Parts with numbered Rules corresponding to the Parts. So CPR, Rule 6.4 is in Part 6 paragraph 4. Paragraphs may be sub-divided.

Legislation of the European Community

The legislation of the European Community consists of the founding treaties and secondary legislation in the form of Regulations, Directives, Decisions, Recommendations and Opinions. On 1 May 1999 the Treaty of Amsterdam renumbered the original arrangement of Articles of the Treaty of Rome and the Treaty on European Union. To avoid ambiguity the following method of citation is recommended.

<table>
<thead>
<tr>
<th>On or after 1 May 1999</th>
<th>Before 1 May 1999</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article or Art 141 EC</td>
<td>Article or Art 119 of the EC Treaty</td>
</tr>
</tbody>
</table>
The Treaties may be abbreviated as follows:

<table>
<thead>
<tr>
<th>Treaty</th>
<th>On or after 1 May 1999</th>
<th>Before 1 May 1999</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treaty on European Union</td>
<td>EU</td>
<td>EU Treaty</td>
</tr>
<tr>
<td>European (Economic) Community Treaty</td>
<td>EC</td>
<td>EC (EEC) Treaty</td>
</tr>
<tr>
<td>European Coal and Steel Treaty</td>
<td>CS</td>
<td>ECSC Treaty</td>
</tr>
<tr>
<td>Euratom Treaty</td>
<td>EA</td>
<td>EAEC Treaty</td>
</tr>
</tbody>
</table>

Examples of secondary legislation are:
- Regulation [Council] Regulation No 1111/77/EC, Arts. 8 and 9
- Decision [Commission] Decision 89/58/EC

The full reference will be to the authoritative text in the Official Journal of the European Communities (abbreviated to OJ) where the secondary legislation was first published, together with the title, date and page number:

How to cite case law.

English cases
Introduction
There are strong conventions governing the citation of case law in the UK, but no formal rules. This document sets out an acceptable practice or house style. Printed law reports (reports of decided cases) are produced by private publishers and since 1865, by a semi-official charitable body known as the Incorporated Council of Law Reporting for England and Wales. The method of citation of these sources is called proprietary citation. Some of these reports are also available from subscription online services such as Lawtel, Westlaw and Lexis Nexis.

In the late 1990s, the introduction of digitally prepared judgments, particularly on the World Wide Web, led in January 2001 to the introduction of an additional system of medium neutral citation. This system provides a uniform method of citation independent of printed pages. Cases reported since the introduction of medium neutral citation will conform to the protocol of numbered paragraphs, even though printed on paper.

Medium Neutral Citation
By a Practice Note handed down by Lord Woolf CJ on 11 January 2001, all judgments in every division of the High Court and the Court of Appeal will be prepared for delivery, or issued as approved judgments, with single spacing, paragraph numbering (in the margins) but no page numbers.

Example:

Explanation:
Cases are cited by the name(s) of the parties followed by the medium neutral citation.

In addition to the year, the reference shows the jurisdiction, the court, the division of that court, the reference number assigned to the case by the official court shorthand writers, and (optionally) a paragraph reference for pinpoint referencing. **Medium neutral citation does not use page numbers!**

<table>
<thead>
<tr>
<th>Year</th>
<th>Jurisdiction</th>
<th>Court Division</th>
<th>Reference No.</th>
<th>Paragraph (if required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[2001]</td>
<td>EWCA</td>
<td>Civ</td>
<td>1213</td>
<td>[10]</td>
</tr>
</tbody>
</table>
In this system EW = England and Wales (Scot = Scotland and NI = Northern Ireland). CA = Court of Appeal and Civ = Civil

The system was extended in 2002. In England and Wales the courts and divisions which use medium neutral citation are:-

<table>
<thead>
<tr>
<th>Court</th>
<th>Division</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td></td>
<td>UKSC</td>
</tr>
<tr>
<td>House of Lords</td>
<td></td>
<td>UKHL</td>
</tr>
<tr>
<td>Court of Appeal</td>
<td>Civil</td>
<td>EWCA Civ</td>
</tr>
<tr>
<td>Court of Appeal</td>
<td>Criminal</td>
<td>EWCA Crim</td>
</tr>
<tr>
<td>High Court</td>
<td>Chancery</td>
<td>EWHC (Ch)</td>
</tr>
<tr>
<td>High Court</td>
<td>Queen's Bench</td>
<td>EWHC (QB)</td>
</tr>
<tr>
<td>High Court</td>
<td>Administrative Court</td>
<td>EWHC (Admin)</td>
</tr>
<tr>
<td>High Court</td>
<td>Family</td>
<td>EWHC (Fam)</td>
</tr>
</tbody>
</table>

The Patents Court is EWHC (Pat), the Commercial Court EWHC (Comm), the High Court Admiralty Court is EWHC (Admlty), and the High Court Technology & Construction Court is EWHC (TCC).

**Pinpoint References**

If a case has a medium neutral citation you may use that alone, or you may add a reference to the best printed version of the case e.g. Grobbelaar v News Group Newspapers Ltd [2002] UKHL 40, [2002] 1 WLR 3024.

