

The OSCOLA Biblatex Style

Version 1.7

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Scope

The BL-OSCOLA style for BIBLATEX is intended to implement more or less the whole of the standard for legal citations set out in the fourth edition of OSCOLA,¹ in a way that as far as possible respects the idea that bibliography databases should be style independent. However, since it makes extensive use of non-standard entry-types (such as @jurisdiction, @legislation and @legal), it cannot be guaranteed that it will be completely consistent with other legal styles.²

This document should be read alongside the OSCOLA standard itself.³ Wherever possible I have taken examples from OSCOLA.

Omissions

The most recent edition of OSCOLA does not contain rules for formatting international law materials (other than EU materials and cases decided by the European Court of Human Rights). The 3rd edition contained extensive rules.⁴ The OSCOLA package offers *basic* functionality for citing treaties and cases consistently with the third edition; but the package does not attempt to grapple with all the complexities, and might not be sufficient for a work with *extensive* citation of public international law materials.

This style does not include citation forms for Yearbook or historical cases⁵ (other than the ‘plain vanilla’ of the nominate reports and the English Reports). Nor does the package contain rules for the citation of foreign legal materials, other than US, Canadian, Australian and New Zealand cases (which are cited sufficiently often in English articles to justify including them). There is no provision for citing legislation from those countries.

To summarise:

- The BL-OSCOLA style provides full facilities for the citation of English, Scottish, Northern Irish, EU and European Convention cases, legislation and ‘official’ materials.
- The BL-OSCOLA style provides full facilities for the citation of books, articles, encyclopaedias and looseleaf publications.
- The BL-OSCOLA style provides full coverage for the citation of materials such as online resources and private communications.
- The BL-OSCOLA style provides facilities for citing cases from the US, Australia, Canada and New Zealand, but not for citing legislation or ‘official’ materials.

¹ Faculty of Law, University of Oxford, *OSCOLA: Oxford Standard for the Citation of Legal Authorities* (4th edn, 2010) (<http://www.law.ox.ac.uk/oscola>) (oscola).

² For instance, I believe that the German JURA-DISSERTATION style uses the author field for the court that decides a case, rather than the institution field, as BL-OSCOLA does.

³ OSCOLA.

⁴ Faculty of Law, University of Oxford, *OSCOLA: Oxford Standard for the Citation of Legal Authorities* (3rd edn, 2006) (http://www.law.ox.ac.uk/published/oscola/oscola_2006.pdf) 25–37.

⁵ OSCOLA, 20–21.

- The BL-OSCOLA style provides basic facilities for citing public international law treaties and case law, and at least many UN documents, but does not cover everything that the 3rd edition of BL-OSCOLA specifies in relation to such materials.

I hope that the coverage is sufficient for most UK legal work; I believe that only specialists in public international law or legal history are likely to find it significantly deficient.

Language

Since BL-OSCOLA is an English language standard, the style has not been designed to support other languages. Conversion to other languages would not necessarily be unduly difficult; but it would involve making adjustments which are likely to be troublesome except for very experienced users.

The style will, by default, set the BIBLATEX language option to english.

Some thanks, an apology, a warning, a promise

Thanks

There are many people I should thank. Philip Lehman and Philip Kime, together with the current BIBLATEX maintainers Audrey Boruvka and Joseph Wright – without whom this would be impossible. Many members of the community at [TeX-StackExchange](#)⁶ have helped too, at first by answering my questions, and later by asking (and sometimes answering) their own. I've borrowed from more people than I can remember. Daniel Högger identified various important bugs, and suggested improvements, particularly in relation to international law materials. Thanks to everyone.

An apology

Thanks ... and sorry. Sorry if you read the code, which is sometimes muddled. Knowing what I know now, I would not start where I started, or end where I ended. There's plenty of cleanup to be done, but at least it works, and it seems better to release it, unpolished.

A warning

At least it works ... except when it doesn't. Of course there are going to be problems: corner cases I haven't caught in testing, things I've not thought about, decisions that turn out to be wrong. It's not just not guaranteed not to be buggy, it's guaranteed to be buggy.

A promise

It's guaranteed to be buggy ... but I promise to do what I can. Not a legally binding promise, mind, but a promise binding in honour that if something isn't working, and you need it working, I will do my best to fix it as quickly as I can. Especially if you are using this for serious work. Email me. Really.

⁶ tex.stackexchange.com

For Absolute Beginners

Few lawyers use L^AT_EX, so perhaps it would be reasonable to assume that those who do have a fairly good idea of how it works. Nevertheless, this section gives a *very* short and simple introduction to using BIBLATEX, and BIBER to create bibliographies. Infinitely more detail can be found in the BIBLATEX documentation,⁷ which is essential reading.

The idea is this. You have two files: the file (or files) that containing your document, and separate file(s) containing bibliographical information about the works you may cite. Instead of typing out a citation to the work in question, you use a simple command to refer to it by a label you have selected and included in your bibliography database. The system then takes care of all the tedious details: formatting citations, keeping track of ‘ibid’ or back references to the first citation, giving full details in the bibliography, making a table of cases and statutes, and so forth.

The work-flow is as follows: (1) run L^AT_EX, (2) run BIBER—the program that reads the files produced by L^AT_EX on its first run, and uses them to prepare references in a digestible form for L^AT_EX, (3) run L^AT_EX again. Often you will also need (4) to run a program to construct tables of cases and so forth, and (5) usually to run L^AT_EX at least once more to get everything in order.

What you need

Basic use of BL-OSCOLA will require:

- The BIBLATEX package. This is to be found in any modern T_EX distribution. You need version 3.14 (or higher).
- The files `oscola.bbx`, `oscola.cbx`, `american-oscola.lbx`, `british-oscola.lbx` and `english-oscola.lbx`, installed where L^AT_EX can find them.
- A working version of BIBER; this is also to be found in any modern T_EX distribution. You need version 2.14 (or higher).

If you intend to use the facilities that the package offers to produce automatic tables of cases and legislation, you will also need:

- Certainly MAKEINDEX (which comes with any T_EX distribution).
- Probably also SPLITINDEX, since if you are producing more than one or two indexes this is likely to be essential. It comes with T_EX distributions; but I have found that you also need a working version of PERL. A Mac or Linux/Unix set up will almost certainly have this: a Windows machine will probably need to have it downloaded, but it’s not hard to find.
- The IMAKEIDX package, which will either be in your T_EX distribution or easily obtainable.
- If you want to use the index style file provided with BL-OSCOLA, you will need to install it (`oscola.ist`) where MAKEINDEX can find it, for instance in the project directory.

⁷ Philip Lehman and others, *The biblatex Package* (2019).

Installation

I would suggest installation in your (local) \TeX directory as follows:

The operational files (that is `oscola.bbx`, `oscola.cbx`, `american-oscola.lbx`, `british-oscola.lbx` and `english-oscola.lbx`) go with \LaTeX macros under `.../tex/latex/oscola`.

The index style file `oscola.idx` goes with other such files under `.../makeindex/oscola`.

The documentation files (`oscola.tex`, `oscola-examples.bib` and `oscola.pdf`) go under `.../doc/latex/oscola`.

Basic Use

The `BL-OSCOLA` package is not really a package, but a set of style files specifically designed for `BIBLATEX`. To load them, therefore, you simply load `BIBLATEX`, specifying the `BL-OSCOLA` style:

```
\usepackage[style=oscola]{biblatex}
```

[1]

You will also need to identify one or more bibliography files:

```
\addbibresource{mybib.bib}
```

[2]

Where, of course, `mybib.bib` is the name of your own bibliographic database.

To make quotation marks work properly, you also need to load the `csquotes` package, with the style `british`.

```
\usepackage[style=british]{csquotes}
```

Customization

The `BL-OSCOLA` style is not highly customisable. This is by design. The intention is to provide a reasonably complete and accurate implementation of a particular set of conventions, rather than a foundation on which a large variety of distinct styles for legal citation could be built. It permits *limited* customisation in areas where `BL-OSCOLA` itself suggests alternative possibilities (for instance whether ‘`ibid`’ is used), and for certain typographical features which might legitimately be under the control of the user. On the very few occasions where I have consciously departed from the `OSCOLA` standard, my revisions will only be used if they are specifically switched on.

To switch options, include them in the list of options when loading `BIBLATEX`. So, for example:

```
\usepackage[style=oscola,  
          eutreaty=alternative,  
          ibidtracker=false]{biblatex}
```

[3]

will load `BIBLATEX` with the `BL-OSCOLA` style, with the alternative option for printing short references to the EU treaty, and without making use of ‘`ibid`’ in successive citations.

<code>eutreaty</code>	If set to <code>alternative</code> , then shortened references to an EU treaty will be printed in the form ‘Art 23 TFEU’ rather than ‘TFEU, Art 23’. The latter is, I think, strictly required by OSCOLA; ⁸ but the alternative version is so common in writing by EU specialists that it seemed sensible to provide it as a possibility.
<code>caseshorthands</code>	As I read it, OSCOLA distinguishes between the short <i>titles</i> of cases and abbreviations for cases (what we would call ‘shorthands’) by printing short titles in italic, and abbreviations in roman type. ⁹ To my eye that looks odd. The option <code>caseshorthands=italic</code> will see to it that shorthand names for cases, like their short titles, will be printed in italic type.
<code>ecli</code>	This option controls whether the EU’s recently introduced ECLI numbers get printed. Options are: <code>yes</code> (the default), which means they are printed when available in addition to the official report, <code>no</code> , in which case they are never printed, or <code>only</code> , in which case only ECLI numbers are used, with no printed report, in the current style of the CJEU itself (not yet officially accepted by the standard). Note that if the case is otherwise unreported, ECLI numbers will always be used if available.
<code>ibidstyle</code>	The OSCOLA guide uses <code>ibid</code> in its lower-case form, even at the start of footnotes. If you prefer to use an upper-case form there, then set the <code>ibidstyle</code> option to <code>uc</code> . Please note that while this will work reliably with citations created using <code>\footcite</code> or <code>\autocite</code> , if you use the form <code>\footnote{\cite{ ... }}</code> the need for a capital will not be ‘picked up’ automatically. In such a case, if you are using capitals, you will need to insert the command <code>\bibsentence</code> immediately before the <code>\cite</code> . (This is a good reason to use <code>\footcite</code> where you can.)
<code>ibidtracker</code>	OSCOLA permits citations to use ‘ <code>ibid</code> ’ where there is an unambiguous citation to a single authority in the preceding footnote, but it is not required. ¹⁰ By default, BL-OSCOLA does use ‘ <code>ibid</code> ’, where it is appropriate. But if you prefer to switch it off, you can do so using the BIBLATEX option <code>ibidtracker=false</code> .

⁸ OSCOLA, 29.

⁹ See ‘example 4’ OSCOLA, 15.

¹⁰ ‘... you *can* generally use “`ibid`” instead’ (emphasis added) OSCOLA, 5.

citetracker	OSCOLA permits you, in certain situations (notably when citing books, articles and cases within a reasonably short section) to use cross-references back to previous notes, instead of giving a full citation afresh, but it does not require you to do so. ¹¹ If you want not to, you can do so using the BIBLATEX option <code>citetracker=false</code> . The OSCOLA standard requires full citations if the previous citation was in an earlier chapter, but BL-OSCOLA will take care of that for you if you use an appropriate <code>refsegment</code> option. ¹²
	It is possible to use ‘ibid’ without the <code>citetracker</code> . But turning the <code>citetracker</code> off will affect the treatment of shorthands, which will be disregarded.
citereset	This option allows you to reset the cross-references to previous notes. A sensible option is to use <code>citereset=chapter</code> to make sure that no cross-references point to previous chapters.
shortindex	By default, BL-OSCOLA produces full citations for cases when printing indexes (see p 20 below). If you prefer a simpler format, where tables/indexes contain only the title and year of the case, use the option <code>shortindex</code> when loading BIBLATEX.

The Bibliographic Database

Entry Types

The BL-OSCOLA style uses the standard bibliographical types such as `@book`, `@article`, `@report` and so forth. It also makes use of four uncommon types:

<code>@jurisdiction</code>	Used for cases from all jurisdictions.
<code>@legislation</code>	Used for legislation, including the foundational EU treaties.
<code>@legal</code>	Used for various other legal materials, including treaties and Hansard materials.
<code>@commentary</code>	Used for certain works ‘of authority’.

The use of these types is described in more detail below.

In many cases, in addition to the entry types, BL-OSCOLA requires you to set the field `entrysubtype`, to give additional information about the particular type of source. Again, details are given in the individual sections below.

Another important aspect of the bibliographic database is the use of the `keyword` field to include information about the particular jurisdiction from which the source originates. This is described in more detail at page 25.

¹¹ Note that it is also acceptable to give the full citation every time a source is cited, and some publishers and law schools may prefer this to the use of short forms.’ OSCOLA, 5

¹² Lehman and others (n 7) 57.

Entry Fields

In addition to the usual entry fields, BL-OSCOLA invites or requires the use of various non-standard fields, such as `reporter`. Internally these are mapped to standard (or semi-standard) fields such as `journaltitle` or `usera` and the like; but it is not only convenient but better to use the non-standard fields in this case, because it may assist if you need to use your database with a package which takes a different approach to mapping.

The particular fields used for each type of source are described in more detail in the sections of this document that deal with particular sources.

Specific Guidance

Periods

When entering your bibliographical data, it is advisable to use place periods in abbreviations, even though OSCOLA does not require them. Where they are inappropriate, BL-OSCOLA will strip them out. There are two reasons why it is better to use periods:

- It's quite easy to strip them out, but very hard to know where to add them. Other legal styles—for instance the Bluebook—require periods. As and when styles which use BIBLATEX to typeset data in such styles are developed, a database that already has them will be easy to use, whereas one which has been created without them will require substantial changes.
- In the case of names, the addition of periods is essential to make sure that initials are recognised as such.

So, for instance, enter:

```
...  
title = {Hamble Fisheries Ltd. v. L Gardner \& Sons Ltd.}
```

[4]

Names

The BIBER program is pretty good at coping with names in a variety of forms: ‘John Smith’ or ‘Smith, John’ will both end up being correct. But be consistent.

There are three things you do need to watch:

- When giving the name of an institution as an author or editor, make sure that you enclose it in braces:

```
...  
author = {{Department of Health}}
```

[5]

If you don’t do this then as far as BIBER is concerned this will get turned into ‘Health D of’ for the purposes of constructing bibliography, which is not what you want!

- When giving lists of names, separate them with ‘and’ not commas:

```
author = {First Author and Second Author and Third Author} [6]
```

- When giving initials, make sure you add a full stop and space after each initial, so that BIBER knows it’s dealing with an initial and not a (very short) name:

```
author = {Hart, H. L. A.} [7]
```

This will get *printed* as HLA Hart. If you forget the initials, it will end up being printed (wrongly) as H L A Hart.

Dates

A date should be entered in the form YYYY-MM-DD, and a range of dates in the form YYYY-MM-DD:

1970-04-02 4 February 1970

1990-01-03/1991-10-30 3 January 1990–30 October 1991

In many cases it is unnecessary to enter a complete date (though it is always permissible to do so). Ranges are rarely required for compliance with OSCOLA.¹³

Pages

In most cases OSCOLA requires only the citation of the first page of an article or case. But it is always permissible to include a full range, separated by --. In some cases the ‘page’ is actually not a page but a case number:¹⁴ it should still be entered into the pages field.

Pagination

If your source is referred to by anything other than page number, it’s a good idea to enter an appropriate pagination fields, to assist with pinpoint citations. Common examples are as follows:

paragraph	For references in the form ‘para 1’.
[]	For references in the form [1] (used in cases).
article	For references in the form ‘art 1’.
section	For references in the form ‘s 1’.
rule	For references in the form ‘r 1’.
regulation	For references in the form ‘reg 1’

¹³ They are needed only when referring to sessions of Parliament: see OSCOLA, 40.

¹⁴ See, eg, OSCOLA, 18.

Slashes

It is quite common for legal citations to include slashes (/), for instance in ECJ case numbers, EU legislation numbers, statutory instrument numbers and the like.

There are two ways you can enter these, and the choice you make matters. If you enter them directly

```
2001/2312
```

[8]

then they will be treated as unbreakable. If you want them to be breakable, you should use the \slash command instead:

```
2001\slash 2312
```

[9]

Think carefully about this. Obviously, breaks are bad. But *not breaking* can make it impossible to justify text. My general advice is that you are ‘safe’ using a simple / where the number are short, but that for anything that is going to result in more than about five characters of text, you are better off using the \slash command.

Hyphenation

Another difficulty you will find with making sure you get clean linebreaks is hyphenation. You can do two things to help. First, add explicit hyphenation in difficult cases. Secondly, if a citation is predominantly in a non-English language, set the hyphenation field in the entry to the relevant language. (You should, then, pass the option `hyphenation=babel` to BIBLATEX.)

Quotations

Occasionally a title contains material in quotation marks. To ensure that whatever style of citation you are using this will get properly printed, it is advisable to use the \enquote{} macro from the csquotes package rather than enter the quotation marks directly. (Of course, for the BL-OSCOLA style, which uses single quotation marks and double within single (‘Like “this” example’), double quotation marks will do; but it’s sensible to prepare your database file to be usable with different styles. Example 96 demonstrates this.)

