

**SCHOOL OF LAW, POLITICS & SOCIOLOGY**

**SUSSEX LAW SCHOOL**

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**LLM in Environmental Law** (M3516T)

**Course Handbook 2018/19**



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# Introduction

This handbook brings together information which will be of use to you throughout your study for a postgraduate degree in the Sussex Law School. It supplements the induction sessions and you should add to it as you are provided with further information and advice during the course of your studies.

In addition to the information contained within this handbook there is an enormous amount of information on the law website <http://www.sussex.ac.uk/lps/internal/departments/law> on the University website <http://www.sussex.ac.uk/> a particularly useful place to start is the A-Z Index or by entering a key word in the search bar.

As a students you should also familiarise yourself with Sussex Direct, which contains information about your course, modules and school of study as well as Canvas, our virtual learning environment.

## Message from Head of Department

Congratulations and Welcome to the Sussex Law School. You are now a member of a vibrant, exciting, friendly Law School at a University that prides itself on its interdisciplinary approach to study and its teaching and research excellence. You are embarking on a degree course which encourages lively and informed debate, discussion and critical investigation into legal principles and the context in which they develop. I hope that you are ready to work hard on a stimulating and interesting exploration of a fascinating subject, and that you will also take this opportunity to make new friends, become involved with the student law societies and take part in the extra-curricular activities, pro-bono work and competitions (such as mooting, criminal advocacy, mediation, negotiation, client interviewing and legal debating) that we run.

The Sussex Law School (SLS) is a department within the School of Law, Politics and Sociology (LPS) and is responsible for teaching law at both undergraduate (LLB) and postgraduate (GDL, LLM and PhD) levels, as well contributing to the social sciences foundation year. There are currently around 1,000 undergraduate students and 200 postgraduate students in the Sussex Law School, taught by around 75 academic faculty specialist in their chosen fields and a small team of excellent Associate Tutors. You will also benefit from the support of the staff in the LPS School Office (Freeman Building, room G41).

This Handbook has been produced to assist you in settling into Sussex University and as a source of guidance and information throughout your degree. Please take the time to read through it now and consult the Handbook as questions arise during your studies. You should keep this Handbook as an important source of information for use throughout your time at Sussex, adding to it materials which are distributed during the course of your studies. However, please note that this handbook is not a substitute for the formal statements and requirements of the official documents of the University.

When you registered in SLS you will have received, amongst other things, information about your Academic Advisor and where and how to contact her or him. Your Academic Advisor is your first point of contact if you have a problem. After an initial meeting at the start of the year, further meetings will be scheduled throughout the year, and you will also be able to contact your Academic Advisor at his or her weekly office hour (details of which can be found on Sussex Direct). Should you have any personal, financial or accommodation problems which affect your studies you should seek advice at the University's Student Life Centre.

I hope that you have a stimulating, enjoyable and successful time here at the Sussex Law School.

Professor Susan Millns



# Key Contacts

Name	Contact Details	What you can contact them about
Mr Francis Roake <i>Course Co-ordinator</i>	<a href="mailto:f.b.roake@sussex.ac.uk">f.b.roake@sussex.ac.uk</a> 01273 678261 Freeman School Office (G41)	-Course Administration -Timetable Changes -General Queries
Dr Emanuela Orlando <i>Course Convenor</i>	<a href="mailto:e.orlando@sussex.ac.uk">e.orlando@sussex.ac.uk</a> 01273 877992 Freeman F46	-Course Queries -Lecture & Seminar Feedback
<i>Academic Advisor</i>	Information Available on Sussex Direct	-Feedback -Module Choices -Study Skills -References -Personal Development
Prof Susan Millns <i>Head of Department</i>	<a href="mailto:s.millns@sussex.ac.uk">s.millns@sussex.ac.uk</a> 01273 678532 Freeman F54	-Departmental & Course Feedback -Student Experience
<i>Student Representative</i>	Information Available on Sussex Direct	-Module/Course Concerns -Student Experience
<i>Student Mentor</i>	Information Available Here: <a href="http://sussex.ac.uk/lps/internal/students/studentmentors">sussex.ac.uk/lps/internal/students/studentmentors</a>	-Academic Skills -Understanding Modules -S3 Study Skills
Student Life Centre	<a href="http://sussex.ac.uk/studentlifecentre/">sussex.ac.uk/studentlifecentre/</a> 01273 876767 Bramber House	-Personal Issues -Finance -Counselling -Progression and Withdrawal -Drop-In Sessions
Student Support Unit	<a href="http://sussex.ac.uk/studentssupport/">sussex.ac.uk/studentssupport/</a> 01273 877466 Bramber House	-Support for Long-Term Physical & Mental Health Conditions (eg. Learning Difficulty, Disability & Autism Spectrum Support)

# Course Overview

This innovative and unique LLM Course allows you to specialise in the rapidly developing and expanding area of environmental law. The course aims to provide you with a thorough and yet innovative grounding in the role of environmental law in the pursuit of global sustainability and the many challenges this field has to face. It engages both theoretical issues and practical, 'law in action' coverage, in line with the experience of faculty in working for or advising organisations as diverse as the UN Food and Agriculture Organisation, the European Commission, national government departments and agencies, environmental non-governmental organisations and local community groups.

The LLM has a three-part structure. First, the core modules during the autumn term are designed to give you the necessary theoretical, methodological and practical foundations for the course. No matter what academic background you come from, the first term should give you the analytical skills to undertake critical studies of a diverse range of topics in environmental law, while also developing your written and oral presentation skills. Second, the optional modules during the spring term will allow you to focus in more detail on two or more specialist topics taught by staff who are active researchers in these areas. Finally, a supervised dissertation allows you to develop your scholarship and ideas in an extended piece of work.

During both terms there will be talks by, and a chance to network with, a number of expert speakers in environmental law, and you can attend weekly research in progress seminars on a variety of legal issues at which you will be able to discuss cutting-edge research with a broad range of internal and external speakers.

## Learning outcomes

Concisely summarise and critically analyse a range of fundamental issues and challenges in environmental legal regulation
Reflect critically upon the practice of environmental law including the role of key legal institutions and actors
Have developed a critical appreciation of a variety of theoretical legal perspectives and research methodologies and be able to apply these to a range of topics within environmental law
Demonstrate a competence in advanced, level-specific research methods and presentational techniques
Critically evaluate a range of subjects specific to the optional modules chosen on the course so as to better appreciate the application of general principles, approaches and legal practice to discrete areas
Utilise a diverse set of practical skills including IT and traditional resources for presentation of critical analysis, both written and oral, in the field of environmental law
Devise, plan and complete a substantial research project on a relevant topic

## Course Structure

As a post graduate degree student you take 180 credits over the year (or over the two years if you are a part time student), which is made up of a combination of core and optional modules.

