



**Plymouth Law School**

**Undergraduate Law Programmes**

# **Coursework Manual 2015-2016**

This Manual provides you with guidance on the format and presentation of your coursework along with where and how to submit. It also includes guidance to ensure you provide appropriate references and do not commit an act of academic dishonesty, especially plagiarism.

**THIS GUIDANCE APPLIES TO ALL OF YOUR LAW COURSEWORK ASSESSMENTS, INCLUDING THE DISSERTATION, UNLESS OTHERWISE STATED IN THE RELEVANT MODULE OUTLINE.**

# LAW COURSEWORK MANUAL

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## PART 1 Submission and Return

Faculty Support Office Level 1 Cookworthy Building opening hours:

**Monday to Thursday: 09.00 – 17.00**

**Friday: 09.00 – 16.30**

[fobfacultysupport@plymouth.ac.uk](mailto:fobfacultysupport@plymouth.ac.uk)

 01752 585650

### **Where, when and how to submit**

- All assessed work must be handed in via **Faculty Support Office Reception, Level 1 Cookworthy building** or
- Via the **University approved electronic system** (your module leader will advise you if they are using this system and give full instructions during the Module).
- The **deadline date** will be set out at the start of each module in the Module Outline. A copy of all your deadline dates is available from Faculty Support Office. It is your responsibility to know your deadlines and to meet them.
- **The deadline time for submission of Undergraduate assessment for Plymouth Law School modules is 12 noon.**
- Coursework can be handed in on any day before the deadline.
- Coursework is submitted via a barcode system which uses the barcode on your **Student ID card**. It is therefore essential that you take your Student ID Card with you. Failure to do so could mean you are unable to submit on time.
- If you lose your Student ID Card you will need to go to the University Card Office for a replacement. However, it may not be possible to replace lost cards immediately. Avoid waiting until you need to hand work in to get a replacement card. If it is close to the deadline you may end up handing the work in late. If this is the case, the fact that you did not have a card will not count as extenuating circumstances.
- Please note that **only ONE original copy** needs to be submitted (we will copy for our records if necessary), unless otherwise stated in a module outline. When handing in coursework, please ensure that you fill out a **Law Feedback & a PBS Submission Form**, available from the Faculty Support Office CKY.
- In Law we ask you to submit your assessment with a feedback form on which only your number will be visible during the marking process (**anonymous marking**). **However, sometimes, because of the nature of some assessment, the marking process may not be anonymous** – this would include for example GEAR; the dissertation and WBL modules; and any module where assessment is by way of presentation.

Please note the following in respect of using the anonymous form for Law coursework submitted via the Faculty Office:

1. The anonymous form should be used for **all submissions**. If you have an old version of the form please destroy it – it will not be accepted by the Faculty Office;

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2. The anonymous form should be used even if you are required by specific module instructions to also provide another form e.g. GEAR;
3. You must **always complete the strip, stick down the label and not remove the strip** so that every submission is anonymous. We fully appreciate that in some cases such as GEAR and the dissertation/WBL, the work actually has your name on it, or that you may not care whether you submit anonymously or not, but the Office cannot operate with different instructions for different modules given that so many pieces of work are submitted through it. It is therefore simplest to have the same instructions apply to everything;
4. **Do not put the copies of your work 'inside' the feedback/ submission form** (the form has two pages because it is a carbon copy form); and
5. If there is also a **specific front sheet with non-standard criteria** for the coursework then **this** must be attached to the front of your work.

### Late Work

Work submitted **within 24 hours** of the published deadline may receive a maximum grade of **40%**.

Work submitted **after that** time will receive a **zero mark**.

If you have a reason that your work was late e.g. illness you should complete an **Extenuating Circumstances Form**, which should be done as soon as possible, normally no later than 10 days of the due date for submission. For further information see the Programme Handbook and related Student Handbook assessment regulation links including:

<https://www.plymouth.ac.uk/student-life/your-studies/essential-information/exams/exam-rules-and-regulations/extenuating-circumstances>

and

<https://www.plymouth.ac.uk/student-life/academic-regulations>

If the claim is deemed valid and you meet the extended deadline, the late coursework penalty will be waived. You will normally be permitted a **maximum extension of 10 working days** (excluding any holiday period) from the original deadline for the submission of work.

**PLEASE NOTE:** no lecturers can provide extensions to published deadlines

### Group Work

For group work, you will need to present the Student ID Card for **every student** named as contributing to the work. An easy way of doing this is by taking a photocopy of all of the Student ID cards in your group, so only one of you will need to be present when handing in your work. When submitting group work, please ensure the names of all group members and the registration numbers are clearly stated on the cover/ page of your work and then attach one copy of the Law Feedback/ Submission Form.

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## **DON'T FORGET!**

*You should always keep a copy of your work. We would recommend that you retain a copy of all your work throughout your studies, and all your feedback – it will prove invaluable for your GEAR.*

## **Coursework Infected with Computer Viruses**

Where we find that electronically submitted coursework is infected with a computer virus, worm, Trojan horse or other harmful macro or programme the following procedure will be followed:

1. the Module Leader will NOT remove the virus, but will retain the media for technical evaluation;
2. Technical Support will evaluate the document/disk and provide the Module Leader with a virus-free copy of the work if possible;
3. the procedure for late work will then be followed.

If you use your own computer, please ensure that it has anti-virus software. This may be downloaded from the University website whilst you are in any of our computer rooms.

## **Return of Coursework**

- Coursework will be returned via the Faculty Support Office or via the Module Leader, and through Personal Tutors for GEAR.
- Academic staff will strive to return your work 20 working days after the submission date. Unfortunately sometimes, for unexpected reasons, there may be a delay in marking and returning your work (for example, the marker is ill). In such circumstances your Module Leader or Programme Manager will do their very best to keep you informed by emails and announcements on Moodle.
- If you experience delays and have not been informed, you should notify your Student Representative who will report this to the Programme Manager. The Programme Manager is responsible for investigating the delay and you will be notified of a revised return date as soon as possible. If a satisfactory outcome is not achieved in the intervening period, the matter may be referred to the next Programme Committee meeting for discussion.
- Coursework will be kept for four weeks in the Faculty Office; it will then be transferred to a store for a further two weeks.
- Please note that once coursework has been transferred to the store you will need to specifically request its return. Owing to space restrictions, coursework that has not been collected in the specified time will be destroyed.

## **Feedback**

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- It is very important that you collect your marked assessment and read all the feedback you are provided with, not just the grade, since there may be comments directed towards helping you improve the next time you do an assessment.
- We also recommend you keep your feedback/ marked assessment since it may assist you in developing actions for your personal development planning.

In Law your feedback may include the following:

**Comments on the feedback form** or provided on an electronic form, which may include advising you to seek additional support should the marker believe it may help you improve your future performance;

**Comments on the actual piece of work** so please read your work again once you have collected it;

**You may be additionally provided with generic, overall feedback** either verbally in a class session and/ or in a written document posted on Moodle

- To help you understand your grade, below we briefly explain what the overall qualities are of a piece of work in each of the degree classifications.
- If you have any **queries** about your feedback, for example there is something you do not understand, **contact the marker and make an appointment to discuss the feedback with them.**

### What does my grade mean?

#### First Class (1<sup>st</sup>) 70%+

In general terms a first class piece of work may be described as **excellent**. For marks in the high 70s or above the work will be **outstanding**. Your work will be critical and analytical at all times regardless of whether it is an essay or problem based question. It will be fluent and articulate as well as clearly addressing all the relevant issues and employing a wide range of legal sources that will be well referenced.