Citation Commands

As the standard makes clear, ‘oscola is a footnote style: all citations appear in footnotes’.¹⁵ The BL-OSCOLA package assumes you are following this approach.

The basic commands for citation are \cite and \footcite. These work as set out in the BIBLATEX documentation. The format for \cite is:

```
\cite<[prenote]><[postnote]>{label}
```

The *prenote* is any material you want printed before the citation (such as ‘See’). The *postnote* is anything you want printed after it – usually the page

¹⁵ OSCOLA, 3.

or pages to which you are referring. So long as it looks like a set of ‘pages’, the package will include any label or labels that ought to be added,¹⁶ such as ‘para’ or ‘s’ or ‘col’, and (where possible) it is usually best to let it do that (because it helps make sure the index is correct).

```
\cite{oscola} Faculty of Law, University of Oxford, OSCOLA: Oxford Standard for the Citation of Legal Authorities (4th edn, 2010) <http://www.law.ox.ac.uk/oscola> (oscola)

\cite[3]{oscola} OSCOLA, 3

\cite[See][3]{oscola} See OSCOLA, 3

\cite[ch 1]{oscola} OSCOLA, ch 1
```

The \footcite command works in just the same way, except that it puts the whole of the citation (including the pre- and post-notes) into a footnote. You can also use the \cite command in a footnote, so \footcite[12]{oscola} will usually produce the same output as \footnote{\cite[12]{oscola}.} But the \footcite version usually leaves your source code easier to read.¹⁷

If you prefer, you can use \autocite, which will work in practice more or less as \footcite does. One of the best things about \autocite is that it is quite ‘clever’ in the way that it moves punctuation and spaces to make sure footnote references are correctly placed.

Often you want multiple citations on one occasion. If that is the case, you can use the \multicites and \multifootcites commands, which are described in more detail in the BIBLATEX documentation.

The package supports the use of the \textcite command, but it is not fully developed. It makes most sense for cases, where \textcite{boardman} will produce a citation with the name of the case in the text, and the reference in the footnote, so that one can refer to *Phipps v Boardman*¹⁸ in running text. For UK statutes, it will print the statute title and date in the text, and add a footnote only if there is a postnote. For books and articles it provides the author’s name. For other material it is not guaranteed to produce useful results.

Multiple postnotes

In two cases, BL-OSCOLA uses ‘multiple’ postnotes. Consider the following citation:

Henly v Mayor of Lyme (1828) 5 Bing 91, 92; 130 ER 995, 996

As you can see there are two separate ‘pinpoints’—page 92 (in the nominate report) and page 996 (in the English Reports)—which need to be separately handled. Similar cases occur in relation to a citation to a rule of court such as

RSC Ord 11, r 6

¹⁶ Based on the pagination field of the entry.

¹⁷ If you are using `ibidstyle=uc` to have capitalized ‘Ibid’ references, there is a further reason to use it. See page 9.

¹⁸ [1967] 2 AC 46 (HL) (Phipps).

In such cases you need to divide the postnote into two. You do this by splitting the parts with the pipe character (|). So the citation to *Henly* was produced by

```
\cite[92|996]{henly28}
```

[10]

Bibliography

In order to produce the bibliography, you use the usual `\printbibliography`. But there are likely to be complications; because as it stands this will print *everything* you have cited including cases and statutes. You probably don't want this: the likelihood is that you will want to put cases and statutes in indexed tables, as described at page 15.

So you need to exclude the unwanted material from the bibliography. To do that, make use either of the `type` or `nottype` options from BIBLATEX. A pretty typical set up would be along these lines:

```
\printbibliography[nottype=commentary,  
                  nottype=jurisdiction,  
                  nottype=legislation,  
                  nottype=legal]
```

[11]

This will exclude cases, legislation, treaties, commentaries, and Hansard references from the bibliography.

Of course you can also use other options, such as your own keywords and so on, to include or exclude entries from the bibliography. You can also, if you wish to do so, set the option `skipbib=true` on an entry that you never want included. The package does not, however, set this automatically, because I find it useful to be able to produce a full bibliography when working with draft documents, even if it is trimmed down once writing and proofing is complete.

Note that in the bibliography, first names are abbreviated in all cases to initials (as OSCOLA requires).

Indexing

Although legal works usually have only one ‘index’ as such, they can have (and OSCOLA requires them to have) several tables which are, in effect, indexes. BL-OSCOLA helps to create those, as far as possibly automatically.

The basic idea is this. When you cite a case or statute (or, in fact) any other kind of work, BL-OSCOLA tries to write a suitable piece of information in an external file which will, with the help of another package (`IMAKEIDX` is the one I recommend) and an external program or programs (I recommend `SPLITINDEX`)¹⁹ produce the necessary tables. If you are using the `MEMOIR` class, you *must* load `IMAKEIDX`, to avoid some fundamental problems.

¹⁹ Why `IMAKEIDX` and `SPLITINDEX`? I like `SPLITINDEX` because otherwise you are likely to be bitten by the fact that L^AT_EX can only write a number of auxiliary files. I like `IMAKEIDX` because it provides a convenient method of using `SPLITINDEX`. You cannot, in fact, use `SPLITINDEX` directly with BL-OSCOLA.

The complication is in the word ‘tries’. The difficulty is that it’s not obvious how many indexes you want. OSCOLA leaves you with a fairly wide choice. A simple paper might require no more than a table of legislation and a table of cases. A complex book might require several different tables, including separate tables for primary and secondary legislation, EU treaties, English, EU, international and other cases.

Stage One: Turn Indexing On

The first stage is to turn indexing on. To do that you need to do two things: first, specify `indexing=cite` as an option when you load `BIBLATEX`.

```
\usepackage[...indexing=cite...]{biblatex}
```

Next load a suitable indexing package: I’m going to assume `IMAKEIDX`:²⁰

```
\usepackage{imakeidx}
```

You should consult the `IMAKEIDX` documentation for details of the options you might pass to `IMAKEIDX`. But if you are planning to use `SPLITINDEX` you should always include the `|splitindex|` documentation.

Stage Two: Hook Up the Indexes

Next you need to ‘hook up’ your indexes. Unknown to you, `BL-OSCOLA` is creating a bunch of potential indexes every time it runs, but as things stand you they are all directed into an index file called, appropriately enough ‘trash’, which is created for you. What you need to do is ‘divert’ them to useful indexes. Your task is to ‘connect’ these virtual indexes to particular index files. It’s possible (indeed common) to connect more than one ‘virtual’ index to a single index file.

First decide what indexes you are going to need. Let’s suppose you want two: a table of cases and a table of legislation. You need to set up those indexes for `IMAKEIDX`. In your preamble:

```
\makeindex[name=cases, title={Table of Cases}] [12]  
\makeindex[name=legislation, title={Table of Legislation}]
```

Now you need to associate certain entries or entrytypes with your indexes. You can do that on an entry-by-entry basis by specifying the index name in the `tabulate` field (see page 17). But it’s much more convenient, usually, to make use of one of the pre-installed groupings.

To do this, use the `\DeclareIndexAssociation{<category>}{{<index>}}` macro. It takes two arguments. The first is the category of entries you want included in the index, selected from the list in table 1. The second is the index you want to receive the data in relation to that category of entry. So, for instance:

```
\DeclareIndexAssociation{gbcases}{cases} [13]  
\DeclareIndexAssociation{encases}{cases}  
\DeclareIndexAssociation{sccases}{cases}  
\DeclareIndexAssociation{nicesases}{cases}
```

²⁰ The package works with both `INDEX` and `IMAKEIDX`. It is not currently compatible with `MULTIND`.

would mean that UK, English, Scottish and Northern Irish cases are all indexed in the ‘cases’ index.

Although the various hooks provided automatically should often be enough, it is possible to define your own indices, if you wish. To do so, set the `tabulate` field of any entry to the name of the index that is to be used for it. So, for instance, if you wanted US cases to be placed in an index called ‘uscases’, you could set each US case as follows:

```
...  
tabulate = {uscases},  
...
```

[14]

There is a difference between an index set automatically and one set using the `tabulate` field. The automatic indexes are virtual. They can be redirected, and will (unless you associate them) be automatically directed to the trash index. But an index listed in the `tabulate` field is passed *directly* to your index command, and so if you set a `tabulate` field you need to make sure that such an index is created, or you will see errors.

Stage Three: Process and Print Indexes

The `IMAKEIDX` package is, in theory, able to call external programs in order to create indexes without the need for multiple compilations. Unfortunately, it can only do so effectively if the indexes are being printed right at the end of the document. This is not the usual position for them in legal work.

If you do want your tables/indexes at the end of your text, then you just use the ordinary `IMAKEIDX \printindex` command in the usual way. So a typical usage would look something like:

```
\printindex[cases]
```

[15]

If you are operating `IMAKEIDX` automatically, this will generate fresh and accurate indexes on each run. If you are not using the automatic facilities that package offers, you will need to run `SPLITINDEX` or `MAKEINDEX` before finally re-running `LATEX` to print the final index.

If you want your tables/indexes at the beginning of your text (as is common in legal work), you have to take a slightly different tack. Instead of the `\printindex` command offered by `IMAKEIDX`, you need to use the command `\printindexearly`. This functions just like `\printindex` (for instance it takes the same arguments), but it does not attempt to generate an index file automatically: it cannot do so, because at an early stage in the document’s typesetting the relevant information is not available.

In such a case, you will necessarily have to run `SPLITINDEX` or `MAKEINDEX` yourself. So the workflow will be:

- Run `LATEX` on the source code.
- Run `BIBER`.
- Run `LATEX` again, twice (to make sure all cross-references are properly generated).

source type	hook	order
UK cases	gbcases	alphabetical
English cases	encases	alphabetical
Scottish cases	sccases	alphabetical
Northern Irish cases	nicases	alphabetical
EU cases	eucases	alphabetical
	eucasesnum	by case number
ECHR cases	echrcase	alphabetical
ECHR Commission decisions	echrcasescomm	alphabetical
International cases	pilcases	alphabetical
Australian cases	aucases	alphabetical
New Zealand cases	nzcases	alphabetical
US cases	uscases	alphabetical
Canadian cases	cases	alphabetical
Other cases	othercases	alphabetical
UK primary legislation	gbprimleg	alphabetical
UK draft legislation	gbdraftleg	alphabetical
English draft legislation	gbdraftleg	alphabetical
English primary legislation	enprimleg	alphabetical
Scottish primary legislation	scprimleg	alphabetical
Welsh primary legislation	cyprimleg	alphabetical
Northern Irish primary legislation	niprimleg	alphabetical
UK secondary legislation	gbsecleg	alphabetical
English secondary legislation	ensecleg	alphabetical
Rules of court	enroc	alphabetical
Scottish secondary legislation	scsecleg	alphabetical
Welsh secondary legislation	cysecleg	alphabetical
Northern Irish secondary legislation	niseleg	alphabetical
EU Treaties	eutreaty	alphabetical
ECHR Treaty	echrtreaty	alphabetical
EU regulations	euregs	numeric
EU directives	eudirs	numeric
EU decisions	eudecs	numeric
Other treaties	piltreaty	alphabetical
English parliamentary material	gbparltmat	alphabetical
EU official documents	euoffdoc	alphabetical
Commentaries	commentaries	alphabetical by author
Names	namesindex	alphabetical

1.21

Table 1: Virtual Indexes

- If you are using `SPLITINDEX`, run it on the master index file to generate the actual indexes ready for typesetting. If you are using `MAKEINDEX`, run it on each of the individual `.idx` files to generate the actual indexes ready for typesetting.
- Run `LATEX` at least once more to typeset those indexes and generate the final copy.

In most cases you will want tables of cases and legislation to be formatted with dot leaders, rather than in the default style. To achieve that you need to use the `oscola.ist` style. There are two ways of doing this:

- If you are using `MAKEINDEX`, then run it on each of the `verb|idx|` files using the `-s oscola` option:

```
makeindex <indexname> -s oscola
```

- If you are using `SPLITINDEX`, run it with the option `-m`, and then process each of the resulting sub-indices that you want formatted with leaders with the option `-s oscola`.
- Alternatively, run `SPLITINDEX` with the option `-- -s oscola`, which will run `MAKEINDEX` on each file with the requisite style. In that case your `.tex` source base name comes first, so that the overall command is

```
splitindex [BASENAME] -- -s oscola
```

The only real annoyance is when you have multiple indexes and want different formats. In such a case, the solution is to generate most of the indexes as set out above, and then run `MAKEINDEX` on the ‘oddballs’ with appropriate options.

Some finer points

The basic method for producing indexes has been explained. There are, however, a few subtle points that you may well encounter, especially if your work is complicated.

Titles

Most indexes are based on titles. But sometimes you want a slightly different title in the index than in the text. A typical example would be a case name that begins ‘Re’. You want this in textual citations as *Re Matter*, but in the index you want it listed as *Matter, Re*. To do this you will need to set the `INDEXTITLE` field to the form you want used in the index.

Suppressing Indexing

There may be occasions when you want to suppress the indexing either of a particular entry, or of a particular citation.²¹

To suppress indexing of a particular entry whenever it is cited, set its `tabulate` field to ‘trash’. This effectively means that it will never find its way into any real index.

²¹ Of course, to suppress it in general, just don’t use the indexing option at all!

To suppress indexing of a particular citation, put the command \DNT (which stands for ‘Do Not Index’) immediately before the citation. This is mostly useful when you are intending to provide your own indexing entry for the citation, and need to suppress the one that would be automatically provided.

Adding index entries

Finally there are two commands you can use to insert index entries yourself.

The first is \indexonly. This will simply insert an index citation formatted exactly as if you had cited a particular source, but without printing anything.

So, for instance, \indexonly[2]{ucta77} will insert an index entry for section 2 of the Unfair Contract Terms Act 1977 into the index.

The second is to use the \index command directly. This can be useful for more sophisticated things. You use it exactly as you would use it on any other occasion. This is likely to be a rare occurrence: its most common use will be for inserting a cross-reference (for instance to a ship’s name).

For example, suppose you have the following case (which also shows the use of additional reports for listing in the index):

```
[jurisdiction{antaios85,
    title      = {Antaios Compania Naviera S.A. v.
                  Salen Rederierna A.B. (The Nema)},
    shorttitle = {The Nema},
    date       = {1985},
    reporter   = {A.C.},
    pages      = {191},
    court      = {H.L.},
    additionalreports = {[1984] 3 WLR 592 and (1984) 128 SJ 564
                         and [1984] 3 All ER 229 and
                         [1984] 2 Lloyd's Rep 235},
    keywords   = {gb},
}
```

[16]

This will produce an index entry of:

Antaios Compania Naviera SA v Salen Rederierna AB (The Nema)
[1985] AC 191, [1984] 3 WLR 592, (1984) 128 SJ 564, [1984] 3 All
ER 229, [1984] 2 Lloyd’s Rep 235 (HL)

But you also need to add an entry for its ship’s name. To do that, assuming the relevant index is called ukcases, you would simply write:

```
\index[ukcases]{Nema, The@\emph{Nema,} The|see{Antaios
Compania Naviera SA v Salen Rederierna SA}}
```

and the relevant entry would be produced.

Legislation

These techniques really come into their own when dealing with complex references to statutes or treaties.

To see the problem, you have to understand how BL-OSCOLA handles a citation like `\cite[2(1)]{ucta}`. First it tries to break down the postnote (the pinpoint citation) into two parts: the first part (equivalent to section) and the second (the subsection). Having done that, it then inserts and entry into the index with a ‘depth’ of three: UCTA, s 1, (1). This is normally what one wants.

It copes perfectly well, also, with lists of references. If you had entered a command like `\cite[1(2), 2(3)]{ucta}` the package will put in two references: one for section 1, subsection 2, and one for section 2, subsection 3.

However, it has problems in two cases. First, with ranges. If you give a range like `\cite[1--3(1)]{ucta}`, the package has no way of knowing how many intermediate parts are implicitly cited. In that case, it is lazy: it automatically adds *only the first* citation to the index (in that case, section 1). If you want other parts added, you should do it manually. For instance with:

```
\cite[1--3(1)]{ucta} % Prints citation, indexes s 1
\indexonly[2]{ucta}   % Adds s 2 to the index
\indexonly[3(1)]{ucta}% Adds s 3(1) to the index
```

[17]

The second, and more serious problem, is with references that are out of the ordinary ‘run’, for instance to schedules and paragraphs. There’s a good chance these will end up being sorted incorrectly, and if so you really have no choice but to insert an index entry entirely manually.

This is a bit trickier. The basic pattern you will need is as follows:

```
\index[<index>]{%
<index title>%
@\citemainindex {<key>}%
!<sorting for sub level>@<printing for first level>%
!<sorting for second sub level>@<printing for second sub level>}
```

[18]

As to the parts:

<code>index title</code>	The title as used to sort the index, eg Human Rights Act 1998
<code>\citemainindex {}</code>	This will print the title, and any other details, correctly for the index. Please observe the space between the command name and the brackets, which matters to ensure proper sorting.
<code>sorting</code>	These are the keys for sorting the level. For instance, if you want to insert a reference to section 4A, and make sure it gets sorted before section 4, you might give the reference here as 3.
<code>printing</code>	This is what will get printed as the label at that ‘level’.