## LLM in Environmental Law M3516T Syllabus 2018

<b>Environmental Law (Full-Time)</b>			
<b>Term</b>	<b>Module</b>	<b>Code</b>	<b>Credits</b>
<b>T1 (Autumn)</b>	Advanced Legal Research & Writing	712M3	15
	Approaches to International Law	709M3	15
	Environmental Law and Governance	854M3	15
	Principles of International Law	711M3	15
	Sustainability and Law	955M3	15
<b>T2 (Spring)</b>	Environmental Law in Action	842M3	15
	<b><i>Optional modules chosen from the below list, to make for a total of 45 credits:</i></b>		
	Anthropology of Law	714M3	15
	Biodiversity and Natural Resources Law	835M3	15
	Climate Change and Energy Law	944M3	15
	Indigenous and Minority Rights	814M3	15
	International Environmental Law	928M3	30
<b>T3 (Spring &amp; Summer)</b>	Dissertation	844M3	45

<b>Environmental Law (Part-Time)</b>			
<b>Term</b>	<b>Module</b>	<b>Code</b>	<b>Credits</b>
<b>T1 (Autumn Year 1)</b>	Advanced Legal Research & Writing	712M3	15
	Approaches to International Law	709M3	15
	Principles of International Law	711M3	15
<b>T2 (Spring Year 1)</b>	<b><i>Optional module chosen from the below list, to make for a total of 30 credits:</i></b>		
	Anthropology of Law	714M3	15
	Biodiversity and Natural Resources Law	835M3	15
	Climate Change and Energy Law	944M3	15
	Indigenous and Minority Rights	814M3	15
<b>T1 (Autumn Year 2)</b>	Environmental Law and Governance	854M3	15
	Sustainability and Law	955M3	15
<b>T2 (Spring Year 2)</b>	Environmental Law in Action	842M3	15
	<b><i>Optional module chosen from the below list, to make for a total of 15 credits:</i></b>		
	Anthropology of Law	714M3	15
	Biodiversity and Natural Resources Law	835M3	15
	Climate Change and Energy Law	944M3	15
<b>T3 (Spring &amp; Summer Year 2)</b>	Indigenous and Minority Rights	814M3	15
	Dissertation	844M3	45

## Modules

The most up to date module list is available at this link:

<http://www.sussex.ac.uk/lps/internal/departments/law/pgcourses/2018/M3516T>

### **Note: Not all options are available each year.**

The main factors determining availability of options are student demand and Faculty research leave. Additionally, our module structure is subject to development and change over time. At the appropriate time, you will be invited to select the option(s) you wish to take from the range of modules on offer.

## Transferring course

Transferring course may be possible, it will depend on whether your preferred course is full or whether you satisfy the normal entry conditions. For more information speak with the Curriculum and Assessment Office in the Law, Politics and Sociology School Office (Freeman G41). Please note that there is a time limited opportunity for course transfers which is usually within the first three weeks of term one.



# Teaching and Learning

There are many different types of teaching and learning at Sussex at you will encounter some or all of these throughout different stages of your study.

## **Seminars**

The seminar brings together a tutor and a group of students. The group discusses a topic drawn from the readings for the module or the topic of a lecture. You are expected to prepare for each seminar and the tutor will try to ensure that everyone has a full part to play in discussions.

## **Lectures**

The lecture is led by an academic member of staff and should provide you with an overview of the different perspectives for the topic under consideration.

## **Self –Directed Learning**

The seminars and lectures will provide you with the resources to develop your skills as self-directed, independent learner. Your engagement with your subject will develop and you will take more responsibility for choosing what you read, the topics that interest you and the development of your own academic skills.

## **Academic Advisor**

Your Advisor can provide you with advice and assistance on academic matters, discuss feedback and will supervise your general progress. You may also need someone to provide you with a reference, which your Advisor will be able to help with. Details of your Advisor are found on Sussex Direct along with office hours and contact information. If you wish to see your Academic Advisor outside of these times, e-mail them for an appointment.

## **Lecture Capture**

The recording of lectures is a valuable resource and can be used:

- to aid students who have particular accessibility requirements or educational needs;
- as an aid for revision or post lecture review;
- to enable complex ideas/concepts to be revisited and reflected upon;
- to support students for whom English is not a first language.

The University strongly encourages all staff to record lectures and appropriate learning and teaching activities where recording facilities are available.

Information as to whether lecture capture is available for your modules will be provided by module convenors.

Lecture recording is provided to supplement and enhance the student learning experience and **not** as a replacement for student contact hours. You are still expected to attend all timetabled teaching sessions.

### **Canvas**

The virtual learning environment used for all your modules, you will be able to find module information and resources such as module handbooks, lecture notes, readings etc. Some staff may also use this for forums or online quizzes.

<https://studymdirect.sussex.ac.uk/login/>

### **Sussex Direct**

The administrative hub for all students and staff, you will be able to find information on timetables, exams and assessments, module marks etc.

<https://direct.sussex.ac.uk/login.php>

### **The Library**

In addition to the books, documents, official publications and audio-visual items held in the Library building, you can access Library information and collections, including eBooks, online journals via the internet. You will need your University ID card, which doubles as your library card for your time at University. Find out more information at [www.sussex.ac.uk/library](http://www.sussex.ac.uk/library)

### **Skills Hub**

The Skills Hub website ([www.sussex.ac.uk/skillshub](http://www.sussex.ac.uk/skillshub)) brings together all the resources available to you at Sussex to help you develop your skills in these key areas:

- Writing and referencing
- Library and research
- IT Skills
- Exams and assessments
- Employability
- Personal development

### **S3: Study Success at Sussex**

The S3 ([www.sussex.ac.uk/s3](http://www.sussex.ac.uk/s3)) website designed to bring together a range of key things you need to know to make a success of studying at university. It includes:

- Advice on preparing for study
- How to get the most from teaching and learning at University
- Tips from Sussex Staff and students
- Online study skills tutorials
- Dates for workshops, tutorials and other student support available at Sussex <http://www.sussex.ac.uk/skillshub/>

# Assessment

## Types of Assessment

There are a number of different types of assessment used at Sussex, and you will encounter them at all stages of your course. You can find a full list of all the assessment modes used at Sussex online at

<http://www.sussex.ac.uk/adqe/documents/modes-of-assessment.docx> .

**Note** that not all of these will be appropriate to your course.

A variety of assessment modes are used to develop and test different types of knowledge, skills and aptitudes. The assessment modes have been approved to test the course and module learning outcomes. Written submissions usually form part of the assessment at all levels. Written submissions include essays, reports, logs etc. as appropriate to the module and the skills that you are being expected to develop. Examinations may focus more on your ability to use your knowledge of the subject, rather than simply testing your memory for facts. Feedback is provided to support you in future assessments.

Unseen examinations are sometimes used to assess your level of knowledge and/or understanding of the discipline without the support of textbooks, notes or internet resources, unless these have been specifically permitted by the examination rubric. When, in accordance with the academic judgement of the School, an unseen exam has been approved for a module to assess competence standards and any accreditation requirements, an alternative mode may not be approved as a Reasonable Adjustment for a student registered with the Student Support Unit.

## How your work is marked

Any work you submit for formal assessment is marked by a team of internal academic staff, who have all received training on the marking scheme and providing feedback. In addition following marking a process of moderation takes place, this checks that the marking has been carried out consistently and according to approved marking criteria. Moderation is carried out internally by someone independent of the module and a sample of assessments is seen by an external examiner.