#### Upper Second Class (2.1) 60 – 69%

In the 2.1 class the work may be generally described as **very good**. You will demonstrate high levels of competence and appreciation of the task as well as mature communication skills. There will be evidence of a full understanding of the issues and applicable law and a well-reasoned attempt to answer the question. A good range of legal sources will be incorporated into the work.

#### Lower Second Class (2.2) 50- 59%

The standard of work in the 2.2 class is **good** – essentially you have understood the question or task and addressed it competently. For example, the correct law will be identified and explained, and applied if relevant. However, the way in which the material is used (the analysis or synthesis of the law) will be lacking –perhaps by not

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applying the law to the question clearly, accurately and/ or effectively. You may also need to improve the general quality of your communication skills.

### **Pass – Third Class (3<sup>rd</sup>) 40 - 49%**

The work here is **satisfactory** (but towards the lower end of the marks it will only just be satisfactory). This could also be described as a ‘basic’ answer. For example, a third class answer would show some appreciation of the question set and applicable law but would be flawed in that it may not address all the issues and/ or not fully or accurately explain the law. The range of sources employed will also be limited and/or not reflected in the content. There may also be problems in respect of the quality of your communication skills.

### **Fail – 39% or less**

A grade below 40% means that you **did not pass** this assessment. In other words, you will not have addressed the question or task in a manner that shows you have adequate knowledge and understanding of the issues raised and the applicable law. **You should make an appointment to discuss this assessment with your tutor as soon as possible.**

### **Formative work**

You are expected to submit practice work for review and feedback. Formative work is not formally assessed, so it does not count in your overall marks. However, the “carrot” here is that **our internal research indicates that students who complete practice work for each module improve their assessed performance by about 10% on average**, which could make all the difference to your overall grades. The “stick” is that if you do not do it module leaders will chase you up for it and inform personal tutors. This information then inform references from personal tutors, who are often asked to comment on your engagement with the course.

*Please also see pages 61-66 of the Programme Handbook 2015-16 for information of assessment.*

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## PART 2

### Presentation (including under and over-length work)

#### **A Note of Reassurance**

The requirements listed in this document are guidelines that indicate how we would prefer written work to be presented. They represent the ideal to which you should aspire. They are not absolute requirements, the absence of which will not result in automatic failure. However, you should do your best to conform to these directions.

#### **Basic Presentation**

Unless otherwise instructed by the Module Leader (in the Module Outline or assessment instructions you receive) you should comply with the following basic instructions re essay presentation.

- Essays should be printed in **black** ink on white paper (**A4 size**)
- Essays should be typed in **ARIAL 12 point font size**.
- *Footnote/ endnote* references should be **11 point font size**
- Spacing should be **single line** unless instructed otherwise in the specific module assessment instructions
- Essays should have **margins** of **2.54cm (1")** (top, bottom, left and right margins)
- Essays should be secured by a **single staple** in the top left hand corner
- You must have separate pages for your **bibliography**
- You should use **footnotes** if you have a **word** limit
- You should use **endnotes** if you have a **page** limit; endnotes should be provided on a separate page
- If there is a **word limit** you must provide an **accurate declaration** of the number of words at the end

#### ***Heading and Sub-headings***

Headings and sub-headings may be used and can be effective in presenting the main points but are entirely optional *unless specifically requested* as in some assignments. For example, if you have five main sections, then each can be signalled by the use of a heading, as has been done in this document. Sub-headings are used within the sections. If you do decide to include headings, don't *overuse* them since this can result in fragmentation and a disjointed flow.

#### ***Appendices***

These can be used to present material that relates to the subject, but is too bulky or detailed for use in the main text. If used, they should be numbered or lettered in the same order that they are referred to in the text. Appendices are not counted as part of the word total of assignments, but this does not mean that you can extend assignments by placing additional material there. Appendices have to support and explain certain issues or questions within your text.

#### ***Example:***

A recent survey has shown that 50% of those questioned thought they already knew how to reference correctly (see Appendix 1).

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## **Structure**

All (good) essays share certain characteristics in the way that they are structured in that they have clearly defined sections that can be broadly categorised as the *introduction*, the main *body*, and the *conclusion*.

## ***Introduction***

The introduction serves as a 'road map' for the essay, defining where the essay is going (the question it is going to answer or its main argument) and how it is going to get there. It can be helpful to include some sort of statement regarding why the question or issue being discussed is important or interesting – how for example it fits into wider theoretical or research issues or its connection with current events and so on. Sometimes people also include as part of the introduction (often in a separate paragraph) a discussion of the 'key terms' or 'important concepts' being used in the essay. This can be important particularly if some of the concepts are perhaps unclear or contested. However, you should avoid simply quoting the dictionary, as this is rather turgid, and results in the essay coming across as being dull and lacking creativity right from the start – and remember, first impressions are important!

## ***Main Body***

The body of the essay presents all of the detail – all your evidence, your analysis of that evidence, and how it ties back to the central question – in an organised format. If you are unsure you may find it helpful to consult the Learning Development resources on the Student Portal or book a tutorial with a member of the Learning Development Team.

Within the body of the essay, make sure that you order the information into paragraphs. You should be able to clearly see where one paragraph begins and another ends simply by glancing at the page. Some people leave a blank line between each paragraph, while others indent the first line of each paragraph. Which method you choose is up to you.

Finally, remember that each paragraph should have its own topic – a new issue, a new event, and a change in direction, or something else that differentiates it from what was discussed in the paragraph before. The opening sentence of the paragraph should reflect this function. Ideally, you should be able to get the 'gist' of the body of the essay by simply reading through the first sentences in each paragraph - this won't give you the full argument, but it will give you a fairly good idea of what the argument is.

## ***Conclusion***

The conclusion brings together the main points and indicates how they relate to the main argument. It also provides a comprehensive answer to the question – a statement that provides a definitive response to the question and demonstrates that you have completed the task you set out to achieve at the outset. Again, it is useful to repeat the wording of the question as it was originally set as part of this statement – it leaves no room for ambiguity in whether you've answered the question or not. The conclusion can also pose questions or raise issues for further discussion, and speculate as to the future direction of the issue.

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In addition, you will need to include a **Bibliography**<sup>1</sup>, which should be inserted at the end of the essay. (If it is a Project/ Dissertation, a **Table of Cases** and **Table of Legislation** should be inserted at the beginning). Neither of these will count towards your word or page limits. Occasionally you may also want to include an **appendix** (or appendices), which should be inserted at the end. As noted above, appendices are not counted as part of the overall word or page total for the essay BUT this does not mean you can extend your essay by placing large amounts of materials in them.

## **Avoiding Common Errors**

*The following are common errors many of which could be eradicated with careful proof reading. One way to do this is to read your work aloud.*

### **Abbreviations**

Try to avoid using abbreviations such as *etc. e.g. i.e.* as these break the text up and make it harder to read. **Do NOT use *can't, won't, couldn't* for example** (unless these are direct quotes from speech).

### **Apostrophes**

These seem to cause more confusion than anything else, and the rules are a bit complex. The most common error is to use them to indicate plurals - this is often referred to as the greengrocer's apostrophe as it is often seen advertising leek's, cabbage's, banana's and so on. The first rule is: apostrophes should never be used for plurals.

The apostrophe is commonly used in two distinct situations either as a contraction or to indicate possession:

Contraction: 'they're clever' instead of 'they are clever'

Possessive: 'Jemima's toy gun' instead of 'the toy gun of Jemima'

However, the one inflexible exception to this rule is 'its' when used as a possessive:

Contraction: It's (it is) time to feed the dog

Possessive: The dog escaped from its kennel.

Finally, where the possessive relates to plurals, such as lecturers or students, the apostrophe usually comes at the end of the word:

Singular Possessive: The lecturer's lectures influenced the student's essay. (One lecturer influenced one student.)

