

Law Information Sources

Law is based on the interpretation of published legislation, so to study and understand Law it is essential that you understand the literature of the subject and the way it is structured.

You may find the following introductory books useful:

Lisa Cherkassky et al, <i>Legal skills</i> (2011)	Law 340.11 LEG
Peter Clinch, <i>Using a law library</i> (2nd edn, 2001)	Law 340.072041/CLI
Peter Clinch, <i>Legal information</i> (2nd edn, 2000)	Law 026.34/CLI
Philip Thomas, <i>Dane & Thomas: how to use a law library</i> , (4th edn, 2001)	Law 340.072/THO

Sources of Legal Information

Legal information can be divided into two general categories: secondary materials and primary materials.

- **Secondary Sources**

These have two main functions:

- Finding tools: help locate relevant primary sources of law; for example, indexes, current awareness and digest services.
- Commentary: provides interpretation of relevant primary sources, and includes sources such as textbooks, journal articles and encyclopaedias.

- **Primary Sources**

These consist of authoritative statements of law as made by law-making bodies, and include:

- Primary Legislation: Statutes or Acts of Parliament.
- Secondary (or delegated) Legislation: Statutory Instruments, Rules, Regulations & By-Laws.
- Draft Legislation: Bills
- Case Law: Details of cases of legal importance are published in law reports; over time, these reports develop into a body of case law. A judge will usually follow the precedent of previous cases when making a decision in court.

Secondary Sources

When beginning legal research you should start with **secondary** sources. They are easier to find, easier to read, and will often lead you to the relevant legislation and cases. This is good research practice – if someone has already done the work, use it!

Secondary Sources: Books

When you are beginning a literature search it is always a good idea to read one or two books on your chosen subject. This will provide a good background of knowledge, and the books may also identify the legislation and major cases for your topic. Remember that law books go out of date quickly, so you should always make sure you are using the most recent edition available.

There are three main types of law book:

- **Textbooks:** These are useful as an introduction to an area of law. They will point you to the relevant legislation and provide an evaluation of the issues *e.g. Smith & Keenan's company law*.
- **Casebooks:** These provide extracts from major cases and other legal sources in an area of law, often with critical commentary. They are useful place to start examining case law, but if you are undertaking detailed research, you will also need to refer to the primary sources *e.g. Housing law casebook*.
- **Practice books:** These are generally aimed at legal practitioners, and include guides to court procedure and practice, guides to precedents, forms and documents, and detailed coverage of an area of law *e.g. Garner's environmental law*.

To find books you will need to use the **SOLAR Library Search** – you can access this via the Student Channel at <http://students.salford.ac.uk>, the iSalford app or by searching online for 'Salford SOLAR Library Search'.

Each site also has dedicated Quick Search PCs located on each floor, where you can search using SOLAR. You can perform various kinds of searches to find the items you need. Search using general key words to describe your subject (*e.g. data protection law*) to find books on your topic, or link the author and title details if you have them (*e.g. clinch using a law library*). Make a note of the location number of the item you want and use this to find the book on the shelves at the Clifford Whitworth Library.

Secondary Sources: e-Books

e-Books are electronic versions of printed books. Their advantage is that you can use them outside The Library (for example, from home) at any time, and you can search for keywords within the books.

You will find e-Books on SOLAR Library Search, search in the usual way, and click on the **View It** link to go to the e-Book (you have an option to open this in a new window). You will need to enter your network username & password when prompted.

Secondary sources: reference materials

• Legal Dictionaries

As legal literature uses its own terminology you will probably need to refer to specialist dictionaries to understand what you are reading. Use a keyword search on the SOLAR Library Search to find dictionaries in the area of law you are interested in.

• Encyclopaedias

Halsbury's Laws of England is the major legal encyclopaedia; it is a multi-volume work arranged by subject. Halsbury's Law of England is published in print however the University of Salford has access to this through the database LexisLibrary.

- **Abbreviations**

Many legal materials are cited using standard abbreviations, for example, All England Law Reports are referred to *All E.R.*, and the Journal of Environmental Law is cited as *J.Env.L.*

To decipher these abbreviations, use the Cardiff Index to Legal Abbreviations at www.legalabbrevs.cardiff.ac.uk/. You can search by abbreviation to find the full title of the law report.

Understanding Citations

You may see a reference to a case that looks like this:

Cachia & Others v Faluyi (2001) 1 WLR 1966

This is a standard citation, and is interpreted as:

Cachia & Ors v Faluyi parties involved,
(2001) date of judgement or year of publication,

1 volume number,

WLR Weekly Law Reports

(use one of the sources listed on the left to identify these)

1966 first page no. of the report.

Secondary sources: journal articles

Journal articles are an important source of current information on specialised topics. Journals are usually published several times a year and, therefore contain the most up-to-date information in your subject area. Journal articles contain comment and evaluation of current legal topics, and may also provide commentary on cases. Sometimes cases are only reported in journal articles, or as news items in newspapers.

To help you find the articles you need in journals and newspapers, the University of Salford subscribes to a number of electronic resources (or databases), which are quick and easy to search. Some of these databases provide the full text of journal articles, which you can download. Other databases provide bibliographic information only, but this information is enough to help you find the article in the Library, or to order it by Document Delivery.

The most useful resources for searching for journal and newspaper articles on legal topics are:

- Westlaw UK
- Lexis Library
- HeinOnline

All these resources are available via the Library Resources page at <http://www.salford.ac.uk/library/resources> or by searching online for 'Salford Library Resources'.