## Marking Criteria

### SLS MARKING CRITERIA FOR ASSESSED WORK

When marking assessed work, SLS markers and examiners will look for evidence of the following KEY indicia:

KNOWLEDGE of the area/topic

UNDERSTANDING of the area/topic

RELEVANCE and FOCUS

Recourse to relevant PRIMARY SOURCES †

Engagement with SCHOLARLY MATERIALS

Levels of ORIGINALITY, ANALYSIS, EVALUATION & CRITIQUE in argument

Skilful APPLICATION of sources to the question (where relevant)

Well STRUCTURED, COHERENT and CLEAR answer

Quality of WRITTEN ENGLISH

Use of appropriate REFERENCING system \*

Marks will be awarded taking into account the KEY indicia above, appropriate to the level of study, as follows.

**80 - 100 A mark in this range is indicative of outstanding work.** Marks in this range will be awarded for work that exhibits all the attributes of excellent work but has very substantial elements of originality and flair. Marks in this range will indicate that the work is of a publishable academic standard.

**70 – 79 A mark in this range is indicative that the work is of an excellent standard for a postgraduate level.** The work will exhibit excellent levels of knowledge and understanding comprising all the qualities of good work stated above, with additional elements of originality and flair. The work will demonstrate a range of critical reading that goes well beyond that provided on reading lists. Answers or essays will be fluently written and include independent arguments that demonstrate an awareness of the nuances and assumptions of the question or title. Essays will make excellent use of appropriate, fully referenced, detailed examples. Marks at the upper level of this range will indicate that the work is of near publishable standard.

**60-69 A mark in this range is indicative of that the work is of a good to very good standard at postgraduate level.** Work of this quality shows a good level of knowledge and understanding of relevant course material. It will show evidence of reading a wide diversity of material and of being able to use ideas gleaned from this reading to support and develop arguments. Essay work will exhibit good writing skills with well-organized, accurate footnotes and/or a bibliography that follows the accepted 'style' of the subject. Arguments and issues will be illustrated by reference to well documented, detailed and relevant examples. There should be clear evidence of critical engagement with the objects, issues or topics being analysed. Any empirical work will be clearly presented, the results should be correct and any conclusions clearly and accurately expressed.

**50-59 (PASS) A mark in this range is indicative that the work is of an acceptable to satisfactory standard at postgraduate level.** Work of this type will show adequate knowledge and understanding of relevant course material. It will focus on the essay title or question posed and show evidence that relevant basic works of reference have been read and understood. The work will exhibit adequate essay writing and analytical skills. It will be reasonably well presented, but the essay or answer may be weakly structured, cover only a limited range of the relevant material, or have a limited or incomplete argument. Essay work should exhibit satisfactory use of footnotes and/or a bibliography, and in more empirical work it should be possible to follow the logical steps leading to the answer obtained and the conclusions reached, even if there are flaws in the logic. Arguments and issues should be

discussed and illustrated by reference to examples, but these may not be fully documented or detailed.

**30-49 A mark in this range is indicative that the work is below, but at the upper end is approaching, the standard required for a pass mark at postgraduate level.** It indicates weak work of an inadequate standard. This will be because either the work is too short, is very poorly organized, or is poorly directed at the essay title or question asked. It will show very limited knowledge or understanding of the relevant course material and display weak writing and/or analytical skills. Essay work will exhibit no clear argument, may have very weak spelling and grammar, inadequate or absent references and/or bibliography, and may contain major factual errors. Empirical work will contain significant errors and incorrect conclusions.

0-29 A mark in this range is indicative that the work is far below the standard required for a pass mark at postgraduate level. It indicates that the work is very weak and seriously inadequate. This will be because either the work is far too short, is incoherent in content, or fails to address the essay title or question asked. It will show very little evidence of knowledge or understanding of the relevant module material and may exhibit very weak writing and/or analytical skills.

### **To All Law Students**

When undertaking any form of assessment, in addition to these marking criteria students should have in mind the university definitions of plagiarism and collusion, which can be found on the university Academic Office website: <http://www.sussex.ac.uk/academicoffice/>, the SLS Guide to Referencing which can be found on Canvas under 'Important Information for Law Students', and the Examination and Assessment Regulations Handbook, which is also found on the Academic Office web pages and which is updated annually. The Examination and Assessment Regulations Handbook contains important information on issues such as e.g. the word limit, penalties for late or non-submissions etc.

† Primary sources in this context refers the usual range of legal materials: Law Reports, Legislation etc.

\* The requirement for use of a formal referencing system is waived for unseen, seen and open book exams examinations.

### **External Examiner**

External examiners provide an important and independent input into the assessment process helping to ensure that quality and standards are maintained are in line with practice across the sector.

The name of the External Examiners will be updated in due course.

<b>Name</b>	<b>Institution</b>

# Feedback

## What is Feedback?<sup>1</sup>

Feedback is an essential part of your learning at university and should help you to understand the areas in which you are doing well and what you can do to improve and progress. Feedback:

- Helps you to assess your own learning and reflect on your development
- Allows you to discuss your learning with your tutors
- Helps you to understand what is expected of you and what good performance is
- Gives you the opportunity to progress
- Provides you with information about your learning
- Motivates you and encourages you to think positively about your learning

## What feedback is not...

- **A justification for your mark.** For some pieces of work you will receive a grade and feedback comments. The comments are not a justification for your mark. Your mark will reflect your achievement for that particular piece of work, whilst the feedback can provide you with much more, including suggestions to consider for your next piece of work.
- **Every aspect of your assessment.** In providing feedback your tutors will select and comment on the most important areas that you've done well at and where you can improve (e.g. if it doesn't mention spelling mistakes that's not to say that you didn't make any or if it doesn't mention that you showed a good understanding of a primary text - that is not to say that you didn't demonstrate this). Tutor's carefully select their feedback in order to best help your learning.
- **The end of a process.** Often you will receive feedback sometime after completing a piece of work, when you may be more focussed on your next assignment. However, good feedback at university is designed to contribute to your ongoing development and you should think about how you can make best use of feedback on previous work to help you improve the next piece.

## What does feedback look like?

There are lots of different types of feedback, and you should expect to receive different types during your time at Sussex. It is not always linked to assessment so

- **Written Feedback** Perhaps the most obvious type of feedback you will receive will be the marks and comments which your tutors will give for your submitted work. You may get this feedback online, via Sussex Direct, or as comments written on your work.

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<sup>1</sup> Content from the Using Feedback section on the S3 website: <http://www.sussex.ac.uk/s3/?id=57> (accessed 14 July 2015).

- **Verbal Feedback** You may receive verbal feedback during seminars or other teaching sessions. You may also receive recorded verbal assessment feedback where assignments have been submitted electronically. Be proactive, ask for a meeting with staff to discuss your feedback. Feedback may also be given directly after a presentation or discussion, it's important to capture this feedback, take notes or ask if it can be recorded.
- **Peer Feedback** Discussing ideas with other people on your course can be a good way of developing your ideas. If you are struggling with concepts, other students may be able to explain them to you in a way that you understand. They may also be able to suggest readings that they found useful or relevant.

