Guide to Using OSCOLA for Legal Referencing

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# How to Reference Using Oscola

## What is OSCOLA?

The **Oxford Standard for Citation Of Legal Authorities**.

OSCOLA is the standard way of referencing legal material, giving rules and examples for the main UK legal primary sources (cases, statutes etc), and also for many types of secondary sources (books, journal articles, websites, statements etc).

Although originally devised for use within Oxford University, OSCOLA is now used by law schools throughout the UK and overseas, and by a number of legal journals and publishers.

## Why use OSCOLA?

Legal writing is more persuasive if the author refers to legal materials in a familiar, clear and consistent way.

The reader will find it easier to follow the argument if it is easy to identify and find the author’s sources.

OSCOLA should help the author achieve consistency and make it easier for the reader.

## What does OSCOLA look like?

OSCOLA is a ‘footnote style’ - so all citations appear in footnotes. It does not use endnotes or in-text citations.

When citing a source, whether directly, as a quotation, or indirectly, by paraphrasing or referring to ideas in a source, the reference should be cited in a footnote.

Footnotes are indicated with a superscript number which should appear after the relevant punctuation in the text (if any).

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*This guide is designed to provide you with the basics of referencing using the OSCOLA style. For any detailed enquiries you have, you should consult the OSCOLA Guide - [http://www.law.ox.ac.uk/published/OSCOLA_4th_edn.pdf](http://www.law.ox.ac.uk/published/OSCOLA_4th_edn.pdf)*

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Tips for General Use of Oscola

- OSCOLA uses very little punctuation. There are no full stops after abbreviations (so for example use UKHL instead of U.K.H.L.) or after the v (for versus) between the party names. Footnotes should be closed with a full stop.

- Where more than one citation is given in a single footnote reference, separate them with semi-colons.

- Commas are used to separate distinct parts of a book reference, notably between the author and the title. They are used between the neutral citation and the law report citation in cases.

- In footnotes, the author’s first name or initial precedes their surname; in bibliographies, the surname comes first, then the initial, followed by a comma.

- Titles of books and similar publications are italicised. All other titles should be in single quotation marks. The first letter of all major words in a title should be in capitals.

- Pinpoints to parts, chapters, pages and paragraphs come at the end of the citation. If citing a chapter or part and page number, use a comma before the page number.

- If you source a publication online which is also available in hard copy, cite the hard copy version.

- Publications which are only available online should end with the web address in angled brackets < > followed by the date of the most recent access.

- Colons are used to separate a title from a subtitle, as in the following example

  *Competition Law: Precedents and Procedures*

- Case names should be in italics and in lower case (other than titles) including the ‘v’.

- In case reporting, the date should be in round or square brackets according to the style of the law report series.

- Acts should be cited by their short title, using capitals for the major words.

- Statutes are divided into parts, sections, subsections, paragraphs and sub-paragraphs. Use the full form of the part / section etc at the beginning of a sentence or when referring to a part of a statute without repeating the name of the Act. The short form should be used in footnotes.

- A Bill should be cited by its title, the House from which it originated, the Parliamentary session and the running number assigned to it.

- Give EU legislation its full name on first citation – subsequently, you can use a short form.
Cases
Citing UK Cases

Case Citations with Neutral Citation

Give the following information:

Case name | [year] | court | number | [year]
OR (year) | volume | report abbreviation | first page.

For example:


A comma separates the neutral citation and the law report citation (always abbreviated). There are no full stops in the abbreviations (i.e., DO NOT use U.K.H.L. but rather UKHL). **Use italics for the name of the case**, with an unpunctuated italic ‘v’ to separate the names of the adverse parties.

The neutral citation is a unique number given by the official shorthand writers to each judgment issued out of all divisions of the High Court. They are a relatively recent development (from 2001), introduced to acknowledge the extensive use of electronic law reports, so many case law citations consist only of the case name and law report.