A pinpoint reference to a pre-medium neutral case will be to page number and side letter (if there is one). If the report has numbered paragraphs, then even in the case of a printed report, the pinpoint reference should always be to the paragraph number (shown in [ ]).

Starting in 2006 the Bailii/JISC OpenLaw project has placed a significant number of older leading cases on Bailii, assigning them medium neutral citations, e.g. Heydon’s Case (BAILII: [1584] EWHC Exch J36). These may be used as an alternative to the nominate or English Reports citations of a case.
Proprietary Citation

Examples:
In re Connan: ex parte Hyde (1888) 20 QBD 690.

Explanation:
Cases are cited by the name(s) of the parties followed by the reference of the publication in which the report of the case appears. Some cases are known by the ship that was involved in the dispute, or the document under discussion, such as The Diechland [1990] 1 QB 361. Other cases have ‘ex parte’ in the title, meaning ‘on behalf of’. You will most often see this in older public law cases.

Proprietary references do not tell you in which jurisdiction or court the case was heard, and it is good practice to add a suffix to indicate the court e.g. CA for Court of Appeal, HL for House of Lords, SC for Supreme Court.

<table>
<thead>
<tr>
<th>Year</th>
<th>Volume number</th>
<th>Series</th>
<th>Page</th>
<th>Suffix</th>
</tr>
</thead>
<tbody>
<tr>
<td>[1990]</td>
<td>1</td>
<td>QB</td>
<td>361</td>
<td>CA</td>
</tr>
<tr>
<td>(1888)</td>
<td>20</td>
<td>QBD</td>
<td>690</td>
<td>CA</td>
</tr>
<tr>
<td>[2002]</td>
<td>1</td>
<td>WLR</td>
<td>3024</td>
<td>HL</td>
</tr>
</tbody>
</table>

Notes:
Abbreviations
The series of the report is always abbreviated. There is a list of common abbreviations at Appendix 1. Consult Current Law, Halsbury’s Laws or Cardiff Legal Index to Legal Abbreviations http://www.legalabbrevs.cardiff.ac.uk/site/index for fuller lists.

Page Numbers
Proprietary citation refers to printed pages.

Volume numbers
At the time In re Connan was decided (1888), only volume numbers were used. You should include the year, but it must be in round brackets.

Brackets
In legal citation [ ] and ( ) round the year have special significance. [ ] means the year is an essential part of the reference so it must be included and in such cases the use of [ ] is compulsory. ( ) means the year is not part of the reference. It should be included but it must be in round brackets.
Examples:

[1988] 2 WLR 456 – 1988 is in square brackets because it is essential to finding the case in the reports

(1986) 130 SJ 78 – 1986 is in round brackets because there is a volume number (130) so the year is not essential in finding the case. However, by convention, you must actually include the year.

**Italics**

In a word processed document the names of the parties are italicised, and although there is a convention that ‘v’ is not italicised the house style permits italicisation the whole title, including v but not the reference. Underlining is a printer's mark for italics and may only be used to indicate italics if italic script is not available. So, if you are handwriting, you would underline case names.

**Punctuation**

The modern practice is not to use punctuation within case references. In particular, the old practice of placing a comma after the names of the parties and before the reference is no longer followed. The ‘v’ may appear with or without a full stop, so it can be ‘v’ or ‘v.’. We prefer ‘v’ (without a dot) as our house style, but as many leading textbooks use the full stop, we will not penalise students who do so. Again, try to be consistent.

**'Best report'**

You should follow the practice of the English courts to cite the report of any case which is reported in the ICLR Law Reports in preference to a report of that case in any other series of reports. The ICLR law reports are: AC, QB, Ch, Fam, P, WLR and ICR. See the list of abbreviations at appendix 1 for the full names.

Cases reported in volumes 2 and 3 of the Weekly Law Reports (WLR) are destined for publication in the Law Reports, and should be cited only until they are displaced by the subsequent Law Reports version of that case. Obviously, this practice need not be followed if the purpose of citing the earlier report is to draw attention to some difference between the two versions.

**Electronic versions of printed reports**

The electronic Law Reports from Justis.com are exact facsimiles of the Law Reports, with exactly the same method of citation and can be used interchangeably with the printed versions. Westlaw and Lexis Nexis are not exact facsimiles, although they now indicate page numbers from the printed reports. Even though you may have read the case on Westlaw or Lexis Nexis, use the medium neutral citation (if any) and proprietary citation reference to the best series of reports.

