Potchefstroom Electronic Law Journal

STANDARD FOR STYLE AND CITATION

(Prescribed Reference Style of the Faculty of Law, North-West University
(Potchefstroom Campus))

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1 Provisionally approved by the PER editorial committee on 11 March 2014.
1 General

• For any point or reference guideline not provided for in this Standard, the Oxford Standard for Citation of Legal Authorities (OSCOLA) should be followed.

• The name(s) of the author(s) must appear below the title of the contribution (article, case note or book review), centred and in bold. Authors must provide their academic and professional credentials, current affiliations and acknowledgments (if needed) in a footnote to their names. For example:

  Jonathan Verschuuren. MA LLM PhD (Tilburg University). Professor of International and European Environmental Law, Tilburg University, Netherlands. Email: j.m.verschuuren@uvt.nl

• A contribution in English should be typed using South African English and not American English. In other words “utilisation” as opposed to “utilization” and “neighbour” as opposed to “neighbor”. The passive voice should preferably be avoided in sentences.

• Italics for all words in a language other than the language of the contribution. For example: inter alia, Rechtsstaat, etcetara. This is also applicable for Afrikaans words in English contributions. Quotations in a foreign language that are indented and justified (longer than one line), need not be typed in italics, but a translation in the language of the contribution should be provided in a footnote.

• Make use of footnotes, not endnotes.

• A list of keywords must be provided.

• Every contribution must be provided with an alphabetical bibliography at the end of the text (see paragraphs 2-4 of this document).

• A list of abbreviations used in the text or footnotes, including journal titles must be provided.³

Example:

LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHRLJ</td>
<td>African Human Rights Law Journal</td>
</tr>
<tr>
<td>DEA</td>
<td>Department of Environmental Affairs</td>
</tr>
<tr>
<td>NEMA</td>
<td>National Environmental Management Act 108 of 1998</td>
</tr>
<tr>
<td>SAHRC</td>
<td>South African Human Rights Commission</td>
</tr>
</tbody>
</table>

- Use as few abbreviations as possible in the text. For example: “section 12”. Use as many as possible abbreviations in the footnotes. For example: "s 12".
- A footnote starts with a capital letter and ends with a full stop.
- Please take note that "paragraph" is abbreviated in the footnotes as "para" and "paragraphs" as "paras".
- Use only acknowledged abbreviations as they appear in dictionaries as far as possible.
- Abbreviations should be typed without full stops.

1.1 Layout

- Use font type Tahoma 12pt (main text and bibliography); Tahoma 10pt (footnotes); Tahoma 11pt (quotations of longer than one line).
- Justify text with 1.5 spacing for the main text and single spacing for footnotes, quotations longer than one line and the bibliography.
- All headings must be placed against the left margin.
- Page numbers are placed at the bottom of the page, centred and in the same font and size as the text (Tahoma, 10pt). Roman numerals are used for pages on which the list of abbreviations, list of keywords and so forth,

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3 Please take note that journal titles, case law as well as short titles of legislation should not be italicized for purposes of the List of Abbreviations.
appear. Arabic numerals are used for all subsequent pages containing the actual text and the bibliography.

- Leave one line open before and after paragraphs and between paragraphs and quotations longer than one line.
- Footnotes must be justified at the bottom of each page of the text. References to sources are not placed in the main text (for example: Smith, 2005:5).
- Footnotes margin: 0.75 hanging indent.
- In the main text, the footnote reference should always be inserted after punctuation marks (for example after a full stop or comma). For example: Cyber law is a fast growing subject field.4
- Cross-reference in footnotes to paragraph numbers in the text "above" or "below". For example: See para 1.3 above. Ibid, supra, infra and op cit are not used in the footnotes.
- In a footnote, a semi-colon is used to separate sources from each other. For example: Cornelius Principles 33; Van der Berg Interpretation of Statutes in South Africa 35.
- In a footnote, where two or more pages from the same source are referred to, only a comma is used. For example: Cornelius Principles 33, 67.
- Place a full stop after each footnote irrespective of the nature of the source.
- All references to page numbers must be provided in the following format: 222-224 and not 222-4 or 222-24. Do not use "p", "pp" or "page" - the numbers itself indicate the page numbers concerned.
- Tables and graphics must have headings placed on top and they must be numbered (for example: Table 1).

