

P E R

STANDARD FOR STYLE AND CITATION

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1 General

Texts should be typed using South African English and not American English, ie, "utilisation" not "utilization" and "neighbour" not "neighbor".

The passive voice preferably should be avoided in sentences.

All words not from the language that the general text is written in, must be italicised, eg, *mutatis mutandis*, *Rechtsvergleichung*, *vis-à-vis*, *milieurecht* and so forth.

Texts must be provided with a bibliography at the end of the text.

Footnotes, not endnotes, are required.

Pages should be numbered at the bottom of the page, centred. Roman numerals should be used for pages on which the table of contents, list of abbreviations, and so forth, appear. Arabic numerals should be used on the pages containing the actual text.

Tables and other graphs must be camera-ready and must look exactly the way the author wants the table/graph to look when printed. All tables and graphs must be provided with appropriate headings.

The name(s) of the author(s) must appear below the title of the contribution and must be centred and in bold. The author(s) must provide academic qualifications and current affiliations and professional positions in a footnote attached to their names. All additional acknowledgements such as funding institutions etc, also must be indicated in this part, immediately following affiliations and qualifications in the same footnote text.

Where abbreviations are used, a list of abbreviations should be provided.

For any point not covered in this Standard, *OSCOLA*¹ may be used as a guideline.

1.1 Layout

(a) All headings should begin against the left margin.

(b) One space is left open between consecutive paragraphs and before and after quotations in the text.

(c) The text is justified, typed in 1½ spacing and the font Arial 12pt should be used.

¹ *The Oxford Standard for Citation of Legal Authorities* which may be consulted on the Internet at <http://denning.law.ox.ac.uk/published/oscola.shtml>

(d) Footnotes are justified, typed in single spacing and in font Arial 10pt. The footnote text should begin 0,75 cm from the margin and is also justified left at that distance - thus a hanging indent of 0,75cm. No spaces should be left between footnotes.

1.2 Headings

(a) The title of the contribution is typed in capitals and bold.

(b) Only the first words of headings in the text are capitals, except where words are spelled with a capital according to normal rules of language.

(c) Main headings (with one-digit numbers) are in bold, secondary headings (with two-digit numbers, eg, 1.2) are in bold and italicised and tertiary headings are only italicized; all other headings are kept in normal font, thus:

1 Constitutional provisions

1.1 Bill of Rights

1.1.1 Right to life

1.1.1.1 Horizontal application of the right to life

1.3 Numbering

(a) All headings are numbered consecutively with arabic numerals. The numbering of headings numbered with single-digit numbers is not separated with a full stop from the text of the heading. Subsidiary headings are numbered consecutively in accordance with the metrical style with full stops between the arabic numerals: Where the third heading is indicated, for example, with a 3, subsidiary headings will be numbered 3.1, 3.2, 3.2.1, 3.2.2, 3.3 etc.

(b) Smaller divisions in the text and footnotes or numbered summaries in the text or footnotes should be numbered with lower-case letters in brackets, for example ((a)-(z), and then (aa)-(zz)). In order to avoid confusion with smaller divisions, the letter (i) may be skipped, because the next level of division is done in lower case roman numerals, for example (i), (ii), (ix), (xviii), etc.

(c) Footnotes are identified by means of consecutive arabic numerals without a full stop. The numerals are given in superscript in 10pt

1.4 Quotations

(a) Quotations shorter than one printed line are indicated in the text by means of quotation marks, eg: According to Paterson¹ "the most appropriate form of

1 Paterson *Biodiversity* 10.

biodiversity regulation should be by means of economic instruments." "Straight quotes" are used (as opposed to "smart quotes").

(b) Longer quotations are blocked and indented on both sides, typed in single spacing and spaces left above and below, with no quotation marks, for example:

It has been stated that "holistic governance" is:

The ideal form of government which is established by way of collaboration, coordination, co-operation and integration of policies, legislation, regulation, service provision and scrutiny or assessment functions of co-existing governmental organs into a single system of government in order to achieve sustainable results.¹

Reference to the source should be indicated directly after the quotation.

(c) Single quotation marks are used for a quotation inside a quotation, eg: According to Paterson² "the most appropriate form of biodiversity regulation should be by means of 'economic instruments'."

(d) Punctuation marks which form part of a quotation are placed within the quotation marks.

(e) All references to quoted texts are made by means of a footnote. The reference should appear directly after the name of the author, eg: Feris³ opines that "there may not be enough resources to adequately address environmental justice issues."

1.5 Spelling

(a) Abbreviations are written without full stops.

(b) Abbreviations are rarely used in the text itself, but in the footnotes as much as possible, eg, section 12 in the text, but s12 in the footnote text: All unusual abbreviations should be defined in a list of abbreviations, do not define "eg" or "etc", but define "dir" (for "Directive").