**Pinpoint reference**

If you wish to refer to some specific point in a report, you should add the page reference, and if to something said by a judge in the report (Latin: dictum, plural dicta) then to the judge's name and page reference:

*Gillick v West Norfolk and Wisbech Area Health Authority* [1986] AC 112 at 182 *per* Lord Scarman.
Court of Justice of the European Communities

Some series of reports e.g. reports of the Court of Justice and the Court of First Instance of the European Communities, require, in addition to the names of the parties, the use of the number of the case in the court register. Cases decided since November 1989 are further classified into T- and C-series, for Court of First Instance and Court of Justice respectively. The number should not be italicised. Where English cases and Court of Justice cases are cited in the same piece the recommended form for the latter is:

Brasserie du Pêcheur SA v Germany I (cases C-46 and 48/93) [1996] All ER (EC) 301

European Court of Human Rights

HUDOC

The European Court of Human Rights’ official online database, HUDOC, (http://www.echr.coe) contains “all judgments and decisions of the Court (with the exception of decisions taken by committees of all three judges pursuant to Article 28 of the Convention)”\(^1\). The following advice is given in HUDOC’s *Note explaining the mode of citation and how to refer to the judgment and decisions of the Court (old and new)*:

“The form of citation for judgments and decisions ...follows the pattern: name of case (in italics), application number, paragraph number (for judgments), abbreviation of the European Court of Human Eights (ECHR), year and number of volume.”

For example: *Campbell v Ireland*, no.45678/98, ¶24, ECHR 1999-II

<table>
<thead>
<tr>
<th>Name of Case</th>
<th>Application number</th>
<th>Paragraph number</th>
<th>ECHR abbreviation</th>
<th>Paragraph (if required)</th>
<th>year</th>
<th>Vol. No.</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Campbell v Ireland</em></td>
<td>no.45678/98, ¶24</td>
<td>ECHR ¶24</td>
<td>¶24</td>
<td>1999</td>
<td>II</td>
<td></td>
</tr>
</tbody>
</table>

European Human Rights Reports

The European Human Rights Reports are commercially published monthly and contain the full judgments of all decisions of the European Court of Human Rights. They are frequently cited in the UK courts and are often referenced in journal articles and textbooks. The pattern of citation is: name of case (in italics), year in round brackets/date of judgment without brackets, volume number, abbreviation for European Human Rights Reports (EHRR), page number.

---

\(^{1}\) *Instructions for Citation*, HUDOC, http://www.echr.coe.int/ECHR/EN/Header/Case-Law/Published+case+law/Citation/
Example 1: *Price v United Kingdom* (2001) 34 EHRR 53

<table>
<thead>
<tr>
<th>Name of Case</th>
<th>Year</th>
<th>Volume No.</th>
<th>Abbreviation for Reports</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Price v UK</em></td>
<td>(2001)</td>
<td>34</td>
<td>EHRR</td>
<td>53</td>
</tr>
</tbody>
</table>

Example 2: *Price v United Kingdom*, 10 July 2001, 34 EHRR 53

<table>
<thead>
<tr>
<th>Name of Case</th>
<th>Judgment Date</th>
<th>Volume No.</th>
<th>Abbreviation for Reports</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Price v UK</em></td>
<td>10 July 2001</td>
<td>34</td>
<td>EHRR</td>
<td>53</td>
</tr>
</tbody>
</table>

**Official Paper Reports**

The official paper version of the reports were published in *Publications of the European Court of Human Rights, Series A: Judgments and Decisions* until December 1995. These cases were cited as follows:

Case name (in italics), year of decision in round brackets, series letter, volume number.

Example: *Golder v UK* (1975) Series A, no. 18

<table>
<thead>
<tr>
<th>Name of Case</th>
<th>Year</th>
<th>Series No.</th>
<th>Volume No.</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Golder v UK</em></td>
<td>(1975)</td>
<td>Series A</td>
<td>no.18</td>
</tr>
</tbody>
</table>

From 1996 the official reports have been published in *Reports of Judgments and Decisions*. These contain only the decision of the Court and any separate opinions. These reports are usually cited in the following way:

Case name (in italics), abbreviation of *Reports of Judgments and Decisions* (RJD), year of decision and volume reference, page number.

Example: *Robins v UK*, RJD 1997-V 18, 01

<table>
<thead>
<tr>
<th>Name of Case</th>
<th>Report Abbreviation</th>
<th>Year &amp; Volume Reference</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Robins v UK</em></td>
<td>RJD</td>
<td>1997-V 18</td>
<td>01</td>
</tr>
</tbody>
</table>
**International Court of Justice**

The ICJ is the principal judicial organ of the UN and sits at the Hague. By convention cases brought to the court are referred to by subject matter as well as by name. There is an official series of reports of individual cases which is referred to as follows. *Nottebohm*, Preliminary Objection, Judgment, ICJ Reports 1953. Alternatively, you may refer to the case in the bound series of official reports: *Nottebohm Case* (1955) ICJ Rep. 4

**Foreign cases**

Foreign series of reports may follow a different pattern. For example, *M'Elroy v M'Allister* 1949 SC 110 is a report of a decision of the Scottish Court of Session. As you can see, Scottish cases do not use brackets round the year. Look at the reports themselves to work out how to cite them!

**Unreported cases**

Cases are only 'unreported' if they do NOT have any of the following:-

- a report in a recognised series of law reports (including summaries such as TLR, The Times Law Reports)
- a medium neutral reference
- a published official transcript (eg Casetrack, Lawtel).

Cases which fall into this category will include most criminal trials, but also some cases in ECJ and ECHR. They should be cited as follows:-

*R. v Stagg*, (unreported) [court], [date], [best source (typically journalistic, but prefer 'qualities' to 'red tops')].
**How to cite Books and Journals**

The convention for citing books and articles in legal journals has been influenced by the methods used for citing cases.