The year may be enclosed in **square or round brackets**. [ ] indicates the year the case was reported, so you would use the date to locate the case; ( ) indicates the date of judgment (a case could have been judged in one year but reported the following year) so you would use the volume number to locate the case.

Case Citations with No Neutral Citation

Give the Law Reports citation followed by the court in brackets.

Case name | [year] OR (year) | volume | report abbreviation | first page | (court)

When the case is **not reported in the Law Reports**, cite the Weekly Law Reports (WLR) or All England Law Reports (All ER) or failing that a specialist report.

Remember there is a **recognised order of authority in case reporting** and the abbreviated form should always be given. The Law Reports series is seen as the most authoritative as the text is approved by the judge involved, before publication:

**Law Reports** eg. Appeal Court (AC); Chancery Division (Ch); Queen’s Bench (QB)

**Weekly Law Reports** (WLR)

**All England Law Reports** (All ER)

**Specialist law reports** eg. Lloyds Law Reports; Industrial Cases Reports; Criminal Appeal Reports
UK Case Names – Common Rules

Where there are multiple parties, name only the first claimant and the first defendant.

Where the parties are individuals, omit forenames and initials.

Abbreviate common words and phrases eg use Co for Company, BC for Borough Council.

Use Re in preference to In Re..., In the Matter of... For example: Re the Companies Act 1989... rather than In the matter of the Companies Act 1989...

Abbreviate Ex parte (on behalf of) to Ex p with a capital E only if it is the first word of the case name. The p has no full stop.

Do not include expressions such as and another which may appear in titles in law reports.

Omit descriptions such as a firm if the party in question is named, but if only the initial of the party is provided, then the description (such as a minor) should be given, at least in the first citation.

Terms indicating corporate status (Ltd or Plc) should not be omitted if included in the heading of the report.

Popular names for cases can be used – give the popular name in brackets after the full citation; then use the popular name in subsequent citations.

Examples of these rules are:

Re A (conjoined twins) [2001], Fam 147
Emerald Supplies Ltd v British Airways plc [2009] EWHC 741 (Ch), [2010] Ch 48


Subsequent citations would then look like this:

The Aliakmon (n25).

Unreported Cases

If a case has not been reported in a law report series, you should cite the case using a neutral citation, if one is available. Where it isn’t, cite the case as follows, omitting first names and abbreviating ‘Limited’:

Names of parties (Court Date of Judgment)
For Example:
Scott v Process Mechanical Ltd (Bradford County Court 20 July 2006)
How Cases Should Look in Your Assignment

If the name of the case is given in the text, it is not necessary to repeat it in the footnote. However, it is also acceptable to include the full case reference in all footnotes.

An example of how it may look in the body of the text, with the superscript number after the punctuation, is below:

   It is well represented in the case law, perhaps most notably in the expression of the no conflict rule advocated by Lord Upjohn in *Phipps v Boardman*, and in the earlier Court of Appeal decision in *Boulting v Association of Cinematograph, Television & Allied Technicians*. In *Boulting* [or in the *Boulting* case], Upjohn LJ said that the rule ‘must be applied realistically to a state of affairs which discloses a real conflict of duty and interest and not to some theoretical or rhetorical conflict’. In *Phipps*, Lord Upjohn developed his view of the rule further by adding that there must be a ‘real sensible possibility of conflict’.

The footnotes would then look like this:

31 [1967] 2 AC 46 (HL).
32 [1963] 2 QB 606 (CA).
33 Boulting (n32) 638. OR 33 ibid 638.
34 Phipps (n31) 124.

The numbers at the end of 33 and 34 are ‘pinpoints’ which show the page number where the quotation can be found.

Source: 2010 OSCOLA Guide
Citing European Cases

Judgments of the Court of Justice of the EU (CJ or CJEU) and the General Court

The CJEU was formerly known as the European Court of Justice (ECJ) and the General Court was the Court of First Instance (CFI). The preferred court source for EU cases is the European Court Reports (ECR). ECR 1 reports the CJEU cases and ECR 11 reports those of the General Court. If there is no ECR report, cite the Common Market Law Reports. If the case is reported in a UK law report series, cite these using the same order of preference indicated above.