(c) When reference is made to a specific constitution, "Constitution" is spelt with a capital letter. The words appeal court, judge, state, act, etc are spelt in lower case, but the names of courts with a capital letter, eg, Supreme Court of Appeal. This also is applicable to "section" or "s". Abbreviations used at the beginning of sentences or footnotes, however, begin with capital letters.

(d) Where a section of a sentence is in brackets, the full stop should be at the end of the sentence, outside the brackets. If the sentence as such is wholly contained within the brackets, the full stop comes inside the brackets.

1 Fourie *The Ideal of Governance* 200.

2 Paterson *Biodiversity* 10.

3 Feris *Environmental Justice* 3.

2 Reference to sources

The general rule applies that the essential bibliographical information, that is, the information without which the source referred to in the text cannot be found easily or substantiated reasonably, should be provided in a consistent style and according to the same pattern. Where useful additional information such as the publisher, place and date of publication of a book, the volume number of most journals or the division of the High Court where a case was decided is provided, such information is placed between brackets.

2.1 Books

Each contribution is supplied with its own bibliography at the end of the contribution.

(a) The basic form is Currie I and De Waal J *The Bill of Rights Handbook* 5th ed (Juta Cape Town 2005). Where more than one place of publication is mentioned, only the first place name is given.

(b) In the case of sources with more than one author, a maximum of three authors is given eg Strydom EML, Le Roux PAK and Dupper OC *Essential Social Security Law* (..... 2006). Where there are more than three authors, only the first author's name is given followed by *et al*, eg, Botha L *et al Constitutional Law in South Africa* (.....2003).

(c) There is no comma between the author's surname and initials, but a comma is added after initials in the case of more than one author, eg, Thomas PhJ, Van der Merwe CG and Stoop BC *Historical Foundations of South African Private Law* 2nd ed (.....2000).

(d) Where a later edition of a source was rewritten by (a) new author(s), the author(s) of the new edition is given, with reference to the original author's name in the title, where applicable, for example Badenhorst P, Mostert H and Pienaar J *Silberberg and Schoeman's The Law of Property* 4th ed (..... 2003).

(e) The title of the source is italicised. The first letter of each keyword of the title is written with a capital letter, while, for example, articles, conjunctions, prepositions and adverbs are written in lower case, eg, *A Regulatory Framework for Waste Management in South Africa*, and not *A regulatory framework for waste management in South Africa*.

(f) The edition is given directly after the title in the form 2nd ed, and (being essential information) not between brackets, eg, Grogan J *Workplace Law* 8th ed (.....2005).

(g) The publisher, place of publication and all information, apart from the title itself, are given in the language in which the contribution is being submitted, eg, Wouters J *Bronnen van internationaal recht* (Intersentia Antwerp 2004)

(h) Where a work had been compiled by an editor or editors, it is given under the editor's name, with (ed) without a full-stop, in round brackets, always in English if the text is English, etc.

(j) Where reference is made to a section of a collected work or work compiled by an editor, refer only to the relevant section, unless the whole volume is used, for example, Kerr AJ "Sale" in Joubert WA and Faris JA (eds) *The Law of South Africa* Volume 24 (Butterworths Durban 2000) 3-95.

(k) Where the author who is being quoted is the author or editor of a collected volume, the name is not repeated, for example Zweigert K and Puttfarcken H "Rechtsvergleichung" in *Rechtsvergleichung* (1978) 1-9.

(l) The list of references and/or bibliography should be arranged alphabetically according to the surnames of authors.

(m) The sources are arranged alphabetically according to the mode of quotation used for the footnotes: the full bibliographical details are indented below 0,75cm from the left-hand margin. One space is left open between sources. For each new letter of the alphabet to be used in the bibliography, the letter, for example a **B**, can be given for greater clarity. The following is an example of a bibliography:

C

Currie and De Waal *Bill of Rights Handbook*

Currie I and De Waal J *The Bill of Rights Handbook* 5th ed (Juta Cape Town 2005)

H

Thomas, Van der Merwe and Stoop *Historical Foundations*

Thomas PhJ, Van der Merwe CG and Stoop BC *Historical Foundations of South African Private Law* 2nd ed (Butterworths Durban 2000)

(n) Where more than one edition of the same source is used, the bibliography should indicate which editions were used.

Van der Walt AJ and Pienaar GJ *Introduction to Property Law* (Juta Cape Town 1996)

Van der Walt AJ and Pienaar GJ *Introduction to Property law* 5th ed (Juta Cape Town 2006)

2.2 Journals

(a) The same general rules apply here as for books, but the basic form changes to Bosman C "Environment and the Constitution" 1996 *SA Public Law* 388-399.