Plural Possessive: The lecturers' lectures influenced the students' essays. (Several lecturers influenced several students.)

### **Capital Letters**

These should only be used for individual names or for specific objects, institutions and so on. It is correct to write the policy of Plymouth City Council, but incorrect to write the policies of some City Councils.

<sup>1</sup> How to compile a bibliography can be found in Part 4

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## **Commas, Colons and Semi-colons**

Try to use these sparingly, as too many, can, make a sentence, difficult, to read. If you think that you have too many try breaking the sentence up into two shorter ones, or rephrase it.

## **Spelling**

One of the disadvantages of computer spell-checks is that they tend to make people lazy when it comes to both grammar and spelling. It is best to print out and check assignments yourself for errors. Spell-checks do not differentiate between the words that are spelt correctly but misused grammatically or illogically - for example 'She fact cot say an they map' makes as much sense to a word processor as 'The fat cat sat on the mat'.

Commonly misspelt words in Law include the following:

<b>Common mistake</b>	<b>Correct spelling</b>
Casual	Causal
Govverment	Government
Parliament	Parliament
President	Precedent
Statue	Statute

Commonly confused and/or misused words in Law include the following:

- Advice and Advise
- Counsel and Council
- Dependent and Dependant
- Effect and Affect
- Formally and Formerly
- Incident and Incidence
- Militate and Mitigate
- Principal and Principle
- Practice and Practise
- They're and There and Their
- To and Too and Two
- Licence and License (the noun and the verb)

Again, you should take great care when using a spell-check. A computerised spell-check will *not* detect the difference between any of the words above, nor will it point out to you that you have consistently left the 'l' out of public. Conversely what it may do is change all your statutes to statues and your tortious principles to torturous ones!

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## **Penalties for over and under-length work**

It is an important practical and academic skill to be focused and concise in what you say. All written coursework assignments (except tests) will be subject to a maximum length in pages or, in some cases, a word limit.

**All work subject to a word limit must include an accurate declaration of the number of words at the end.**

Work that is under length will normally simply be marked on its merits. Its brevity may obviously affect the mark adversely. The only exception to this rule is for students undertaking a Law Dissertation or Project where there is a minimum and maximum word limit and students must comply with both.

**Where the work is subject to a word limit**, over length assignments (those which exceed the word limit) will be penalised. In law, it is agreed that the penalty will be the deduction of 5% from the mark for the total piece of work if the work is up to 10% over length; 10% if the work is between 10 and 20% over length. If the work is over 20% over length the marker shall stop marking at that point and award a mark for the work up to that point (which may note omissions or lack of coherence because the whole piece of work has not been marked), less the 10% reduction (for the work being 20% over length).

**Where the work is subject to a page length requirement**, the length will be specified as a number of pages. If the work exceeds the specified length, marking will stop at the point specified and no marks will be awarded for material submitted in excess of the limit.

## PART 3

### Academic Dishonesty (including plagiarism)

#### Types of Academic Dishonesty

The types of ways in which you could commit an act of academic dishonesty include for example

- Buying an essay
- Stealing essays from another student
- Copying bits of your housemate's essay
- Copying and pasting from the internet
- Working with a friend to produce an individual essay
- Taking bits from a coursework already submitted
- Bringing crib sheets or notes into an exam
- Getting someone else to take an exam for you
- Using your mobile to get answers in an exam

The University will not tolerate cheating and offenders will be punished under the University Regulations. All cases of suspected cheating are investigated carefully and where cheating is established, severe sanctions may be imposed. A student who is proven to have committed an academic offence may be placing his or her degree in jeopardy.

#### Plagiarism

Any piece of work submitted by a student MUST be that student's own work. Hence it is an academic offence to submit for assessment:

**"...material (written, computer-generated, visual or oral) or ideas originally produced by another person or persons, without clearly indicating both on the text and by the use of bibliographic referencing, that the materials is not original, such that the work could be assumed to be the student's own".**

(University Regulations)

Plagiarism would include therefore things such as

- Direct copying of another person's work;
- Using quotations or paraphrasing without the use of quotation marks and referencing; and
- Using data or ideas without acknowledging their source.

**Note:** If submitting a piece of group work you should note that it is your responsibility to ensure that no-one in the group has, for example, plagiarised. In the event that the piece of group work is found to have breached the assessment regulations then ALL members of the group will find themselves subject to the penalty.

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Unfortunately the School has in recent years been faced with some instances of students presenting work that does not meet the standards of good academic practice required by this University. So this document is designed to give you guidance so that such incidents do not happen.

**It is therefore very important that you read, understand and comply with the following notes of advice concerning the referencing of sources.**

**You are advised that the Faculty Support Office will use Turnitin to routinely sample a proportion of work and provide reports prior to marking. This has been introduced following recommendations from our external examiners.**

## PART 4

### Preparing References and Bibliographies

#### Types of referencing technique

There are many systems for the presentation of references in academic work. Which system a writer adopts depends upon many things, including what his or her subject area is, what part of the world he or she is working in, and who is going to be publishing the work and for what purpose. Broadly speaking however, these systems fall into three general formats:

- Citing sources using brackets within the text of the work. Included in this category is the **Harvard Reference System**.
- Citing sources at the bottom of the page. This is often referred to as the **Footnote Reference System**.
- Citing sources at the end of the work. This is usually called the **Endnote Reference System<sup>2</sup>**.

Of these three, only **two** are approved for use in Law - the **Footnote** and **Endnote Reference Systems** (both using the **Chicago style of referencing (see below)**). Module Leaders will usually specify which you should use in your assignments.

The general rule is that you will use **endnotes** when you have a **PAGE LIMIT** and use **footnotes** when you have a **WORD LIMIT**. If in doubt, ask!

There is one basic point to remember, which is to try:

#### **not to use more than one system in any assignment.**

NOTE: If you are a student studying LLB law with CCJS, LLB law with Business, or Law as a Minor subject, you will likely learn more than one method of referencing whilst at University (e.g. Harvard and Chicago). Which style you use depends on the module: **you should use Chicago for law modules, unless directed otherwise by your module leader.**

The primary purpose of a reference is to enable a reader to be able to locate a copy of the original text to which you refer in your analysis, in order to check the validity of the claims you make in support of your argument (e.g. whether Dicey really made that statement), or your empirical material (e.g. whether Alabama really legalised infanticide in 1962). It also enables readers, including your fellow students, to follow up scholarly work to which you refer for their own use, just as the references you find in published material provide a good basis for your own literature surveys.

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<sup>2</sup> Do NOT confuse this with the University's licensed Endnote Programme for collating and saving references. You are able to get training on creating an Endnote Library using this programme via the Library, but should note that it is different from using the Endnote Referencing System as explained in the Manual.

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Last, but by no means least, **accurate referencing guards you against an allegation of committing an academic offence.**

There are two aspects to acknowledgement of sources:

1. You must **acknowledge the sources** for specific points as your essay goes along using footnotes or endnotes (i.e. by inserting references).

AND

2. In law you are required to provide full references (**citations**) for all **cases**. **Legislation** should also be cited correctly.