You can find out lots more about the types of feedback and to use it effectively at the Study Success at Sussex Website <http://www.sussex.ac.uk/s3/?id=58>

# Academic Integrity

## Academic Misconduct

The University takes academic misconduct very seriously, full details of the regulations along with the penalties for any misconduct can be found in the University Examination and Assessment Regulations, available online at: <http://www.sussex.ac.uk/adqe/standards/examsandassessment>

Examples of Academic Misconduct include:

- Collusion- working with others on tasks that should be carried out individually.
- Plagiarism- taking and using the intellectual work of other people without acknowledgement.
- Personation- getting another person to prepare your assessments or sit an exam for you.
- Misconduct in unseen exams accessing or attempting to gain access to unauthorised material, or communicating with others in the exam room.
- Fabrication of results- making up the results of experiments and other research.

All students should refer to the Study Success at Sussex web pages <http://www.sussex.ac.uk/s3/> for more information and guidance on good academic referencing skills or speak to their Academic Advisors when in any doubt.

## Plagiarism

All the work you produce must be entirely your own work, though of course this will be informed by what you have read, heard and discussed. It is very important that you avoid plagiarism: the presentation of another person's thoughts or words as if they were your own.

Plagiarism is defined in the Examination and Assessment Regulations as:

'Plagiarism is the use, without acknowledgement, of the intellectual work of other people, and the act of representing the ideas or discoveries of another as one's own in written work submitted for assessment. To copy sentences, phrases or even striking expressions without acknowledgement of the source (either by inadequate citation or failure to indicate verbatim quotations), is plagiarism; to paraphrase without acknowledgement is likewise plagiarism. Where such copying or paraphrasing has occurred the mere mention of the source in the bibliography shall not be deemed sufficient acknowledgement; each such instance must be referred specifically to its source. Verbatim quotations must be either in inverted commas, or indented, and directly acknowledged.'<sup>2</sup>

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<sup>2</sup> Taken from Examination and Assessment Regulations from website <http://www.sussex.ac.uk/adqe/documents/examination-and-assessment-regulations-handbook-2014-15-v3.pdf> (Accessed 16/07/2015)



Plagiarism is a serious examination offence, your mark may be reduced (possibly to zero) if you are found to have plagiarised. To avoid plagiarism, intentional or unintentional be careful to record all sources in your notes and make sure you provide accurate references in all your written assignments.

## **The SLS Guide to Referencing**

### **Introduction**

Writing Essays and Dissertations at Degree level requires a high degree of accuracy and professionalism and these notes are intended to help you with some familiar problems of bibliographic method. **Using a good citation method effectively is not optional, it is absolutely essential** and you will be penalised for failures and inaccuracies in this area.

**N.B. This SLS guide and the Oxford Standard for Citation of Legal Authorities (OSCOLA) have been approved by SLS as the primary referencing system to be used by all students. However, please note that there are other referencing systems, the most common alternative being a parenthetical (brackets) system (Harvard system). SLS will not penalise students who follow this Harvard style of referencing. We note though that OSCOLA was developed specifically for legal citations and as university rules do not count footnotes in the word limits of submitted work, we strongly encourage the use of OSCOLA.**

NB See the end of this document for university rules on word limits

### **Why do I Need to Give References?**

Right from the very start of your university career, you will be expected to seek out and read the work of the leading academics in your area of study. All the reading and research that you do will inform you and create a basis for the work that you produce for seminar discussions and for your non- assessed and assessed work. It is vital to your acquisition of knowledge that you read scholarly works, and it is equally vital when you produce your own work, that you evidence that you have read these scholarly works. However, this is not achieved by simply repeating verbatim, what these people have said.

You will want to quote from particular authors, you will want to talk about the ideas and concepts of particular writers, and you may want to strongly agree with some ideas and/or disagree with others. You will wish to cite leading cases to show you understand the law; you will want to copy judicial comment to make your point. All of this is perfectly acceptable, if not obligatory; but it is the way that you do it that is important.

This is where your referencing and bibliographic skills will come to the fore. Stella Cottrell<sup>3</sup> identifies five main reasons for providing references in your work:

- 'Acknowledging a source is a courtesy to the person whose ideas or words you have used or referred to.

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<sup>3</sup> S. Cottrell, *The Study Skills Handbook* (Macmillan Palgrave 2008) 135.

- By giving [a reference to] the source you make it clear to the reader that you are not trying to pretend that someone else's work is your own. (You are not 'plagiarising' someone else's work.) N.B. this is very important, see below.
- [Referring to] the source helps [the] reader find the original texts or web pages to read themselves, should they wish.
- If you need to check something later, the reference will help you find it more easily.
- People will have more confidence in your assertions if they know where your information comes from. Thoroughness in referencing suggests that you will also have been thorough in checking your facts'.

Referencing also allows you to evidence the true extent of your research, and whatever argument you wish to advance will have much more academic authority if you can support it with an appropriate reference.

You must remember also to supply references for statistics, tables, surveys, newspaper articles etc. Also when you summarise or paraphrase information or ideas which are not common knowledge.

When referencing 'facts' it is often difficult to know which factual claims need to be supported by references and which don't. So e.g. 'the sun rises in the east' is a universally known fact and does not require a reference. Most other claims will require references, e.g. a claim that is presented as a common place fact, but that is contested, e.g. 'women are better drivers than men.' Even where the facts may be uncontested, but not necessarily commonly known, you should supply a reference to evidence to the reader how and where you came across this particular claim.

## **THE GOLDEN RULES**

### **1. YOU MUST NEVER MERELY COPY OUT OR PARAPHRASE PARTS OF BOOKS OR THE WORK OF OTHER STUDENTS AND PRESENT THESE AS YOUR OWN WORK. THIS IS PLAGIARISM.**

You will be referring to other works and publications in your own writing and these should be clearly set out and cited so that the reader can verify your sources and follow up any matters of interest. **Failure to attribute work properly is Plagiarism and is an extremely serious academic offence which will be severely punished by the University.** Students must be aware that evidence of plagiarism can lead to investigation by a Misconduct Panel. \*See below, for definitions and possible penalties.

### **2. WHEN YOU QUOTE FROM ANOTHER PUBLICATION OR OTHER SOURCE, YOU MUST ACKNOWLEDGE THIS BY PROPER CITATION.**

Quotations in your text should always be in quotation marks or indented (if more than a few words) and properly referenced (see below). You should also check carefully that the quotation is reproduced accurately, word for word, even down to the details of punctuation. 'When citing any source, either directly (as a quotation) or indirectly (by paraphrasing or referring to ideas in a source), cite the reference in a footnote.' OSCOLA 1.1

**3. WHEN YOU REFER TO ANOTHER PUBLICATION OR OTHER SOURCE YOU MUST ACKNOWLEDGE BY PROPER CITATION.**

It is essential that you include in your text proper citations to the academic works or other source materials which you use in support of your arguments. Quotations, academic or other opinions, facts, figures or other data used in an essay or dissertation, must all be supported by citation.