(b) Volumes, numbers or months are only given where such information is essential to find the page, in other words, where they are numbered separately, for example, Du Plessis L "Regte(r) rassisme" 2005 *Woord en Daad/Word and Action* 45(391&392) 4-7.

(c) The titles of journals are, wherever possible, abbreviated, with an explanatory list of abbreviations supplied. The abbreviation is italicised. (Note that law journals mostly prescribe, on their editorial pages, how the journal title should be referred to in abbreviated form), for example, *THRHR* for *Tydskrif vir Hedendaags Romeins-Hollandse Reg*; *SALJ* for *South African Law Journal*.

(d) Capital letters and lower case in the title of the article should be supplied as they were published.

2.3 Legislation

(a) The basic form is, eg: *National Water Act* 36 of 1998. The first time where reference is made to an act, the full reference is given in the text or in a footnote. After that an abbreviated form may be used, such as the "National Water Act or NWA", if it is indicated in the footnote or the text itself that the shortened form will henceforth be used, eg, "(hereafter the NWA)". If there are references in the text to only one specific act, the later references – after the first full reference to the specific act – are to "the Act" or to an abbreviated form, for example the "*Matrimonial Property Act*", if it is indicated in the footnote that the shortened form will henceforth be used. If reference should be made to a whole series of different acts, a list of the acts should be supplied in the bibliography.

2.4 References to Government Publications

References should be to the Government Notice/Proclamation/General Notice number, the *Government Gazette* number and the date of the *Gazette*. Abbreviations are used for example

GN R456 in GG 11456 of 24 April 2006

Proc R34 in GG 10345 of 13 December 2005

Gen Not 342 in GG 24567 of 24 December 2006

Regulation may be abbreviated in the footnote as "reg 2(4)".

2.5 References: register of cases

(a) The basic form for South African references is *Corris v Corris* 1997 2 SA 930 (W).

(b) In the register of cases the name of the case is given fully. In the text and footnotes all non-essential information should be left out, for example *NO*, *NNO*, and *others*, and so forth.

(c) Reference should be given to the specific page and paragraph numbers that are used for example *Bareki v Gencor Ltd* 2006 1 SA 432 (T) 436A-D.

2.6 Internet ("world wide web")

The basic form is Author Year Title/Heading/Topic Found on Internet: address [date on which information was found]. No full stop should be put after the address, as this might cause confusion, eg, Mamoepa B 1997 The Act on Higher Education [found on Internet] <http://www.star.hsrc.ac.za/nche.html> [date of use 16 Nov 2006].

2.7 Footnotes

(a) All page references should be given in the form 222-224, and not 222-4 or 222-24.

(b) Books are referred in an abbreviated format as shown in the bibliography, that is, the surname(s) of the author(s), an abbreviated title (which should be the same throughout) and the specific page number, for example Cornelius *Principles* 33. The number at the end (33 in the example) is the page referred to.

In the bibliography the reference will be:

Cornelius SJ *Principles of the Interpretation of Contracts in South Africa* (LexisNexis Durban 2002)

If preferred by the author, reference to a source that has already been referred to in a previous footnote, may be referred to by way of reference to the previous footnote, eg where footnote 9 reads: Currie and De Waal *Bill of Rights Handbook* 320 footnote 37 may be written as: Currie and De Waal (n 9) 169 or Cornelius (n 13) 16.

(c) Journal articles are referred to as follows:

First footnote

Pienaar G "From Delgamuukw to Richtersveld – are land claims in Canadian and South African law comparable?" 2005 *Stell LR* 446-457

2nd footnote: Pienaar 1996 *Stell LR* 455 or Pienaar (n 10) 455. "455" is the specific page in the article being referred to. "*Stell LR*" is the abbreviated title of the journal.

(d) Cases are quoted fully as discussed above.

(e) Legislation is quoted fully as indicated above.

(f) A semicolon is used between a series of sources, while between two references from the same source only a comma is used.

(g) Where possible, conventionalised abbreviations should be used.

(h) Full stops should be placed after all footnotes.

2.8 Consistency

Where alternatives are allowed, it is essential to use the chosen form throughout a contribution.

3 Examples of references in a bibliography and in footnotes

3.1 Books

3.1.1 One author

Merris A *Human Rights Law* (Hart Publishers Oxford 2006)

(Footnote: Merris *Human Rights Law* 32.)

3.1.2 Two or three authors

Grové NJ and Otto JM *Basic Principles of Consumer Credit Law* (Juta Cape Town 2002)

(Footnote: Grové and Otto *Basic Principles* 32.)

3.1.3 More than three authors

Van der Merwe S *et al Kontraktereg Algemene Beginsels* 2nd ed (Juta Cape Town 2004)

(Footnote: Van der Merwe *et al Kontraktereg* 32.)