**Recommended house style**

**In the case of a book:**

<table>
<thead>
<tr>
<th>Author/editor,</th>
<th>Title,</th>
<th>(Edition number, Publisher's name, Year of publication)</th>
</tr>
</thead>
</table>

Smart C, *Feminism and the Power of Law*, (Routledge, 1989)


**In the case of an article:**

<table>
<thead>
<tr>
<th>Author,</th>
<th>'Title',</th>
<th>(Year of publication)</th>
<th>Volume of Journal</th>
<th>Name of Journal</th>
<th>Page reference</th>
</tr>
</thead>
</table>


Many journals, like the older series of law reports, have a volume number which is separate from the year of publication, so that the year, if used, as in the example above, will be in brackets. Some English law journals (e.g. Cambridge Law Journal, Web Journal of Current Legal Issues) have adopted the year of publication in square brackets as the volume number.

If the name of the journal is given in full it should be italicised e.g. (1987) *Legal Studies* 245.

**Loose leaf encyclopaedias**

Loose leaf encyclopaedias are a special case. Although in the form of a book, they are designed so that the text can be amended whenever necessary to reflect changes in the law. Page numbering may be discontinuous, or they may use a system of paragraph numbering or lettering for pin-point reference. The aim of citation is to allow your reader to find and consider the references you have provided. Therefore in the case of loose leaf encyclopaedias the advice is to include in the reference either the issue number or the date to which the work was updated when you used it.
**How to cite other legal materials**

**Hansard**
Parliamentary debates should be cited as follows:
HC Deb vol 989 col 1472 29 July 1980
HL Deb vol 414 col 1493 13 November 1980
HC Standing Committee A col 1093 11 March 1980

**Law Commission Reports**
These should be cited by date and number, adding the paragraph if a pinpoint reference is required.
(2001) Law Com No. 271, para 8.58

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**How to cite electronic sources**

Electronic sources are cited in the same way as paper sources, with the addition of information about how and, if necessary, when accessed.

**Internet sources**

**In the case of an electronic journal:**

<table>
<thead>
<tr>
<th>Author,</th>
<th>'Title',</th>
<th>Year of Publication</th>
<th>Volume of Journal</th>
<th>Name of Journal</th>
<th>&lt;url&gt;</th>
</tr>
</thead>
</table>

**Examples:**

<http://webjcli.ncl.ac.uk/1997/issue1/bradgate1.html>

<http://elj.warwick.ac.uk/jilt/cal/97_1mood/>  

**In the case of a newspaper or magazine:**

Jason Nissé, 'UK may face legal action on tendering agreements' <http://www.thetimes.co.uk/>

Purely electronic publications may not have page numbers, or may use a system of numbered paragraphs. Follow whatever style they use.

It is customary to give the uniform resource locator (url) including the protocol for an internet source. Take very great care with punctuation in urls. The convention of
enclosing the url with < > is recommended. It has the merit of avoiding ambiguous 'dots'.

It is the nature of electronic publication that urls may be changed, or contents may be altered or removed without notice. If the electronic source follows this policy then include the date given for last update, or failing that, the date you accessed it. Use an unambiguous method. In North America 10/5/97 would be interpreted as 5 October 1997.

**Digital Object Identifiers**

Commercial publishers of large quantities of digital materials are tending to use digital object identifiers (doi) to provide a persistent link to the document. The doi system is handled by the International DOI Foundation <http://doi.org/>. A doi looks like this:

doi:10.1093/indlaw/dwj001

Digital object identifiers all start with a prefix 10.xxxx and continue with a suffix. The doi system enables the current address of a file to be held in a central database, so a search of that database will lead to the file, even though its url may have changed. The central database is held at <http://dx.doi.org/>

A search for <http://dx.doi.org/10.1093/indlaw/dwj001> will lead you to Freedland, 'From the Contract of Employment to the Personal Work Nexus', (2006) 35 *Industrial Law Journal* 1-29. To see this resource, you will need to be authenticated to see the Industrial Law Journal on-line on the Oxford University Press website, typically because you (or your University) is a subscriber.

Articles which have been accepted for publication in paper journals, but not yet printed, may be given a doi in advance of paper publication. When this happens, there is no alternative but to cite the doi. Where the article exists in both paper and digital forms, you may cite the doi in addition to the full paper source.

**Ephemeral sources**

Usenet, news groups and e-mail are ephemeral sources, akin to conversation, and rarely likely to require citation. If required, the method described above may be adapted. Internet protocols may be used to provide purely local access to files across a local area network. It would be inappropriate to cite such sources, except in a document intended for publication only within the organisation in question.

**CD-ROM**

Materials obtained from a published CD-ROM may be cited as follows. Cullen, 'European Law/Competition Policy/Merger Control' IOLIS CD-ROM Ed Spring 1997
On principle, it should make no difference if the CD-ROM is networked across a local area network (LAN). The information given about the CD-ROM fixes its date of publication, so it is not necessary to state the date it was accessed.

