

OSCOLA Referencing

This guide will help you understand what referencing is and how it works. You will also need to refer to the OSCOLA handbook.

What is OSCOLA referencing and why does it matter?

Referencing is an essential part of your academic work for several reasons:

- to acknowledge the sources you have used as the basis for your research. Failure to do this could be regarded as **plagiarism**
- to enable other people to identify and trace the source you have used
- to support facts and claims you have made in your assignment
- to show that you have read widely and used a variety of sources

There are a number of different styles of referencing but the School of Law specify using OSCOLA.

The **definitive guide to OSCOLA referencing** is the 4th edition of the OSCOLA handbook. This is freely available online as a PDF (https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf)

There is also a quick guide to OSCOLA available as a PDF from https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012quickreferenceguide.pdf. This offers examples but not much explanation, so is only of use once you are comfortable with OSCOLA.

Every time you refer to or quote from a case, piece of legislation, book or journal article – or indeed any other source – you should add a **footnote** with more details. Usually, you would then be expected to include a bibliography at the end of your essay. If you're not sure whether a bibliography is required, check with your module leader.

What should footnotes look like in my work?

Footnotes come below the body of the text at the bottom of each page.

- If you're using Microsoft Word, put the cursor after the word(s) you want to reference then, in the 'References' menu tab select 'insert footnote'. Alternatively, use the keyboard shortcut **Ctrl+Alt+F**.
- If you're using Google Docs, put the cursor after the word(s) you want to reference then, in the 'Insert' menu tab select 'footnote'. Alternatively, use the keyboard shortcut **Ctrl+Alt+F**.

In both these programs, your footnotes will automatically be given numbers. If you go back and insert a new footnote, your existing footnotes will automatically be renumbered.

If you have a laptop but don't have Microsoft Word, you can sign up for Office 365 for *free* as an Oxford Brookes student. Just go to: <http://www.brookes.ac.uk/it/services/office-365/> and follow the instructions.

Already, variations of the contractual retiring age following a transfer of undertakings have been challenged in *Power v Regent Security Ltd*.¹ In the old regime the Normal Retirement Age (NRA) and the State Retirement Age (SRA), which was 65, ruled out a finding of unfair dismissal, by making access to a tribunal dependent on being dismissed before the NRA or, in its absence, the SRA.²

¹ *Power v Regent Security Ltd* [2007] EWCA Civ 1188, [2008] 2 All ER 977, 987.

² Claire Kilpatrick, 'Age, Retirement and the Employment Contract' (2007) 36 *Industrial Law Journal* 119, 121.

Specific advice is given in the OSCOLA handbook about how to format footnotes for different sources. Some useful general points to remember are:

1. For books and journal articles, the author's name should appear exactly how it does in the source. However, if they use initials, don't use any full stops, i.e. use HLA Hart rather than H.L.A. Hart
2. If there are more than three authors, just give the name of the first author followed by 'and others'.
3. An author can be an organisation or a company; it isn't always a
4. named individual. This is often the case with webpages and reports.
5. If you are referencing a particular page in a case or an article your footnote should end with two page numbers: the start page and the page you are referencing. This is called **pinpointing**, and is used in footnote 2 in the boxed example above.
6. If you are referencing a case from the High Court or above that was reported after 2001, you should include both **the neutral citation** and the most authoritative law report citation in your footnote.

What is a bibliography?

A **bibliography** is a list of references, and comes at the end of your essay. All the references you used in your footnotes should be repeated in the bibliography. Remember the following points:

1. It is customary to have cases and legislation listed separately, before all the other sources.
2. Your references should be listed alphabetically by author's surname.
3. The author's surname should come first and their first name(s) should be shortened to initials.
4. You do not need to pinpoint particular pages. So references to cases and articles should conclude with a start page only.

To see points 3 and 4, compare the reference for Kilpatrick in the footnote example above and the bibliography example below.

Department of Trade and Industry, *Success at Work: Resolving Disputes in the Workplace* (Department of Trade and Industry 2007)

Kilpatrick, C, 'Age, Retirement and the Employment Contract' (2007) 36 *Industrial Law Journal* 119

Stredwick J, *Flexible Working* (2nd edn, Chartered Institute of Personnel and Development 2005)

What if I can't find what I need in the OSCOLA handbook?

The OSCOLA FAQs (<https://www.law.ox.ac.uk/oscola-fags>) contain guidance for some resources not included in the handbook, including podcasts, radio programmes and book reviews.

For international law, refer to the 2006 OSCOLA handbook (https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_2006_citing_international_law.pdf). This area was not included in the 4th edition of 2012.

Section 3.4.1 of the OSCOLA handbook (https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf) deals with general principles for referencing secondary sources that do not fall into any of the prescribed categories. Follow the OSCOLA rules as closely as possible and maintain consistency.

How can I get more help with OSCOLA referencing?

If you are struggling with understanding OSCOLA or if you have lost marks on a piece of coursework because of your referencing you may find it helpful to have a chat with the Academic Liaison Librarian for Law. Her contact details are at the end of this guide. She can see you individually or in small groups.

Other useful resources include:

The OSCOLA guide (<http://libguides.ials.sas.ac.uk/content.php?pid=571308&sid=4711057>) produced by the Institute of Advanced Legal Studies contains the same information as the OSCOLA handbook, but it is broken it down into smaller sections, which can make it easier to use. Like the handbook, this contains examples of referencing you can follow.

Cite Them Right (<https://www.citethemrightonline-com.oxfordbrookes.idm.oclc.org/>) is designed to help you correctly reference a wide range of resources. It is easy to use, with the ability to enter and check your own referencing examples. It covers a range of referencing styles, so always make sure the drop-down box says OSCOLA before following any examples! Not every format has an OSCOLA example so, in these instances, you will need to refer to the OSCOLA handbook. There is good general advice about using quotations, avoiding plagiarism etc. under the 'basics' tab. NB: you will need your usual Brookes login details to access Cite Them Right.

This great video from the Institute of Advanced Legal Studies covers all aspects of OSCOLA and contains short quizzes to test your skills. <http://port.sas.ac.uk/mod/scorm/view.php?id=2231>. You do not need to create an account, just click 'log in as guest'.

Getting help and finding out more

More online information can be found on the Law help pages, at www.brookes.ac.uk/library/subject-help/law

If you need any help with finding or using library resources for law please contact **Charlie Brampton** (Academic Liaison Librarian for Law) using the contact details below.

Email: c.brampton@brookes.ac.uk
Tel: 01865 483077

Headington Library, JHB 310 (Level 3, Zone C)
Oxford Brookes University.