3.1.4 Editor(s)

Deketelaere K and Gekiere J (eds) *International, EC and US Environmental Law* (Kluwer The Hague 2002)

(Footnote: Deketelaere and Gekiere *International Law* 32.)

3.1.5 *Translated works*

Kelsen H *General Theory of Norms* (translated from the original German by M Hartney) (Clarendon Press Oxford 1991)

(Footnote: Kelsen *Norms* 110.)

3.1.6 *Different editions of the same source*

Van der Walt AJ and Pienaar GJ *Introduction to Property Law* (Juta Cape Town 1996)

(Footnote: Van der Walt and Pienaar *Property law* (1996) 50.)

Van der Walt AJ and Pienaar GJ *Introduction to Property Law* 5th ed (Juta Cape Town 2006)

(Footnote: Van der Walt and Pienaar *Property Law* (2006) 52.)

3.2 *Contribution or chapter from a collected work*

3.2.1 *Where reference is made to only one contribution*

Van der Merwe CG "Sectional Titles" in Joubert WA and Faris JA (eds) *The Law of South Africa* (Butterworths Durban 2000) 123-265

(Footnote: Van der Merwe "Sectional Titles" 3-14.)

3.2.2 *Where the whole volume is used, it can be included in the bibliography*

Joubert WA and Faris JA (eds) *The Law of South Africa* (Butterworths Durban 2000)

(Footnote: Joubert and Faris (eds) *LAWSA* 516.)

Where use is made of the *The Law of South Africa* the abbreviated form of *LAWSA* may also be used.

3.3 *Contributions at conferences*

If the contribution is published:

Reickhardt M "Liabilities into assets" in Chamber of Mines *Conference on Environmentally Responsible Mining in Southern Africa* 25-28 September 2001 Johannesburg 2B-1 - 2B-7.

(Footnote: Reickhardt "Liabilities" 2B-1-2B-5.)

If the contributions are not subsequently published, the prescribed form changes to the following:

Reickhardt M "Liabilities" (Unpublished paper delivered at the Chamber of Mines' Conference on Environmentally Responsible Mining in Southern Africa Johannesburg 25-28 September 2001 Johannesburg) 2B-1 - 2B-7

(Footnote: Reickhardt "Liabilities" 2B-3.)

3.4 Theses and dissertations

Wessels J *Environmental and Mining Authorisations in South Africa* (LLM-thesis NWU 2005)

(Footnote: Wessels *Mining Authorisations* 221.)

3.5 Journal articles

De la Harpe S and Van der Walt T "The right to pre-trial silence as part of the right to a free and fair trial – an overview" 2005 *African Human Rights Law Journal* 70-90

(Footnote: De la Harpe and Van der Walt 2005 *African Human Rights Law Journal* 71.)

3.6 Newspaper reports

Hartely G 'DA rails at Selebi's use of crime figures' *Business Day* 18 July 2006 4

(Footnote Hartely *Business Day* 4.)

Note: Journals that appear weekly must be referred to in the same way.

3.7 Acts (separate list in bibliography)

Auditing Profession Act 26 of 2005

(Footnote: fully if not refer to as such in the text.)

When reference is made in a footnote to a particular section or sections of an act:

S 1 *Auditing Profession Act* 26 of 2005.

Ss 1 and 3 *Auditing Profession Act* 26 of 2005. (If only one Act is discussed or if it is clear from the discussion in the text, which Act is referred to, refer only to the sections discussed and do not repeat the name of the Act.)

3.8 Government publications

References in bibliography and footnotes are the same.

GN 232 in GG 123456 of 23 May 2006

Proc R123 in GG 123454 of 5 April 2003

Gen Not 123 in GG 23432 of 2 June 2005

3.9 Internet (separate register in bibliography)

Mamoepa B 2006 The Act on Higher Education [Found on Internet]
<http://www.legalbrieftoday.co.za> [date of use 16 Nov 2006]

(Footnote: Mamoepa 2006 www.legalbrieftoday.co.za)

3.10 Cases (separate register in bibliography)

For example:

City of Johannesburg v Rand Properties (Pty) Ltd [2006] 2 All SA 240 (W)

(Footnote: *City of Johannesburg v Rand Properties (Pty) Ltd* [2006] 2 All SA 240 (W) 247G-H - except if the full name appears in the text, reference may only be made to the specific paragraphs for example 247G-H)

Mostert v Scholtz 1926 CPD 215

(Footnote: *Mostert v Scholtz* 1926 CPD 215 217.)

S v Pepenene 1974 1 SA 216 (O)

(Footnote: *S v Pepenene* 1974 1 SA 216 (O) 218B-219A.)