Cases since 1989 have been numbered according to whether they have come from the CJEU (the number starts with a C- ) or the General Court (starts with a T- ). Cases prior to 1989 have no prefix.

Citations should be presented in this order:

- case number | party names in italics | [year] | report abbreviation | first page

For example:

Case C – 212/03 Commission of the European Communities v France [2005] ECR 1-4213

European Court of Human Rights

You can use the official reports, cited as ECHR, or the EHRR, the European Human Rights Reports. Citations should be presented in this order:

- party names in italics | application number | (year) | law report series

For example:

Whitfield v United Kingdom (App no 46387/99) (2005) 42 EHRR 44

Citing Different Types of Cases

For examples of how to carry out the following, please consult the full OSCOLA Guide:

- cite different cases (for example, involving Judicial Review Applications; Attorney General’s References; and variations in case names)

- use pinpoints to specify numbered paragraphs

- refer to the judge in a case

- cite older cases (nominate reports and English Reports)

- cite cases from other UK jurisdictions (Wales, Scotland and Northern Ireland)
A Statute (Act) should be cited in its short title form using capitals for the major words, and without a comma before the year – for example:

Police and Criminal Evidence Act 1985

If you are referring to an Act a number of times in quick succession, you can usually provide an abbreviated form of title in the footnotes, without a cross-citation, as long as the reader has been warned in advance. The abbreviation is usually the initials of the main words in the title along with the year – for example, the Human Rights Act 1998 would become ‘HRA 1998’ and not just ‘HRA’.

You do not need to add a citation to a footnote when citing legislation providing that all the information about the source is provided in the text, as in the following example:

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

Where the text does not include the name of the Act or the relevant section, this information should be provided in a footnote.

Text:
British courts must only consider Strasbourg jurisprudence: they are not bound by it.¹

Footnote:
¹ Human Rights Act 1998, s 2.

### Parts of Statutes

<table>
<thead>
<tr>
<th>Full Form</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>part/parts</td>
<td>pt/pts</td>
</tr>
<tr>
<td>section/sections</td>
<td>s/ss</td>
</tr>
<tr>
<td>subsection/subsections</td>
<td>sub-s/sub-ss</td>
</tr>
<tr>
<td>paragraph/paragraphs</td>
<td>para/paras</td>
</tr>
<tr>
<td>subparagraph/subparagraphs</td>
<td>subpara/subparas</td>
</tr>
<tr>
<td>schedule/schedules</td>
<td>sch/schs</td>
</tr>
</tbody>
</table>

Use the full form at the beginning of a sentence or when referring to a statute without repeating the name of the Act. In other parts of the text, either form can be used, though when referring to subsections or paragraphs, it is conventional to use the short form. Use the short form in footnotes:

Police and Criminal Evidence Act 1985, s 2

If specifying a paragraph or subsection as part of a section, use only the abbreviation for the section. This example shows paragraph (b) of subsection (1) of section 15 of the Human Rights Act 1998:

**Human Rights Act 1998, s 15(1)(b)**

You should have a comma after the year, and a space but no full stop between the abbreviation and the initial number, letter or opening bracket.
Examples in the text should look like this:

... section 5(1)(a) of the Race Relations Act 1976... OR ... the Race Relations Act 1976, s 5(1)(a)
... by virtue of section 11(1A) of the Limitation Act 1980...
Sub-section (1) does not apply to...
... as subs-s (3) shows ...

Examples in the footnotes should look like this:

16 Criminal Attempts Act 1981, ss 1(1) and 4(3).
17 Sexual Offences Act 2003, s 1(1)(c).

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

Bills

Cite a Bill in the following way:

Title | House in which it originated | parliamentary session in brackets | running number assigned (in brackets or not – see note below)

For example:
Academies HL Bill (2010-11) 1
Consolidated Fund HC Bill (2008–09) [5]

Running numbers for House of Commons bills are put in square brackets; those for House of Lords are not. When a Bill is reprinted at any stage, it is given a new number.

