

OSCOLA FAQs

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The suggestions on this page have not yet been discussed and approved by the OSCOLA editorial board

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Updates

Changes to citation of EU and retained EU Legislation following Brexit

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Before the UK's withdrawal from the EU on 31 January 2020 ('exit day'), EU legislation took effect in the UK through the European Communities Act 1972, which was repealed under the European Union (Withdrawal) Act 2018 (2018 Act) on exit day. Broadly speaking, the 2018 Act aims to preserve the legal position immediately before the end of the transition/implementation period (which ended on 31 December 2020) by taking a 'snapshot' of EU-derived laws applicable in the UK at that point (including directly applicable EU laws, rights and principles and EU-derived UK laws) and preserving it within the UK's domestic legal framework as a new category of domestic law—'retained EU law'. Retained EU law takes effect in UK law from 31 December 2020, subject to any modifications required to ensure it can continue to operate effectively as domestic law.

Retained EU law is defined in s 6(7) of the 2018 Act as:

'anything which, on or after [31 December 2020], continues to be, or forms part of, domestic law by virtue of section 2, 3, 4 or 6(3) & 6(6) of the European Union (Withdrawal) Act 2018 (as that body of law is added to or otherwise modified by or under this Act or by other domestic law from time to time)'

Subject to certain exemptions, there are four key components:

- EU-derived domestic legislation made under ECA 1972, s 2(2) and other domestic legislation which implements EU obligations (including provisions in UK primary legislation), made before 31 December 2020
- direct EU legislation that is operative and has direct effect in the UK before 31 December 2020
- remaining 'rights, powers, liabilities, obligations, restrictions, remedies and procedures' which are available in domestic law through ECA 1972, s 2(1) before 31 December 2020—including rights under EU Treaties and directly effective provisions of EU Directives which confer rights without domestic implementation
- retained EU case law including principles and decisions of the Court of Justice in relation to the above categories which have effect in EU law before 31 December 2020, except where excluded by the 2018 Act

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Exemptions include: exempt instruments, the Charter of Fundamental Rights of the European Union and legislation not applicable during the transition period in accordance with Part 4 of the Withdrawal Agreement.

Referencing retained direct EU legislation

Except in limited circumstances, retained direct EU legislation uses the same titles and citations as the EU original. This is the referencing approach taken in UK legislation creating and referring to retained EU law.

In rare cases, UK legislation introduces a modified title for a piece of retained direct EU legislation. This approach has not been adopted across the board. Modified titles are introduced in limited cases to correct ‘deficiencies’ in the title of the retained version (i.e. replacing or removing EU terminology so that it makes sense in a domestic context). In some instances a UK-specific title for the retained version has been adopted via legislation (e.g., UK GDPR), simply for the purposes of clarity. Where a specific UK title is adopted, the full references for the EU and retained EU versions are different, but the bulk of the title and the numerical citations remain the same.

It is useful to establish differentiators between the EU version and the retained version of a piece of legislation for referencing purposes, in order to clarify which version of the legislation is being referred to in each case. This is particularly important where both EU and UK law are referred to within the same source.

Differentiating EU and retained direct EU legislation

The below illustration proposes differentiators for referencing EU and retained direct EU legislation in full and short form. [Blue text](#) identifies the specific elements of the citation that would differentiate the EU/UK versions—the primary differentiators are the inclusion of the OJ reference or the word ‘Retained’ for full citations and EU or UK for short citations.

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	EU version (references to EU legislation)	Retained version (references to retained direct EU legislation)
Full citation	Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC [2006] OJ L136/3 (EU REACH Regulation)	Retained Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (UK REACH Regulation)

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	EU version (references to EU legislation)	Retained version (references to retained direct EU legislation)
Acronym/ short citation	EU REACH Regulation	UK REACH Regulation
Alternative/ additional markers and variants	Additional markers/variants may include: (as it forms part of EU law), (as it continues to have effect in EU law), (as applicable under the Northern Ireland Protocol to the Withdrawal Agreement) (also known as [...]), (as amended by [...]), (consolidated version), (repealed).	Additional markers/variants may include: (as it forms part of UK domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018) (also known as [...]), (as amended [by ...]), (repealed).

Other changes to citation of EU cases and legislation

CJEU cases and the ECLI

The OSCOLA editorial board will discuss treatment of the [European Case Law Identifier](#) when preparing the 5th edition. In the meantime, writers who wish to include the ECLI when citing cases from the Court of Justice of the European Union should treat it much like a neutral citation, adding it after the case name and before the report citation. For example:

Case C-176/03 *Commission v Council* EU:C:2005:542, [2005] ECR I-7879.