AND

3. You must always list the sources that you referenced in your piece of work in a **bibliography** at the end of the work;

**Note:** The proper referencing (or citation) of sources is an art rather than a science and **it is a skill** that we will help you to acquire but there will always be grey areas. Even examining your textbooks you will find a number of different techniques and approaches. **Your main aim should be to ensure that all sources are fully referenced using an appropriate system for law and that the references you have included are consistent in style.**

In this part of the Manual we shall examine the following:

1. [the information that should be contained within footnotes and endnotes;](#)
2. [how to cite cases and legislation;](#)
3. [how to cite European cases and legislation;](#) and
4. [the information that should be included in bibliographic references.](#)

## Q. What information should my footnote or endnote references contain?

The essential notion of the Footnote/Endnote Reference System is that where an author wishes to make a reference they do so by placing a number above the relevant part of the text, and then placing a corresponding numbered reference at the bottom of the page on which the text reference appears, alternatively if you use an Endnote it will appear at the end of the piece of work. It is convention to start with the number 1 for the first reference and continue with a consecutive numbering system throughout a single document (however each chapter of a book or thesis will usually re-start the numbering sequence from 1).

### NOTE:

- a) In Microsoft Word, go to the 'references' tab; you will see 'insert footnote' and 'insert endnote' options;
- b) If you are using **endnotes switch to using ordinary numbering instead of numerals (i.e. iv, v etc)** or you will find your endnotes very cumbersome;
- c) Footnotes and endnotes should be **one font size smaller** than the body of the essay (see Part 2);
- d) If you are using **endnotes, please put them on a separate page** and attach the page to the end of the essay; and
- e) Always use 1, 2, 3 etc. (**not** Roman Numerals).

## Case law and legislation (see below)

### Books

As a general rule when referencing a book you should include the following:

- Author's name (or authors' names)
- Title of the work
- Edition
- Year of publication
- Page or pages from which the information is drawn

You should note that the *Title of the Book* is italicised and the first letter of main words only are capitalized. So, for example:

- A book written by a *single* author:  
Partington, M., *Introduction to the English Legal System*, (2004), p.5
- A book written by *two* authors:  
Slapper, G., and Kelly, D., *The English Legal System*, (2004), pp.5-6
- A book written by *more* than two authors:

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Bailey, S., et al., *The Modern English Legal System*, (2004), Ch.3

- A single author chapter in an edited collection:

Bentley, D., 'Acquitting the Innocent. Convicting the Guilty. Delivering Justice?' in Rowbotham, J., and Stevenson, K., *Behaving Badly*, (2003), p.16

## E-books

As a general rule you should include the following:

- Author's name (or names)
- Title of the work
- Edition if applicable
- Print publisher and date of publication
- Database or internet location where accessed,
- URL
- Day, month and year accessed
- If available page or chapter which information is drawn from

## Journal Articles

As a general rule when citing journal articles you should include the following:

- Author's name (or authors' names)
- Title of the article
- Year of publication
- Volume number
- Name of periodical/ journal
- Page number on which the article begins
- Page or pages from where the information is drawn

When writing the reference you should note that the *name of the journal* is italicised and the title of the article is encapsulated in single quotation marks. So, for example:

- For an article written by a *single* author:

Goodhart, A., 'The ratio decidendi in a case', (1959) 22 *Modern Law Review* 128 at p. 132

- **Or** the journal can be referred to by its **abbreviated** form [see Raistrick's *Index to legal citations and abbreviations* at 340.02 RAI] but you must be consistent so stick to one style or the other. For example:

Clayton, R., 'The limits of what's "possible"; statutory construction under the Human Rights Act', (2002) 5 *EHRLR* 559

(Note: EHRLR = European Human Rights Law Review)

- Conventions for *joint & multiple authorship* of articles are the same as above

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It does not necessarily matter which format you use as long as you are **consistent**.

## Official Documents and Government Publications

As a general rule you should include the following:

- Source/ author
- Title
- Name and year of report
- Cmnd. Number where stated

When writing the reference you should note that the title of the report is usually italicised. So, for example:

- Law Commission, *Report on Conspiracy and Criminal Law Reform*, (1976, Law Commission No 76) at para.8
- Runciman Commission, *Royal Commission on Criminal Justice*, (1993) paras.5-8
- Home Office, *British Crime Survey 2000*, (2000) p.10
- Home Office, *Consultation Paper on the Review of Part I of the Sex Offenders Act 1997*, (July 2001), para.1.5
- Reed Committee Report, *Review of Health and Social Services for Mentally Disordered Offenders*, (1992) p.1
- Select Committee on Home Affairs, First Report, *The Work of the Criminal Cases Review Commission*, (March 1999) para.15

## Hansard

If you are citing a debate in a relatively recent edition of Hansard the reference should read as follows, for example:

### **For House of Commons debates:**

HC Deb Vol. 989 col. 1472 29 July 1980

### **For House of Lords debates:**

HL Deb Vol. 414 col. 1493 13 November 1980

If you are citing from older editions of Hansard you should also include the series number, for example:

HL Deb (4<sup>th</sup> series) Vol. 134 cols.76-84 2 May 1904

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## **Newspaper and magazine articles**

References should include the following information:

- Author's name
- Title
- Name of paper etc.
- Date

When writing the reference the *name of the newspaper* would usually be italicised. Where an author and title are available, reference using the normal conventions above (you do not need to cite page numbers provided you cite the date of publication). So, for example:

Jenkins, S., '9/11 is no Reason to Crush a Demo,' *The Evening Standard*, 11 September 2003

- For an unauthored report or editorial begin with the title, for example:

'Young people at a centre for the disturbed are being subject to a "behaviour modification programme" which includes rewards of cigarettes,' *The Guardian*, 22 May 1984.

## **Media. Television, Film, DVD, Video**

Where you wish to cite a quote or authenticate a source from for example the BBC or Channel 4 news either reference using the URL (universal resource locator) from the respective website and/or the date of transmission. So, for example:

Anti-terror laws contain protest, *Channel 4 News*, 10 September 2003

[http://www.channel4.com/news/2003/09/week\\_2/10\\_arms.html](http://www.channel4.com/news/2003/09/week_2/10_arms.html)

Archbishops' Iraq letter in full, *BBC News*, 30 June 2004

[http://news.bbc.co.uk/1/hi/uk\\_politics/3852559.stm](http://news.bbc.co.uk/1/hi/uk_politics/3852559.stm)

- To use a documentary or programme to source a quote or comment make sure you cite the name of the programme and transmission details, for example:  
*Murder in Purdah*, Channel 4 documentary transmitted 5 November 2002
- Film, DVD and video citations can vary but an example is (Title of Work. Medium. Directed/Performed by First name Last name. Original Release Year. City: Studio/Distributor, Video release year) :

*Joe Versus the Volcano*. DVD. Directed by John Patrick Shanley. 1990. Burbank, CA: Warner Home Video, 2002.

Referencing guidelines which cover film, television programmes, radio programmes, audio recordings, DVD extras, clips, trailers, adverts, idents, non-broadcast, amateur and archive material, podcasts, vodcasts and games can be found here: <http://bufvc.ac.uk/projects-research/avcitation>

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## Internet Sources

Official publications and documents accessed electronically should be referenced , for example:

Law Lords Response to *Constitutional Reform: A new way of appointing judges* (Nov. 2003) <http://www.parliament.uk/documents/upload/JudicialSCR071103.pdf>

Law Commission, *Mental Incapacity - A Summary of the Law Commission's Recommendations* (1995, Law Commission Report 231) <http://www.lawcom.gov.uk/549.htm>

If you draw upon materials obtained from the internet you must give a full citation to the source and the site consulted. Your reference/ citation should include the same information as above but it is also essential to provide the full URL reference and the date on which you accessed the material (since websites are liable to change). So, for example:

Bruce, T., 'Legal Information, Open Models and Current Practice', Montreal Conference on Crown Copyright in Cyberspace, May 1995, <http://www.droit.umontreal.ca/CRDP/Conferences/DAC/BRUCE/BRUCE.html> 20 July 1998

- Where there is no specific author indicated on the website, begin the reference with the website name:

Civil and human rights bulletin board, 'One out of three children born each day are at risk', <http://lawlounge.com/setup.hts> 8 July 1998

## **REMEMBER:** ONLINE SOURCES

- Where you are referencing web sources, you must check carefully whether the source is actually an online article, newspaper article etc.. If so, you need to cite the **title, date, volume, url etc.**, as above.
- If you are citing from an online source that is just a web-page (which you should only do sparingly, and **ONLY** if the website is a reliable source), then you need only cite the **url and the date accessed**.