Citing Secondary Legislation – Rules of Court

The Civil Procedure Rules (CPR) and their predecessors, the Rules of the Supreme Court (RSC) and the County Court Rules (CCR), can be cited without reference to their SI number or year. All other court rules should be cited in full as SIs.

For example: CPR 7

CPR Practice Directions are referred to by number, according to the part or rule they supplement.

For example: 6A PD 4.1
Citing Secondary Legislation - Statutory Instruments

Statutory Instruments are numbered consecutively throughout the year. The year and the serial number then combine to provide the SI number that follows the abbreviation ‘SI’, used to identify the legislation.

Cite an SI in the following way:

Name | year | (after a comma) the SI number
(in the format year/number)

For example:
Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004, SI 2004/3166

As with Acts, where the same SI is cited a number of times in the same work, you can use an abbreviated form in the footnotes, provided that you have provided warning with the first full citation.

The rules for referring parts of SIs are the same as those referring to parts of Statutes. In addition to those used for parts of statutes, use the following abbreviations:

<table>
<thead>
<tr>
<th>regulation/regulations</th>
<th>reg/regs</th>
</tr>
</thead>
<tbody>
<tr>
<td>rule/rules</td>
<td>r/rr</td>
</tr>
<tr>
<td>article/articles</td>
<td>art/arts</td>
</tr>
</tbody>
</table>

Citing European Legislation

Official Notices of the EU are published in the Official Journal of the European Communities (OJ). The OJ is cited in the following way:

Legislation title | [year] | OJ series | number/page

For example:

The letter ‘L’ denotes legislation, ‘C’ denotes cases and ‘S’ invitations to tender.

Regulations, Directives, Decisions, Recommendations and Opinions should be cited in the following way:

Legislation type | number | full title | [year] | OJ L issue/first page

For example:

Once you have cited the legislation in its full form, a short form may be used in subsequent citations as long as sufficient warning has been given. In the footnote you may also just give the document type and number (using ‘Reg’ and ‘Dir’ as abbreviations).

For examples of how to cite legislation from other jurisdictions, please consult the full OSCOLA Guide.
## Secondary Sources

### Citing Secondary Sources - General Principles

<table>
<thead>
<tr>
<th>Author’s Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Give the author’s name exactly as it appears in the publication, omitting ‘postnominals’ such as QC.</td>
</tr>
<tr>
<td>If there are more than three authors, give the name of the first author followed by ‘and others’.</td>
</tr>
<tr>
<td>If there is no individual author, but an organisation or institution takes responsibility for the work, cite them as the author.</td>
</tr>
<tr>
<td>If there is no author or organisation / institution, start the citation with the title.</td>
</tr>
<tr>
<td>In footnotes, the author’s first name or initial(s) precedes their surname. In bibliographies, the surname comes first, followed by the initial(s), then a comma.</td>
</tr>
</tbody>
</table>

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<tr>
<th>Titles</th>
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<tbody>
<tr>
<td>Titles of books and similar publications with an ISBN should be italicised. For all other titles, you should use single quotation marks.</td>
</tr>
<tr>
<td>Ensure the first letter of all major words is in capitals; minor words such as ‘an’ ‘a’ and ‘of’ do not need to be capitalised unless they begin the title or subtitle.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parts / Chapters etc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pinpoints to parts, chapters, pages and paragraphs come at the end of a citation. They should be abbreviated as: pt (part); ch (chapter); para (paragraph).</td>
</tr>
<tr>
<td>Page numbers stand alone without p or pp. If citing a chapter with a page number, include a comma before the page number. Where possible, specify the range of pages.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Electronic Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you source an online publication which is also available in hard copy, cite the printed version.</td>
</tr>
</tbody>
</table>
| Online-only publications should end with the web address in angled brackets (< >) followed by the date of most recent access, for example, ‘accessed 7 February 2011’.
Books

Cite all publications with an ISBN as books whether they were accessed online or in hard copy. Older books without ISBNs should still be cited as books even if read online.