So, for instance

```
\index[statutes]{%
Human Rights Act 1998%
@\citemainindex {hra98}%
!100@Sched 1%
!1@para 1}
```

[19]

would insert a reference to Human Rights Act 1998, Sched 1, para 1, which would appear ‘as if’ it were section 100 of the Act, i.e. after all the other sections.

Cases

Fields

Cases should be entered into the bibliography database using the @jurisdiction entrytype. Use the following fields:

title	Mandatory. The full title of the case, as it should appear on first citation. Any periods (full stops) used in this field are stripped out automatically.
shorttitle	Optional. A shorter title of the case which will <i>silently</i> replace the full title on second and subsequent citations in any reference section. So, for instance, <i>R v Caldwell</i> would have its shorttitle set to Caldwell. Use this field for abbreviated case names which are those that any lawyer would naturally understand without explanation.
shorthand	Optional. A shorter title of the case which will be <i>introduced</i> the first time the case is cited in any reference section, and thereafter used in place of the full title, and will be listed in any table of abbreviations. Use this field sparingly.
date	Mandatory. The date which it is appropriate to use in the citation of the report you will be using, which may or may not be the actual date of the decision. Only the year is required (except for some unreported cases, where OSCOLA requires a full date). See page 12 for information about how to enter dates.
origdate	Optional. The date of the decision itself if it is different from the date being given in the date field, <i>and sufficiently important to matter</i> .
number	Optional, but sometimes required for correct citation. This field is used for any number which forms an essential part of the case’s citation. Its exact use varies depending on the type of case. For English, Scottish, Australian and Canadian cases it is the full neutral citation, if there is one. For EU cases it is the case number; for US cases the docket number (Note that neutralcite may also be used: it functions as a synonym for number.)
keywords	Multiple keywords can be given; but the keywords field

	should always include at least one ‘country’ indication. For detail see page 25.
court	Optional. This gives the court which decided the case. It is normally printed only if required. ²² For instance, in an English case which has a neutral citation the information will not be printed, since the neutral citation provides it anyway. Similarly with an EU case. (Note that internally court is a synonym for the ‘institution’ field, which you may use if you prefer.)
reporter	Mandatory, except for unreported cases. The title of the series of reports to which you are citing. (The reporter field is a synonym for journaltitle, which you may use if you prefer.)
series	Optional. The series of the reports in question.
volume	The volume of the reports in which the case appears. If there is more than one volume then, of course, the field is essential.
pages	If the case is reported, you need to give a page reference. To comply with OSCOLA you only need to give the first page. A ‘completist’ might want to make sure that all the pages are in the database, in case some other style is used later. That’s fine: BL-OSCOLA will simply ignore the extra information. (But it’s probably a waste of time: I don’t know <i>any</i> citation style in law that uses this information.)
pagination	The type of pagination the report uses: see page 12 above for details: it defaults to page for all cases other than EU and ECHR cases, where it defaults to paragraph.
options	Only required in some cases. The option that you may need is year-essential=true for cases where it is not obvious that the year is an essential part of the citation, but it is. This is explained further in page 25 below.
note	An optional short note to be printed following the case citation. This is really intended for adding the word ‘note’ in those cases where the <i>Law Reports</i> contain a note rather than a report of a case.
location	The place where a court that decided a case sits. This is not used for English cases. It is used in Canadian,

²² Not quite true. The package is pretty good at working out whether it is required for English and European citations; but it ‘knows less’ about non-English citations, and will generally use any information it is given when printing them.

	US and Australian cases where the location of the court may matter.
parreporter etc	Additional fields <code>parreporter</code> , <code>parsers</code> , <code>parvolume</code> and <code>parpages</code> are used to give citation details to a second report, where it is necessary to cite more than one reporter. See page 28 for further information.
additionalreports	This field is used to provide a list of additional reports. The list is intended for use only in the index or table of cases, and can be used if you want to provide comprehensive details about all possible reports of a case. Items should be separated by ‘and’: see example 16 . By default, a comma is printed between items. If you prefer some other delimiter, redefine <code>\extracitedelim</code> .

Presented in that way, the information may seem rather daunting, but it’s actually fairly simple in practice.

- The `title` and `shorttitle` fields are used to give the full title of the case (for first citation) and, optionally, a shortened title for subsequent citation. The `shorthand` field is available for those rare cases where you want to use a short title that is not obvious.
- The `neutralcite` (or `number`) holds the case number or neutral citation, for cases where there is one.
- The `date`, `volume`, `series`, `reporter` and `pages` fields hold the various parts of a reference to a report. In cases where you will need to include a second parallel citation, the `parvolume`, `parsers`, `parreporter` and `parpages` field hold the equivalent information for the parallel report. (It is assumed that the `date` field can remain unchanged: I know of no case where parallel citations would take a form for which this is problematic.)
- The `court`, `location` and `note` fields contain additional information about the case, sometimes useful for the reader.
- The `additionalreports` field is intended to provide a comprehensive list of alternative reports, only for citation in the index.
- The `pagination`, `options` and `keywords` fields hold ‘metadata’ that enables the `BL-OSCOLA` package to get the citation correct.

It is important to appreciate that although the style cannot create information you do not supply (1) it will do the best with the information you do supply (so, for instance, if you don’t supply a `reporter` it will assume the case is unreported, and format a citation accordingly) and (2) it will never use information that the `OSCOLA` standard doesn’t require, even if you supply it. So you don’t need to worry about whether to include information about the institution deciding the case alongside a neutral citation. If it’s not needed (as in fact it isn’t²³) the package will simply not use it.

²³ `OSCOLA`, 16.

gb	United Kingdom
en	England
cy	Wales
sc	Scotland
ni	Northern Ireland
eu	European Union (including the EEC, EC, ECSC and EURATOM)
echr	Organs of the Council of Europe dealing with the European Convention on Human Rights
int	(Public) international law cases and materials
us	United States
ca	Canada
aus	Australia
nz	New Zealand

1.21

Table 2: Jurisdiction Abbreviations

[Year] or (Year)

In many cases the correct citation of a case depends on whether the year forms part of the citation (as it does in [1996] AC 155), or merely provides additional information (as it does in (2001) 49 BMLR 1). In general, the BL-OSCOLA style proceeds as follows (in relation to cases and journal articles):

1. If no volume field is present, it *assumes* that the year is an essential part of the citation, and prints it in brackets,²⁴ as [YEAR].
2. If a volume field is present, it *assumes* that the year is not an essential part of the citation and prints it in parentheses, as (YEAR).

You can override this choice by specifying the option, `year-essential=true`. You will always need to do this if the report you are citing has both a year and a volume number, but the year is an essential part of the citation, which should be printed in square brackets.

Countries

The `keywords` field should be set to the jurisdiction from which the case comes. The jurisdictions that BL-OSCOLA recognises are given in table 2. If no jurisdiction is specified, the case will be assumed to be English.²⁵

The identification of the relevant jurisdiction is sometimes important for formatting (EU, ECHR and Scottish cases are formatted differently from English ones, as are American cases), but it is always important if you are going to be using BL-OSCOLA to create complex tables of cases, so try to make sure it is right.

²⁴ Except in Scottish cases, where the convention is for it to be printed without any adornment.

²⁵ It is, therefore, unnecessary to specify a jurisdiction for English cases or statutes; but it is good practice to do so. In particular, while it is acceptable to leave the `keywords` field blank, if there is *any* keyword, then you need to make sure there is also a jurisdiction label, or the indexing will not work.

In some cases (notably American, Australian and Canadian states or provinces) it may also be necessary to set the `location` field, in order to ensure that citations are properly given.

Indexing

With the sole exception of EU cases, which have slightly more complex indexing methods, all cases are ‘sent’ to an index ordered alphabetically by `indexsorttitle`, `indextitle` or `title`.

English Cases

English cases should be entered in the database using the fields explained above. The `keywords` field should be set to `en`, except in the case of House of Lords cases for which it should technically be set to `gb`, though in practice it will do no harm if it is set to `en`. Indeed, since BL-OSCOLA will assume that any case is English unless told different, you can if you like omit it altogether.

Some Basic Examples

The following two examples,²⁶ show very basic usage.

```
@jurisdiction{corr08,
    title      = {Corr v. I.B.C. Vehicles Ltd.},
    keywords   = {gb},
    date       = {2008},
    number     = {[2008] UKHL 13},
    journaltitle = {A.C.},
    volume     = {1},
    pages      = {884},
    options    = {year-essential=true},
    institution = {HL},
    shorttitle = {Corr},
    pagination  = {[[]]},
}
```

[20]

```
@jurisdiction{page96,
    title      = {Page v Smith},
    usera     = {gb},
    date       = {1996},
    journaltitle = {AC},
    pages      = {155},
    institution = {HL},
}
```

[21]

```
\cite[11]{corr08}    Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC
                    884 [11]

\cite{page96}        Page v Smith [1996] AC 155 (HL)
```

²⁶ OSCOLA, 13.

Note: (1) it was not necessary to specify that the year was essential in example 21 because there is no volume number, so it can be assumed to be essential, but it was necessary to do so in example 20, because there is a volume number there, so BL-OSCOLA cannot infer that the year is essential. (2) As explained above, although there was information about the institution included in the bibliography data for example 20, BL-OSCOLA knew that it could be ignored. It also correctly stripped out full points. (3) The pagination field of example 20 ensures that pinpoints are correctly formatted.

So this is a citation to.²⁷ And here is another.²⁸

Now let's look at a case where the year is not essential.²⁹

```
@jurisdiction{barrett01a,
    title      = {Barrett v Enfield LBC},
    date       = {2001},
    journaltitle = {BMLR},
    volume     = {49},
    pages      = {1},
    institution = {HL},
}
```

[22]

\cite{barrett01a} produces *Barrett v Enfield LBC* (2001) 49 BMLR 1 (HL). As you can see, since there is a volume number given, the package 'knows' that the year must be a non-essential part of the citation, and formats accordingly.

Unreported Cases

If you have a case that is unreported, just leave the reporter field empty. How these cases will be formatted will depend on whether there is a neutral citation in the number field. (If there isn't a neutral citation, OSCOLA requires you to give, if you can, a precise date, not just a year: see example 23.)

```
@jurisdiction{stubbs90,
    title      = {Stubbs v Sayer},
    institution = {CA},
    date       = {1990-11-08},
}
```

[23]

```
@jurisdiction{calvert02,
    title      = {Calvert v Gardiner},
    number     = {[2002] EWHC 1394 (QB)},
    institution = {QB},
    date       = {2002-01-01},
}
```

[24]

\cite{stubbs90} *Stubbs v Sayer* (CA, 8 November 1990)

\cite{calvert02} *Calvert v Gardiner* [2002] EWHC 1394 (QB)

²⁷ *Phipps v Boardman* [1967] 2 AC 46 (HL) (Phipps).

²⁸ Phipps.

²⁹ OSCOLA, 14.

You will notice that in this case I didn't bother to give a `keywords` field—so `en` is assumed.

Newspaper Reports

Reports in newspapers require only the `title`, `journalttitle`, `date` (which should be the date the report was published, in full) and `institution`. To make sure the formatting is as it should be, you need to enter an `entrysubtype` of `newspaper`.

```
@jurisdiction{powick93,  
    title      = {Powick v Malvern Wells Water Co},  
    date       = {1993-09-28},  
    journalttitle = {The Times},  
    institution = {QB},  
    entrysubtype = {newspaper},  
}
```

[25]

```
\cite{powick93}      Powick v Malvern Wells Water Co The Times, 28 September 1993 (QB)
```

(This is correct,³⁰ though I think it looks wrong. In other cases, OSCOLA requires that one put a comma between different parts of a citation which are in text, even if there are different fonts. I can't see why it doesn't here:³¹ but it doesn't.)

Old cases reprinted in the English Reports

Where a case appears in one of the old nominate reports and is also reprinted in the English Reports or the Revised Reports, OSCOLA requires that you give references to both the original nominate report and to the English Reports.³² So in such cases you need to define two reports, and to use two pinpoints.

Complete all the usual fields for the report reference (`reporter`, `volume`, `series` and so forth) with the details of the original nominate report. Enter the 'parallel' citation to the English Reports as follows: `parvolume` holds the report volume number; `parreporter` holds the report title; `parseries` holds the series (if any) and `parpages` holds the page reference.

If you simply want to cite the first page of the case, without any pinpointing, then use the `\cite{}` or `\footcite{}` command as usual, and the reference will be formatted as per BL-OSCOLA, with two references separated by commas.

If you want to give pinpoint citations, you need to specify them in the `postnote` argument by separating them with the pipe character: |.

³⁰ See OSCOLA, 18.

³¹ In other forms of case citation a comma is unnecessary, because the (year) or [year] marks a clear division.

³² OSCOLA, 20–21.

```

@jurisdiction{henly28,
    title      = {Henly v Mayor of Lyme},
    date       = {1828},
    volume     = {5},
    reporter   = {Bing},
    pages      = {91},
    keywords   = {en},
    parvolume  = {130},
    parreporter= {ER},
    parpages   = {995},
}

```

[26]

```

\cite{henly28}      Henly v Mayor of Lyme (1828) 5 Bing 91, 130 ER 995
\cite[93|995]{henly28} Henly v Mayor of Lyme (1828) 5 Bing 91, 93; 130 ER
                     995, 995

```

Cases with parallel citations will never be given in shortened form, if there is a pinpoint citation, because the resulting citation ('(n x) 23; 40') would be confusing. Nor will 'ibid' be used, for the same reason

Scottish Cases

For Scottish cases, follow the same pattern and basic fields as you use for English cases, but setting keywords to sc.

Scottish cases will be formatted in the same way as English cases,³³ except that where the year is an essential part of the citation it is set *without brackets* rather than with square brackets in the English style (but neutral citations do have square brackets).

Decisions of the House of Lords and the Supreme Court should have keywords set to gb (not sc), in order to ensure correct indexing. This means, however, that if you cite to a scottish report in which square brackets should not be used, BL-OSCOLA needs help (or it will assume that it should follow the English style for such cases). In such a case use the option scottish-style = true. Example 31 shows this.

```

@jurisdiction{hislop42,
    title      = {Hislop v Durham},
    date       = {1842},
    volume     = {4},
    reporter   = {D},
    pages      = {1168},
    keywords   = {sc},
}

```

[27]

³³ See OSCOLA, 22–23.

```
@jurisdiction{adams03,
    title      = {Adams v Advocate General},
    date       = {2003},
    reporter   = {SC},
    pages      = {171},
    institution= {OH},
    keywords   = {sc},
}
```

[28]

```
@jurisdiction{dodds03,
    title      = {Dodds v HM Advocate},
    date       = {2003},
    reporter   = {JC},
    pages      = {8},
    keywords   = {sc},
}
```

[29]

Example 30 shows a case report in the ‘Land Ct’ series of the SLT. I’ve chosen to put this in the `series` field—though frankly it would make no difference to include it as part of the reporter.

```
@jurisdiction{crofters02,
    title      = {Crofters Commission v. Scottish Ministers},
    date       = {2002},
    reporter   = {SLT},
    series     = {(Land Ct)},
    pages      = {19},
    keywords   = {sc},
}
```

[30]

Note, in example 31 that the option of `scottish-style` is set in order to prevent BL-OSCOLA using the default English style for a UK case.

```
@jurisdiction{davidson05,
    title      = {Davidson v. Scottish Ministers},
    date       = {2006},
    number     = {[2005] UKHL 74},
    reporter   = {SC (HL)},
    keywords   = {gb},
    options    = {scottish-style=true},
}
```

[31]

```
@jurisdiction{smart06,
    title      = {Smart v HM Advocate},
    number     = {[2006] HJAC 12},
    date       = {2006},
    journaltitle = {JC},
    pages      = {119},
    keywords   = {sc},
}
```

[32]

\cite{hislop42}	<i>Hislop v Durham</i> (1842) 4 D 1168
\cite{adams03}	<i>Adams v Advocate General</i> 2003 SC 171 (OH)
\cite{dodds03}	<i>Dodds v HM Advocate</i> 2003 JC 8
\cite[25]{crofters02}	<i>Crofters Commission v Scottish Ministers</i> 2002 SLT (Land Ct) 19, 25
\cite{davidson05}	<i>Davidson v Scottish Ministers</i> [2005] UKHL 74, 2006 SC (HL)
\cite{smart06}	<i>Smart v HM Advocate</i> [2006] HJAC 12, 2006 JC 119

European Union Cases

Decisions of the ECJ and the General Court

Decisions of the ECJ and the General Court should be entered in the database using the @jurisdiction type. Use all the usual fields described in relation to English cases, but

keywords	Must include eu.
number	Enter the case number (or numbers) in the number field. Do not include 'Case' or 'Joined Cases' in the number field. This is the number given to the case by the court registry – not the ECLI number given to the reported decision.
type	If your case is an ordinary one (ie, 'Case' or 'Joined Cases') you need enter nothing here. If you need to specify something unusual (like Opinion) to precede the case number, use the type field.
options	It is not necessary to specify year-essential=true for decision in the European Court Reports (ECR) – though it will do no harm to do so.
reporter	If the case is not yet reported in the ECR (or some other full report) you can include a citation to the Official Journal. Follow the advice set out in relation to Commission decisions, below.
ecli	The ECLI number for the case report. Note that whether the number is used depends on the setting of the option ecli to yes (the default), no, or only.
pagination	You can, if you like, specify paragraph; but if nothing is entered, paragraph will be assumed.