An exception should be re-publication on CD-ROM of an existing paper source, where both use the same method of citation e.g. electronic Law Reports. In such a case it should not be necessary to distinguish which source was used, unless, of course, to point out an (unintentional) difference between them.
## Appendix 1

### Common Abbreviations

The Judiciary

<table>
<thead>
<tr>
<th></th>
<th>Singular</th>
<th>Plural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justice of the Supreme Court</td>
<td>Lord or Dame Name JSC</td>
<td>Lords Name 1 and Name 2 JSC</td>
</tr>
<tr>
<td>Lord of Appeal in ordinary (i.e. who sat in the House of Lords)</td>
<td>Lord or Dame Name</td>
<td>Lords Name1 and Name2</td>
</tr>
<tr>
<td>Lord Chancellor</td>
<td>Lord Name LC*</td>
<td></td>
</tr>
<tr>
<td>Lord Chief Justice</td>
<td>Name LCJ</td>
<td></td>
</tr>
<tr>
<td>Master of the Rolls</td>
<td>Name MR**</td>
<td></td>
</tr>
<tr>
<td>Lord Justice of Appeal</td>
<td>Name LJ</td>
<td>Name1 Name2 LJ</td>
</tr>
<tr>
<td>President of the Queen’s Bench Division</td>
<td>Name P</td>
<td></td>
</tr>
<tr>
<td>President of the Family Division</td>
<td>Name P</td>
<td></td>
</tr>
<tr>
<td>Chancellor of the Chancery Division (Formerly Vice-Chancellor of the Chancery Division)</td>
<td>Sir Name C, Name V-C</td>
<td></td>
</tr>
<tr>
<td>Justice of the High Court</td>
<td>Name J</td>
<td>Name1 Name2 JJ</td>
</tr>
</tbody>
</table>

*The last Lord Chancellor to sit in the Appellate Committee was Lord Irvine of Lairg LC.*

**Incumbents who were previously Lords of Appeal in Ordinary will retain that title: e.g. Lord Name MR.*
### The Law Reports
*(Incorporated Council of Law Reporting for England and Wales)*

<table>
<thead>
<tr>
<th>AC</th>
<th>Appeal Cases</th>
<th>Reports of speeches in the Supreme Court, Appellate Committee of the House of Lords, and the Judicial Committee of the Privy Council.</th>
</tr>
</thead>
<tbody>
<tr>
<td>QB</td>
<td>Queens Bench</td>
<td>Reports of judgments given in the Queen's Bench Division (QBD) of the High Court of England and Wales and in the Court of Appeal on appeal from that Division.</td>
</tr>
<tr>
<td>Ch</td>
<td>Chancery</td>
<td>Reports of judgments given in the Chancery Division (Ch) of the High Court of England and Wales and in the Court of Appeal on appeal from that Division.</td>
</tr>
<tr>
<td>Fam</td>
<td>Family</td>
<td>Reports of judgments given in the Family Division (Fam) of the High Court of England and Wales and in the Court of Appeal on appeal from that Division.</td>
</tr>
<tr>
<td>P</td>
<td>Probate</td>
<td>Reports of judgments given in the Probate Divorce and Divorce and Admiralty Division (PDA) of the High Court of England and Wales and in the Court of Appeal on appeal from that Division. Ceased in 1971.</td>
</tr>
<tr>
<td>WLR</td>
<td>Weekly Law Reports</td>
<td>Issued in three annual volumes. Cases in vols 2 and 3 (but not 1) will be reported in the Law Reports.</td>
</tr>
<tr>
<td>ICR</td>
<td>Industrial Cases Reports</td>
<td>Selected cases from the Employment Appeal Tribunal and appeals to the Court of Appeal and the House of Lords, or originating in the High Court, and cases of special interest heard in employment tribunals and before European Court of Justice.</td>
</tr>
</tbody>
</table>

*(Privately produced law reports)*

<table>
<thead>
<tr>
<th>All ER</th>
<th>All England Law Reports</th>
<th>Butterworths. Reports of cases of general interest.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr App R</td>
<td>Criminal Appeal Reports</td>
<td>Sweet and Maxwell. Major criminal appeal cases decided in all English criminal appellate courts.</td>
</tr>
<tr>
<td>CMLR</td>
<td>Common Market Law Reports</td>
<td>Sweet and Maxwell. European Union case law</td>
</tr>
</tbody>
</table>
### General Law Journals.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Journal Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLJ</td>
<td>Cambridge Law Journal</td>
</tr>
<tr>
<td>LQR</td>
<td>Law Quarterly Review</td>
</tr>
<tr>
<td>MLR</td>
<td>Modern Law Review</td>
</tr>
<tr>
<td>NLJ</td>
<td>New Law Journal</td>
</tr>
<tr>
<td>OJLS</td>
<td>Oxford Journal of Legal Studies</td>
</tr>
<tr>
<td>LS</td>
<td>Legal Studies</td>
</tr>
<tr>
<td>Web JCLI</td>
<td>Web Journal of Current Legal Issues</td>
</tr>
</tbody>
</table>
Appendix 2

Author/date (Harvard) system

The author date system (also known as the Harvard system) is widely used in social sciences. You should not use it for legal writing in the law department unless specifically told to do so.