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For unreported cases, cite the ECLI rather than the OJ notice or the court and date (as advised in OSCOLA 2.6.2). For example:

Case C-542/09 *Commission v the Netherlands* EU:C:2012:346.

EU legislation – numbering change

Please note that from 1 January 2015 onwards, the [numbering of EU legislation](#) has changed, and that under the new approach EU legislation will bear a unique, sequential number. This number should be cited in the form: (domain/body) YYYY/no. For example:

Council Regulation (EU) 2015/159 of 27 January 2015 amending Regulation (EC) No 2532/98 concerning the powers of the European Central Bank to impose sanctions [2015] OJ L27/1

Council Decision (CFSP) 2015/236 of 12 February 2015 amending Decision 2010/413/CFSP concerning restrictive measures against Iran [2015] OJ L39/18

The numbering of documents published before 1 January 2015 remains unchanged (see OSCOLA 2.6.1).

Sources not specifically referred to in OSCOLA 4th edn

A source cited in a secondary source

If it is not possible to find the original source, cite the source as cited in the secondary source then in brackets put ‘as cited in’ then cite the secondary source including the page number. For example:

Quoted in WL Clay, *The Prison Chaplain: A Memoir of the Reverend John Clay* (London 1861) 554 (as cited in M Wiener, *Reconstructing the Criminal Culture, Law and Policy in England 1830–1914* (CUP 1990) 79).

Ebooks

If the ebook provides the same page numbers as in the printed publication, cite the ebook as if it was the printed book.

If the ebook has no page numbers, follow the normal book (or edited book)

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citation form, including the ebook type/edition before the publisher. For pinpoints where there are no page numbers, provide chapter or section number (or section name, if a number isn't provided) and subsection or paragraph number if provided. For example:

Williams on Wills (9th edn, Lexis Library edn, Lexis Nexis 2007) vol 1, part F, para 23.1.

Jill E Martin, *Hanbury & Martin Modern Equity* (19th edn, Kindle edn, Sweet & Maxwell 2012) ch 1, part 2E, 1-008, text above n 24.

William Lucy, *Philosophy of Private Law* (Kindle edn, OUP 2007) ch 1, text above n 16.

It may be helpful to refer to a footnote to indicate the relevant text as in the second and third example. However, in the third example there are three pages of Kindle text between footnotes 15 and 16. If you can locate a hard copy of the book use that in preference, unless you can pinpoint accurately without the page number.

Book reviews

Cite a book review in the same way as a journal article, but without the quote marks. For example,

Rowan Cruft, Book Review (2011) *Law & Philosophy* 637.

One judgment citing another judgment

Cite the first case, followed by 'citing' and then cite the second case. For example, *SG&R Valuation Service Co LLC v Boudrais et al* [2008] EWHC 1340, [2008] IRLR 770 [22] citing *Miles v Wakefield Metropolitan Borough Council* [1987] AC 539.

Radio programmes

Cite the name of the speaker (if a direct quote), the title of the programme, the radio station and the date of the programme. If there is no obvious author/speaker, begin the citation with the title of the programme. If available online, include the url and date of access. For example:

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Simon Tonking, 'Jury Trial' (BBC Radio 4, 1 May 2010)
<www.bbc.co.uk/programmes/b00s3gq7> accessed 15 February 2013.

Speeches

Follow the advice in OSCOLA 3.4.1, 'General principles' for 'Other secondary sources'. Include the url (web address) and date of access if it is helpful for finding the speech. The third example on page 39 is a speech by Lord Bingham. Another example:

Stavros Dimas, EU Environment Commissioner, 'Improving Environmental Quality through Carbon Trading' (Speech at the Carbon Expo Conference, Köln, 2 May 2007)
<<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/265>> accessed 29 May 2011.

See [this document](#) for a more complete answer to this question; it includes information about Endnote.

Dictionaries

Follow the examples given for Encyclopedias (OSCOLA section 3.2.6) and in the dictionaries themselves:

So, for a hard copy book:

'no-fault compensation', *Oxford Dictionary of Law* (7th edn, OUP 2013).