**4. YOU SHOULD CITE ONLY THE TEXTS WHICH YOU HAVE ACTUALLY READ. YOU MUST NEVER BORROW FOOTNOTES OR CITATIONS FROM OTHER AUTHORS WITHOUT LOOKING AT THE ORIGINAL YOURSELF.**

Sometimes, however, it may be that you are unable to obtain a primary work, and have to make use of a secondary reference. When you do so, you must acknowledge the source of this secondary reference, as in the example below:

Carty notes that, “[T]he real issue has become...”<sup>4</sup> (see footnote below)

In this example (including the footnote below), Carty is the name of the author whose work you have not seen or read from its original source; Steele is the author of the work you have read. Only Steele (with full details as appropriate) is included in your Bibliography/Footnote.

**5. YOU SHOULD CITE ONLY THE TEXTS TO WHICH YOU SPECIFICALLY REFER IN YOUR ESSAY. YOU SHOULD NEVER INCLUDE MATERIALS IN YOUR BIBLIOGRAPHY MERELY FOR “BACKGROUND”.**

**6. ACCURACY IS CRUCIAL**

It is very important that when you are taking notes, you do so accurately, fully and that you distinguish between what is your own summary and what a direct quotation is.

**7. BE CONSISTENT IN YOUR CHOSEN REFERENCING STYLE**

Whether you choose to use the recommended OSCOLA footnote style of referencing or the alternative Harvard style, you must be consistent. Do not mix and match the two systems.

NB See Study Success at Sussex (3) pages for further information on writing skills and how to avoid plagiarism. <http://www.sussex.ac.uk/s3/>

**The Oxford Standard for Citation Of Legal Authorities (OSCOLA)**

OSCOLA is a footnote style: all citations appear in footnotes. OSCOLA does not use endnotes or in-text citations, such as ‘(Brown, 2007)’. When you want to refer to a text, you simply give the details in a footnote at the bottom of the page. Your notes will

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<sup>4</sup> Hazel Carty, ‘An Analysis of the Economic Torts’ in Jenny Steele, *Tort Law: Text, Cases and Materials* (3<sup>rd</sup> edn, OUP 2014) 99

automatically be arranged on a numerical basis by your word-processing package. You must record the **full publication details** in the footnote **on the first occasion** on which you refer to a text.

‘Indicate footnotes with a superscript number which should appear **after** the relevant punctuation in the text (if any). Put the footnote marker at the end of a sentence, unless for the sake of clarity it is necessary to put it directly after the word or phrase to which it relates. If the word or phrase to which the footnote marker relates is in brackets, put the marker before the closing bracket. A quotation need not be footnoted separately from the name of the source from which it is derived if the two appear in the same sentence. Otherwise, separate notes should be used. Close footnotes with a full stop (or question or exclamation mark). Where more than one citation is given in a single footnote reference, separate them with semi-colons’. OSCOLA 1.1

What follows will include a link to the OSCOLA Quick Reference Guide and the link to where the full version of OSCOLA may be found. This Guide will give you examples of how to cite a variety of sources that you may read and wish to cite. **This is intended to help you familiarise yourself with when footnotes are necessary and how to write them using the OSCOLA system, but is not to be taken as a complete reference guide and is not a substitute for reading and using the full version of OSCOLA.**

For full OSCOLA details – see

[https://www.law.ox.ac.uk/sites/files/oxlaw/oscola\\_4th\\_edn\\_hart\\_2012.pdf](https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf)

For OSCOLA Quick Reference Guide – see

[https://www.law.ox.ac.uk/sites/files/oxlaw/oscola\\_4th\\_edn\\_hart\\_2012quickreferenceguide.pdf](https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012quickreferenceguide.pdf)

## **Primary Sources**

### **Citing cases**

Cases are **primary sources**. ‘When citing cases, give the **name of the case**, the **neutral citation** (if appropriate), and **volume and first page of the relevant law report**, and where necessary the court. If the name of the case is given in the text, it is not necessary to repeat it in the footnote.’ OSCOLA 1.1.1

Use italics for the name of the case, with an unpunctuated italic *v* to separate the names of the parties.

The citations are in a standard form and include (after the name of the parties), the year of the judgment – **[2002]**; the jurisdiction and the court in which the judgment was given – **EW**, this indicates the jurisdiction is England and Wales; **CA**, indicates that it is the Court of Appeal. This may be followed, if applicable, by the division of the court – **Crim**, indicates the criminal division in the Court of Appeal; then there will be a number assigned to the case – **967**, this indicates that the case is the 967th to be assigned a neutral citation in that year.

Thus e.g. ***R v Mushtaq* [2002] EWCA Crim 967** tells us that this was the 967<sup>th</sup> judgment given in the Court of Appeal criminal division in 2002.

**If the case you wish to cite or quote from has a neutral citation, then that is the citation you must use as a matter of preference.**

Where a neutral citation is not available, the reference should, wherever possible, be the Official Law Reports, which are published by the Incorporated Council of Law Reporting, eg

***Alderson v Booth* [1969] 2 QB 216.**

The second preference is for the Weekly Law Reports (WLR) and you should include the court in round brackets after the citation where it is not obvious from the citation, eg

***Bellinger v Bellinger* [2003] 2 WLR 1174 (HL)**

If neither of these two series has reported the case, then you may use the All England Law Reports (All ER), eg

***D & C Builders v Rees* [1965] 3 All ER 837 (CA)**

There will be occasions when you won't be able to cite one of the three previously mentioned reports, e.g. if the case pre-dates the publication of these reports; if the case is of a technical or specialist nature, it may be in a specialist report like the *Lloyds Law Reports*; when the case remains unreported, you may have to rely on a report from a newspaper such as The Times, eg

***Powick v Malvern Wells Water Co* The Times, 28 September 1993 (QB)**

You may wish to cite a case from another jurisdiction. OSCOLA says, '[c]ite cases from other jurisdictions as they are cited in their own jurisdiction, but with minimal punctuation,' eg.

***Roe v Wade* 410 US 113, 163–64 (1973)**

### **Unreported cases**

'If a case is unreported but has a neutral citation, give that. If an unreported case does not have a neutral citation (which will always be the case before 2001), give the court and the date of the judgment in brackets after the name of the case. There is no need to add the word 'unreported', eg

***Scott v Associated British Ports* (Court of Appeal 22 November 2000)**

### **Round or Square Brackets?**

You may have noticed that some reports of cases are cited using square brackets and others, using round brackets. You will find that particularly with older cases, round brackets are often used. The different brackets do serve a purpose.

Where the year is contained in round brackets and then followed by the name of the law report and the page at which the case can be found; this indicates that the year is not crucial to finding that case, eg

***Kelly v Solari* (1841) 9 M & W 54**

Here you would not need to know that this judgment was delivered in 1841. It is enough that you have the volume number of the law report (9) and the name of the law report (M&W). There was only one volume number 9 in this series of reports and so you could find the case, just with those details without ever knowing the year.

Where the year is contained in square brackets, then year is crucial to being able to locate the report, eg

### ***R v Lemsatuf* [1977] 1 WLR 812**

Here, unless you knew that this judgment was delivered in 1977, then you would not be able to locate it as there is a volume 1 of the Weekly Law Reports every year.