## Dissertations and projects

It will be unlikely that you will refer to such sources but if you do they also must be fully referenced. For example:

- PhDs  
Stevenson, K., *Competence and Compellability: Child Witnesses in Cases of Child Sexual Abuse* (1995) Thesis (PhD) Nottingham Trent University
- Projects  
Stevenson, K., *The Evidence of Children* (1989) Thesis (final year project) Nottingham Trent University

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## SUMMARY on compiling footnotes and endnotes

### **DO:**

Use either footnotes or endnotes (as advised by the Module Outline)

Provide full and accurate references/ citations

Check convention re formatting/ style e.g. what should be in italics

### **DO NOT:**

Use the Harvard system of referencing

Forget to provide page numbers

### **Q. How do I cite cases and legislation?**

#### **Deciphering Case Citations**

Annually, some 2,500 English court cases are fully reported in a variety of law report series, usually where a particular point of law is clarified or interpreted. Every law report has its own mode of citation which includes the abbreviation of the law report series, the year the case was reported, the volume number where appropriate and the number of the page where the report starts.

*Example:* [1995] 1 All ER 513 refers to the case of *R v Somerset County Council, ex parte Fewings* which can be found in **volume 1** of **The All England Reports** for **1995** starting at page **513**.

The citation will not, however, identify which court the case was heard in. Official reports such as **QB - Queen's Bench Division** do, but equally **AC - Appeal Cases** do not!

Pre-1865 citations can be particularly disconcerting as there was a proliferation of law reports series during that period. Most of the major series have been gathered together and reprinted to form the **The English Reports** and **The Revised Reports**

*Example:* (1853) 1 EL & BL 435 refers to the case of *R v Dugdale* reported in the report series of **Ellis & Blackburn 1851-1858**.

An index for all the abbreviations used can be found in Donald Raistrick, *Index to Legal Citations and Abbreviations*, (1993, 2nd ed. London: Bowker-Saur).

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## Neutral Citations

Following the Practice Direction (Supreme Court Judgments: Format and Citation) from 2001 a form of neutral citation has been used by the Supreme Court (formerly House of Lords), the Court of Appeal and the Administrative Court with a unique number being allocated to each judgment of these courts. Wherever possible, neutral citations should be used as the preferred reference.

*Example: R v A* [2001] UKHL 25 - the **25<sup>th</sup>** numbered judgment of the year **2001** in the **House of Lords**.

A unique number is allocated to each judgment of these courts:

Example: Supreme Court	[2011] UKSC 1
House of Lords	[2004] UKHL 1
Court of Appeal (Civil Division)	[2004] EWCA Civ 1
Court of Appeal (Criminal Division)	[2004] EWCA Crim 1
High Court (Administrative Court)	[2004] EWHC Admin 1

## Exceptions to the rules

### a) Judicial Review

The usual form for cases in the Administrative Court by way of judicial review is:

- *Pre 2001 cases:*

*Example: R v Secretary of State for Transport ex parte Factortame* [1990] 2 AC 85 (The name given *ex parte* is the applicant, who is challenging the decision of the Secretary of State.)

Note for pre 2001 cases when a judicial review case is appealed to the House of Lords the citation reverts back to the name of the two parties and *ex parte* does not appear.

*Example: O'Reilly v Mackman* [1983] 2 AC 237

- *Post 2001 cases:*

*Example: R (o/a Anderson) v Secretary of State for the Home Department* [2002] UKHL 46 (The Crown, on behalf of *Anderson* who is making the application and is challenging the decision of the Home Secretary.)

### b) In the matter of or concerning

In certain family and property actions cases are cited *Re* meaning 'in the matter of' or 'concerning'.

*Example: Re S (Children) (Care Order: Implementation of Care Plan)* [2002] UKHL 10 (To preserve anonymity in sensitive cases and ones involving children a letter is allocated as above rather than giving the full name.)

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For further guidance see:

Bradney, et al., *How to Study Law* (2000, London, Sweet & Maxwell)

Holborn, G., *Butterworths Legal Research Guide* (2001, London, Butterworths)

## Civil Cases and Criminal Cases

It is often possible to distinguish civil cases from criminal cases as the citations differ.

In **civil cases** the name of the claimant (appellant) is first followed by the name of the defendant (respondent). *Example: Donoghue v Stevenson* [1932] AC 562

In **criminal cases** normally the State, as prosecutor, is represented by R referring to Regina, Rex, The King or The Queen. Where the Director of Public Prosecutions (DPP) is a party this too generally indicates a criminal case (especially if pre 1979). *Examples: R v Olugboja* [1982] QB 320; *DPP v Morgan* [1976] 1 AC 182

However, there may be some cases (especially before 1985) such as *Christie v Leachinsky* which are criminal cases, where Christie is the name of the police officer who instituted the criminal prosecution. So beware! You cannot always find out whether a case is criminal or civil by simply looking at the names of the two parties. *Example: Christie v Leachinsky* [1947] AC 573

## Rules on the Citing of Cases

Whenever you refer to a case in your work you should provide a full citation/reference (using either a footnote or endnote depending on your module instructions).

When citing cases the following rules apply:

- Only the **names** of the parties should be **italicized** e.g. *Donoghue v Stevenson*
- *v* (for versus) is **lower case and NOT capitalized**
- no punctuation need be included for abbreviations e.g. DPP
- (round brackets for the year) denote a series of law reports referenced by volume - *R v Clarence* (1888) 22 QBD 23
- [square brackets for the year] denote a series of law reports referenced by year – *R v Fulling* [1987] QB 426
- unreported cases are cited by name, court and date of judgment followed by (unreported) – *R v Brown*, Plymouth Crown Court, 1 September 2004 (unreported)

**NOTE:** Unreported cases can be found from reliable sources, such as the Times or the Guardian.

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**NOTE:** case quotations and referring to specific parts of judgements: If you are quoting directly from a case, you **MUST cite the paragraph of the judgement and the judge in a reference.**

**NOTE: Projects/ Dissertations only**

In the same way as you include a bibliography providing full references of the sources you have considered, you should also include a **Table of Cases**. This should be inserted at the BEGINNING and should, in alphabetical order, list all the cases referred to in the main body of work with full citations/ references.

## Deciphering Legislation Citations

**Statutes** also have their own citation:

- *Post 1963* the citation is based on the calendar year in which Parliament sat:

*Example:* 1983 *Eliz II* c. 60 refers to the Coal Industry Act 1983 which was the 60th statute or chapter (c.) passed in the Parliamentary sitting commencing in 1983 during the reign of Elizabeth II.

- *Pre-1963* chapter numbers were based on the year or years of the Sovereign's reign during which that Parliamentary session sat:

*Example:* 24 & 25 *Vict.* c.100 refers to the 100th chapter (statute) passed during the 24th and 25th years of Queen Victoria's reign - the Offences Against the Person Act 1861.

**Delegated legislation** published as Statutory Instruments is cited as follows;

*Example:* SI 183/2003 refers to the 183rd statutory instrument passed in the Parliamentary sitting commencing in 2003 which was the Adoption (Amendment) Rules 2003.