The author/date system uses the author's or editor's or other originator's name and date of publication (with a alphabetic suffix, if more than one in a year) in the text, with the reference in an alphabetically ordered endnote or bibliography:
For books and articles, references in the text would be (Smart 1989) and (Goddard 1987, p 249). In the Bibliography the date must follow the name of the author/editor:

Under the author-date system if there is more than one reference to an author in a year, they are distinguished by a suffix letter. A page number may also be included:
(Smart 1989a: p 94) (Smart 1989b: p 31) etc.

The convention for articles in scientific, medical and technical journals is different. The usual style is:
Author/editor, 'Title', Name of Journal, Year of Publication, Volume Number, page reference.
Appendix 3 – Legal Latin

Preliminary Guidelines:
Do not use Latin words / terms unless:
- You know exactly what the word / term means
- You know how to spell the word / term correctly
- You know how to pronounce the word / term
- You know the correct context in which the word / term ought to be used
- It is a word / term which is in common use
- Do not use Latin if there is a perfectly acceptable equivalent in English

Never use Latin simply as a means of impressing your reader/ hearer; this very rarely works.

Note: It is always advisable to consult a Law dictionary, not an ordinary English dictionary. There are also dictionaries of Latin words and terms that are used in Law.

Note: When using Latin (or any non-English word), it is customary to use italics (or underline, if handwritten)

Note: Don’t assume that all foreign-sounding words are Latin; many of them are in fact French (or Norman-French)

1. Pronunciation
For the purposes of law, Latin is pronounced the way lawyers in the Middle Ages did so. This may be different from the way modern-day Classical scholars pronounce Latin.

Some general rules:
decree nisi: nisi is pronounced as nysy, not as neesee.

de jure: jure is pronounced (and sometimes even spelt) as iure; the ‘j’ is pronounced as ‘y’

ratio: pronounced as rayshio, not as rat-eeoo

cestui que trust (the beneficiary of a trust): pronounced as settee key trust

Tip: listen to the way your tutors pronounce these terms
Latin in ordinary usage

Latin has made its way into English (as have many other languages) and many Latin words / terms have been anglicised, and are now spelt differently from the original. Other words / terms continue to be spelt as in the original.

ad hoc: ‘for this purpose’ – used in the sense of something that is temporary. “The Home Secretary has been given certain ad hoc powers to deal with the threat of terrorism.” Note: Is it necessary to use Latin here? What is wrong with the word ‘temporary’?

ad libitum (usually shortened to ad lib.): ‘off the cuff; without preparing in advance’ “Never trust a lawyer who gives ad lib advice.”

aegrotat: ‘He is ill’. “Jim was given an aegrotat degree as he was suffering from a terminal illness and could not sit his final examination.”

alias: Originally meant ‘at another time’; now mutated to mean ‘also known as’, especially in terms of names’. “The defendant used an alias in order to obtain a fraudulent bank account.”

cf: An abbreviation for confer, which in Latin meant ‘compare’; used as a shorthand way to indicate that the reader should look elsewhere. So a dictionary entry might read (or the index in a textbook) might state: “Alcohol, cf intoxication”

curriculum vitae (usually shortened to c.v.): literally translated as ‘the course of your life’. “Applicants were invited to submit a c.v. before they could be considered for the scholarship.”

exempli gratia (usually shortened to e.g.): ‘for the sake of example’. “The word ‘animal’ used in the Act has been interpreted to include domestic animals only, e.g. cats and dogs.” As far as the use of italics is concerned, see the note to id est below.

et alii (shortened to et al): ‘and the other people’. Where there are a number of authors of a textbook, for example, it is possible to simply state, “According to Jones, et al, the principle no longer applies in English Law.”

et cetera (shortened to etc): ‘and the other things’. “The statutes, rules, regulations, etc are all applicable to the case under discussion.” (NB: it is usually best to avoid this in formal writing; an examiner will want you to set out the full list. Using etc is an example of ‘lazy’ writing)

ex officio: ‘by virtue of office’. “As Vice-Chancellor, she is an ex officio member of the University Academic Council and does not have to be elected.”
ibidem (shortened to ibid.): ‘in the same place’. Useful in footnotes. If your footnote refers to the same sources as the footnote that is immediately above it, then you would simply use ibid. See this example of footnotes:

2. ibid, p.58

id est: (shortened to i.e.) ‘it is’; but now mutated to ‘that is to say’. “Law students are expected to conform to all the University Regulations i.e. to be students beyond any reproach.” Note: the use of i.e. is so common in ordinary English usage that it is not strictly necessary to place it in italics.

infra: ‘below’; commonly used in footnotes as a device to refer the reader to material / reference that comes later on. This device should not be used often, and it is recommended that you do not use it for coursework. Example:

3. see Donoghue v Stevenson, infra.