Primary Sources

This guide is intended to provide an overview of some of the electronic databases available for tracing primary law materials.

Primary Sources: Statutes

Statutes or Acts of Parliament are known as primary legislation. They have been passed by both Houses of Parliament and have received Royal Assent. Statutes may change over time, so it is advisable to use electronic resources to find the most recent version of a Statute.

To find Statutes use:

- **Westlaw: Legislation**
Full text of Statutes currently in force.
- **Lexis Library: Legislation**
Full text of Statutes currently in force.

Primary Sources: Statutory Instruments

Statutory Instruments (SI) are known as secondary legislation, and take the form of Rules, Regulations or Orders. Statutory Instruments support Statutes; they provide the detail of how a Statute will work in practice, amend or repeal part or all of a Statute, or act as a Commencement Order to bring a Statute into force.

To find Statutory Instruments use:

- **UK Statutory Instruments**
Full text of SI from 1987 onwards, available at: www.legislation.gov.uk/uksi
- **Westlaw: Legislation**
Full text of SIs currently in force.
- **Lexis Library: Legislation**
Full text of SIs currently in force.

Primary Sources: Case Law

If a case is deemed to be of legal importance, or sets a precedent, it may be published as a law report. There are a number of law report services, and a case may be published in more than one of them.

You can search the following databases by party names, keywords, citations, etc.:

- **Lexis Library**
Coverage of reported and unreported cases from 1865, with access to many full text law reports in full text.
- **Westlaw UK: Cases**
Full text of reported cases or links to case judgements and details of citations and case summaries. Use the case search page to find the judicial history of a case.

Note that the vast majority of cases are not reported, but you may still be able to find details of them in secondary sources – see the section on Journal Articles on page three of this guide.

European Union Law

Much UK legislation has its origins in Europe. For a comprehensive explanation, see *The IEEP Guide to the EU Institutions & Decision-Making Processes* at:

<http://www.ieep.eu/understanding-the-eu/guide-to-institutions-and-decision-making/>.

This looks at the main institutions of the EU and explains the difference between Regulations and Directives, and examines how the main institutions shape legislation as it passes through the system.

There are different categories of EU legislation which vary in their effect on UK law:

- **Treaties:** Control the structure and development of the European Union.

Regulations: Take precedence over existing national laws and are legally binding on all states.

- **Directives:** Each national government has to implement a directive by incorporating it into its own legal system.
- **Decisions:** Addressed to specific member states or companies, these are legally binding.
- **Recommendations:** Not legally binding.

EU legislation is usually passed into UK law via Statutory Instruments (see p.4 of this guide). Most documents relating to European Union legislation are published in the *Official Journal of the European Communities*, which is available on the EUR-Lex website at: <http://eur-lex.europa.eu/en/index.htm>. The site also includes Treaties, Legislation in force and Preparatory Acts.

The following electronic resources provide access to EU material:

- **Lexis Library**
EU Case Law / EU Legislation
- **Westlaw UK**
Use the EU Search page to search across all available material, or restrict your search to material type.

Summing Up

You may have been set an assignment where you need to analyse and evaluate a case.

When undertaking legal research you need to look at the legal issues and principles involved, not simply the facts of the case. Decide the type of law(s) the case involves:

1. Look for books about the type of law (*see pages 1 & 2, Books & E-books*). Textbooks will give you an overview, point you to the relevant legislation and evaluate the issues. Casebooks and materials texts will provide extracts of the major cases in the area of law. Use SOLAR Library Search to find them.
2. Note that as your search progresses you will probably find hundreds of cases on most subjects, so you should try to confine your search to only the **major cases**. Casebooks will usually identify these for you.
3. Do any of the cases set a precedent for the case you are examining? If so, look for the Law Report by tracing the citation in one of the electronic resources (*see page 4 - Primary Source: Case Law*).
4. Search the legal databases for journal articles that are relevant to your case, (*see page 3, Journal Articles*). You may also find the Library's information search tips on the Skill Up website useful – www.salford.ac.uk/library/skillup. Remember to try to confine your search to only the major cases.
5. Do any of the articles refer to cases that set a precedent for your case? Again, trace the citation in the electronic resources (*page 4, Case Law*) for a full Law Report.
6. Law Reports should provide citations or references to the statutes and statutory instruments that were relevant to deciding the case. To find this legislation, trace these citations in the electronic resources (*see page 4 – Primary Sources: Statutes*).

and Statutory Instruments). The books you found in step 1 should also provide references to the legislation.

7. Remember that Encyclopaedias such as Halsbury's Laws of England will provide you a summary of the area of law you are looking at and point you to important cases and relevant legislation.

Top Tip

When you have enough information, STOP. You only need to examine a few cases, plus the underlying legislation, and explain why they are relevant to your case.

Further help

If you need further help you can look at the Library Skill Up webpages at <http://www.salford.ac.uk/library> for help with using library services to help with performing research and referencing your work. If you are having problems tracing information, please ask for help!

Your Academic Support Librarian – Nicola Sales

Web www.salford.ac.uk/library/nicola

Telephone 0161 295 6649

Email N.Sales@salford.ac.uk

Online help <http://www.salford.ac.uk/library/skillup>
visit the Skill Up pages for the latest support to using Library Services

Blog <http://blogs.salford.ac.uk/digital-literacy-skills/>

Get up-to-date information on a range of topics, including new resources, where to get help and drop-in sessions.



Please note: Information contained in this Subject Guide was correct at the time of publication. A more recent version may be available at www.salford.ac.uk/library/guides