1.2 Headings and numbering of headings

- The title of the contribution: CAPITALS AND BOLD.

4 Kruger Cyber Law in South Africa 12.
• Main headings: **bold**.
• Secondary headings: **bold and italics**.
• Tertiary headings: *italics*.
• Subsequent headings: normal font.
• Note the use of full stops. **No full stop** after the last number of a heading number.

**Example:**

<table>
<thead>
<tr>
<th>Function</th>
<th>Numbering</th>
<th>Description</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>-</td>
<td><strong>CAPITALS AND BOLD</strong></td>
<td><strong>THE HORIZONTAL APPLICATION OF THE CONSTITUTION</strong></td>
</tr>
<tr>
<td>Main heading</td>
<td>1</td>
<td><strong>Bold</strong></td>
<td>1 Constitutional provisions</td>
</tr>
<tr>
<td>Subordinate heading</td>
<td>1.1</td>
<td><strong>Bold and Italic</strong></td>
<td>1.1 <em>Freedom Charter</em></td>
</tr>
<tr>
<td>Subsequent subordinate heading</td>
<td>1.1.1</td>
<td><em>Italics</em></td>
<td>1.1.1 <em>Right to life</em></td>
</tr>
<tr>
<td>Any subsequent heading</td>
<td>1.1.1.1 (etc)</td>
<td>No bold or italics</td>
<td>1.1.1.1 Horizontal application</td>
</tr>
</tbody>
</table>

### 1.3 Quotations

- A line must be left open before and after a direct quotation from another source if the quotation is **longer than one typed line**.
- Quotation marks are not used in quotations longer than one typed line that are indented (on both sides) and justified. Indented quotations are typed in size 11pt and single spaced.
Example of a quotation longer than one line:

Against this background, "parliament" is defined as:

The group of people responsible for making and changing laws and consisting of structures such as the House of Commons, the House of Lords and the King or the Queen (in the United Kingdom context).\(^5\)

According to this definition a parliament is not a building but a group of people with the power to make laws.

- A direct quotation from another source which is not longer that one typed line, must be quoted in the same sentence. For example: Swanepoel's view is that labour law "is one of the most complex fields of the law".
- "Straight quotes" are used (as opposed to “smart quotes”).
- Single quotation marks ("...") are used for a quotation within a quotation.

Example:

"The most appropriate form of biodiversity regulation is arguably by means of 'economic instruments'".\(^6\)

- **Punctuation** that is not part of the quoted sentence should be placed outside the quotation marks. For example: He said that John could be “a hairy man”. If it is part of the quoted sentence, the punctuation should be placed inside the quotation mark. For example: “John is a hairy man.”
- **Punctuation marks (for example commas and quotation marks) used in the original sentence must also be placed within the quotation marks.**
- The reference to the source of the quoted text must be provided in a footnote.

\(^5\) Sebogodi *Government Systems* 100.
\(^6\) Paterson *Biodiversity Protection* 22.
• Should the surname of the quoted author appear in the main text, the footnote reference must appear directly after his/her surname. Do not cite the first names of authors.

**Example:**

Feris\(^7\) is of the opinion that there may not be enough resources to adequately address environmental justice issues.

2 The basics of the bibliography

• A contribution must be provided with a bibliography with sub-headings.
• Leave a line open between two sources listed in the bibliography and also between a sub-heading and a listed source.
• **A full stop is not placed** after a listed source.
• Sources are alphabetised under the following sub-headings in the order they appear below:
  o **Literature** - All books, chapters in books compiled by editors, conference contributions, theses, dissertations, journal articles and newspaper articles, arranged in alphabetical order.
  o **Case law** - All reported and unreported case law.
  o **Legislation** - All statutes referred to, including the *Constitution of the Republic of South Africa*, 1996 and statutes of foreign countries.
  o **International instruments** (meaning international resolutions, conventions and treaties).
  o **Government publications** - Sources officially published in a Government Gazette such as Government Notices and Proclamations.
  o **Internet sources** - All materials exclusively accessible on the internet, which do not fall under the list of references above. For

\(^7\) Feris *Environmental Justice* 3.
example information on websites and blogs. (Note: scholarly journal articles and e-books accessed via online databases should be included under the sub-heading "Literature").