## Rules on the Citing of UK Legislation for Law School Assessment

### IMPORTANT NOTE

When referring to legislation you should

- The general rule is that you should **cite the short title of the Act/ Statutory Instrument** in the main text rather than in references;
- The first time you mention a piece of legislation, state the full title, together with the relevant section/subsection number if applicable - you **do not** need include the full statute citation as above;
- After it has been **cited fully the first time**, you may then **abbreviate** that piece of legislation in the remainder of your work (e.g. the Law of Property Act 1925 may be abbreviated to, for example, the LPA25);
- where it is clear you are continuously referring to the same statute you **do not need to keep repeating the short title** but simply identify the relevant section number;

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- Where you have mentioned the statute and the relevant section in the **main text** of your work, you **DO NOT need to insert a reference** with the same information.

## **NOTE: Projects/ Dissertations only**

In the same way as you include a bibliography providing full references of the sources you have considered, you should also include a **Table of Legislation**. This should be inserted at the start and should, in alphabetical order, list all the legislation referred to in the main body of work with full references.

## **Q. How do I cite European cases and legislation?**

### **1. Cases**

European Union cases, similar to English cases, have a citation but additional information is required in the form of a case number. This is very important and the proper mode of citation is as follows:

- case number;
- case name (in italics);
- date (in square brackets);
- the reports (either European Court Reports (ECR), which is the official report published by the European Court of Justice or Common Market Law Reports (CMLR), which are 'unofficial' and published weekly);
- page the judgment starts.

*Example: Case 6/64 Costa v Ente Nazionale per l'Energia Elettrica (ENEL) [1964] ECR 585 (Cases are numbered consecutively for each calendar year. Hence, this was the 6th case heard by the European Court of Justice in 1964.)*

In 1989 the Court of First Instance (CFI) was created to help the ECJ. The ECR was divided into two at this point – ECR I reports decisions of the ECJ, now the Court of Justice of the EU (CJEU); ECR II reports decisions of the CFI (now the General Court). Cases before the CJEU/ ECJ are prefixed with 'C' before the case number; cases before the General Court/CFI are prefixed with 'T'.

*Examples:*

Case C-76/90 *Säger v Dennemeyer* [1991] ECR I-4221

Case T-141/94 *Thyssen Stahl v Commission* [1999] ECR II-813

### **2. Legislation**

The Official Journal (OJ) is the primary source of EU information. As well as the Treaties (the primary sources of EU law), the EU produces sources of secondary legislation, namely REGULATIONS, DIRECTIVES and DECISIONS. As a matter of practice these are all reported in the Official Journal in what is known as the L

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*Series.* Each piece of secondary legislation has a 'number' as a means of identification. The method employed to ascertain this number will depend on the type of legislation.

- **Directives** = for example, the Citizenship Directive is cited as Directive 2004/38 because it was passed in 2004 and was the 38<sup>th</sup> directive produced that year
- **Decisions** = adopt the same approach as directives
- **Regulations** = reverse the numerical sequence so that it reads for example as Regulation 1/2003 i.e. the 1st regulation produced in 2003

You should provide also the **OJ reference** for the legislation in the following order:

- directive/ regulation
- numerical reference,
- title,
- date,
- OJ reference (L standing for *L series*).

*Example:* Directive 76/207/EEC Equal Treatment Directive [1976] OJ L39/40

### **NOTE: Projects/ Dissertations only**

If you have more than one reference to EU cases and/ or legislation you should provide a **Table of EU Cases** and a **Table of EU Legislation**, both of which should be inserted at the beginning.

### **Q. What information should my bibliography contain?**

**At the end of your piece of assessment you must provide a complete bibliography of all works to which you have referred in writing the text of your assessment.**

**There are at least three categories of work that should be included, and these are all examples of where you SHOULD reference, and therefore should also include in the bibliography:**

- Sources that you have **directly quoted** from;
- Sources that you have used **to support a particular fact or argument** even if you have not quoted from them directly; and
- Sources that you have drawn on for **background information and ideas** and/or **that you would refer the reader to in order to permit them to explore further** a point made.

The content of each reference will in essence include the same information as the

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footnote or endnote. However, some bibliographic references may include additional information, as noted below.

### Tip!

The best advice is to compile the bibliography as you go along - do not leave it to the end as it is not something that can be added as an afterthought. A card index is very useful for this - if you write out a card for everything you read, all that you have to do is select the relevant ones for your bibliography. A card index will also act as a back-up to any computer files. A proper bibliography may help prove you have done the reading and organised the material.

**Work that does not have an adequate bibliography and is poorly referenced may receive a lower grade.**

Please also note that merely putting in all the things you can find having not actually read them or used them to write the assessment is not appropriate and we will be able to identify if this is the case since your content and references will not match up to your bibliography.

**Bibliographies SHOULD BE DIVIDED INTO DIFFERENT CATEGORIES of sources (or indexed), for example:**

- Books;
- Journal articles;
- Official documents and government publications (if you have more than one of these generate a separate section if not integrate them alphabetically);
- News and media sources;
- Internet sources (if this provided access to official documents then index this in the bibliography under official documents and insert alphabetically or include separate section for internet sources)
- Other/ miscellaneous (e.g. projects, interviews etc.) Note that transcripts of interviews should be included as an appendix (or appendices).

**For each category you should list the relevant sources in alphabetical order.**

### IMPORTANT NOTE

You generally should **NOT** be referring to any of the following, on the basis that they are not suitable/ appropriate for degree level work (unless you have been specifically advised otherwise by the relevant module assignment instructions or tutor. If in doubt, contact the relevant module leader directly for advice):

- **Wikipedia;**
- **Other non-verified websites, including Blogs;**
- **A level materials; and**
- **LexisNexis and Westlaw (these are search engines and databases).**

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## Books

The relevant pages of a book or those pages used to source a direct quote in the main body of the essay are **not** necessary in the bibliography. However, in the bibliography you need to include the **publisher** and **edition** (if appropriate). For example:

- Coles, J., *Law of the European Union*, (2005, 5<sup>th</sup> Edition, London, Old Bailey Press)
- Barnett, H., *Constitutional and Administrative Law*, (2004, 5<sup>th</sup> Edition, London, Cavendish)
- Bentley, D., 'Acquitting the Innocent. Convicting the Guilty. Delivering Justice?' in Rowbotham, J., and Stevenson, K., *Behaving Badly ; Social Panic and Moral Outrage – Victorian and Modern Parallels*, (2003, Aldershot, Ashgate)
- Steiner, J. and Woods, L., *Textbook on EC Law*, (2003, 8<sup>th</sup> Edition, Oxford University Press)

## Journal Articles

It is NOT necessary to identify any specific pages that you have directly quoted from or used in the bibliographic reference but you should include the starting and finishing pages of the article. So, for example:

- Goodhart, A., 'The ratio decidendi in a case,' (1959) 22 *Modern Law Review* pp.117-130 (or (1959) 22 *MLRev* 117-130)
- Zander, M, 'How does judicial case management work?' (1997) 147 *New Law Journal* pp.353-354 (or (1997) 147 *NLJ* 353-354)

## Official Documents and Government Publications

If you have a number of these put them together under a headed section, otherwise integrate them by source alphabetically wherever possible. Examples:

- Home Office, *British Crime Survey 2000*, (Home Office Statistical Bulletin 18/00 October 2000)
- Home Office, *Consultation Paper on the Review of Part I of the Sex Offenders Act 1997*, (Home Office Communication Directorate, July 2001)
- *Joint Committee on Human Rights Twelfth Report*, House of Lords, House of Commons (Parliamentary Publications, 9 June 2003)
- Law Commission, *Report on Conspiracy and Criminal Law Reform*, (1976, Law Commission No 76)
- Runciman Commission, *Royal Commission on Criminal Justice*, (1993, London, HMSO) Cm 2263