Compare this with supra, below.

inter alia: ‘among other things’.” “Law students were given adequate instruction with regard to, inter alia, the University regulations on plagiarism.”


non sequitur: ‘it does not follow’ – something which is illogical. “It is a non sequitur to argue that just because a student is ill, he should be allowed to progress into the second year.”

per capita: ‘individually / by the head’; used in the context of business / economics. “The per capita income in Zimbabwe has decreased dramatically since the regime of President Mugabe started its policy of land distribution.”

per se: ‘in and of itself’. “Not attending lectures and seminars is sufficient, per se, to account for the failure rate.”

persona non grata: ‘a person who is not acceptable’. “As a consequence of Jim’s previous drunken behaviour, he was persona non grata at the awards ceremony.”

post mortem: ‘after death’, often used in the context of an autopsy. “The post mortem examination revealed that death was caused by plutonium poisoning.”

post scriptum: ‘after being written’, usually abbreviated to p.s.; used when you wish to add something after you have already concluded. So, for instance, if you have finished a letter and signed it, you wish to add something else, you could insert p.s. and add whatever it is you wish to say. This is obviously not something you would do in formal writing.
pro rata: ‘in proportion’. “The marks for the group project were divided up pro rata, in accordance with the amount of preparation done by individual students.”

quod est demonstrandum: usually shortened to QED; ‘the thing that has to be proved’, often used in maths problems. “Lord Denning was a genius. All you have to do is read his judgments, QED.”

quid pro quo: ‘what for what’; something for something. “Students were told that if they assisted in the School open day, they would be given 10 credit points as a quid pro quo.”

requiescat in pace: shortened to RIP; ‘rest in peace’. “Lord Denning is dead, RIP.”

sic: short-hand form for saying ‘It is wrong but that is how the original speaker spoke / wrote it.’ In 1992 Dan Qualye, the former US Vice-President said, “That’s how you spell ‘potatos’ [sic]”

supra: short-hand abbreviation for ‘see above’; commonly used in footnotes as a device to refer the reader to material / reference that has already been previously referred to. The same advice given in relation to the use of the term infra is applicable (see above).

vice versa: used to mean ‘conversely’. “All the women will go out to work and, vice versa, all the men will stay at home.”

viva voce: ‘with live voice’, used today to refer to an oral test, often shortened to viva. “All PhD candidates have to undergo a viva with the external examiners.”

The attempt to abolish the use of Latin
Is the use of Latin by lawyers merely cultish and obscurantist?

“In 1730 Parliament passed an Act abolishing law-Latin in legal proceedings. But it was found that technical terms ... were (as Blackstone put it) ‘not capable of an English dress with any degree of seriousness’, and so two years later another Act was passed to allow such words to be continued ‘in the same language as hath been commonly used’. The lessons of that episode have not been wholly absorbed, and there is movement (running currently with the reforms of civil procedure spearheaded by Lord Woolf) to eliminate Latin from our legal language. A Lexis search for ‘Latin’ through the recent law reports suggest that the battle is not yet won.” (Glanville Williams, Learning the Law, 12th ed, London:Sweet & Maxwell, 2002, p.88 (see (2005) 121 LQR 57, 66)
A suggested approach?

A distinction should be drawn between:

- ‘terms of art’ / technical terms, for which there are no ordinary English equivalent, and which are in common usage (for e.g. *obiter dicta*, *ratio*, *caveat emptor*, *actus reus* and *mens rea*), and

- terms for which there are simple and acceptable ordinary English substitutes (for instance, why use the phrase “*ad hoc* powers exercised by the Minister” when it would be just as accurate to refer to “temporary powers exercised by the Minister”?)

*Remember*: unnecessary use of Latin serves little purpose and only gives a false sense of erudition

**Law-Latin words / terms / maxims in common usage**

*Note*: Always check a Law dictionary to ensure correct usage.

*Note*: Law-Latin is not always given a literal translation; there are a number of instances where a literal translation would be either meaningless or misleading. In some instances the Latin usage is simply a short-hand way of conveying a complex rule or concept.

*Note*: This list is, of course, not exhaustive

*actus reus* and *mens rea*: These terms are used to indicate the two essential ingredients of all offences. It is inaccurate to translate *actus* as ‘acts’ because the term includes, *inter alia*, omissions (a failure to act may sometimes be equally culpable). Similarly *mens rea* must not be translated as ‘guilty mind’ as there may be many situations where the defendant does not feel guilt but nonetheless has the necessary *mens rea*. It is best to describe *mens rea* as: a state of mind considered by the Criminal Law to be culpable or blameworthy (i.e. deserving of punishment). *Mens rea* would include the following states of mind: intention, recklessness and negligence. Most offences require the prosecution to prove both *actus reus* and *mens rea*. However, with strict liability offences, it is enough for the prosecution to prove *actus reus* only.

*amicus curiae*: ‘a friend of the court’. Used to indicate someone who is not a party to court proceedings, is not one of the legal representatives or a witness, but is called upon (or volunteers) to assist the court in some matter upon which the court requires assistance or advice.