3 Examples of references and additional information on references in footnotes and in the bibliography

3.1 General

- The general rule in referencing any type of sources is: (a) essential bibliographical information without which a specific source will not be found readily, must be cited in a consistent manner in footnotes and the bibliography; and (b) useful additional information such as publisher information must appear in brackets in the bibliography.
- This general rule only applies when neither this Standard nor OSCOLA provides for a rule.

3.2 Literature

- Authors' initials are omitted in footnote references but must appear in the bibliography.
- All sources under the heading "Literature" in the bibliography must be preceded by the abbreviated reference as per the footnote reference.
- A source's title (for example titles of books, journal articles, reports) must always be referenced in the footnotes and bibliography in the language in which it has been published. For example (in the bibliography) Wouters J Bronnen van Internationaal Recht (Intersentia
Antwerp 2004). Any additional bibliographical information such as the 
place of publication must be provided in the bibliography in the 
language of the text itself, in this instance, English.

3.2.1 Books

Footnote:
Grové and Otto Basic Principles of Consumer Credit Law 32.

Bibliography (under the heading "Literature"):
Grové NJ and Otto JM Basic Principles of Consumer Credit Law 2nd ed (Juta 
Cape Town 2002)

Note:
• With books, where more than one place of publication is mentioned, 
  the first place name appears in the bibliography.
• In the case of a co-authored or co-edited book with more than one 
  author, a maximum of three authors' names are listed.

Example:

Footnote:

Bibliography (under the heading "Literature"):
Strydom EML, Le Roux PA and Dupper OC Essential Social Security Law 2nd 
ed (Juta Cape Town 2006)

• In the case of a co-authored or co-edited book with more than 
  three authors, only provide the name of the first author or editor 
  followed by et al (in italics).

Example:
Footnote:

Bibliography (under the heading "Literature"):

- Where a book has been re-published under the name of an author other than the original author, the author(s) of the new edition must be cited with recognition of the original author's name in the title.

Example:

Footnote:
Badenhorst, Mostert and Pienaar Silberberg and Schoeman's The Law of Property 6-10.

Bibliography (under the heading "Literature"):

- In the bibliography a book's edition number should be provided directly after the title of the book.

Example:

Bibliography (under the heading "Literature"):
Grogan J Workplace Law 8th ed (Juta Cape Town 2005)

- Where more than one edition of the same book were used, the footnotes and bibliography should in all instances clearly indicate the edition number.

Example:
Footnote:
Van der Walt and Pienaar *Introduction to Property Law* 2nd ed 124-129.

**Bibliography (under the heading "Literature"):**
Van der Walt Aj and Pienaar Gj *Introduction to Property Law* 2nd ed (Juta Cape Town 2001)
Van der Walt Aj and Pienaar Gj *Introduction to Property Law* 5th ed (Juta Cape Town 2006)

3.2.2 *Chapters in books compiled by editor(s) (chapters by different authors)*

Footnote:
Brand "The Right to Food" 160-161.

**Bibliography (under the heading "Literature"):**

3.2.3 *Conference contributions*

**If published in conference proceedings**

Footnote:
Reickhardt "Legal Liabilities" 4-7.

**Bibliography (under the heading "Literature"):**
Reickhardt M "Legal Liabilities" in Chamber of Mines' *Conference on Environmentally Responsible Mining in Southern Africa* (25-28 September 2001 Johannesburg) 4-23

**If unpublished**

Footnote:
Reickhardt "Legal Liabilities".

**Bibliography (under the heading "Literature"):**

Reickhardt M "Legal Liabilities" Unpublished contribution delivered at the Chamber of Mines' Conference *Environmentally Responsible Mining in Southern Africa* (25-28 September 2001 Johannesburg)

**Note:**

- If provided in the original text, refer to page numbers in citing unpublished conference contributions.

