Arden University Guide to

OSCOLA Referencing

Library Portal
https://library.arden.ac.uk/

Study Skills on iLearn
https://moodle.bl.rdi.co.uk/course/
view.php?id=921&section=1

Emails
Study-skills@arden.ac.uk
and libraries@arden.ac.uk

Blog
https://library.arden.ac.uk/library-blog

Twitter
@LibraryArden

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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 Unfair practice: expectations and guidance

Taking ideas from other people without proper acknowledgement, allowing others to write work on your behalf and using artificial intelligence (AI) to complete your assignments, all constitute **unfair practice**.

Plagiarism

Plagiarism is when you **take ideas or words from another source** and present them in your own writing as if they are your original work. This includes presenting **your own earlier material** as new.

Essay mills (paid-for essays)

You **must not pay, ask or allow** another person or company to complete work for you. Any assignments suspected of not being your own work will be investigated for unfair practice.

Artificial Intelligence (e.g. ChatGPT)

Arden University advises that you do not use AI to write any part of your assignments. However, AI language models, such as ChatGPT, can be used as tools to help you develop

your writing skills and create conceptual models and templates for your assignments. For example, ChatGPT can be used effectively to:

- develop research questions

- create outlines for assignments

- create examples/guidance for different writing styles

- identify relevant sources (you must confirm that a source is genuine by finding and using the original source)

- brainstorm ideas

- generate images

It is not advisable to use AI-generated information as a form of evidence in an assignment and it should not be used to replace your own critical analysis. You should carefully check any information derived from ChatGPT (or other AI software) using credible sources.

Note: You must acknowledge where you have used AI in your assignments. For guidance on how to cite and reference the use of AI, see **section 5.2**.

You will agree to the declaration below when you submit an assignment using Turnitin:

'I hereby declare that the attached assignment is my own work and that all sources of reference are acknowledged in full, including the use of generative artificial intelligence. I declare 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'.

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 4th edition, it is a standardised referencing style widely used by law schools throughout the UK and overseas. The Arden University Guide to OSCOLA Referencing follows the guidelines and examples in 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.
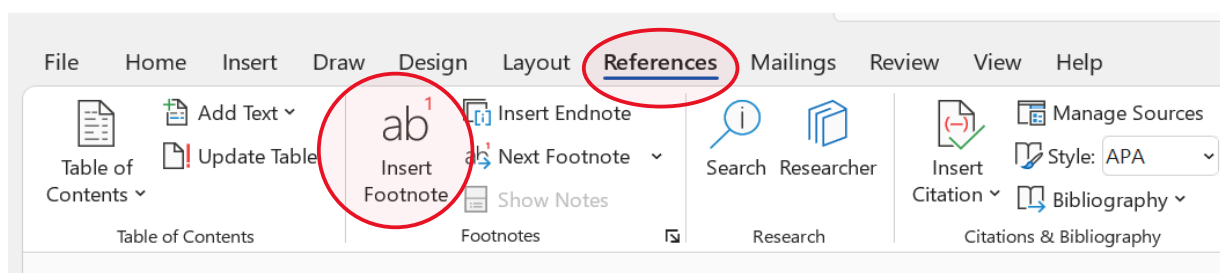
- A primary source in OSCOLA refers to the legal material itself. This includes case law, legislations or statutory instruments. Secondary sources refer to materials that discuss or critique the law. Examples of secondary sources include books, book chapters, journal articles, websites and so on.

- OSCOLA uses **abbreviations** for courts, law reports, journal titles and so on. Full lists 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' is 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, The Concept of Law (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	*Callery v Gray* [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?'[22]

- 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 do **not** 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. Always place a comma after the neutral citation to separate it from the law report 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)

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

The above example indicates that the case involving Corr and IBC Vehicles Ltd was the 13th judgment issued by the House of Lords (abbreviated as UKHL) in 2008. The case was subsequently reported in the volume 1 of the *Appeal Cases* (abbreviated as AC) published in 2008. The report of the case begins at page 884.

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

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

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 above footnote indicates the case involving Page and Smith was reported in the volume 1 of the *All England Law Reports* (abbreviated as All ER) published in 1960. The report of the case begins at page 792, and the judgment was issued by Court of Appeal (abbreviated as CA).

3.2 Citing legislation

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-reading 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 and e-books

If you are citing an e-book that also exists as a hard copy, cite it as a **book**. 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'. If no individual author can be identified, but an organisation can be identified as having the editorial responsibility, then cite it as the author;
- 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.

In the case where an e-book is only published in the electronic format, you should include the information of the URL and the most recent access date. Only 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
Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC 884, 886	Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC 884
Page v Smith [1996] AC 155 (HL)	Page v Smith [1996] AC 155 (HL)

4.2 Tables of Legislation

This section contains every statute cited in the assignment. The format should be the same as in your footnotes. List legislation **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 of a journal article	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

Arden University advises that you do not use AI to write any part of your assignments. However, AI language models, such as ChatGPT, can be used as tools to help you develop your writing skills and create conceptual models and templates for your assignments. For example, ChatGPT can be used effectively to:

- develop research questions
- create outlines for assignments
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- identify relevant sources (you must confirm that a source is genuine by finding and using the original source)
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It is not advisable to use AI-generated information as a form of evidence in an assignment and it should not be used to replace your own critical analysis. You should carefully check any information derived from ChatGPT (or other AI software) using credible sources.

5.2 Referencing AI-generated texts

You must use AI tools in accordance with the Arden University statement on the use of artificial intelligence in assessment. This means that you must not:

- use any AI tools to achieve the learning outcomes for you;
- use any AI tool in a way that breaks Arden University's rules on Academic Misconduct;
- use online translation tools to work between English and another language.

Using AI to write any part of an assignment is not permitted and is considered unfair practice (see section 1.2). You must not use it to create content with the intention to submit AI-generated work as your own. This includes using text paraphrased, summarised, or translated by AI tools in your work. If you choose to use AI to suggest sources for an

assignment, it is your responsibility to find the original source and to read it critically to check for accuracy.

While AI is **not** considered a credible academic source, there may be times when you feel it is relevant to refer to AI-generated ideas in your work. In these cases, you should treat AI as any other source, by paraphrasing or quoting the text, and providing the relevant citation and reference.

Until more guidance is released in the future edition of OSCOLA, you will reference AI-generated texts as 'personal communications' (see OSCOLA 4th edition 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.