Because, unless type is set, BL-OSCOLA needs to analyse the case number in order to decide whether to print ‘Case’ or ‘Joined Cases’, the format of the number is important. If the number contains a comma, an en-dash (–), or the word ‘and’, then the package knows that there is more than one case. However, this does mean that you can’t use the en-dash in the case number, because if the package sees C–2/98 it will think it is looking at more than one case. There are two things you could do. Either use a single hyphen in case numbers (C-2/98) or use a special command \textendash, which will print an en-dash but will not lead the package to make mistakes about the number of cases: C\textendash/98. As to the choice, OSCOLA itself seems to use an en-dash, which looks typographically best to me; but the ECJ and Community reports themselves use a hyphen, so it could certainly be argued that a hyphen is correct, and it’s simpler. Obviously, be consistent.

Examples

Examples 33 to 36 show the basic format for a variety of simple reported cases.

```
@jurisdiction{adbhu,
  keywords      = {eu},
  title         = {Procureur de la R\'e}publique v ADBHU},
  shorttitle    = {ADBHU},
  number        = {240/83},
  institution   = {ECJ},
  date          = {1985},
  journaltitle  = {ECR},
  pages         = {531},
  ecli          = {EU:C:1985:59},
}
```

[33]

Example 34 shows how it can sometimes be a good idea to include hyphenation information for EU cases, which can help to ensure proper linebreaking.

```
@jurisdiction{C430/93,
  keywords      = {eu},
  title         = {Jereon van Schijndel v Stichting
                  Pensioenfonds voor Fysiotherapeuten},
  shorttitle    = {van Schijndel},
  number        = {C-430/93--C-431/93},
  institution   = {ECJ},
  journaltitle  = {ECR},
  volume        = {I},
  pages         = {4705},
  hyphenation   = {dutch},
}
```

[34]

```

@jurisdiction{T344/99,
  keywords      = {eu},
  title         = {Arne Mathisen AS v Council},
  shorttitle    = {Arne Mathisen},
  number        = {T-344/99},
  institution   = {CFI},
  journaltitle  = {ECR},
  volume        = {II},
  pages         = {2905},
  date          = {2002},
}

```

[35]

Example 36 shows a case that is not (yet) reported in the ECR reports, but available only in the Official Journal. Although OSCOLA suggests that in those circumstances the citation should be to OJ, my own view would be that in such cases it is probably better either to give an ECR reference with the pages set to 0000—as is very common practice—leaving it to the reader to find the case online, which is not difficult, or to give an online reference.

```

@jurisdiction{C556/07,
  keywords      = {eu},
  title         = {Commission v France},
  date          = {2009},
  journaltitle = {OJ},
  series        = {C},
  volume        = {102},
  pages         = {8},
  number        = {C-556/07},
  institution   = {ECJ},
}

```

[36]

- | | |
|----------------|--|
| \cite{adbhu} | Case 240/83 <i>Procureur de la République v ADBHU</i>
EU:C:1985:59, [1985] ECR 531 |
| \cite{C430/93} | Joined Cases C-430/93–C-431/93 <i>Jereon van Schijndel v Stichting Pensioenfonds voor Fysiotherapeuten</i> [1998] ECR I-4705 |
| \cite{T344/99} | Case T-344/99 <i>Arne Mathisen AS v Council</i> [2002] ECR II-2905 |
| \cite{C556/07} | Case C-556/07 <i>Commission v France</i> [2009] OJ C102/8 |

Note, in example 37, that even if pagination is not defined, citations are to paragraphs as OSCOLA³⁴ requires. (This also illustrates the use of \textendash in the case number.)

³⁴ OSCOLA, 30.

```

@jurisdiction{C176/03,
    keywords      = {eu},
    title         = {Commission v Council},
    number        = {C\textendash176/03},
    date          = {2005},
    journaltitle = {ECR},
    volume        = {I},
    pages         = {7879},
    institution   = {ECJ},
}

```

[37]

\cite[47-48]{C176/03} Case C-176/03 *Commission v Council* [2005] ECR I-7879, paras 47-48

Indexing

Each citation of an EU case will produce an entry in two separate ‘virtual’ indices: the `eucases` index, which is alphabetical, and produces citations in the form:

Commission v Council (C-176/03) [2005] ECR I-7879

and the `eucasesnum` index, which orders cases numerically, and produces citations in the form

C-176/03 Commission v Council [2005] ECR I-7879

Obviously you will not want to mix these indexes together. The alphabetical type alone is appropriate for ‘mixing’ with other case tables.

Commission Decisions

Basic usage

Commission Decisions in competition and merger matters are, according to OSCOLA,³⁵ cited as if they were cases. So, rather than treating them as legislation, give them the entry type of `@jurisdiction` type.

The requirements here are a bit intricate:

- Such decisions have *two* numbers: the ‘case number’ and the formal number of the decision itself. Both are required. Put the formal decision number in the `number` field, and the Commission case number in the `userb` field.
- The reference will usually be to the Official Journal (OJ). For such references, you need to set `journaltitle` as OJ, and then specify the series (as L or C) in the `series` field, the ‘issue’ in the `volume` field or the `issue` field, and then give the page number.

³⁵ OSCOLA, 30–31.

```

@jurisdiction{alcatel,
    keywords      = {eu},
    title         = {Alcatel/Telettra},
    userb        = {IV/M.042},
    number        = {91\slash 251\slash EEC},
    institution   = {Commission},
    date          = {1991},
    journaltitle = {OJ},
    series        = {L},
    volume        = {122},
    pages         = {48},
}

```

[38]

```

@jurisdiction{verkehrsorgani,
    keywords      = {eu},
    title         = {Georg Verkehrsorgani v Ferrovie
                      dello Stato},
    userb        = {Case COMP\slash 37.685},
    number        = {2004\slash 33\slash EC},
    institution   = {Commission},
    year          = {2004},
    journaltitle = {OJ},
    series        = {L},
    issue         = {11},
    pages         = {17},
}

```

[39]

\cite{alcatel} *Alcatel/Telettra* (IV/M.042) Decision 91/251/EEC [1991]
 OJ L122/48

\cite{verkehrsorgani} *Georg Verkehrsorgani v Ferrovie dello Stato* (Case
 COMP/37.685) Commission Decision 2004/33/EC
 [2004] OJ L11/17

Indexing

Commission decision which have been given the @jurisdiction entry type are indexed in eucases, alphabetically by title. They are *not* indexed in the eucasesnum index because the format of the numbers is so different from that of other cases that it would only cause confusion. At present, there is no facility to produce a numerically ordered table of Commission decisions. This is, I am afraid, a missing feature. It might be added to future updates of BL-OSCOLA, if it seems to be required: but it is not straightforward.

European Human Rights Cases

European Court of Human Rights

OSCOLA recommends³⁶ that cases decided by the European Court of Human Rights should be cited to either the official reports (Series A, until 1998, and thereafter the ECHR), or to the unofficial *European Human Rights Reports*. Because the formatting requirements for Series A and ECHR are rather unusual, the package detects such references and formats accordingly. EHRR citations follow the usual ‘English’ pattern and are handled accordingly. The keywords field should be set to echr.

Apart from that, the fields are the same as for English cases. If citing Series A or the EHRR put the case identification number in the pages field. (This is different from the *application number*, which should be put in the number field—though BL-OSCOLA does not use it if the case is reported. Pagination will be set to paragraph (so that pinpoint citations are to ‘para’ or ‘paras’, as OSCOLA requires) unless you specify something different.

```
@jurisdiction{johnston86,
  title      = {Johnston v Ireland},
  reporter   = {Series A},
  pages      = {122},
  date       = {1986},
  institution = {ECtHR},
  keywords    = {echr},
}
```

[40]

```
@jurisdiction{osman98,
  title      = {Osman v UK},
  reporter   = {ECHR},
  date       = {1998},
  volume     = {8},
  pages      = {3124},
  institution = {ECtHR},
  keywords    = {echr},
}
```

[41]

```
@jurisdiction{omojudi10,
  title      = {Omojudi v UK},
  reporter   = {EHRR},
  date       = {2010},
  pages      = {10},
  volume     = {51},
  institution = {ECtHR},
  keywords    = {echr},
}
```

[42]

\cite{johnston86} *Johnston v Ireland* (1986) Series A no 122

³⁶ OSCOLA, 31.

\cite{osman98} *Osman v UK* ECHR 1998–VIII 3124

\cite[10]{omojudi10} *Omojudi v UK* (2010) 51 EHRR 10, para 10

If a case is unreported, leave the reporter blank in the usual way. OSCOLA requires you to provide an application number in such cases which should be entered in the number field *without* ‘App no’, which will be added automatically. You should also provide a *full* date, and make sure that you have completed the institution field. (When the case is subsequently reported you can simply add the report details, without deleting the application number or changing the date: BL-OSCOLA will ignore the information to the extent that it is no longer required.)

```
@jurisdiction{balogh04,
    title      = {Balogh v Hungary},
    number     = {47940/99},
    date       = {2004-07-20},
    institution = {ECtHR},
    keywords   = {echr},
}
```

[43]

\cite{balogh04} *Balogh v Hungary* App no 47940/99 (ECtHR, 20 July 2004)

Commission Decisions

Simply follow the instructions for cases decided by the European Court of Human Rights, but specify the institution as Commission. Whether this will be printed depends on whether the report you have cited is one which is devoted to Commission Decisions—the *Decisions and Reports* (DR) and *Collection of Decisions* (CD)—in which case it will be silently ignored, or some other series of reports, in which case ‘Commission Decision’ will, as OSCOLA requires, be printed at the end of the citation.

```
@jurisdiction{x71,
    title      = {X v Netherlands},
    date       = {1971},
    volume     = {38},
    journaltitle = {CD},
    pages      = {9},
    institution = {Commission},
    keywords   = {echr},
}
```

[44]

```

@jurisdiction{ccsu87,
    title      = {Council of Civil Service Unions v UK},
    date       = {1987},
    volume     = {10},
    journaltitle = {EHRR},
    pages      = {269},
    institution = {Commission},
    keywords    = {echr},
}

```

[45]

```

@jurisdiction{simpson86,
    title      = {Simpson v UK},
    date       = {1989},
    volume     = {64},
    journaltitle = {DR},
    pages      = {188},
    institution = {Commission},
    keywords    = {echr},
}

```

[46]

- | | |
|------------------|---|
| \cite{x71} | <i>X v Netherlands</i> (1971) 38 CD 9 |
| \cite{ccsu87} | <i>Council of Civil Service Unions v UK</i> (1987) 10 EHRR
269 (Commission Decision) |
| \cite{simpson86} | <i>Simpson v UK</i> (1989) 64 DR 188 |

Canadian Cases

For Canadian cases, use the same fields as you use for English cases. The only ‘trick’ is that you will need to be discerning about giving court and location information. If provided these will be printed, unless there is a neutral citation (in which case it is assumed that the neutral citation information provides the necessary information about court and location). The citations will essentially be formatted in accordance with the McGill guide,³⁷ except that whereas the McGill guide prints the pinpoint after the neutral citation and before the report citation, BL-OSCOLA will follow the pattern it uses for English cases, where the citation – which, where there is a neutral citation, should be to a paragraph – will be printed after the report information; there may also be fewer commas. So whereas McGill would have

Clearbrook Ironworks Ltd v Letorneau, 2006 FCA 42 **at para 3**, 46 CPR (4th) 241

BL-OSCOLA will produce

Clearbrook Ironworks Ltd v Letorneau 2006 FCA 42, 46 CPR (4th) 241, **para 3**

³⁷ McGill Law Journal, *Canadian Guide to Uniform Legal Citation* (7th edn, Carswell 2010).

```

@jurisdiction{clearbrook,
    title      = {Clearbrook Ironworks Ltd. v. Letorneau},
    number     = {2006 FCA 42},
    volume     = {46},
    reporter   = {C.P.R.},
    series     = {4th},
    pages      = {241},
    date       = {2006},
    pagination = {paragraph},
    keywords   = {ca},
}

```

[47]

Australian Cases

Follow the same format as is used for English cases. You may use the location field to identify the jurisdiction from which the case comes. Note that neither court nor location field should be used if the origin of the case is obvious from the citation.³⁸

```

@jurisdiction{tang,
    title      = {R. v. Tang},
    date       = {2008},
    volume     = {237},
    reporter   = {C.L.R.},
    pages      = {1},
    keywords   = {au},
}

```

[48]

```

@jurisdiction{bakker,
    title      = {Bakker v. Stewart},
    date       = {1980},
    reporter   = {V.R.},
    pages      = {17},
    keywords   = {au},
}

```

[49]

\cite[7]{tang} *R v Tang* (2008) 237 CLR 1, 7
\cite[22]{bakker} *Bakker v Stewart* [1980] VR 17, 22

New Zealand Cases

Follow the same format as is used for English cases, but seeing the keyword as nz.

³⁸ These examples are drawn from Melbourne University Law Review Association Inc, *Australian Guide to Legal Citation* (3rd edn, Melbourne University Law Review Association and Melbourne Journal of International Law 2010) (<http://mulr.law.unimelb.edu.au/go/aglc>) accessed 18 July 2012, 37.

US Cases

Use the same fields as are used for English cases. Be careful about specifying courts: apart from the US Supreme Court (where, if you cite the US Reports, no court identifier will ever be printed), the court and location fields will be used if present.

For unreported cases, you may specify a number (the docket number) and optionally something in the eprint field, which can be used for a LEXIS or WestLaw number: see example 52.

Although you could use the series field for reports (as in example 51)³⁹ in my view it is often simpler just to make the series part of the reporter field, as in example 50. You might note also, there, that if you enter fields using full points in the standard American way, the spacing is taken care of automatically.

```
@jurisdiction{harbor91,  
    title      = {Harbor Insurance Co. v.  
                  Tishman Construction Co.},  
    volume     = {578},  
    reporter   = {N.E.2d.},  
    pages      = {1197},  
    location   = {Ill.},  
    court      = {App. Ct.},  
    date       = {1991},  
    keywords   = {us},  
}
```

[50]

```
@jurisdiction{western97,  
    title      = {Western Alliance Insurance Co. v.  
                  Gill},  
    volume     = {686},  
    reporter   = {N.E.},  
    series     = {2},  
    pages      = {997},  
    location   = {Mass.},  
    date       = {1997},  
    keywords   = {us},  
}
```

[51]

```
@jurisdiction{operadora09,  
    title      = {Re Operadora D.B. Mexico S.A.},  
    indextitle = {Operadora D.B. Mexico S.A., Re},  
    number     = {6:09-cv-383-Orl022GJK},  
    eprint     = {2009 WL 2423138},  
    court      = {M.D. Fla.},  
    date       = {2009},  
    keywords   = {us},  
}
```

[52]

³⁹ In which case it will be printed in US style: 1st, 2d, 3d.

```
\cite[1199]{harbor91} Harbor Insurance Co v Tishman Construction Co 578  
NE2d 1197, 1199 (Ill App Ct 1991)  
  
\cite{western97} Western Alliance Insurance Co v Gill 686 NE 2d 997  
(Mass 1997)  
  
\cite{operadora} Re Operadora DB Mexico SA 6:09-cv-383-Orl 022GJK,  
2009 WL 2423138 (MD Fla 2009)
```

Public International Cases

As explained at page 5, BL-OSCOLA does not provide fully comprehensive provisions for citing all possible forms of international cases. However, it does include provision which should be adequate for the decisions of the ICJ and for at least a reasonable number of other public international law cases.

Fields and usage

The fields will mostly be familiar. You should set keywords to include int to show an international case. The most distinctive feature are the additional parts of the case title. The parties to the case should be given in the subtitle field. International cases often require additional explanation about the nature of the decision (such as whether it relates to jurisdiction or the merits): add this in the titleaddon field. Both subtitle and titleaddon get printed in brackets after the main citation: but whereas the subtitle field is italic, the titleaddon field is in roman type.