### 3.2.4 Theses or dissertations

**Footnote:**

Robberts *Mining Authorisations in South Africa* 221.

**Bibliography (under the heading "Literature"):**

Robberts K *Environmental and Mining Authorisations in South Africa* (LLM-dissertation University of Pretoria 2011)

### 3.2.5 Journal articles

**Footnote:**

De la Harpe and Van der Walt 2005 *AHRLJ* 71.

**Bibliography (under the heading "Literature"):**

De la Harpe S and Van der Walt T "The Right to Pre-trial Silence as Part of the Right to a Free and Fair Trial – An Overview" 2005 *AHRLJ* 70-90

**Note:**

- Since the journal title (*African Human Rights Law Journal*) is abbreviated (*AHRLJ*), the abbreviation must be included in the list of abbreviations.
• The reference to a **journal article** in the bibliography must include the first and last page numbers where the article appeared, for example 457-489.

### 3.2.6 Newspaper articles

**Footnote:**
Hartely *Business Day* 4.

**Bibliography (under the heading "Literature"):**
Hartely G "DA Rails at Selebi’s Use of Crime Figures" *Business Day* (18 July 2006) 4

**Note:**
- Popular magazines of a non-academic nature (published weekly or monthly) are cited in the same way as newspaper articles.
- Newspaper articles only available online, should be cited under the heading “Internet sources”. See paragraph 3.7 of this document.

### 3.3 Case law

#### If reported

**Footnote:**
*President of the Republic of South Africa v Hugo* 1997 4 SA 1 (CC) para 15.

**Bibliography (under the heading "Case law"):**
*President of the Republic of South Africa v Hugo* 1997 4 SA 1 (CC)

#### If unreported

**Footnote:**

**Bibliography (under the heading "Case law"):**
*Free State Cheetahs (Pty) Limited v Mapoe (O)* unreported case number
Note:

- The name of a case must be provided in full in the bibliography. In the text and footnotes all non-essential information must be left out, including NO, NNO, and others, and another, amicus curiae.
- In footnote references to cases the specific page number(s) or paragraph number(s) must be provided. For example: Bareki v Gencor Ltd 2006 1 SA 432 (T) 436A-D or para 123. Please see paragraph 1 of this document for the abbreviation of "paragraph" and "paragraphs".

3.4 Legislation

Footnote:
S 1 of the Auditing Profession Act 26 of 2005.
Ss 1 and 3 of the Auditing Profession Act 26 of 2005.

Bibliography (under the heading "Legislation"):
Auditing Profession Act 26 of 2005

Note:

- Legislation is referenced without the inclusion of "No." (which indicates the number of the Act) and without any punctuation marks. For example: National Water Act 36 of 1998.
- When an Act or statute is referenced for the first time in the text or in a footnote it may be abbreviated in brackets whereafter only the abbreviated form should be used in all footnotes and in the text. For example National Water Act 36 of 1998 (hereafter the NWA) or (hereafter the Water Act). The abbreviated form must be included in the list of abbreviations.
- A footnote is unnecessary if the full citation to an Act is provided in the text. If only the short title is referred to in the text (for example: Auditing Profession Act), provide the number and year in the footnote (for
example: Auditing Profession Act\(^8\) (in the text) and 26 of 2005 (in the footnote).

- If a single act or statute forms the basis of the discussion it can be abbreviated as "the Act". For example: "Section 31(a) of the Provision of Safety Act 10 of 2001 (hereafter the Act) states that .......... The Act further provides that .........."

- If only one Act is discussed or if it is clear from the text which Act is referred to, refer in the footnote only to the sections discussed and do not repeat the name of the Act.

- Capital S (for "section") only at the beginning of the footnote, or the beginning of a sentence in the footnote.


### 3.5 International law instruments

- PER prescribes the citation style of the South African Journal on Human Rights (SAJHR) for international law instruments, namely for well-known international legal instruments:

**Footnote:**

A 3 of the *Universal Declaration of Human Rights* (1948).