Authored Books

Cite the author’s name first, followed by a comma, and then the title of the book in italics. If a book has a title and a subtitle not separated by punctuation, add a colon.

The edition, publisher and year of publication follow in brackets – there should be no punctuation between publisher and year. The place of publication need not be given. If you are using a subsequent edition to the first edition (which is more than likely), indicate that using the form ‘2nd edn’ or ‘rev edn’.

The citation should be in the form:

Author, | title | (additional information, | edition, | publisher | year)

For example:

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

Looseleafs

Cite the title of the work in italics, excluding the current author / editor, but including names which have become part of the title.

Do not give publication information.

Avoid pinpointing from looseleafs, but if you do, supply the volume number (if there is one) and provide a pinpoint to the paragraph number rather than the page number. If pinpointing, you should also supply the issue / release of the looseleaf and /or date of issue in brackets after the paragraph number, in the form used by the publisher, without any full stops.

Looseleaf examples include:

Ryde on Rating and the Council Tax
Cross on Local Government Law, para 8-106 (R 30 July 2008)
Parker’s Law and Conduct of Elections, vol 1, para 9-24 (issue 29)
**Articles**

**Hard Copy Journals**
Give the author’s name first, followed by a comma, then the title of the article, in roman (i.e. not italicised) within single quotation marks. The main title words should start with a capital letter even if the original does not. The publication detail should then follow in the format:

- 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 (including issue number only if the page numbers begin again for each issue – in which case, put the issue number in brackets immediately after the volume number – but most volumes run consecutively throughout a year);
- the first page of the article

It should be in the form:

author, | ‘title’ | [year] | journal name or abbreviation | first page of article

OR

author, | ‘title’ | (year) | volume | journal name or abbreviation | first page of article

For example:
Alison Young, ‘In Defence of Due Deference’ (2009) 72 MLR 554

If you want to pinpoint a particular page of the article, put a comma after the first page of the article and include the page number you want to pinpoint, as in this example:


For guidance on abbreviations, use *Cardiff University’s Index of Legal Abbreviations*.

**Case Notes**
Treat case notes with titles as if they were journal articles. Where there is no title, use the name of the case in italics instead, and add (note) at the end of the citation, as in the following example:

Andrew Ashworth, ‘R (Singh) v Chief Constable of the West Midlands Police’ [2006] Crim LR 441 (note)

**Online Journals**
If the article is only published electronically, provide publication details as you would for a hard copy article but bear in mind that some of the elements available in printed form may not be available.

If citation advice is offered by the website, follow it but remember to remove full stops so that it follows the OSCOLA rules.

The citation should be followed by 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.

The format for online articles should be:

author, | ‘title’ | [year] OR (year) | volume/issue | journal name or abbreviation | <web address> | date accessed

For example:
Other Secondary Sources

Hansard and Parliamentary Papers

There are three series of Hansard:
- one reporting debates in the House of Lords
- one reporting debates on the floor of the House of Commons
- one reporting debates in the Public Bill committees of the House of Commons

When referring to the first two, cite the House abbreviation (HL or HC) followed by ‘Deb’, then the full date, the volume and the column. Use ‘col’ or ‘cols’ for column(s).

In the House of Commons, written answers are indicated by the suffix ‘W’ after the column number; in the House of Lords, they are indicated by the prefix ‘WA’ before the column number.

**HL Deb OR HC Deb | date, | volume, | column**

*For example:*
HC Deb 3 February 1977, vol 389, cols 973-76
HC Deb 4 July 1996, vol 280, col 505W
HL Deb 21 July 2005, vol 673, col WA261

Command Papers

These include Green and White Papers, treaties, government responses to select committee reports, and reports of committees of inquiry.