In the case of decision in the PCIJ Reports, you need not specify Series A or Series A/B in the series field, just A or A/B. The number should go in the pages field, since that is the purpose it really serves: but you need not specify No—it will be added automatically.

keywords	Include int.
title	As in other cases.
subtitle	Give the names of the parties.
subtitleaddon	Give any additional information about the particular aspect of the case that is being reported, such as 'merits' or 'jurisdiction'.
volume etc	As in other @jurisdiction types. Note the comments above concerning the reports of the PCIJ.
institution	Can be used for institutions other than the ICJ. For the ICJ/PCIJ, the field will not be used so long as the report cited is the ICJ reports or the PCIJ reports.

```
@jurisdiction{corfu,  
    title      = {Corfu Channel Case},  
    subtitle   = {UK v Albania},  
    titleaddon = {Merits},  
    date       = {1949},  
    journaltitle = {ICJ Rep},  
    pages      = {4},  
    keywords   = {int},  
}
```

[53]

```
@jurisdiction{nicaragua,  
    title      = {Land, Island and Maritime Frontier  
                 Case},  
    subtitle   = {El Salvador\slash Hon\ -duras, Nicaragua  
                 intervening},  
    titleaddon = {Application for Intervention},  
    date       = {1994},  
    journaltitle = {ICJ Rep},  
    pages      = {92},  
    keywords   = {int},  
}
```

[54]

```
@jurisdiction{wall,  
    title      = {Legal Consequences of the Construction  
                 of a Wall},  
    titleaddon = {Advisory Opinion},  
    date       = {2004},  
    url        = {http://www.icj-cij.org/icjwww/imwp/imwpframe.htm},  
    urldate    = {2005-07-21},  
    pagination = {[ ]},  
    keywords   = {int},  
}
```

[55]

```
@jurisdiction{chorzow,  
    title      = {Case Concerning the Factory at Chorz\o w},  
    indextitle = {Chorz\o w Factory Case},  
    subtitle   = {Germany v Poland},  
    titleaddon = {Merits},  
    journaltitle = {PCIJ Rep},  
    series     = {A},  
    pages      = {17},  
    keywords   = {int},  
    date       = {1929},  
}
```

[56]

\cite{corfu} *Corfu Channel Case (UK v Albania) (Merits) [1949] ICJ Rep 4*

\cite{nicaragua}	<i>Land, Island and Maritime Frontier Case (El Salvador/Honduras, Nicaragua intervening)</i> (Application for Intervention) [1994] ICJ Rep 92
\cite{wall}	<i>Legal Consequences of the Construction of a Wall</i> (Advisory Opinion) (2004) (http://www.icj-cij.org/icjwww/imwp/imwpframe.htm) accessed 21 July 2005 ⁴⁰
\cite{chorzow}	<i>Case Concerning the Factory at Chorzów (Germany v Poland)</i> (Merits) [1928] PCIJ Rep Series A No 17

Indexing

International cases are indexed alphabetically by title in the `pilcases` virtual index. No attempt is made to further sub-divide them, and in a complex work you might well want to make use of the `tabulate` field to do so.

Legislation

The BL-OSCOLA style provides support for citing as ‘legislation’ (a) UK Acts of Parliament (and those of the Scottish and Welsh Assemblies and the Northern Ireland Parliament), (b) secondary legislation (statutory instruments) made in any part of the UK, (c) draft UK primary legislation (bills), (d) the treaties establishing the EU, (e) legislation made by the EU. It does not provide facilities for citing non-UK or EU legislation. Rules of Court, though technically legislation, are also dealt with separately: see page .

UK Primary Legislation

Bibliographical data

Primary legislation (that is, UK Acts of Parliament, and the equivalent measures of the Scottish and Welsh Assemblies and the Northern Ireland Parliament) are cited using the `@legislation` type, setting the `entrysubtype` to `primary`. The relevant fields are as follows.

entrysubtype	Should always be set to <code>primary</code> for primary legislation.
keywords	Should be set to the relevant originating jurisdiction: <code>gb</code> or <code>en</code> for legislation made at Westminster, <code>sc</code> <code>cy</code> or <code>ni</code> for legislation made in Scotland, Wales or Northern Ireland.
title	Give the full title of the Act, if it has one, including the word ‘Act’.
shorttitle	Give any short title so obvious that you do not think it will need explanation. Include a year. (For legislation, I strongly recommend that you use the <code>shorthand</code> field instead.)

⁴⁰ This is the URL printed in OSCOLA. It is not correct!

shorthand	Give any short title that you want used in second and subsequent citations. Note that OSCOLA requires that this include a year. It is your job to include the year; the package will not add it for you.
pagination	Specify how the <i>main body</i> of the legislation is cited (normally section, for primary legislation).
number	Give the number of the legislation. This is only strictly required for acts that do not have a short title, and are therefore cited by number alone. (In practice that means a few very old acts.) For more recent legislation it will normally be ignored. It is also required for Scottish, Welsh or Northern Irish legislation.
note	This field can be used if you need to give additional explanations (for instance to record that the citation is to legislation as amended).

Citation

Citation commands normally follow the usual pattern, so `\cite[2]{ucta}` could be used to cite section 2 of the Unfair Contract Terms Act 1977 (see the examples below). There are, however, a few complexities, all to do with maintaining a proper index.

First, always make sure that when you cite within the primary ‘run’ of an Act of Parliament or any other legislation, you cite using the automated addition of section marks, as above, and not using `\cite[s 2]{ucta}`. The first reason this matters is that *alphabetically* ‘s 12’ comes before ‘s 2’: so a citation like that given above will produce a mis-ordered index. The second reason is that unless you use the automated system, the program has no way of extracting subsections to make sure that the index is properly ordered not only by section but by subsection.

Still, there will be times when you find that you have to cite something other than a section—for instance a paragraph in a schedule, and in those cases you will have to format the postnote manually. The unknown quantity is whether this will produce a suitable index. If it’s just one or two citations, you might be lucky. If it’s more, you will probably need to use *two* citations: one—easy—to print the citation without indexing it, and separately a rather elaborate command to make sure the index is correct: see page 20 above.

Examples

```
@legislation{ucta,
    title      = {Unfair Contract Terms Act},
    date       = {1977},
    entrysubtype = {primary},
    pagination  = {section},
    keywords   = {en},
    number     = {23 Eliz II, cap 23}}
```

[57]

```

@legislation{nial965,
    title      = {Nuclear Installations Act},
    date       = {1965},
    shorthand  = {NIA 1965},
    keywords   = {en},
    pagination = {section},
    entrysubtype = {primary},
    keywords   = {en},
}

```

[58]

```

\cite[2]{ucta}      Unfair Contract Terms Act 1977, s 2
\cite{nial965}      Nuclear Installations Act 1965, as amended (NIA 1965)
\cite[4]{nial965}   NIA 1965, s 4

```

It is also possible to cite Scottish, Welsh and Northern Irish legislation. Set the keywords appropriately, and include the correct reference in the number field.

```

@legislation{learner08,
    title      = {Learner Travel (Wales) Measure},
    date       = {2008},
    number     = {nawm 2},
    keywords   = {cy},
    entrysubtype = {primary},
    pagination = {section},
}

```

[59]

```

\cite{learner08}    Learner Travel (Wales) Measure 2008 (nawm 2)

```

Indexing

Primary legislation is indexed through one of the five virtual indexes (one each of England, Wales, Scotland and Northern Ireland, and one for the UK) reserved for primary legislation. The indexing always attempts to pick-up pinpoint citations and make individual entries with sub-levels. The indexes are ordered alphabetically.

UK Secondary Legislation

Bibliographic data

Follow essentially the same pattern as for UK primary legislation, giving the SI number in the `number` field, but setting the `entrysubtype` to `secondary`. Pay attention to recording the pagination for the instrument in question, since there is considerable variation.

```

@legislation{disorderly,
    title      = {Penalties for Disorderly Behaviour
                  (Amendment of Minimum Age) Order},
    date       = {2004},
    entrysubtype = {secondary},
    pagination   = {regulation},
    keywords     = {en},
    number       = {SI 2004\slash 3166},
}

```

[60]

```

@legislation{hollowware,
    title      = {Hollow-ware and Galvanising Welfare Order},
    date       = {1921},
    number     = {SR~\&~O 1921\slash 2032},
    pagination   = {rule},
}

```

[61]

```

@legislation{eggs,
    title      = {Eggs and Chicks (England) Regulations},
    date       = {2009},
    number     = {SI 2009\slash 2163},
    pagination   = {regulation},
    keywords     = {en},
}

```

[62]

\cite{disorderly} Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004, SI 2004/3166

\cite[2]{hollowware} Hollow-ware and Galvanising Welfare Order 1921, SR & O 1921/2032, r 2

\cite[6]{eggs} Eggs and Chicks (England) Regulations 2009, SI 2009/2163, reg 6

Indexing

Secondary legislation is indexed through one of the five virtual indexes (one each of England, Wales, Scotland and Northern Ireland, and one for the UK) reserved for secondary legislation. The indexing always attempts to pick-up pinpoint citations and make individual entries with sub-levels. The indexes are ordered alphabetically.

Draft Legislation

The package provides specific support for citation of draft UK (ie ‘Westminster’ primary legislation).

Fields

The fields are fairly self-explanatory. The date should be a range, because it refers to a session of Parliament. The institution should be set to HC or

HL depending on the House in which the bill was introduced. The number should be the printing. The only possibly counterintuitive thing is that you should set the entrysubtype to primary not draft, and include draft as a keyword. (This is because it seems possible, in theory, that one might need to recognise draft secondary legislation too.)

Note that you should enter the title simple as ‘X Bill’. The package will take care of adding HL or HC, and of the particular requirements that apply to specifying the printing, which differ as between the House of Lords and the House of Commons.

```
@legislation{confund,
  title      = {Consolidated Fund Bill},
  date       = {2008/2009},
  institution = {HC},
  number     = {5},
  keywords    = {gb, draft},
  entrysubtype = {primary},
  pagination   = {clause},
}
```

[63]

```
@legislation{confund2,
  title      = {Consolidated Fund Bill},
  date       = {2008/2009},
  institution = {HC},
  number     = {34},
  keywords    = {gb, draft},
  entrysubtype = {primary},
  pagination   = {clause},
}
```

[64]

```
@legislation{academies,
  title      = {Academies Bill},
  date       = {2010/2011},
  institution = {HL},
  number     = {1},
  keywords    = {gb, draft},
  entrysubtype = {primary},
  pagination   = {clause},
}
```

[65]

```
\cite{confund}      Consolidated Fund HC Bill (2008–09) [5]
\cite[3]{confund2}  Consolidated Fund HC Bill (2008–09) [34] cl 3
\cite[8(2)]{academies} Academies HL Bill (2010–11) 1, cl 8(2)
```

BL-OSCOLA also provides for the citation of explanatory notes on draft legislation. Give this the entry type @legal, and the entrysubtype of explanatory note. It’s usually advisable also to specify an indextitle, so that the document gets indexed by the Act to which it refers.

```
@legal{charitiesnotes,  
    title      = {Explanatory Notes on the Charities Act 2006},  
    indextitle = {Charities Act 2006, Explanatory Note},  
    pagination = {paragraph},  
    entrysubtype = {explanatory note},  
}
```

[66]

```
\cite[10]{charitiesnotes} Explanatory Notes on the Charities Act 2006,  
para 10
```

For advice on citing debates in Hansard, and in Parliamentary committees, see page .

The package does not provide specific facilities for referring to Scottish or Welsh draft legislation. But if you do need to do this, you should be able to use the `misc` entry type, perhaps with some special indexing. For instance:

```
@misc{spbill4,  
    title      = {SP Bill 4 Abolition of Feudal Tenure etc  
                  (Scotland) Bill [as introduced] Session 1},  
    date       = {1999},  
}
```

[67]

```
\cite{spbill4}      SP Bill 4 Abolition of Feudal Tenure etc (Scotland) Bill  
                   [as introduced] Session 1 (1999)
```

Indexing

All English and UK draft legislation, is sent to whatever index has been associated with `gbdraftleg`. Draft legislation is indexed with sub-entries by clause and paragraph, as if it were legislation. Explanatory notes are indexed in the `gbparltmat` virtual index.

EU Legislation

Like OSCOLA, BL-OSCOLA includes the EU treaties as a type of EU legislation. Nevertheless, there are small differences, so that it is convenient to deal with treaties and other legislation separately. Note that decisions in what might be called ‘cases’ are dealt with a case citations (see page 34).

Treaties

The EU treaty type is intended to be used for the foundational treaties of the EU. Treaties to which the EU is *party* should be cited as international treaties (following the instructions given in page 53).

Provide the following information:

keywords	Should be set to eu.
entrysubtype	Should be set to eu-treaty.
title	The full title of the treaty in question.

date	The date of publication in the source to which you are referring (usually and correctly the Official Journal).
journalttitle	The publication in which the treaty appears (usually OJ).
series	In the case of the Official Journal, whether the publication is in the L or C series (for treaties it will usually be in the C series; legislative acts will normally be in the L series).
volume or issue	The volume of the series in question (in the case of the Official Journal you may also use issue).
pages	At least the first page on which the document starts.
shorthand	Any short form of the document you will use for subsequent citation which you want explicitly introduced (eg TEU or TFEU). This is, of course, optional.
shorttitle	Any short form of the document you will use for subsequent citation that you <i>do not</i> want to be explicitly introduced (more common for legislation than for treaties).
pagination	The sort of ‘pagination’ the document uses by default (usually article to produce ‘art’ and ‘arts’).

Thus:⁴¹

```
@legislation{teu,
    keywords      = {eu},
    entrysubtype = {eu-treaty},
    title         = {Consolidated Version of the
                    Treaty on European Union},
    date          = {2010},
    journalttitle = {OJ},
    series        = {C},
    volume        = {83},
    pages         = {13},
    shorthand     = {TEU},
    pagination    = {article},
}
```

[68]

\cite[3]{teu} Consolidated Version of the Treaty on European
Union [2010] OJ C83/13 (TEU) art 3

In subsequent citations BL-OSCOLA will, by default, produce ‘TEU, art x’. If you prefer the format ‘Art x TEU’ (very common in specialist writing), use

⁴¹ OSCOLA, 29, updated to reflect the most recent publication of the consolidated version of the TEU.

the bibliography option `eutreaty=alternative` when loading BIBLATEX. (See page 9 above.)

References to EU treaties are indexed via the virtual index `eutreaty`, organised alphabetically by title. Attempts are made to pick postnotes apart so as to order references by article and sub-article.

Other EU legislation

Use the fields given for EU treaties in page 48 above, with the following changes:

<code>title</code>	Ensure that the title includes the number and the enacting institution(s) and the date. Nice as it would be to ‘construct’ the whole title from the other information, it is not possible because the institutions are not consistent in how they name instruments.
<code>entrysubtype</code>	May be set to <code>directive</code> , <code>regulation</code> or <code>decision</code> . It will be used for indexing only, and need not be set unless you want the instrument to be indexed as something other than its apparent type, as given in the <code>type</code> field.
<code>type</code>	Set this to the type you want the instrument <i>described as</i> in any short citation, eg <code>directive</code> for a directive. (Note lower case.) There is no need to use abbreviations: these will be handled automatically.
<code>shorttitle</code>	This is optional. If it is left blank, BL-OSCOLA will construct a short reference using the <code>type</code> and <code>number</code> .
<code>number</code>	Include the number as it appears in the title of the instrument. It is needed to construct a short title, and, even if you provide your own, to make sure the instrument is properly indexed.
<code>url</code>	The EU is moving towards the use of a system of uniform resource location called the ELI number. If you want to include this, use the <code>url</code> field, which will be printed unless you have passed the option <code>url=false</code> to BIBLATEX.

The reason there is a distinction between the `type` (which is used in printing the citation) and the `entrysubtype` (used in indexing) is that there are some instruments which are *called* ‘Decisions’ (or something else) but function as if they were regulations: logic dictates that they are indexed as regulations nonetheless.⁴²

The first citation will produce the full title. Subsequent citations will simply use a shorthand (if it has been defined) or short title (if it has been defined), or will construct a title from the `type` and `number`.

⁴² The curious can consult Koen Lenaerts and Piet van Nuffel, *Constitutional Law of the European Union* (Robert Bray ed, 2nd edn, Sweet & Maxwell 2005) 763 n 502.

So, for example:

```
@legislation{2002/60,
    title      = {Council Directive 2002\slash 60\slash
                  EC of 27 June 2002 laying down specific
                  provisions for the control of African
                  swine fever and amending Directive
                  99\slash 119\slash EEC as regards Teschen
                  disease and African swine fever},
    date       = {2002},
    origdate   = {2002-06-27},
    journaltitle = {OJ},
    series     = {L},
    issue       = {192},
    pages       = {27},
    type        = {directive},
    number      = {2002/60/EC},
    pagination  = {article},
    keywords    = {eu},
}
```

[69]

\cite{2002/60}	Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 99/119/EEC as regards Teschen disease and African swine fever [2002] OJ L192/27
\cite{teu}	TEU
\cite[2]{2002/60}	Dir 2002/60/EC, art 2

Separate virtual indices are produced for regulations (or regulation-like instruments), directives (or directive-like instruments) and decisions (or decision-like instruments). They are ordered chronologically and by number.

Draft EU legislation is cited using the @report entry type, described at page [72](#).

Court Rules

The BL-OSCOLA standard allows you to cite court rules (the Civil Procedure Rules, the Rules of the Supreme Court and the County Court Rules) in a special way. (I'm not sure it's mandatory to do so. And I don't see why the same couldn't apply to the Crown Court Rules, but apparently it doesn't.)

In effect, the rules provide for four special cases, and the package follows suit. It's probably best not to try to understand them. Just know that if you do what you are told, you will get the right result.