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## SUMMARY on how to compile a bibliography:

### **DO:**

Put all references in the main body of work in the bibliography  
Compile the bibliography as you go along - not as an afterthought  
Divide it into categories and arrange it alphabetically by author

### **DO NOT:**

Reference lecture notes or course handbooks  
Reference Wikipedia, other non-verified websites (including Blogs) and 'A' level materials  
Reference LexisNexis and/or Westlaw (they are search engines and databases only; you should have a full and proper reference to whatever was located through using them)  
List any sources that you have not referred to  
Arrange it in the order the references appear in your assignment (to do so is to confuse this system with Endnote referencing)

**A bibliography is NOT counted as part of the word or page limit**

## PART 5

### When to Provide a Reference/ Citation

#### Introduction

Many people can find it very difficult to understand when and what needs to be referenced/ cited. **As a general rule of thumb, you should reference the source for all of the following things:**

- **Direct quotes**
- **Paraphrases**
- **Ideas and interpretations that are not your own**
- **Statistics and research results**
- **Facts that are not common knowledge**
- **All cases and legislation**

#### 1. Presentation of Direct Quotes

- (a) Where material is reproduced directly from another source (such as a book, article, judgment or statute), the relevant passage must be enclosed within quotation marks (“...”) and accompanied by proper citation in the form of either an endnote or a footnote (which will depend on guidance provided in the Module Outline or assessment instructions for the particular module).

#### Example

In seeking to understand the role of victims in crime, criminologists have commonly used victim surveys. Whilst these provide an insight into victims and crime, surveys are subject to limitations. Thus, for example, victims may “exaggerate incidents or fail to remember them at all” (Insert footnote or endnote).

Footnote or endnote to read: Croall, H., *Crime and Society in Britain*, (1998) Longman, p.89

- (b) An alternative method of presentation is to indent the relevant passage so as to distinguish it from the rest of the text of the assessment. Where material from another source is indented in this way, it must also be enclosed within quotation marks (“...”) and accompanied by a proper citation.

#### Example

Whilst the spread of CCTV surveillance might help dissuade prospective criminals from committing criminal acts, video evidence derived in this way may not be all good news in court cases:

“Video evidence is very persuasive and possessed of

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a high degree of reliability. It is not entirely reliable however. 'Seeing is believing' and 'the camera never lies' are brocards which cannot be completely and invariably true."  
(Insert endnote or footnote)

Footnote or endnote to read: D. Elliot, "Video Tape Evidence: The Risk of Over-Persuasion", [1998] *Criminal Law Review*, 158-174, at p. 159

It may sometimes be appropriate to reproduce a useful quotation in order to emphasise a point BUT you should only make selective use of direct quotations, which must be fully and properly attributed. **An essay which consists of excessive use of direct quotations, e.g. a series of quoted paragraphs with linking sentences, is not work of an acceptable degree standard.** If the quotes are fully and properly attributed, the essay will not be an example of plagiarism but it will not be an essay in your own words, and will likely receive a low mark because it will not show that *you* can explain what the legal arguments are.

## 2. Paraphrasing

The difference between a quote and a paraphrase is an important one. A quote occurs when you use the author's words within the body of your own work; a paraphrase occurs when you substantially alter what the author has said and present it in your own words.

In writing an essay, students will generally refer to a variety of primary and secondary sources, and may legitimately paraphrase the ideas contained in these sources. These sources must not be presented as your own work and **must be fully referenced.**

There are various sorts of paraphrasing. The first may be described as syntactical paraphrasing, e.g. where the sentence is changed from the present to the past tense, or some synonyms are used, or where the word order may be changed. **If this is not referenced it will amount to plagiarism.** Even if this is referenced this is **not** work of acceptable degree standard and will receive a low mark. This form of paraphrasing does not display any qualitative understanding or critical evaluation on your part because you have not used your own words.

The second form of paraphrasing distils the essence of a legal argument. Here, after reading a number of sources, a student summarises, in his or her own words, the key elements of an idea or argument. This goes beyond superficial changes in style or grammar, and requires a degree of internal processing of the legal concepts involved. In contrast with syntactical paraphrasing, a degree of legal expertise is necessary in order to link the paraphrase with its source. However it must be stressed that even if you are properly paraphrasing, as in the second example, **full and proper citations must be supplied: the source of all ideas, which are not your own, must be referenced.**

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The structure and argument must be your own work. Whether an essay will be considered a student's own work may depend on the degree and extent of paraphrasing, and the nature of the question set. For example, where instead of using direct quotations, an essay consisting mainly of paraphrased references to various authors – according to Dicey, X is the rule on constitutional conventions, whereas according to Jennings it is Y – may be poor quality work if there is not sufficient original contribution by the student. However, if the question asks a student to make a critical evaluation of various perspectives on a particular issue, then a greater degree of paraphrasing may be permissible, provided this is used in support of a student's own argument about the sources referred to.

### 3. 'Common knowledge'

This is probably the least straightforward, as it is not altogether clear what constitutes something that is not 'common knowledge'. It is common knowledge, for example, that Gordon Brown is Prime Minister – this does not have to be cited. A 'factual' area where citations are necessary is where facts are in dispute. For example, there is a debate in the historical literature as to whether Adolf Hitler had a homosexual affair in his youth or not – while his sexual behaviour is a matter of 'fact' in the legal sense, which 'facts' are historically accurate are contested.

As a general rule of thumb, if you find a factual statement in at least 4 different publications, and that factual statement is not challenged anywhere, you can take it as 'common knowledge' and do not need to cite it. If it is mentioned in less than 3 sources, or sources contradict each other, highlight the discrepancy and cite it.

### Frequently Asked Questions

**Q. In my essay, I have used quotations from four articles to illustrate the points I was trying to make. Is this good quality work?**

A. Your essay must be in your own words. It may be appropriate to make selective use of direct quotations to emphasise or amplify a point, but you must ensure that this is not a substitute for writing your own narrative. If your essay is a series of long quotations interspersed with linking sentences of your own, this may not amount to plagiarism, as long as you have referenced all the quotes; however, there may be little of the essay which can be marked as your own work, and the mark will reflect this.

**Q In my essay, I have drawn on three books and five articles, but I do not quote any of them directly. Do I need to refer to them in footnotes or a bibliography?**

A. You must properly attribute all sources which you rely on in writing your essay. Any idea, fact or argument which is not your own must be footnoted, even if you are presenting them in your own words. You will notice that in articles you read, authors frequently refer to other articles and books even though they are not quoting them directly. This is the correct practice to follow. Presenting someone else's argument as your own without acknowledgement, even if you are properly paraphrasing is plagiarism (cheating) within the University's rules. You must also provide a bibliography, listing all the sources you have referred to in your essay.

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**Q. I have been using a Cases and Materials book in researching my essay, and this contains a particularly helpful extract from an article which I wish to use. How should I acknowledge this?**

A. If you refer to a source in your essay, this carries the very clear implication that you have read it. If you have consulted a source that refers to other material, then it is unacceptable to use or refer to that other material without acknowledging the actual source where **you** found that material. Therefore, the best practice is to reference both the original source **and** where you found the information – in this case this would mean referencing the article **and** the Cases and Materials book that you found it in (for example, Urwin, D., *The Community of Europe: A History of European Integration*, (1995, 2<sup>nd</sup> Edition, Longman) p2 extracted in Craig, P. and de Burca G., *EU Law: Text Cases and Materials* (1998, 2<sup>nd</sup> Edition, Oxford University Press). Referring only to the original source without acknowledging where you really found the information creates an impression that you have found this by your own efforts, which in this case would be an improper impression to create.