**Bibliography (under the heading "International instruments"):**

*Universal Declaration of Human Rights* (1948)

- For not so well known international legal instruments:

  Give the ILM\(^9\) reference where available, failing which give UNTS (United Nations Treaty Series) reference or full UN Doc or OAU Doc reference.\(^10\)

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\(^8\) 26 of 2005.
Footnote:


**Bibliography (under the heading "International instruments"):**


### 3.6 South African government publications

Footnote:
Reg 3(1)(a) in GN R456 in GG 11456 of 24 April 2006.
Reg 4(c) in Proc R34 in GG 10345 of 13 December 2005.
Item 1(a) in Gen Not 342 in GG 24567 of 24 December 2006.

**Bibliography (under the heading "Government publications"):**
GN R456 in GG 11456 of 24 April 2006
Proc R34 in GG 10345 of 13 December 2005
Gen Not 342 in GG 24567 of 24 December 2006

* GN – Government Notice (and number)
** Proc – Proclamation (and number)
*** Gen Not – General Notice (and number)
**** GG – Government Gazette (and number)

### 3.7 Internet sources

Footnote:
Clarkson 1998 http://webjcli.ncl.ac.uk.

Bibliography (under the heading "Internet sources"):

or

Footnote:

Bibliography (under the heading "Internet sources"):
Department of Labour 2009 Health and Safety Issues

Note:
• Different kinds of sources are published on the internet. An internet source is a source that is exclusively available on the internet (for example websites and blogs).
• Internet addresses must be typed in black and should not be underlined. Please do not make use of hyperlinks when citing an internet address.
• All scholarly journal articles, books, legislation, case law, international law instruments or any other source that have been accessed via an online database should not be cited as internet sources but as journal articles, case law and so forth.

Notes for citing internet sources in footnotes

• As a general rule, the following information must be provided in footnotes: (a) the name of the author (company, organisation or institution or the surname of an individual); (b) date of publication or creation; and (c) the internet address to where the source was accessed:
Notes for citing internet sources in the bibliography

- As a general rule, the following information must be provided in the bibliography: (a) the name of the author (company, organisation or institution or the surname and initials of an individual); (b) date of publication or creation; (c) the name of the web-page or document cited from or the title of a posting on a blog or social network site; (d) internet address to where the source was accessed; and (e) the date on which the source was accessed:

  or

- When the author's name or the date of publication or creation is not known it should be indicated as such by means of "Anon" and "date unknown".
- In the bibliography all internet sources must be preceded by the abbreviated reference as per the footnote reference.


4 Example of a bibliography

BIBLIOGRAPHY

Literature


Badahla 2001 *SA Journal of Psychology and Law*

Bekker *et al* Corporate Culture and Law

Brand "The Right to Food"

Fisse 1982-1983 *S Cal L Rev*

Fisse and Braithwaite 1988 *Sydney L Rev*

Fisse and French (eds) *Corrigible Corporations and Unruly Law*

Snyman *Criminal Law*
Snyman CR *Criminal Law* 5th ed (LexisNexis Butterworths Durban 2006)

Van der Merwe "Sectional Titles"

Case law
Free State Cheetahs (Pty) Limited v Mapoe (O) unreported case number 4587/2010 of 29 September 2010

S v Majosi 1991 2 SASV 532 (A)

S v Masilela 1968 2 SA 558 (A)

Van Eeden v Minister of Safety and Security (Women’s Legal Centre Trust as amicus curiae) 2003 1 SA 389 (SCA)

Legislation

Auditing Profession Act 26 of 2005

Constitutional of the Republic of South Africa, 1996

National Environmental Management Act 108 of 1998

International instruments


Universal Declaration of Human Rights (1948)

Government publications

GN R456 in GG 11456 of 24 April 2006

Proc R34 in GG 10345 of 13 December 2005

Gen Not 342 in GG 24567 of 24 December 2006

Internet sources

American Society of International Law date unknown
http://www.asil.org/resources/international-legal-materials

American Society of International Law date unknown International Legal Materials

Anon 2010 http://www.watersan/docs/F1368
Anonymous 2010 Water and Sanitation: The Outcome of the Phiri Case
http://www.watersan/docs/F1368 accessed 16 March 2010

Clarkson 1998 http://webjcli.ncl.ac.uk