*bona fide*: ‘in good faith’. Used to indicate the requirement that the parties (for instance to a contract) must act with good intentions. It is especially required in Equity and insurance contracts. A term in common use in Contract Law: a *bona fide* purchaser for value without notice. This indicates that the purchaser bought the property in good faith without any knowledge of any defect of title (for instance, that it was stolen property).
caveat emptor: ‘let the buyer beware’. Used in Contract Law to indicate that the party who enters into a contract should take steps to ensure that he fully understands what he is doing (for instance, in relation to the terms of the contract), i.e. he must look out for his own interests. It might be possible to submit that with the growth of the measures to protect consumers (the Unfair Contract Terms Act comes to mind), the phrase should be caveat venditor: ‘let the seller beware’. This would be that the purchaser might be able to use consumer law to avoid a contract he has entered to, while the vendor might continue to be bound.

consensus ad idem: ‘a meeting of minds’. For there to be a valid, enforceable contract it is usually necessary for there to be a compete agreement on, for instance, the subject matter. If the purchaser thinks he is buying a lap-top computer and the vendor thinks he is selling a desk-top PC, then there is no consensus ad idem.

de facto and de jure: ‘in fact’ and ‘in law / according to the strict letter of the law’. These phrases indicate that the Law might often take a different view of the facts, or give the facts a different interpretation. For instance: “Under the Constitution, Parliament has the responsibility, de jure, to make law. However, the party system, enforced by the Whips is that, de facto, it is the executive which does so.”

habeas corpus: translated as ‘produce the body’. This is a centuries-old remedy used to challenge unlawful detention. An application is made to court for the detainee to be produced and the case for holding him in detention examined by the judges. It is often said that the action for habeas corpus is the corner-stone of liberty as it means that the actions of the State in detaining someone may be challenged. An application for habeas corpus is made to the QBD.

in loco parentis: ‘in the place of a parent’. Used to indicate the concept that a non-parent may sometimes have both rights as well as obligations towards a child. For instance: “Whilst pupils are in school, teachers may be said to be in loco parentis.”

in pari materia: ‘where the law is similar’. This phrase is used to refer to situations where the law in other jurisdictions is similar. Consequently, cases decided in that jurisdiction may be highly persuasive. For instance: “Cases on negligence decided by the Australian courts are highly persuasive as the law on negligence in Australia is in pari materia with the law on negligence in England and Wales.”

Legum Baccalaureus: ‘of Laws, a Bachelor’, abbreviated to LLB

mens rea: cf. actus reus

ratio decidendi: ‘the reason for the decision’. This term indicates the legal reasoning upon which the decision in a case is based. It is the ratio decidendi of a case which is binding.
**res ipso loquitur**: ‘the thing speaks for itself’. The maxim is used when something is so self-evident that no further proof is needed. It is most often used to indicate negligence. For instance, where a bus mounts a pavement and causes injury, when no other vehicle is involved, it could be said that negligence is self-evident. Of course, the driver of the bus might seek to show that there was some other cause for what had happened but this is for him to prove.

**sub judice**: ‘still before the courts’. This expresses the principle that when an issue is still being heard / considered by the courts, there should not be comment (especially by the media). Comment by the media may result in contempt proceedings being instituted.

**sub poena**: translated as ‘under punishment’ but used to indicate that someone is being compelled to testify. So, for instance, a **sub poena** was issued against Tony Blair requiring him to testify in the ‘cash for honours’ trial.

**stare decisis**: this refers to the common law doctrine by which precedents are authoritative and binding.

**sui generis** and **sui juris**: ‘unique in kind’ and ‘unique in law’. “A platypus, found in Australia, is **sui generis** as it is a mammal that nonetheless lays eggs. It lays eggs but nonetheless suckles its young.” “Rape is an offence that is **sui juris**, because the general principles of criminal liability do not apply and it is governed by its own unique rules.”

**volenti non fit injuria**: ‘injury cannot be done to a willing person’. Used to indicate a principle in both Criminal Law and Tort that if the victim / claimant has consented to some action being taken which puts him at risk, he cannot later complain. So, a footballer who suffers a knee injury cannot complain that he has been assaulted by another player. This is provided, of course, that the injury occurred without any foul play. Similarly, a patient who consents to an operation cannot bring an action for damages against the surgeon, provided that the surgeon has not acted negligently.
Roman numerals

Roman numerals, as opposed to the common numerals in use (derived from Arabic) are used in statutes (for example: s.5(3)(a)(iv), or when a statute is divided into Parts), or in page numbering (consult any textbook - the pages before you reach p.1 are noted in roman numerals). Sometimes dates are also expressed in roman numerals. This is a practice adopted by the BBC. If you look out for the credits at the end of a programme, you will notice that the date the programme was made is given in Roman numerals (so, MMVII – for 2007).

I  i  1   
II  ii  2   
III  iii  3   
IV  iv  4   
V  v  5   
VI  vi  6   
VII  vii  7   
VIII  viii  8   
IX  ix  9   
X  x  10   
XI  xi  11   
XII  xii  12   
XX  xx  20   
XXI  xxi  21   
XXX  xxx  30   
XXV  xxv  25   
L  l  50   
£ - the pound sign originates from this
LIX  lix  59   
C  c  100   
CC  cc  200   
XCIX  xcix  99   
M  m  1000   
MM  mm  2000   
MMVI  mmvi  2006   
MMVII mmvii  2007   

This guide is based, with their kind permission, on Newcastle University Law School’s Legal Writing guide. The section on legal Latin was written by Edward Phillips, University of Greenwich.