The relevant entries should be defined in your bibliography database as legislation with the entrysubtype set to procedure-rule. In the case of the CPR and Practice Directions made under them, citations are 'naked' (without

any ‘r’ or ‘para’) and pagination is left blank. The RSC and CCR are cited by rule, so pagination is set to rule:

```
@legislation{cpr,  
    title      = {Civil Procedure Rules},  
    shorttitle = {CPR},  
    keywords   = {en},  
    entrysubtype = {procedure-rule},  
}
```

[70]

```
@legislation{pd,  
    title      = {CPR Practice Direction},  
    shorttitle = {PD},  
    keywords   = {en},  
    entrysubtype = {procedure-rule},  
}
```

[71]

```
@legislation{rsc,  
    title      = {Rules of the Supreme Court},  
    shorttitle = {RSC},  
    keywords   = {en},  
    pagination = {rule},  
    entrysubtype = {procedure-rule},  
}
```

[72]

```
@legislation{ccr,  
    title      = {County Court Rules},  
    shorttitle = {CCR},  
    keywords   = {en},  
    pagination = {rule},  
    entrysubtype = {procedure-rule}, }
```

[73]

Note that strictly speaking the title field is not essential; it will not be printed in citations (but will be used simply for indexing).

When you come to cite these sources, you need to use a slightly different format from the usual. Your postnote should be divided into two parts, separated by | if necessary, corresponding to the order (or part of the CPR, or Practice Direction) and the rule (or paragraph) you wish to cite.

```
\cite[7]{cpr}      CPR 7  
\cite[24|14A]{rsc} RSC Ord 24, r 14A  
\cite[17|11]{ccr}   CCR Ord 17, r 11  
\cite[6|4.1]{pd}   6 PD 4.1
```

Using these postnote fields, rather than doing \cite[ord 11, r 1]{rsc} makes sure that your references will get indexed properly.

Treaties

Basic use

Treaties use the following fields:

entrysubtype	This should be set to <code>piltreaty</code> .
title	The full title of the treaty.
shorttitle	A shorter title of the treaty for use in subsequent citations (optional).
indextitle	A different form of title for use in the index: for instance you might want to index ‘International Agreement on the Scheldt’ as ‘Scheldt, International Agreement’. (This is, of course, a standard field, but it is likely to be particularly useful in relation to treaties.)
parties	A list of the States party to the treaty, separated by ‘and’. If there are more than three parties, they will not be printed.
execution	Information about the various relevant dates: this is the only tricky thing about treaties, and is explained below.
report information	The usual information about the <code>journaltitle</code> , <code>volume</code> , <code>series</code> and <code>pages</code>
pagination	The way the document is referred to (usually <code>article</code>).
note	This can be used to give extra information, for instance to record that you are citing a treaty in its amended form.

Dates

Treaties often need a variety of date references. This is done by *listing* relevant dates in the `execution` field. The package recognises four possible types of date:

signed	The date of signature.
opened	The date on which a treaty was opened for signature.
adopted	The date on which a treaty was adopted.
inforce	The date on which a treaty entered into force.

Give as many of these dates as you wish, with `and` between them, in the following format:

```
opened=2010-01-10 and inforce=2011-04-23
```

The package is not ‘clever’ about reordering dates: they will be printed in the order you give them.

If a list of dates is included in the `execution` field, then BL-OSCOLA will not print anything from the `date` field, unless the year is an essential part of the citation of the report. If the `execution` field is empty, but there is a date, then the date will be printed, without any narrative.

Examples

```
@legal{scheldt,
    title      = {International Agreement on the Scheldt},
    indextitle = {Scheldt, International Agreement on}
    parties    = {Belgium and France and Netherlands},
    execution  = {signed=2002-12-01 and inforce=2005-12-01},
    pagination = {article},
    volume     = {2351},
    journaltitle = {UNTS},
    pages      = {13},
    entrysubtype = {piltreaty},
}
```

[74]

```
@legal{aaland,
    title      = {Convention Relating to the Non-Fortification
                  and Neutralisation of the Aaland Islands},
    parties    = {{Aaland Islands} and Germany and Denmark
                  and Estonia and Finland and France},
    lista      = {opened=1921-10-02 and inforce=1922-12-06},
    pagination = {article},
    volume     = {9},
    journaltitle = {LNTS},
    pages      = {211},
    entrysubtype = {piltreaty},
}
```

[75]

```
@legal{mongolia,
    title      = {Agreement with Mongolia (Economic Co-operation)},
    shorttitle = {Mongolia Cooperation Agreement},
    journaltitle= {O.J.},
    series     = {L},
    issue      = {264},
    pages      = {1},
    date       = {1978},
    entrysubtype= {piltreaty},
}
```

[76]

```
\cite{scheldt} International Agreement on the Scheldt (Belgium—
France—Netherlands) (signed 1 December 2002, entered
into force 1 December 2005) 2351 UNTS 13
```

\cite[1]{aaland}	Convention Relating to the Non-Fortification and Neutralisation of the Åland Islands (opened for signature 2 October 1921, entered into force 6 December 1922) 9 LNTS 211, art 1
\cite{mongolia}	Agreement with Mongolia (Economic Co-operation) [1978] OJ L264/1

The ‘note’ form can be used where it is necessary to give additional information, such as about amendments.

```
@legal{echr:treaty, [77]
  title      = {Convention for the Protection of Human Rights
                and Fundamental Freedoms},
  execution  = { opened=1950-11-04 and inforce=1953-09-03 },
  volume     = {213},
  reporter   = {U.N.T.S.},
  pages      = {221},
  note       = {as amended by Protocol No 14bis to the
                Convention for the Protection of Human Rights
                and Fundamental Freedoms
                (opened for signature 27 May 2009,
                entered into force 1 September 2009)
                CETS No 204},
  shorthand   = {ECHR},
  entrysubtype = {piltreaty},
}
```

\cite{echr:treaty}	Convention for the Protection of Human Rights and Fundamental Freedoms (opened for signature 4 November 1950, entered into force 3 September 1953) 213 UNTS 221, as amended by Protocol No 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms (opened for signature 27 May 2009, entered into force 1 September 2009) CETS No 204 (ECHR)
--------------------	---

It’s not, of course, ideal that details of amendments and the like are not automatically formatted; but although this feature may be introduced in a future release, for the present the approach taken here will probably do in most cases.

Books

Basic Use

Books function exactly as in regular BIBLATEX. They should be given the @book type. The most commonly used fields are as follows:

title	The title of the book. OSCOLA requires that this be given with significant words capitalized, and it is
-------	---

recommended that you enter it in this way in the database. (If other styles you use require only the first letter to be capitalized, the title can without too much difficulty be converted; but it is not practically possible partially to capitalize an initially uncapitalized title.)

subtitle	The subtitle, if any. This will be used only in the first or full citation (where it will be printed after the title, separated by a colon). (See example 84.)
author	The author or authors of the work. If there is more than one author, their names should be given separated by ‘and’. It’s up to you whether you prefer to use the form <i>Frederick Bloggs</i> or <i>Bloggs, Frederick</i> —either will work. Since OSCOLA requires full names, where available, to be given in citations, you should give the full name if you have it. No more than the required number of names will be printed; any surplus will be abbreviated to ‘and others’, as OSCOLA requires. ⁴³
editor	An editor or editors of the work, if there is one. In some cases, if there is only an editor but no author (for instance, the editor of a collection of essays) this is used as the alternative to the author, in other cases it is additional information. The formatting and printing requirements under OSCOLA are different, but the style takes care of that. Use the same format for names as in the author field.
translator	Like the editor field, and used in the same way.
date	The date of publication. Where you are using a modern edition of an old work, give the date of the edition to which you are referring: the original date of publication can be given in the origdate field.
origdate	Used where you are referring to a modern edition of an old work, and want to give the original date of publication in addition to the date of publication of the particular edition that you are citing.
edition	Where possible give the edition number as a number: {5} rather than {5th}.
publisher	One or more publishers (if there is more than one, separate them with and).

⁴³ You can also use ‘and others’ yourself, if you like; but it’s good practice to include as many names as you know, since different styles may have different ideas about when to abbreviate, and the database file is supposed to be agnostic about such matters.

location	The place(s) of publication. In general, this is not used if there is a publisher for works after 1800; for works before 1800 it is used in preference to the publisher. If you want to change the point at which this change occurs, change the value of \bibyearwatershed. So, for instance,
	\renewcommand{\bibyearwatershed}{1900}
	will cause the location to be used in preference to the publisher for books before 1900. ⁴⁴
series	If the book is in a series, and you think the series information is sufficiently important to warrant printing (not, for instance, if it is just a series title adopted by the publisher for marketing reasons), give it here.
number	If the book is part of a series, and has a number (or some equivalent identifier), give the number here.
volume	Use an @book type with volume where each volume is a separate publication (for instance, with a different date). For multi-volume reference works use the @mvreference type, discussed at page 62 below. ⁴⁵
pubstate	Use this field if you need to give information about the publication state of the book, such as ‘forthcoming’.
note	Use this field for any additional notes you need to provide about the book.
pagination	If references are to something other than pages (usually paragraphs), give the pagination scheme here (eg ‘paragraph’: see example 80 below).

The following examples⁴⁶ show use of a variety of the basic fields.

```
@book{endicott09,
  author      = {Endicott, Timothy},
  title       = {Administrative Law},
  publisher   = {OUP},
  location    = {Oxford},
  date        = {2009},
}
```

[78]

⁴⁴ OSCOLA, 35.

⁴⁵ The requirements of OSCOLA regarding volumes are not clear to me. I think that the position is that if the volume is, as it were, an ‘independent’ publication, the volume is printed with the publication information – but for multivolume reference works, it is treated separately. That, at any rate, is the approach I have taken: if you specify a volume for a book or collection, it will be printed as part of the volume information; if you specify it for a multi-volume reference, it gets printed afterwards.

⁴⁶ Drawn from OSCOLA, 34–35.

```
@book{jones09,
  author      = {Jones, Gareth},
  title       = {Goff and Jones:
                 The Law of Restitution},
  edition     = {1st Supp, 7th edn},
  publisher   = {{Sweet~\& Maxwell}},
  date        = {2009},
  location    = {London},
}
```

[79]

```
@book{bar00,
  author      = {von Bar, Christian},
  title       = {The Common European Law of Torts},
  volume     = {2},
  publisher   = {CH Beck},
  date        = {2000},
  pagination = {paragraph},
}
```

[80]

- \cite{endicott09} Timothy Endicott, *Administrative Law* (OUP 2009)
- \cite{jones09} Gareth Jones, *Goff and Jones: The Law of Restitution* (1st Supp, 7th edn, Sweet & Maxwell 2009)
- \cite[234]{bar00} Christian von Bar, *The Common European Law of Torts* (vol 2, CH Beck 2000) para 234

Collections and edited works

With collections or edited works, you can make use either of the @book and @inbook types, or the @collection and @incollection types. The package does not distinguish between them.

The @book or @collection type is the correct choice to enter details about a whole book, rather than just a particular part of it such as an essay, paper or chapter. Similarly details of things like translators and so on can be given, as examples 82 and 83 show.

```
@book{horder00,
  editor      = {Horder, Jeremy},
  title       = {Oxford Essays in Jurisprudence:
                 Fourth Series},
  publisher   = {OUP},
  date        = {2000},
}
```

[81]

```

@book{birks87,
    translator = {Birks, Peter and McLeod, Grant},
    title      = {The Institutes of Justinian},
    indextitle = {Institutes of Justinian, The},
    publisher   = {Duckworth},
    date        = {1987},
    location    = {London},
}

```

[82]

```

@book{kotz98,
    author     = {Zweigert, K. and K\"otz, H.},
    title      = {An Introduction to Comparative
                 Law},
    translator = {Weir, Tony},
    edition    = {3},
    publisher  = {OUP},
    date       = {1998},
}

```

[83]

```

@book{hart08,
    author     = {Hart, H. L. A.},
    title      = {Punishment and Responsibility},
    subtitle   = {Essays in the Philosophy of Law},
    editor     = {Gardner, John},
    edition    = {2},
    publisher  = {OUP},
    date       = {2008},
}

```

[84]

- \cite{horder00} Jeremy Horder (ed), *Oxford Essays in Jurisprudence: Fourth Series* (OUP 2000)
- \cite{birks87} Peter Birks and Grant McLeod (trs), *The Institutes of Justinian* (Duckworth 1987)
- \cite{kotz98} K Zweigert and H Kötz, *An Introduction to Comparative Law* (Tony Weir tr, 3rd edn, OUP 1998)
- \cite{hart08} HLA Hart, *Punishment and Responsibility: Essays in the Philosophy of Law* (John Gardner ed, 2nd edn, OUP 2008)

The @inbook and @incollection types are intended to contain records for component parts of a book—a single article or chapter, for instance, that is self contained.

If you wish to define a single @inbook, without also defining a separate entry for the larger book, then essentially the same fields as are given in relation to books apply, but:

- | | |
|--------|---|
| author | Refers to the author of the individual part, not the collection as a whole. |
|--------|---|

editor	In the case of the @inbook this refers to the editor of the collection rather than the individual item. (It is assumed that individual items do not have their own editors.)
bookauthor	Refers to the author of the whole book, rather than the individual work.
booktitle	Refers to the title of the main book, not the individual work.
maintitle	Refers to the title of the main book, not the individual work.

See example 85 for an example.

It is often easier, as in examples 86 and 87, to define the main @book or @collection, and then use cross references for individual parts. In that case, all you are likely to need in the cross references is the author and title (since OSCOLA does not require page or chapter references).

```
@inbook{pila10,
  author  = {Pila, Justine},
  editor   = {Dutton, William H. and Jeffreys, Paul W.},
  booktitle= {World Wide Research: Reshaping the
              Sciences and Humanities in the
              Century of Information},
  publisher= {MIT Press},
  date     = {2010},
  title    = {The Value of Authorship in the
              Digital Environment},
  pages    = {210--231},
}
```

[85]

```
@book{castermans09,
  editor   = {Castermans, AG and others},
  title    = {Ex Libris Hans Nieuwenhuis},
  publisher= {Kluwer},
  date     = {2009},
}
```

[86]

```
@inbook{cartwright09,
  author  = {Cartwright, John},
  title   = {The Fiction of the \enquote{Reasonable
              Man}},
  crossref = {castermans09},
}
```

[87]

\cite{pila10} Justine Pila, ‘The Value of Authorship in the Digital Environment’ in William H Dutton and Paul W Jeffreys (eds), *World Wide Research: Reshaping the Sciences and Humanities in the Century of Information* (MIT Press 2010)

\cite{cartwright09} John Cartwright, ‘The Fiction of the “Reasonable Man”’ in AG Castermans and others (eds), *Ex Libris Hans Nieuwenhuis* (Kluwer 2009)

Older Works

For works before the date set by \bibyearwatershed (by default, 1800) OSCOLA will use the location field rather than the publisher field, if present. For works later than that, it will prefer the publisher field, and ignore the location field. You can change this by redefining \bibyearwatershed – or eliminate it altogether by defining \bibyearwatershed as 0.

Secondly, for older works it may be useful to provide an origdate, giving the date of original publication as well as the details of the particular edition you have used.⁴⁷

```
@book{leviathan,
    author      = {Hobbes, Thomas},
    title       = {Leviathan},
    publisher   = {Penguin},
    date        = {1985},
    origdate    = {1651},
    location    = {Harmondsworth},
}
```

[88]

\cite{leviathan} Thomas Hobbes, *Leviathan* (first published 1651, Penguin 1985)

Books of Authority

OSCOLA allows a special citation form for what it calls ‘books of authority’ (certain English and institutional commentators).⁴⁸ It turns out that there are really two different styles—one for English commentators (where a short form is printed in Roman type), and one for Scottish institutional writers, where the title is in italics; this is detected using the keywords en or sc. Use the @commentary type. In one case (Blackstone) the volume number comes first. For this, abuse the prenote format.

Where it is available, the shorttitle will be used in the text: the longer title will, however, be used in indexing.

```
@commentary{stair,
    author      = {Stair},
    title       = {Institutions},
    keywords    = {sc},
}
```

[89]

⁴⁷ OSCOLA, 35–36.

⁴⁸ See OSCOLA, 34.

```
@commentary{colitt,
    author      = {Coke},
    title       = {Co Litt},
    keywords    = {en},
}
```

[90]

```
@commentary{blackstone,
    author      = {Blackstone},
    title       = {Commentaries},
    shorttitle = {Bl Comm},
    keywords    = {en},
}
```

[91]

```
\cite[3][254]{blackstone}
3 Bl Comm 254

\cite[135a]{colitt} Co Litt 135a

\cite[I, 2, 14]{stair} Stair Institutions I, 2, 14
```

Reference works

Reference works should be given the @reference type. Under OSCOLA very little information gets printed about such a work: really only the title, edition, date and publisher. It is intended really for use in relation to works that are so well known as works of reference that the identification of editors, authors and the like is regarded as superfluous; in cases where that does not seem right, use @book instead.