**Q. The question has asked me for my opinion, but I feel that I do not know enough about the subject to have any firm opinions of my own. What should I do to avoid presenting opinions I have read in articles as my own?**

A. A question of this nature is not asking you to develop some ground-breaking theory or idea (although this is not to discourage you from so doing). The question is designed to ensure that you are familiar with and understand the contemporary debate on a given legal controversy. It would be appropriate to refer to opinions in books and journals, and to draw on a range of opinions, showing how these were formed and reformed. This would then enable you to make a relative judgement, based on the strengths and weaknesses of the opinions to which you have referred. What is crucial is that you present these opinions in your own words – reflecting on the most important components of existing arguments will help in the process of coming to some critical evaluation of your own.

**Q. While working on my assessment, I have heard that some other students have bought an essay over the Internet. What should I do?**

A. Maintaining the standard of the degree is the responsibility of all members of the 'University' community – staff and students alike. It may be tempting to follow the same path, and you may feel that while you are being honest and working hard, you are suffering a disadvantage as against those who are cheating. However, you are ultimately acting against your own self-interest. Debasing the degree reflects badly on all graduates and rumours about the quality of a particular degree quickly circulate in professional circles and are not easily quashed. We can only act where evidence exists to support an allegation of suspected plagiarism. If you believe you have such evidence, it is in the University's and your best interest to make this known either to your Personal Tutor or to your Programme Manager.

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## PART 6

### Tips on using Footnotes and Endnotes

There are a number of abbreviations which can enable you to avoid repeating the entire citation of each source every time they are mentioned. The most important are *ibid.* which means 'as immediately above/ the same work' and *op.cit.* meaning 'as previously mentioned/ in the work already referred to' or alternatively you may use *supra*.

This system can be a little daunting at first, but the below table provides a guide as to how this operates.

#### Sample Footnotes/ Endnotes

1.	Partington, M., <i>Introduction to the English Legal System</i> , (2004), p.5	First, full reference to a single-author book. Reference is to a specific page.
2.	<i>Ibid.</i> , p. 25.	Reference to a specific page of the book mentioned in the immediately preceding footnote.
3.	<i>Ibid.</i>	Reference to the same page of the same book mentioned in the immediately preceding footnote.
4.	<i>Ibid.</i> , p. 28.	Reference to a new page of the same book mentioned in the immediately preceding footnote.
5.	Goodhart, A., 'The ratio decidendi', (1959) 22 <i>Modern Law Review</i> 128 p.132 or (1959) 22 <i>MLR</i> 128 p.132	First, full reference to a single-author journal article. Reference is to a specific page.
6.	<i>Ibid.</i>	Reference to same page of the same journal article mentioned in the immediately preceding footnote.
7.	Bailey, S., et al., <i>The Modern English Legal System</i> , (2004) Chapter 3	First, full reference to a multi-author book. Reference is to a Chapter, not a specific page.

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8.	Partingdon, <i>op.cit.</i>  <b>or</b> supra n. 1 (i.e. see footnote 1)	Reference is to same page of a book previously mentioned, but not in the immediately preceding footnote.
9.	<i>Ibid.</i> , p. 32	Reference to a new page of the same book mentioned in the immediately preceding footnote.
10.	Slapper, G., and Kelly, D., <i>The English Legal System</i> , (2004) pp. 5-10	First, full reference to a double-author book. Reference is to material found within a range of pages.
11.	Goodhart, <i>op.cit.</i> , p. 134.  <b>or</b> supra n. 5 p.134	Reference to a new page of journal article previously mentioned, but not in the immediately preceding footnote.
12.	This issue has caused considerable controversy. A full discussion of this is provided at p.7 of this essay.	Elaborative or textual footnote that in addition cross-references to a specific passage in the author's essay.
13.	Bailey, <i>op. cit.</i> , p.101  <b>or</b> supra n.7 p.101	Reference to a new page of book previously mentioned, but not in the immediately preceding footnote.
14.	Bentley, D., 'Acquitting the Innocent. Convicting the Guilty. Delivering Justice?' in Rowbothom, J., and Stevenson, K., <i>Behaving Badly</i> , (2003) p.16	First, full reference to single author chapter in edited collection. Reference is to a specific page.
15.	As discussed in Clayton, R., 'The limits of what's "possible"; statutory construction under the Human Rights Act,' (2002) 5 <i>European Human Rights Law Review</i> 599 <b>or</b> (2002) 5 <i>EHRLR</i> 599	First, full reference to a single author journal article. Reference to overall work not specific page.
16.	Select Committee on Home Affairs, First Report, <i>The Work of the Criminal Law Cases Review Commission</i> , (March 1999) para.15	First, full reference to an official government publication. Reference to a specific paragraph.
17.	Slapper and Kelly <i>op. cit.</i> , p.27  <b>or</b> supra n. 10 p.27	Reference to new page of previously mentioned double-authored book but not in the immediately preceding footnote

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18.	Law Lords Response to <i>Constitutional Reform: A new way of appointing judges</i> (Nov. 2003) <a href="http://www.parliament.uk/documents/upload/JudicialSCR071103.pdf">http://www.parliament.uk/documents/upload/JudicialSCR071103.pdf</a>	First, full reference to an internet source.
19.	Jenkins, S., '9/11 is no Reason to Crush a Demo', <i>The Evening Standard</i> , 11 September 2003	First, full reference to a by-lined newspaper article

**REMEMBER: You DO NOT need to keep repeating the full reference – use *ibid*, *op. cit* or *supra* where appropriate.**

### Textual Footnotes/ Endnotes

Footnotes also supply a vehicle for the inclusion of extra material which, although relevant to your theme and of likely interest to the reader, would interfere with the flow of your argument if included in the main text. These can be referred to as textual footnotes (see example 12, above).

You do not have to use such textual footnotes in your essays but if you do you **must not abuse the ability to include them as a means of providing large amounts of text to avoid the page or word length imposed.**

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## CHECKLIST

Tick the boxes in the following checklist to ensure you have complied with all the instructions in this Manual.

### REFERENCING FORMAT

- Have you used endnotes where there is a page limit and footnotes where there is a word limit?
- Have you switched to ordinary numbering?
- Are your footnotes/ endnotes one font size smaller than the main essay text?
- If using endnotes have you put them on a separate page?

### REFERENCING TECHNIQUE

- Have you provided a reference to the real source of the information (i.e.; where you actually found it) for every:
  - Case;**
  - Quote;**
  - Opinion** that it is not your own; and any other
  - Information** (e.g. statistics)
- Are your references complete, containing all the information required to locate the source?
- For quotes and/or information/ opinion have you provided the specific page number in references to textbooks and articles?
- Do you have excessive and/or unnecessary references? For example, writing about Article 18/TEU in the essay and then having an endnote that simply says 'Art 18/TEU' is not necessary.

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## **BIBLIOGRAPHY**

- Have you included a bibliography?
- Does your bibliography match up to your references? (If you used something as a resource, even as one that provides general background or further reading on a point, you should have referenced it – if you did not use it in your references, it should not be in your bibliography. Remember, a bibliography is **not** a literature search.)

## **PRESENTATION**

- Have you complied with all the instructions in respect of presentation e.g. paper colour, ink colour, font type and size, margin size, declaration of word count if applicable, no plastic covers?

## **SUBMISSION**

- Have you checked the deadline date and remembered that you have to submit by 12 noon at the latest at the Faculty Support Office, Level 1 Cookworthy Building?
- Have you completed the Law Feedback cover sheet prior to handing in your work to the Faculty Support Office?
- Have you kept a copy for your records in addition to the one submitted?
- Have you remembered that you need to have your Student ID Card to submit your essay?