Begin the citation with the name of the department or other body which produced the paper, followed by the title of the paper in italics, then the command paper number and year in brackets. The abbreviation before the command paper number depends on the year of publication (see details in the OSCOLA Guide) but examples would be:

Department for Education, *2008 Autumn Performance Report* (Cm 7507, 2008) 54

European Commission Documents

Documents such as proposals and action plans should show the body that produced the document, followed by the title in quotation marks, and the COM number. Describe the document type in brackets after the title if appropriate. For example:

Websites and Blogs

If you access information from, for example, Westlaw or Lexis Library, you do not need to mention this.

If there is no relevant advice in OSCOLA, use the general principles for citing secondary sources (see section 3.1 of the OSCOLA Guide) when citing websites and blogs.

If there is no author, begin the citation with the title in the usual way. If you cannot find a date of publication, provide the date you accessed it.

Examples would look like this:

**Blog:**

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

**Website:**

Campaign for Freedom of Information, ‘Whistleblowing’
<http://www.cfoi.org.uk/whistle.html> accessed 8 February 2011

Newspaper Articles

You need to give the author, title, name of the newspaper in italics and then in brackets the city of publication and the date. Some newspapers have ‘The’ in the title and some don’t. Include it if it is there.

If you know it, give the number of the page on which the article was published, after the brackets.

If the reference is an editorial, cite the author as ‘Editorial’.

If the item is sourced from the web and there is no page number available, provide the web address and date of access.

For example:

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

<http://guardian.co.uk/commentisfree/2008/jun19/justice.ukcrime> accessed 19 November 2009
Citing Quotations

When quoting, you need to use the exact words of the original. If there are mistakes in the originals, show this by using the word [sic].

If the quote is mid-sentence in your text, it must be in single quotation marks and be less than three lines long. Punctuation follows the closing quotation mark, unless it is an essential part of the quotation (such as a question or exclamation mark). The footnote marker comes last after both the closing quotation mark and the punctuation.

For example:
The Chief Justice explained that this power ‘is not limited to defence against aggression from a foreign nation’. 61

Quotations within short quotations take double quotation marks.

Quotations which are longer than three lines should be presented in an indented paragraph (both left and right), with no further indentation of the first line. Do not use quotation marks, except for single quotation marks around quotations within quotations. Leave a line space either side of the indented quotation.

When a quotation begins in the middle of a sentence in the text, the first letter of the quotation should be capitalised if the quotation itself is a complete sentence, but not otherwise.

When a quotation begins at the start of a sentence in the text, the first letter should be capitalised, and square brackets placed around it if it was not capitalised in the original text.

When text is missing from the quotation, or if it ends mid-sentence in the original text, use an ellipsis (…) to indicate that some of the original text is missing. Leave a space between an ellipsis and any text or punctuation, except quotation marks.

If a quotation is incorporated in to the text, then no more than a comma at most is needed to introduce it.

For example:
Bix raises the question, ‘What is the point of dissent, after all, at least on the highest court of the jurisdiction, is the law simply is whatever the majority on that court says it is?’ 22

Usually, a colon is used to introduce an inverted quote.

If you add your own emphasis in a quotation, for example italicising words which strengthen your argument, put (emphasis added) after the footnote citation.
Items in bibliographies take the same form as all other OSCOLA citations, except in three cases:

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

- Only initials should be used and not forenames;

- Titles of unattributed works should be preceded by a double em-dash (---). Works should be presented 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.

A citation in a footnote would look like this:


And in a bibliography, would look like this:


If citing several works by the same author, list the author’s works in chronological order, beginning with the oldest, and in alphabetical order of the 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 (---).

Works by more than one author should be presented in alphabetical order under the first author’s name, but place them after any titles by that author as a sole author.

If a first author has more than one co-author, arrange the co-authored works in alphabetical order of co-author surname, and if you citing more than one work by the same first author and co-author, arrange the works in chronological order, repeating the co-author’s name each time.

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
—— and Honoré AM, Causation in the Law (2nd edn, OUP 1985)