If you need to refer to a particular part of a reference work (such as an article in an encyclopaedia), use that @inreference entry type. In this case an author or editor may be printed. This can also be a convenient way of referring to a particular volume of a reference work without needing to enter a volume number every time, as example 93 shows.

```
@reference{halsbury5,
    title      = {Halsbury's Laws},
    pagination = {paragraph},
    edition    = {5},
    publisher  = {Butterworths},
}
```

[92]

```
@inreference{halsbury5:57,
    volume     = {57},
    date       = {2010},
    crossref   = {halsbury5},
}
```

[93]

```
@inreference{friedrich68,
    maintitle = {International Encyclopaedia of the
                 Social Sciences III},
    date      = {1968},
    title     = {Constitutions and Constitutionalism},
    author    = {Friedrich, C. J.},
    pages     = 319,
}
```

[94]

\cite[123]{halsbury5:57} *Halsbury's Laws* (5th edn 2010) vol 57, para 123

\cite{friedrich68} CJ Friedrich 'Constitutions and Constitutionalism',
International Encyclopaedia of the Social Sciences III
(1968)

(Note that, in example 94 the 'volume' of the encyclopaedia was included in the title. This is a fudge, in order to get the reference to appear as it does in OSCOLA.⁴⁹ It would have been perfectly possible to give a volume reference here, but that would have produced a slightly different format: correct, but not exactly as it is in the Oscola handbook at this point.): CJ Friedrich 'Constitutions and Constitutionalism', *International Encyclopaedia of the Social Sciences* vol III (1968))

Looseleaf works

The OSCOLA standard requires very minimal information for looseleaf works. Give such works the entry type `reference` or `mvreference`, and set the option `looseleaf=true`. You will need to include the information required by OSCOLA (such as the precise update of the page to which you refer) in your postnote manually.

```
@reference{cross,
    title      = {Cross on Local Government Law},
    options    = {looseleaf}}
```

[95]

\cite{cross} *Cross on Local Government Law*, para 11

\cite[para 8-106 (R 30 July 2008)]{cross}
Cross on Local Government Law, para 8-106 (R 30 July
2008)

Articles

Citation of periodical literature using BL-OSCOLA is essentially the same as in standard BIBLATEX, with two truly special cases: articles in newspapers and case notes. All should be given the entrytype `@article`.

⁴⁹ OSCOLA, 36.

<code>entrysubtype</code>	Normally unnecessary, but might be set to <code>newspaper</code> or <code>casenote</code> : see pages 65 and 65 below.
<code>author</code>	The author(s) of the article, as a list of names (see page 11 for guidance).
<code>title</code>	The title of the article.
<code>journaltitle</code>	The name of the journal – in most cases abbreviated.
<code>volume</code>	The volume of the journal, if it has one. If it is properly referred to by year alone, then the volume should be omitted, and the date will then be printed in square brackets (see example 96). If you require both year and volume, then use the option <code>year-essential</code> .
<code>issue/number</code>	This is normally unnecessary, but you can give it in addition if it is required as part of the citation.
<code>date</code>	The date of the relevant issue.
<code>pages</code>	The first page (or the pages) of the relevant article. You can give a page range if you like, but only the first page will be used.
<code>crossref</code>	Used in conjunction with the <code>casenote</code> sub-type to indicate the case to which a note refers.
<code>options</code>	You might need to set the option <code>year-essential</code> , if the year form an essential part of the citation but there is also a volume.

```
@article{craig05,
  author      = {Craig, Paul},
  title       = {Theory {\enquote{Pure Theory}}
                and Values in Public Law},
  date        = {2005},
  journaltitle = {P.L.},
  pages       = {440},
}
```

[96]

\cite[441]{craig05} Paul Craig, ‘Theory “Pure Theory” and Values in Public Law’ [2005] PL 440, 441

```
@article{young09,
  author      = {Young, Alison L.},
  title       = {In Defence of Due Deference},
  date        = {2009},
  journaltitle = {MLR},
  volume      = {72},
  pages       = {554},
}
```

[97]

\cite{young09} Alison L Young, ‘In Defence of Due Deference’ (2009) 72 MLR 554

```
@article{griffith01,
  author      = {Griffith, J. A. G.},
  title       = {The Common Law and the Political Constitution},
  date        = {2001},
  journaltitle = {L.Q.R.},
  volume      = {117},
  pages       = {42},
```

[98]

\cite{griffith01} JAG Griffith, ‘The Common Law and the Political Constitution’ (2001) 117 LQR 42

```
@article{waldron06,
  author      = {Waldron, Jeremy},
  title       = {The Core of the Case against Judicial Review},
  date        = {2006},
  volume      = {115},
  journaltitle = {Yale L.J.},
  pages       = {1346},
```

[99]

\cite[1350-54]{waldron06} Jeremy Waldron, ‘The Core of the Case against Judicial Review’ (2006) 115 Yale LJ 1346, 1350–54

Newspaper Articles

Where an article has appeared in a newspaper, slightly different styling is required. In those circumstances, use the `entrysubtype` of `newspaper`. You may also need to set a `location` field.

```
@article{croft,
  title      = {Supreme Court Warns on Quality},
  author      = {Jane Croft},
  journaltitle = {Financial Times},
  location    = {London},
  date        = {2010-07-01},
  pages       = {3},
  entrysubtype = {newspaper},
```

[100]

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

Case Notes

Case notes are short articles commenting on a particular case. They are distinctive in three ways:⁵⁰ (1) if cited immediately after the case to which they

⁵⁰ OSCOLA, 37.

refer and in the same footnote, they are printed merely as ‘note’ (with no title); (2) they can ‘inherit’ their title from the case to which they refer (in which case it will be printed in italics, with quotation marks); and (3) they are identified as notes whenever cited.

All this will happen automatically if you use the `entrysubtype` of `casenote`, and set the `crossref` to the case referred to. For instance, consider the following example:

```
[jurisdiction{jameel04,
    title      = {Jameel v. Wall Street Journal
                  Europe SPRL},
    shorttitle = {Jameel v Wall Street Journal},
    number     = {[2006] UKHL 44},
    date       = {2007},
    volume     = {1},
    reporter   = {A.C.},
    pages      = {359},
    options    = {year-essential},
}
@article{rowbottom07,
    entrysubtype = {casenote},
    author      = {Rowbottom, Jacob},
    crossref    = {jameel04},
    date        = {2007},
    journaltitle = {C.L.J.},
    pages       = {8--11},
}
```

[101]

If we just cite the note we get: Jacob Rowbottom, ‘*Jameel v Wall Street Journal Europe SPRL*’ [2007] CLJ 8 (note). If we cite both case and note in a footnote, we get a different format.⁵¹

Reports

Reports are relatively straightforward:

- Some documents entitled ‘report’ are actually books. If they have an ISBN number they should be treated as books and entered into the database accordingly: see OSCOLA at 39. In that case, even if the author is an institution, it should be entered in the `author` field. It is usually desirable, in such a case, to enter the `author` with an extra set of braces, to prevent it being turned into ‘Oxford, U of’ in the bibliography!

⁵¹ *Jameel v Wall Street Journal Europe SPRL* [2006] UKHL 44, [2007] 1 AC 359; see Jacob Rowbottom [2007] CLJ 8 (note).

```
@book{franks66,
```

```
    author      = {{University of Oxford}},  
    title       = {Report of Commission of Inquiry},  
    date        = {1966},  
    publisher   = {OUP},  
    shorthand  = {Franks Report},  
}
```

[102]

- Reports of parliamentary committees (see OSCOLA, 40) require special treatment, which is provided by giving them an `entrysubtype` of `parliamentary`. Further details are given below.
- Commission Documents (see OSCOLA, 41) also require special treatment, which is provided by giving them an `entrysubtype` of `comdoc`. See below.
- Other reports—such as Command Papers and Law Commission Reports are simply given an `entrytype` of `report`.

The Basic Report

Use either the `author` or the `institution` field for the institution producing the report. There is a difference. In a full citation, either will get printed as if the author, so

```
@report{bribery313,  
    institution  = {Law Commission},  
    title        = {Reforming Bribery}  
    ...  
}
```

will produce ‘Law Commission, *Reforming Bribery* …, as will

```
@report{bribery313,  
    author       = {{Law Commission}},  
    title        = {Reforming Bribery}  
    ...  
}
```

But on subsequent citations, whereas a report with an author will get cited as ‘Author (n x)’, one which has an institution will be cited as ‘Title (n x)’. It’s up to you which seems preferable in any particular case.

If your report has a number (for instance it is a command paper) you should include this as the `number`. It’s up to you whether you prefer to use the `series` field as well (for instance for command papers), or to include the `series` information in the `number` field. Either will work perfectly well so far as formatting is concerned; a purist would probably prefer to separate `number` and `series`. So

```

@report{capital,
    institution = {Home Office},
    title        = {Report of the Royal Commission on
                    Capital Punishment},
    series       = {Cmd},
    number       = {8932}
    ...
}

```

[103]

will produce the same result as

```

@report{capital,
    ...
    series      = {},
    number      = {Cmd 8932}
    ...
}

```

[104]

If you need to specify the type of report (eg ‘Green Paper’, or ‘White Paper’), put it in the `type` field (see example 107).

Examples

```

@report{rc:capital,
    title        = {Report of the Royal Commission on
                    Capital Punishment},
    institution = {Home Office},
    series       = {Cmd},
    number       = {8932},
    date         = {1953},
    pagination   = {paragraph},
}

```

[105]

\cite[53]{rc:capital} Home Office, *Report of the Royal Commission on Capital Punishment* (Cmd 8932, 1953) para 53

```

@report{autumnperf,
    title        = {2008 Autumn Performance Report},
    institution = {Department for Children, Schools
                    and Families},
    series       = {Cm},
    number       = {7507},
    date         = {2008},
}

```

[106]

\cite[20]{autumnperf} Department for Children, Schools and Families, *2008 Autumn Performance Report* (Cm 7507, 2008) 20

```
@report{eliminating:poverty,
  title      = {Eliminating World Poverty},
  subtitle   = {Building our Common Future},
  author     = {{Department for International
                Development}},
  number     = {Cm 7656},
  type       = {White Paper},
  date       = {2009},
}
```

[107]

\cite[ch5]{eliminating:poverty}

Department for International Development, *Eliminating World Poverty: Building our Common Future* (White Paper, Cm 7656, 2009) ch 5

```
@report{lawcom313,
  title      = {Reforming Bribery},
  institution = {Law Commission},
  number     = {Law Com No 313},
  date       = {2008},
  pagination = {paragraph},
}
```

[108]

\cite[3.12-3.17]{lawcom313}

Law Commission, *Reforming Bribery* (Law Com No 313, 2008) paras 3.12–3.17

```
@report{scotlawcom196,
  title      = {Damages for Psychiatric Injury},
  institution = {Scottish Law Commission},
  number     = {Scot Law Com No 196},
  date       = {2004-11-11},
  pagination = {paragraph},
}
```

[109]

\cite{scotlawcom196} Scottish Law Commission, *Damages for Psychiatric Injury* (Scot Law Com No 196, 2004)

```
@report{lawcomcp121,
  title      = {Privity of Contract: Contracts for the Benefit
                of Third Parties},
  author     = {{Law Commission}},
  number     = {Law Com CP No 121},
  date       = {1991},
  pagination = {paragraph},
}
```

[110]

\cite{lawcomcp121} Law Commission, *Privity of Contract: Contracts for the Benefit of Third Parties* (Law Com CP No 121, 1991)

Parliamentary Reports

You need to distinguish between reports of proceedings in Parliament (Hansard)⁵² and reports of select and joint committees.⁵³ Hansard reports are dealt with using the `legal` entrytype, and reports of select and joint committees are dealt with using the `report` entrytype.

Hansard

For proceedings on the floor of either house, the recommended method of use is as follows.

First, set up ‘master’ entries for *Hansard* in the House of Commons and the House of Lords.

```
@legal{hansardhc,
    title      = {Official Report, House of Commons},
    shorttitle = {HC Deb},
    entrysubtype = {parliamentary},
    pagination  = {column}
}
```

[111]

Now, for any individual debate that you want to reference, set up an individual entry along the following lines (for the 2nd reading of the Bill that became Freedom of Information Act 2000):

```
@legal{foia:2r,
    volume     = {340},
    pages      = {714--98},
    date       = {1999-12-07},
    crossref   = {hansardhc},
    options    = {skipbib=true},
}
```

[112]

\cite[715]{foia:2r} HC Deb 7 December 1999, vol 340, col 715

Now you will be able to reference a particular debate, using `\cite{foia:2r}`. And if you choose to include Hansard in your bibliography (you probably won’t want to), you will not get each debate printed separately, but just a single entry for Hansard. Similarly, the index to hansard references will be correct, with an entry for Hansard, and sub-entries by volume.

For reports of standing committees and joint committees, you will need to set up a separate database entry, like this:

```
@legal{healthbill,
    title      = {Health Bill Deb},
    date       = {2007-01-30},
    pagination = {column},
    entrysubtype = {parliamentary},
}
```

[113]

52 See OSCOLA, 39–40.

53 See OSCOLA, 40.

When parliamentary materials are cited, *ibid* will be used, but back references will not: the reference will always be repeated in full to avoid ambiguity.

Parliamentary materials are indexed via the `gbparltmat` virtual index. If you set up your hansard references as suggested above, then multiple references will all be placed under the relevant official report, with sub-items for each volume cited.

Select and Joint Committee Reports

Select and Joint Committee reports should be entered using the `report` entrytype. Use a single number (beginning `HC` or `HL`) for committees of a single house, and both numbers, separated by commas, for joint committees. The formatting requirements in either case are rather different, but the package sorts this out.

Although the volume numbers will be printed in roman numerals, they should be entered in arabic.

The date should be the *session* of the house, given as a range of dates divided by a slash, as shown in the examples below. The package will compress the range to comply with the OSCOLA standard.

Examples

(For examples of Hansard, see above.)

```
@report{genomic,
  title      = {Genomic Medicine},
  author     = {Science and Technology Committee},
  entrysubtype = {parliamentary},
  number     = {HL 107},
  volume     = {1},
  date       = {2008/2009},
}
```

[114]

```
@report{equality,
  title      = {Legislative Scrutiny: Equality Bill
                (second report); Digital Economy Bill},
  institution = {Joint Committee on Human Rights},
  entrysubtype = {parliamentary},
  date       = {2009/2010},
  number     = {HL 73, HC 425},
}
```

[115]

```
@report{patient,
  title      = {Patient Safety},
  institution = {Health Committee},
  entrysubtype = {parliamentary},
  date       = {2008/2009},
  volume     = {1},
  number     = {HC 151},
  pagination = {paragraph},
}
```

[116]

```
\cite{genomic}      Science and Technology Committee, Genomic Medicine
                   (HL 2008–09, 107–I)

\cite[173–75]{patient}
                   Health Committee, Patient Safety (HC 2008–09, 151–I)
                   paras 173–75

\cite[14–16]{equality}
                   Joint Committee on Human Rights, Legislative Scrutiny:
                   Equality Bill (second report); Digital Economy Bill (2009–
                   10, HL 73, HC 425) 14–16.
```

(Note that the formatting is different for joint committees, but BL-OSCOLA works that out from the number.)

Such reports are also placed in the `gbpartlmat` virtual index.

EU Commission Documents

Enter Commission Documents exactly as reports, but with the `entrysubtype` field set as `comdoc`. Subsequent references will use simply the `COM` number, as OSCOLA requires. If you need to add a document description to be printed in brackets after the title, include it in the `type` field.

The following are the examples from page 41 of BL-OSCOLA.

```
@report{com895,
  title      = {Proposal for a Council Decision on the
               conclusion, on behalf of the European Community,
               of a Protocol on the Implementation of the Alpine
               Convention in the Field of Transport
               (Transport Protocol)},
  institution = {Commission},
  number     = {COM (2008) 895 final},
  entrysubtype = {comdoc}
}
```

[117]

```

@report{com13,
    title      = {Action Plan on consumer access to justice
                  and the settlement of disputes in the internal
                  market},
    type       = {Communication},
    number     = {COM (96) 13 final},
    institution = {Commission},
    entrysubtype = {comdoc}
}

```

[118]

```

@report{com348,
    title      = {Proposal for a Council Regulation on
                  jurisdiction and the recognition and
                  enforcement of judgments in civil and
                  commercial matters},
    number     = {COM (99) 348 final},
    institution = {Commission},
    entrysubtype = {comdoc},
}

```

[119]

\cite[ch 1, art 3]{com895}

Commission, ‘Proposal for a Council Decision on the conclusion, on behalf of the European Community, of a Protocol on the Implementation of the Alpine Convention in the Field of Transport (Transport Protocol)’ COM (2008) 895 final, ch 1, art 3

\cite{com13}

Commission, ‘Action Plan on consumer access to justice and the settlement of disputes in the internal market’ (Communication) COM (96) 13 final

\cite{com348}

Commission, ‘Proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters’ COM (99) 348 final

EU official documents with the comdoc subtype are currently indexed by title via the virtual index euoffdoc. This is likely to be replaced with a system under which they are indexed by year and number.

UN Documents

The guidance given on citation of UN documents in the third edition of OSCOLA is somewhat inconsistent.⁵⁴ The scheme adopted here has been suggested by Daniel Högger.

United Nations documents should be given the entrytype of misc, and with the entrysubtype set to undoc.

The following fields are used:

⁵⁴ See Faculty of Law, University of Oxford, OSCOLA (n 4) 32-36.

institution	The body producing the document (eg UNGA for the General Assembly). Use the author field only if you want to identify an individual author.
title	The ‘long’ title of an instrument, if it has one.
instrument_no	The number of the <i>instrument</i> (eg Res 251/210). This is different from the number of the <i>document</i> . (Internally this equates to the titleaddon field, which may be used as an alternative.)
doc_no	The UN document number. Include the ‘UN Doc’ (since not all documents seem to have it, and BL-OSCOLA therefore cannot guess when it should be added). Note that for some pre-1976 documents, the date is part of the official document number and should be added here too. (Internally this equates to the number field, which may be used as an alternative.)

date The date of the instrument.