### **Short forms of case names**

The first time that you refer to a case, you must cite the full law report reference. This can be done in the text or in a footnote, as appropriate. To avoid repetition of the case name, which can sometimes be very long, it is acceptable to shorten the case name, so eg,

***Occidental Worldwide Investment Corporation v Skibs A/S Avanti, Skibs A/S Glarona, Skibs A/S Navalis, The Siboen and The Sibotre* [1976] 1 Lloyd's Rep 293**, may, after it has been cited in full the first time you referred to it, be shortened to, *The Siboen and The Sibotre*, the name of the ships involved in this case. In shipping cases, the name of the ship can be used instead of the full case name.

In criminal cases it is common, again, after it has initially been cited in full, to use only the name of the defendant eg,

***R v Fulling* [1987] 2 WLR 923**, can simply be referred to later in your text as ***Fulling***.

'Popular names for cases may also be used. Give the popular name in brackets after the initial full citation, and then use the popular name in subsequent citations, eg

***Mirage Studios v Counter-feat Clothing Co Ltd* [1991] FSR 145 (Ch) (Ninja Turtles case)** can, on subsequent citation become

**Ninja Turtles case'** OSCOLA 2.1.2.

### **Quoting from a case – using pinpoint references**

There will be occasions when you wish to cite a case as authority for a particular proposition, or you want to quote the words of a particular judge. On such occasions, you must supply an additional '**pinpoint**' reference. That is, pinpoint in the judgment where the authority for your proposition or the words can be found.

So, if you wish to assert that ***Donoghue v Stevenson* [1932] AC 562 (HL)** is responsible for creating the 'neighbour principle' in tort, it is not enough to just cite the case as written here. In order to give your assertion authority, it is necessary to direct the reader to the judge who stated the law and to the pages of the judgment where he stated it. The same is necessary if you quote verbatim from a judgment; you must supply a paragraph number (as preference), if the judgment has no paragraphs

numbers, then provide the page number pinpoint after the court referring the reader to the words that you found, eg

***Donoghue v Stevenson* [1932] AC 562 (HL) 562**

Here, the pinpoint is not referring to words spoken by a judge – just to a description of the facts in the law report.

***Donoghue v Stevenson* [1932] AC 562 (HL) 580 (Lord Atkin)**

Here, the pinpoint is referring to words said by a particular judge (a verbatim quote), so we acknowledge that in the reference.

If you have found the words of Lord Atkin in a text book, and not in a law report, and you quote them in your text, your reference must reflect this. Particularly, as some text books extract large chunks of text from a judgment only giving you the page number at which the text starts and no further page numbers.

***Donoghue v Stevenson* [1932] AC 562 (HL) (Lord Atkin), as cited in Mark Lunney & Ken Oliphant *Tort Law. Text and Materials* (5<sup>th</sup> edn OUP 2003) 94.**

**N.B.** It is worth noting here, that in this example, whilst you may impress the reader with your correct citations and referencing, you may well lose marks for lack of independent research and reliance on secondary sources, i.e. failure to read the actual Law Report.

Always make sure that you refer to judges using their correct titles and appropriate abbreviations. See OSCOLA 2.1.7.

**European Union cases (the Court of Justice and General Court)**

When citing cases from the European Union, you should, where possible, refer to the official reports of the EC, i.e. *The European Court of Justice Reporter* (ECR). If this is not possible, then you may refer to the *Common Market Law Reports* (CMLR).

A European law report citation will generally include,

“Case” followed by the number the case has been given, the name of the case (in italics), the year, the abbreviated name of the law report series, and the page number in the report where the case begins., e.g.

**Case 43/75 *Defrenne v SABENA* [1976] ECR 455**

**N.B.** Cases reported after November 1989 now have an additional letter pre-fix after the word ‘case’; either C, to indicate that it is a Court of Justice case, or T to indicate it is a case heard in the General Court (until 2009, the General Court was called the Court of First Instance).

In addition, after the abbreviated name of the law report series – ECR – you will note either I to indicate the Court of Justice or II to indicate the General Court, eg

**Case C-91/92 *Faccini Dori v Recreb* [1994] ECR I -3325**

or

### **Case T-83/91 *Tetra Pak v Commission* [1994] ECR II -755**

When giving a pinpoint reference for an EU case use the words 'para' or paras' after a comma at the end of the citation, eg

### **Case C-176/03 *Commission v Council* [2005] ECR I-7879, paras 47-48**

When citing verbatim, the opinion of an Advocate General, add the words 'Opinion of AG [name]' after the case citation and a comma, and before any pinpoint, eg

### **Case C-411/05 *Palacios de la Villa v Cortefiel Servicios SA* [2007] ECR I-8531, Opinion of AG Mazák, paras 79-100**

Please also see the Court's website *Curia* at <http://curia.europa.eu/>

### **The European Court of Human Rights (ECtHR)**

'For judgments of the European Court of Human Rights (ECtHR), cite either the official reports, the Reports of Judgments and Decisions (cited as ECHR) or the European Human Rights Reports (EHRR), but be consistent in your practice.

Before 1996, the official reports were known as Series A and numbered consecutively. The EHRR series is also numbered consecutively, but from 2001 case numbers have been used instead of page numbers.

References to unreported judgments should give the application number, and then the court and the date of the judgment in brackets.

When pinpointing, use 'para' or 'paras' after a comma, egs

### **Johnston v Ireland (1986) Series A no 122**

### **Osman v UK ECHR 1998-VIII 3124**

### **Balogh v Hungary App no 47940/99 (ECtHR, 20 July 2004)**

### **Omojudi v UK (2009) 51 EHRR 10' OSCOLA 2.7.1.**

Further information can be obtained from the ECHR website and the HUDOC database at [www.echr.coe.int](http://www.echr.coe.int).

### **United Kingdom primary legislation**

Almost all UK Acts of Parliament have short titles provided by statutory authority, eg Dangerous Dogs Act 1991, s.10 Short title, interpretation, commencement and extent

(1) This Act may be cited as the **Dangerous Dogs Act 1991**

So, all that is usually necessary is the short title and the date. There is no need for italics or underlining. It is permissible to abbreviate the short title simply to initials and the year, after the first time you have referred to it in full, particularly if you are referring to the statute several times eg **Dangerous Dogs Act 1991 (DDA 1991)**.



If you need to refer to particular sections or parts or paragraphs of a particular Act, the following abbreviations are acceptable;

**s** – this refers to one particular **section** of the Act, eg **Companies Act 1985, s 6**.

**ss** – this refers to **more than one section**, eg **Companies Act 1985, ss 6 8 10**.

**sub-s** - this refers to a section within a section of an Act, eg **Human Rights Act 1998, s 12 (3)**.

**sch** – this refers to a **schedule** within the Act, eg **Children Act 1989, sch 1**.

**para** – this can refer to a **paragraph** within a sub-section of a section, or to a paragraph in a schedule, eg **Lunacy Act 1934, s14 (4) (k)**, with (4) being the sub-section and (k) being the paragraph within that sub-section; or **Children Act 1989, sch 1 para 5**.

**pt** – this refers to different parts of an Act which may deal with different issues within the Act, eg **Equality Act 2010, pt 2**.

See OSCOLA 2.4.2.