For online dictionaries:

Also consider elements of the style advice for websites and blogs (section 3.4.8). For the OED online, open the full entry for the word, and click on the Cite button (top right above the definition). Follow that example, tidying it up to make it consistent with OSCOLA styles (eg, change change double quotes to single and full stops to commas, removing those that are unnecessary; change OED Online to italics; change Oxford University Press to OUP and put it before the date; and remove <http://> from the web address and delete any text after the Entry number, then put angle brackets around the url):

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'philosophy, n' (*OED Online*, OUP June 2013)

<www.oed.com/view/Entry/142505> accessed 21 August 2013.

For other online dictionaries, follow the general advice above. You need a date of publication or at least a date of access (ie when you looked at it), as they are generally updated regularly.

Podcasts, YouTube etc

The general principles for 'other secondary sources' (section 3.4.1) suggest the following form for citing podcasts, YouTube videos and similar sources:

Author, 'Title' (publication date) <url> accessed xx month 2014

If there is no clear author, give the organisation providing the source as the author. The examples below include a suggestion for citing the comments of a particular person.

Examples:

Dr Douglas Guilfoyle, 'The UN Convention on the Law of the Sea: Origins and Importance' (14 August 2013) <www.youtube.com/watch?v=3SOqz1Yu8tY> accessed 15 April 2014.

British Medical Journal podcast, 'Insanity in the Dock' (20 July 2012)
<www.bmj.com/podcast/2012/07/20/insanity-dock> accessed 15 April 2014.

If referring to comments by someone in particular, add that information as you would a pinpoint, before the url. Include the person's position if relevant. For example:

British Medical Journal podcast, 'Insanity in the Dock' (20 July 2012)
comments by Matthew Thompson, Centre for Evidence Based Medicine in Oxford <www.bmj.com/podcast/2012/07/20/insanity-dock> accessed 15 April 2014.

Another alternative, particularly if the podcast is quite long, would be to provide the minutes and seconds of the excerpt:

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British Medical Journal podcast, 'Insanity in the Dock' (20 July 2012) 10:30-11:15 <www.bmj.com/podcast/2012/07/20/insanity-dock> accessed 15 April 2014.

General questions

Which journals use square brackets in the citation?

Journals that use the year rather than a consecutive number to identify the volume have the year shown in square brackets, as shown in the following citation: J Ip, 'The Rise and Spread of the Special Advocate' [2008] Public Law 717. A partial list of square bracket journals:

Acta Juridica

Journal of Personal Injury Litigation

British Tax Review

Journal of Planning and Environment Law

Criminal Law Review

Legal Action

International Family Law

Lloyd's Maritime and Commercial Law Quarterly

Journal of Business Law

Private Client Business

Public Law

Note: Some journals change from consecutive volume numbers to year identification (eg Cambridge Law Journal used the year from 1954 to 1967).

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Why does OSCOLA have some examples with full-stops and some without?

Most examples in OSCOLA show how to cite a particular reference. All examples of references in footnotes end with a full stop. In your own work, close footnotes with a full stop (or question or exclamation mark) (OSCOLA, section 1.1).

On citing URLs (web addresses)

Be careful when citing URLs. Studies indicate that 'link rot' or 'reference rot' (which is when the url still works but the content is gone) is a major problem. In [Harvard Public Law Working Paper no 13-42](#), Jonathan Zittrain, Kendra Alberg and Lawrence Lessig report that more than 70% of links in three Harvard law journals do not produce the information cited. As a solution, they promote Perma.cc, which 'will retrieve and save the contents of a webpage, and return a permanent link'. The Perma.cc system distributes 'Perma caches, architecture, and governance structure to libraries across the world. Thus, so long as any library or successor within the system survives, the links within a Perma architecture will remain'. The original link can be cited along with the Perma link (which is useful as the reader can immediately see the source without having to follow the link to the Perma site), or the Perma link only can be cited (which has the advantage of being short). This system is preferable to other short url systems that do not indicate the original website and url, and whose future is less certain. The Digital Object Identifier (doi) system used by some journals is also sound, but not all law journals use the doi system, and many of those that do also publish in hard copy and so do not require an electronic reference in OSCOLA.

In general, only include the web address when the document is only available online, when the web address is particularly helpful for finding the document, and when the web address is static (ie not the result of a search in a database). Avoid citing references that end in .pdf. For discussion on the instability of website content, see Liz Fisher, 'Gov.UK?' (*UK Constitutional Law Group*, 9 May 2013) <<http://ukconstitutionallaw.org/2013/05/09/liz-fisher-gov-uk/>> accessed 26 June 2013.

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