You can also use other common fields, such as shorttitle, indextitle and so on. (If you do not specify a short title, BL-OSCOLA will use the instrument number as the short title.) If you wish to cite a UN document from a journal or collection (such as ILM), you may include journaltitle, volume and pages fields here.

It is not clear, from the examples given in OSCOLA (3rd edition) whether the titles of UN instruments should be given in quotation marks or not. By default, BL-OSCOLA does not use quotation marks. But you may, if you wish, alter this. To do so, include the following in your preamble:

```
\DeclareFieldFormat{untitled}{\mkbibquote{\#1}}
```

```
@misc{Indep,
    institution = {UNGA},
    title        = {Declaration on the Granting of Independence
                    to Colonial Countries and Peoples},
    instrument_no = {Res 1514 (XV)},
    date         = {1960-12-14},
    doc_no       = {UN-Doc A/4684 (1961)},
    shorttitle   = {Res 1514 (XV)},
    entrysubtype = {undoc},
}
```

[120]

```
@misc{res51_210,
    institution = {UNGA},
    instrument_no = {Res 51/210},
    date         = {1996-12-17},
    doc_no       = {UN-Doc A/RES/51/210},
    entrysubtype = {undoc},
```

[121]

```

@misc{badinter4,
  author      = {{Badinter Commission}},
  title       = {Opinion No 4},
  indextitle  = {Badinter Commission, Opinion No 4},
  year        = {1992},
  volume      = {31},
  journaltitle= {I.L.M.},
  pages       = {1501},
  entrysubtype= {undoc},
}

```

[122]

- \cite{Indep} Declaration on the Granting of Independence to Colonial Countries and Peoples, UNGA Res 1514 (XV) (14 December 1960) UN Doc A/4684 (1961)
- \cite{res51_210} UNGA Res 51/210 (17 December 1996) UN Doc A/RES/51/210
- \cite{badinter4} Badinter Commission, Opinion No 4 (1992) 31 ILM 1501

No special index is provided for UN documents, but you can use the `tabulate` field to direct them to an appropriate index if you choose to do so.

Miscellaneous Other Resources

There is also support for citation of theses, letters, conference papers, emails and interviews in accordance with OSCOLA.⁵⁵ These hardly warrant detailed consideration, and so a few examples should suffice.

```

@thesis{herberg89,
  title      = {Injunctive Relief for Wrongful
                Termination of Employment},
  author     = {Herberg, Javan},
  date       = {1989},
  institution= {{University of Oxford}},
  type       = {DPhil thesis},
}

```

[123]

- \cite{herberg89} Javan Herberg, 'Injunctive Relief for Wrongful Termination of Employment' (DPhil thesis, University of Oxford 1989)

```

@misc{brown:letter,
  title      = {Letter from Gordon Brown
                to Lady Ashton},
  date       = {2009-11-20},
}

```

[124]

⁵⁵ OSCOLA, 42–43.

```
@misc{amazon:email,
    title      = {Email from Amazon.co.uk to author},
    date       = {2008-12-16},
}
```

[125]

\cite{brown:letter} Letter from Gordon Brown to Lady Ashton (20 November 2009)

\cite{amazon:email} Email from Amazon.co.uk to author (16 December 2008)

```
@misc{honore:interview,
    author     = {Endicott, Timothy and Gardner, John},
    title      = {Interview with Tony Honor\'e,
                  Emeritus Regius Professor
                  of Civil Law, University of Oxford},
    location   = {Oxford},
    date       = {2007-07-17},
    shorttitle = {Interview with Tony Honor\'e},
}
```

[126]

\cite{honore:interview}
 Timothy Endicott and John Gardner, Interview with
 Tony Honoré, Emeritus Regius Professor of Civil Law,
 University of Oxford (Oxford, 17 July 2007)

```
@inproceedings{reliance,
    author     = {McFarlane, Ben and Nolan, Donal},
    title      = {Remedying Reliance: The Future Development
                  of Promissory and Proprietary Estoppel in
                  English Law},
    eventtitle = {Obligations III conference},
    location   = {Brisbane},
    eventdate  = {2006-07-01},
}
```

[127]

\cite{reliance}
 Ben McFarlane and Donal Nolan, 'Remedying Reliance: The Future Development of Promissory and Proprietary Estoppel in English Law' (Obligations III conference, 1 July 2006, Brisbane)

Online Materials

There are two aspects to the citation of online materials. The BL-OSCOLA package offers you a specific way of citing material such as websites. It also offers you the opportunity of providing additional online information in relation to some other material.

Online sources

For exclusively online material (such as websites)⁵⁶ use the @online entry type.

title	The title of the piece.
journalttitle	The equivalent to the title of a journal, for instance the title of the website or blog.
author	The author or authors of the piece.
date	The date of the piece (assuming it is available).
url	The URL address.
urldate	The date on which you last accessed that URL.

```
@online{cole09,
    title      = {Virtual Friend Fires Employee},
    journalttitle = {Naked Law},
    date       = {2009-05-01},
    url        = {http://www.nakedlaw.com/2009/05/index.html},
    urldate    = {2009-11-09},
    author     = {Cole, Sarah},
}
```

[128]

\cite{cole09} Sarah Cole, ‘Virtual Friend Fires Employee’ (*Naked Law*, 1 May 2009) <<http://www.nakedlaw.com/2009/05/index.html>> accessed 9 November 2009

For electronic journals, use instead the @article entry type, giving in addition to the regular information the url and urldate. Since OSCOLA asks you to cite, as far as possible, in the style adopted by the journal, you may sometimes need to be ‘creative’ in the way you use fields to get the citation correct. For instance, while example 129 works out perfectly using conventional fields, the particular preferences of the *Duke Law and Technology Review* (for a date without any brackets, and an issue number with leading zeros) could only be met by including this information in the journalttitle.

```
@article{greenleaf10,
    author     = {Greenleaf, Graham},
    title      = {The Global Development of Free Access
                  to Legal Information},
    date       = {2010},
    url        = {http://ejlt.org/article/view/17},
    urldate    = {2010-07-10},
    journalttitle = {EJLT},
    volume     = {1},
    issue      = {1},
}
```

[129]

56 OSCOLA, 42.

```

@article{boyle04,
  author      = {Boyle, James},
  title       = {A Manifesto on WIPO and
                 the Future of Intellectual
                 Property},
  journaltitle = {2004 Duke L \& Tech Review 0009},
  url={http://dltr.law.duke.edu/2004/09/08/a-manifesto-on-
wipo-and-the-future-of-intellectual-property},
  urldate     = {2012-07-18},
  options      = {url=true},
}

```

[130]

- \cite{greenleaf10} Graham Greenleaf, ‘The Global Development of Free Access to Legal Information’ (2010) 1(1) EJLT (<http://ejlt.org/article/view/17>) accessed 10 July 2010
- \cite{boyle04} James Boyle, ‘A Manifesto on WIPO and the Future of Intellectual Property’ 2004 Duke L & Tech Review 0009 (<http://dltr.law.duke.edu/2004/09/08/a-manifesto-on-wipo-and-the-future-of-intellectual-property>) accessed 18 July 2012

URLs in other material

In addition to the citation of material that is *primarily* internet-based, you can also add URLs to books or articles, in which case the URL and date will be printed in addition to the other information. You can also do so with international cases (since OSCOLA expressly provides for this). There is not, however, any facility for adding URLs to other cases, because even when they are unreported the case name and reference (including the neutral citation) should enable the reader to look them up on any of a number of electronic resources.

So, for instance, example 131 shows the citation of a book with a URL, and example 132 shows an article.

```

@book{melbourne,
  title      = {Australian Guide to Legal Citation},
  author     = {{Melbourne University Law Review
                Association Inc}},
  publisher  = {Melbourne University Law Review
                Association and
                Melbourne Journal of International Law},
  edition    = {3},
  date       = {2010},
  url        = {http://mulr.law.unimelb.edu.au/go/aglc},
  urldate    = {2012-07-18},
}

```

[131]

- \cite{melbourne} Melbourne University Law Review Association Inc,
Australian Guide to Legal Citation (3rd edn, Melbourne

University Law Review Association and Melbourne
Journal of International Law 2010) <[http://mulr.law.
unimelb.edu.au/go/aglc](http://mulr.law.unimelb.edu.au/go/aglc)> accessed 18 July 2012

```
@article{loader,
  title      = {The Great Victim of this Get Tough
                 Hyperactivity is Labour},
  author     = {Ian Loader},
  journaltitle = {The Guardian},
  location    = {London},
  date        = {2008-06-19},
  url={http://www.guardian.co.uk/commentisfree/2008/jun/19
justice.ukcrime},
  urldate     = {2009-11-19},
  entrysubtype = {newspaper},
}
```

[132]

\cite{loader} Ian Loader, ‘The Great Victim of this Get Tough Hyperactivity is Labour’ *The Guardian* (London, 19 June 2008) <<http://www.guardian.co.uk/commentisfree/2008/jun/19/justice.ukcrime>> accessed 19 November 2009

Controlling whether URLs are printed

If you load BIBLATEX with the option `url=false`, then the printing of URLs will generally be suppressed. However, they will still be printed for sources that have been given the `online` type, and you can also override this on an item-by-item basis, by setting the `url` option for that particular source. This is obviously recommended for any source which does not have the `online` type, but is only available electronically. You can see it in example 130.

Formatting of URLs

The OSCOLA standard requires URLs to be placed in what are described in the text as angled brackets⁵⁷, but show not as angled brackets (<>) but as greater-than and less-than signs (<>). Since angled brackets are in fact typographically better, this is what BL-OSCOLA uses: but if you prefer to do so, you can use other delimiters by redefining

\legalstarturl and \legalendurl. So, for instance:

```
\renewcommand{\legalstarturl}{\textless}
\renewcommand{\legalendurl}{\textgreater}
```

[133]

will produce

Ian Loader, ‘The Great Victim of this Get Tough Hyperactivity is Labour’ *The Guardian* (London, 19 June 2008) <<http://www.guardian.co.uk/commentisfree/2008/jun/19/justice.ukcrime>> accessed 19 November 2009

57 OSCOLA, 33.

Licence

Main Package

The BL-OSCOLA package for BIBLATEX consists of the following files:

- `oscola.bbx`
- `oscola.cbx`
- `american-oscola.lbx`
- `british-oscola.lbx`
- `english-oscola.lbx`
- `oscola.ist`

This work may be distributed and/or modified under the conditions of the L^AT_EX Project Public License, either version 1.3 of this license or (at your option) any later version. The latest version of the license is in

<http://www.latex-project.org/lppl.txt>

and version 1.3 or later is part of all distributions of L^AT_EX version 2005/12/01 or later.

This work has the LPPL maintenance status of ‘maintained’. The current maintainer of this work is Paul Stanley (pstanley@essexcourt.net).

Documentation

The documentation for this package, consists of the following files:

- `oscola.pdf`
- `oscola-examples.bib`

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http://creativecommons.org/licenses/by/3.0/deed.en_GB

The Tabulation Scheme in this Document

In order to assist in understanding how tabulation works, I explain here how I decided to produce the tables used in this document. They are deliberately not fully comprehensive, to show how one can select those tables that matter.

I started off by turning on indexing:

```
\usepackage[style=oscola,indexing=cite]{biblatex}
```

I also loaded the package `IMAKEIDX`, and since I intended to use `SPLITINDEX`, I did it with the appropriate option. Since I knew that my tables would be short, and I wanted to save space, I also used the option `nonewpage`

```
\usepackage[splitindex,nonewpage]{imakeidx}
```

I then decided what indexes I would create. I wanted reasonably comprehensive tables of cases – a separate table for UK cases (including English, Scottish and Northern Irish cases), for EU cases (both alphabetical and by number), for international cases, and for other cases. I decided to send ECHR cases to the international cases index.

```
\makeindex[name=ukcases, intoc=true,
           title={Table of UK Cases}]
\makeindex[name=eucasesa, intoc=true,
           title={Table of EU Cases (Alphabetical)}]
\makeindex[name=eucasesn, intoc=true,
           title={Table of EU Cases (Numerical)}]
\makeindex[name=intcases, intoc=true,
           title={Table of International Cases}]
\makeindex[name=ocases, intoc=true,
           title={Table of Cases from Other Jurisdictions}]
```

I decided to have just two tables of legislation: one for all UK legislation (primary and secondary, including court rules), and one for EU legislation.

```
\makeindex[name=ukleg, intoc=true,
           title={Table of UK Legislation}]
\makeindex[name=euleg, intoc=true,
           title={Table EU Legislation and Treaties}]
```

I decided to have a table of treaties.

```
\makeindex[name=treaties, intoc=true,
           title={Table of Treaties}]
```

And finally I decided to have a table of ‘Parliamentary Material’, to which I would send draft legislation and all other UK Parliamentary material, such as Hansard.

```
\makeindex[name=pmats, intoc=true,
           title={Parliamentary Material and Draft Legislation}]
```

With those indexes defined, I could not ‘hook them up’. All the UK cases go to the ukcases index.

```
\DeclareIndexAssociation{gbcases}{ukcases}% Supreme Court
\DeclareIndexAssociation{encases}{ukcases}% England
\DeclareIndexAssociation{sccases}{ukcases}% Scotland
\DeclareIndexAssociation{nicsases}{ukcases}% Northern Ireland
```

And the EU cases get sent to the alphabetically and numerically organised indexes as appropriate.

```
\DeclareIndexAssociation{eucases}{eucasesa}% Alphabetical
\DeclareIndexAssociation{eucasesnum}{eucasesn}% Numeric
```

ECHR and international cases are both sent to a single index, intcases

```
\DeclareIndexAssociation{echrcases}{intcases}% ECHR  
\DeclareIndexAssociation{echrcasescomm}{intcases}% ECHR Commission  
\DeclareIndexAssociation{pilcases}{intcases}% International
```

And finally, all other cases (for instance US, Canadian, Australian) are sent to a fourth index.

```
\DeclareIndexAssociation{nzcases}{ocases}  
\DeclareIndexAssociation{uscases}{ocases}  
\DeclareIndexAssociation{aucases}{ocases}  
\DeclareIndexAssociation{cacases}{ocases}  
\DeclareIndexAssociation{otherscases}{ocases}
```

Then we have to deal with legislation. UK (including English, Northern Irish, Scottish and Welsh) legislation, both primary and secondary, is sent to a single index, as are English rules of court.

```
\DeclareIndexAssociation{gbprimleg}{ukleg}  
\DeclareIndexAssociation{gbsecleg}{ukleg}  
\DeclareIndexAssociation{enprimleg}{ukleg}  
\DeclareIndexAssociation{ensecleg}{ukleg}  
\DeclareIndexAssociation{scprimleg}{ukleg}  
\DeclareIndexAssociation{scsecleg}{ukleg}  
\DeclareIndexAssociation{cyprimleg}{ukleg}  
\DeclareIndexAssociation{cysecleg}{ukleg}  
\DeclareIndexAssociation{niprimleg}{ukleg}  
\DeclareIndexAssociation{nisecleg}{ukleg}  
\DeclareIndexAssociation{enroc}{ukleg}
```

EU legislation and treaties is all sent to another index.

```
\DeclareIndexAssociation{eutreaty}{euleg}  
\DeclareIndexAssociation{euregs}{euleg}  
\DeclareIndexAssociation{eudirs}{euleg}  
\DeclareIndexAssociation{eudecs}{euleg}
```

Treaties (other than the EU foundational treaties) go to yet another index.

```
\DeclareIndexAssociation{piltreaty}{treaties}
```

And lastly, parliamentary materials and draft legislation go to the final index.

```
\DeclareIndexAssociation{gbdraftleg}{pmats}  
\DeclareIndexAssociation{gbparltmat}{pmats}
```

With that, all the indexes we want are hooked up. Everything else is going to go to the trash index, which is not going to be printed. I did however make one change to my bibliography database, in order to make sure that example 67 got indexed properly, I set its tabulate field to pmats, and gave it the option skipbib, so that it won't appear in the bibliography.

That being done, the document simply contains \cite commands, which do their work automatically — apart from the one example of a ship's name that I add at page 20.

At the end of the document, we specify the indexes to be printed.

```
\printindex[ukleg]      % UK Legislation
\printindex[ukcases]    % UK Cases
\printindex[euleg]      % EU Legislation and treaties
\printindex[eucasesa]   % EU Cases, alphabetical
\printindex[eucasesn]   % EU Cases, numerical
\printindex[treaties]   % Treaties
\printindex[intcases]   % International cases
\printindex[ocases]     % All other cases
\printindex[pmats]      % UK parliamentary material and
```

I then run `latex`, `biber`, `latex`, `splitindex` and finally `latex` again. The document's 'general' index is generated separately using individual indexing commands. In order to deal with the styling, I run `SPLITINDEX` with the options `-- -s oscola` (which generates indexes with dot leaders), and then separately run `MAKEINDEX` on `oscola-documentation-general` to produce the general index.

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