### **Explanatory notes to statutes**

‘When citing explanatory notes to statutes, precede the name of the statute with the words ‘Explanatory Notes to the ...’. When pinpointing, cite the paragraph number(s), preceded by ‘para(s)’, eg

**Explanatory Notes to the Charities Act 2006, para 15** (OSCOLA 2.4.4)

### **United Kingdom secondary legislation**

Subordinate or delegated legislation is issued through a Statutory Instruments (SI). Statutory Instruments should be cited by their designated title which will include the title, the year they were passed, and the statutory instrument number, eg

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

### **European Union sources of law**

‘Official notices of the EU are carried in the Official Journal of the European Communities (abbreviated to OJ). The OJ citation is given in the order: year, OJ series, number/page. The letter ‘L’ denotes the legislation series (the ‘C’ series contains EU information and notices, and the ‘S’ series invitations to tender)’. OSCOLA 2.6

The **primary** legislation of the European Community comprises the founding Treaties, eg the Treaty on European Union 1992 (TEU or Maastricht Treaty), and you will refer to the relevant Article of the particular Treaty by number, eg

### **Consolidated Version of the Treaty on European Union [2008] OJ C115/13**

**Secondary legislation** is in the form of Regulations, Directives, Decisions, Recommendations and Opinions. For secondary legislation, the citation will usually include the following information; the form/type of the legislation (e.g. Directive), its number and the year it was enacted. This is followed by the publication details in the

OJ. Note that the year precedes the running number in citations to Directives, but follows it in citations to Regulations.

Two examples from OSCOLA 2.6.1

**Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever [2002] OJ L192/27**

**Council Regulation (EC) 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in bluefin tuna, swordfish and big eye tuna within the Community [2003] OJ L295/1**

For access to full text European legislation, see <http://europa.eu>

## **Secondary sources**

### **Citing books**

‘Cite all publications with an ISBN as if they were books, whether read online or in hard copy. Older books do not have ISBNs, but should be cited as books even if read online’. OSCOLA 3.2

‘Give the author’s name exactly as it appears in the publication, but omit post nominals such as QC... If there are more than three authors, give the name of the first author followed by ‘and others’. If no individual author is identified, but an organisation or institution claims editorial responsibility for the work, then cite it as the author. If no person, organisation or institution claims responsibility for the work, begin the citation with the title. Treat editors’ names in the same way as authors’ names’. OSCOLA 3.1.1.

Titles of books (and all publications with an ISBN) should be in italics. All other titles should be within single quotation marks.

Cite the author’s name first, then a comma, then the title of the book (in italics). All publication information then follows and is within brackets. This will include the edition of the book (if not the first edition), might include eg an editor or translator, the publisher and year of publication, eg

**Catherine Elliott & Frances Quinn, *English Legal System* (16<sup>th</sup> edn, Pearson 2015)**

**Gareth Jones, Goff and Jones: *The Law of Restitution* (1st supp, 7th edn, Sweet & Maxwell 2009)**

For a **chapter or an essay in an edited book**, the author and the title of the essay or chapter are not in italics, but within single quotations (as you would when citing an article).

**F Allen, ‘The Decline of the Rehabilitative Ideal’ in A von Hirsch & A Ashworth (eds), *Principled Sentencing: Readings on Theory and Policy* (Hart 1998)**

For a **journal article** again, give the author's name first, then a comma. Then the title of the article in single quotation marks (not in italics). Then follows the publication details. OSCOLA 3.3. gives the following order for these details,

- year of publication, in square brackets if it identifies the volume, in round brackets if there is a separate volume number;
- the volume number if there is one (include an issue number only if the page numbers begin again for each issue within a volume, in which case put the issue number in brackets immediately after the volume number);
- the name of the journal in full or abbreviated form, with no full stops;
- the first page of the article.

For further guidance on acceptable abbreviations see OSCOLA 4.2.1. What is important is that whether you write journal names in full or whether you abbreviate – that you remain consistent throughout your work.

**Markus Dirk Dubber, 'Policing Possession: The War on Crime and the End of Criminal Law', (2002) 91 Journal of Criminal Law and Criminology 829**

**Margaret Halliwell, 'The Ghost of Lister & Co v Stubbs' [2005] Conv 88**

**Peter Birks, 'The Content of Fiduciary Obligation' (2002) 16 TLI 34**

Where you wish to cite a pinpoint reference from a journal article, then put a comma after the first page of the article, eg

**Margaret Halliwell, 'The Ghost of Lister & Co v Stubbs' [2005] Conv 88, 90**

### **Online journals**

'When citing journal articles which have been published only electronically, give publication details as for articles in hard copy journals, but note that online journals may lack some of the publication elements (for example, many do not include page numbers). If citation advice is provided by the online journal, follow it, removing full stops as necessary to comply with OSCOLA. Follow the citation with the web address (in angled brackets) and the date you most recently accessed the article. Pinpoints follow the citation and come before the web address.' OSCOLA 3.3.4.

**K Burton, 'Interactive Powerpoints: Is There any Point in Giving Power to Students?' (2004) 11 Murdoch University Journal of Law <[www.murdoch.edu.au/elaw/issues/v11n4/burton114.html](http://www.murdoch.edu.au/elaw/issues/v11n4/burton114.html)> accessed 2<sup>nd</sup> August 2013**

Where you have retrieved the journal article from an electronic database – **but** - it is presented in exactly the same form as if it were hard paper copy, ie with page numbers – it is not necessary to cite all the URL details, or to note that it was retrieved from a database, just cite as hard copy. So in this example, the Conveyancer and Property Lawyer is available in hard copy and via Westlaw. Even if you read the article on Westlaw, you cite it as follows,

**Thomas Etherton, 'Constructive Trusts and Propriety Estoppel: the Search for**

## **Clarity and Principle.’ [2009] Conveyancer & Property Lawyer 104**

This is because, all the information that the reader needs is included and the reader may find specific words or passages that you have quoted from either the database or the hard paper copy.

Please see OSCOLA 3.4 on how to cite a variety of other secondary sources. Here are some examples, taken from OSCOLA of some of the more commonly cited.

*Hansard* debate in the House of Commons

**HC Deb 3 February 1977, vol 389, cols 973–76**

Law Commission

**Law Commission, *Privity of Contract: Contracts for the Benefit of Third Parties* (Law Com CP No 121, 1991)**

Websites and blogs

**Sarah Cole, ‘Virtual Friend Fires Employee’ (*Naked Law*, 1 May 2009) accessed 19 November 2009**

Newspaper articles

**Jane Croft, ‘Supreme Court Warns on Quality’ *Financial Times* (London, 1 July 2010) 3**

**Ian Loader, ‘The Great Victim of this Get Tough Hyperactivity is Labour’ *The Guardian* (London, 19 June 2008)**

**<[www.guardian.co.uk/commentsfree/2008/jun/19/justice.ukcrime](http://www.guardian.co.uk/commentsfree/2008/jun/19/justice.ukcrime)> accessed 19 November 2009**

### **Subsequent citations, cross referencing and footnoting conventions**

When you wish to refer to a work on a second or subsequent occasion it is not necessary to give full publication details again. The whole point of a good referencing system is efficiency and brevity. We have already seen how case names and statutes may take on a shorter form. Use of the following terminology for abbreviated citations is recommended.

‘In a subsequent citation of a source, briefly identify the source and provide a crosscitation in brackets to the footnote in which the full citation can be found. If the subsequent citation is in the footnote immediately following the full citation, you can generally use ‘ibid’ instead.

For subsequent citations of cases, a short form of the case name is sufficient to identify the source. Subsequent citations of legislation may use abbreviations or other short forms. Subsequent citations of secondary sources require only the author’s or authors’ surname(s), unless several works by the same author are being cited, in which case the surname and the title of the work (or a short form of the title) should be given.

Note that it is also acceptable to give the full citation every time a source is cited, and some publishers and law schools may prefer this to the use of short forms. You should always do this if the previous citation was in an earlier chapter.’ OSCOLA 1.2.1. See also 1.2.3.

SLS is happy for students to use short form for subsequent case names/statutes and for appropriate abbreviations.

Examples – **text** (in bold) and footnotes

**In the case of *Re Vandervell’s Trusts (No2) 1*, Megarry, J. set out two categories of resulting trusts...**

1 [1974] Ch 269

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**... ‘The word “resulting” derives from the Latin *resalire* meaning to “jump back”...’<sup>2</sup>**

2 Charles Mitchell, *Hayton & Mitchell: Commentary and Cases on the Law of Trusts and Equitable Remedies* (14<sup>th</sup> edn, Sweet & Maxwell 2015) 571

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**...Megarry, J. said that, ‘[w]here A effectually transfers to B (or creates in his favour) any interest in any property, whether legal or equitable, a resulting trust for A may arise in two distinct classes of case.’<sup>3</sup>**

3 *Vandervell* (n 1) 294

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**...in concluding, Megarry, J. said, ‘I do not think that this contention of the defendant company is made out...’<sup>4</sup>**

4 *Ibid* 300

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### **Writing a bibliography**

A bibliography will be made up of all the sources you cited in your work. You need though to provide separate lists for different types of sources used. So a list or table of legislation (and within this – separate out domestic legislation from EU or International legislation), a list or table of cases (again distinguishing between domestic, EU and International), list or table of government publications and under the heading ‘bibliography’, a list or table of books and journal articles (including online journals).

University rules on word limits do not include bibliographies (see below). Please include a bibliography in all pieces of submitted work.

‘Items in bibliographies take the same form as all other citations in OSCOLA, with three exceptions:

(1) the author's surname should precede his or her initial(s), with no comma separating them, but a comma after the final initial;

(2) only initials should be used, and not forenames; and

(3) the titles of unattributed works should be preceded by a double em-dash [—].

Works should be arranged in **alphabetical order of author surname**, with unattributed works being listed at the beginning of the bibliography in alphabetical order of first major word of the title'. OSCOLA 1.7

### **Examples**

In a footnote

**Catherine Elliott & Frances Quinn, *English Legal System* (16<sup>th</sup> edn, Pearson 2015)**

The same book in a bibliography

**Elliott C & Quinn F, *English Legal System* (16<sup>th</sup> edn, Pearson 2015)**

If citing several works by the same author in a bibliography, list the author's works in chronological order (starting with the oldest), and in alphabetical order of first major word of the title within a single year. After the citation of the first work, replace the author's name with a double em-dash.

**NB** to create a double em-dash press Ctrl + Alt + - on the number keypad.

Example from OSCOLA 1.7

**Hart HLA, *Law, Liberty and Morality* (OUP 1963)**

— **'Varieties of Responsibility' (1967) 83 LQR 346**

— **Punishment and Responsibility (OUP 1968)**

— **and Honoré AM, 'Causation in the Law' (1956) 72 LQR 58, 260, 398**

### **Failure to observe limits of length**

The maximum length for each assessment is publicised to students. The limits as stated include quotations in the text, but do not include the bibliography, footnotes/endnotes, appendices, abstracts, maps, illustrations, transcriptions of linguistic data, or tabulations of numerical or linguistic data and their captions. Any excess in length should not confer an advantage over other students who have adhered to the guidance. Students are requested to state the word count on submission. Where a student has marginally (within 10%) exceeded the word length the Marker should penalise the work where the student would gain an unfair advantage by exceeding the word limit. In excessive cases (>10%) the Marker need only consider work up to the designated word count, and discount any excessive word length beyond that to ensure equity across the cohort. Where an assessment is submitted and falls

significantly short (>10%) of the word length, the Marker must consider in assigning a mark, if the argument has been sufficiently developed and is sufficiently supported and not assign the full marks allocation where this is not the case.

### **Academic Misconduct – University definitions**

#### **Collusion**

Collusion is the preparation or production of work for assessment jointly with another person or persons unless explicitly permitted by the assessment. An act of collusion is understood to encompass those who actively assist others or allow others to access their work prior to submission for assessment. In addition any student is guilty of collusion if they access and copy any part of the work of another to derive benefit irrespective of whether permission was given. Where joint preparation is permitted by the assessment but joint production is not, the submitted work must be produced solely by the student making the submission. Where joint production or joint preparation and production of work for assessment is specifically permitted, this must be published in the appropriate module documentation.

#### **Plagiarism**

Plagiarism is the use, without acknowledgement, of the intellectual work of other people, and the act of representing the ideas or discoveries of another as one's own in written work submitted for assessment. To copy sentences, phrases or even striking expressions without acknowledgement of the source (either by inadequate citation or failure to indicate verbatim quotations), is plagiarism; to paraphrase without acknowledgement is likewise plagiarism. Where such copying or paraphrasing has occurred the mere mention of the source in the bibliography shall not be deemed sufficient acknowledgement; each such instance must be referred specifically to its source. Verbatim quotations must be either in inverted commas, or indented, and directly acknowledged.

**IMPORTANT** – All students must familiarise themselves with the University's examination and assessment procedures. Comprehensive information is available from the Academic Office web pages <http://www.sussex.ac.uk/academicoffice/>

### REFERENCING MATTERS

# Student Feedback

The Department really values your input on what is working well and your suggestions as to how things could be improved. There are a number of opportunities for you to provide feedback throughout your time at Sussex so do make the most of them!

## Student Representatives

Student Representatives serve a vital connection and communication channel between staff and students. Anyone can stand for the position so it may be something you would want to consider. It's important to know who your representatives are in case you have any difficulties or suggestions which need to be passed on to staff. Postgraduate Representatives are elected for one year terms, and there are two positions per year.

Student Representatives attend the Board of Study which is where the formal running of the Departments takes place. These meetings are Chaired by the Head of Department and attended by teaching staff and the course co-ordinator and take place once in each term.

All Student Representatives also attend the School Student Experience Group meetings, which take place once every term. These meetings provide an opportunity for representatives from across the school to come together to discuss issues affecting teaching and learning and other aspects of the student experience which need to be addressed at School level. The meeting also provides the opportunity for both staff and students to share good practice.

## Feedback to Staff

Do talk to members of staff about your modules, seminars and lectures throughout the year. Provide feedback on things that have been successful but also suggest where you think improvements can be made.

## Module Evaluation Questionnaires

Regular feedback from students helps to improve both our modules and our teaching. A 'Module Evaluation Questionnaire' is filled in by you anonymously. Do take these seriously as they can be of great assistance in identifying strengths and weaknesses. A report on all questionnaires from modules is discussed regularly by the Department. Members of staff look at their own results to see where improvements can be made.