

**PULP GUIDE:
FINDING LEGAL INFORMATION IN
SOUTH AFRICA (2nd edition)**

Shirley Ann Gilmore

Pretoria University Law Press

PULP

2011

PULP GUIDE: FINDING LEGAL INFORMATION IN SOUTH AFRICA (2ND EDITION)

Published by:

Pretoria University Law Press (PULP)

The Pretoria University Law Press (PULP) is a publisher at the Faculty of Law, University of Pretoria, South Africa. PULP endeavours to publish and make available innovative, high-quality scholarly texts on law in Africa that have been peer-reviewed. PULP also publishes a series of collections of legal documents related to public law in Africa, as well as text books from African countries other than South Africa. PULP occasionally also publishes short information booklets such as the current one.

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Printed and bound by:

ABC Press, Cape Town

To order, contact:

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0002

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www.pulp.up.ac.za

Cover:

Yolanda Booyzen, Centre for Human Rights

ISBN: 978-1-920538-06-4

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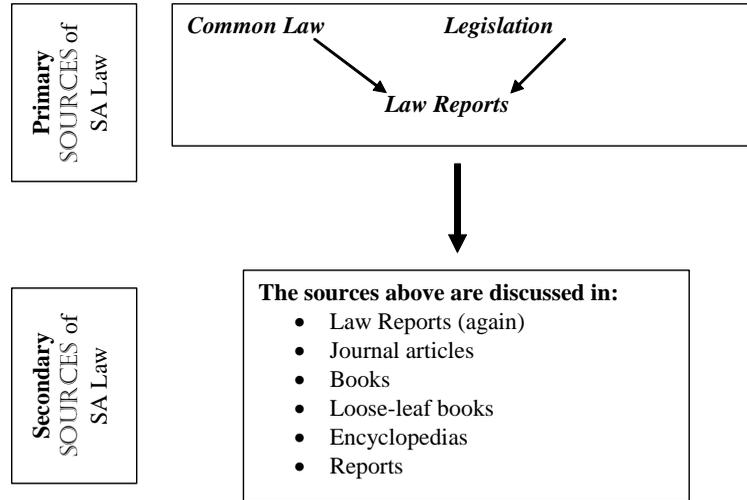
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Introduction

‘The art of practising law is not to know all the answers, but to know where to find the answers. In order to find the answers, the practitioner must know what to look for. In order to know what to look for the practitioner must be able to sift the facts at hand and to define the problem he or she is dealing with’ (V Tunkel & A de W Horak xi). Academic study should teach one the requisite skills to ‘sift the facts at hand’. However, one is still left with the problem of finding the authority that you need to substantiate your case or finding the written law that will back up whatever case you are making. The information lies in all the physical (both print and electronic) sources of our law – the common law; the legislation; the law reports; the books and the encyclopedias. The aim of this booklet is to enable you to fully understand these sources and how to use them in order to find the necessary information.

Finding legal information is so much easier if you have a picture in your mind of the various sources of information; what the hierarchy is; how they relate to one another; where to find them and how to use them. To assist one to have this picture in your mind use the illustration of the primary and secondary sources of law.



Research in law requires one to use a great many information sources. To begin with one needs to be aware of the many categories of sources in law. Broadly speaking the primary sources are common law, legislation (national and regional; statutes and regulations) and law reports. The secondary sources are encyclopedias, books and journal articles. In addition, one deals with information from different countries and jurisdictions. *Government Gazettes* and policy documents may also be used.

Primary sources are so named because they contain the law, whereas secondary sources are opinions or discussions on the law. The primary sources are therefore the authority that you use to substantiate your case. At all times up-to-date information is essential.

2 Start with books

2.1 A basic approach

Textbooks, monographs or books are a very good source for starting research on any topic and should be seen as your first port of call. Do take care to use the latest editions where possible. Within a library environment books on the same subject are found together on the shelves. Once you have found books on your topic browse the shelves for more on the same topic.

The reason why one should start with the books is because they will give both a broad overview of the subject as well as some detail on specifics. Usually the author(s) or editor(s) will have done considerable research on a topic for the book. It is recommended that you follow up the footnotes to legislation, regulations, case law, books and other material.

Arguably the best set of books with which to start research in South African law is the **legal encyclopaedia** known as *The Law of South Africa* or *LAWSA* published by LexisNexis Butterworths. It is authored by well-known experts in each field. It is also comprehensive, very well indexed and is kept up to date with the *Cumulative Supplements*, as well as monthly publications, known as *Current Law*.

Loose-leaf books are very widely used as a publication format in law. They are useful and popular because they can be kept up to date with update pages. Theoretically the publication can always be current and, indeed, this is often the case. Almost every field of law contains one or more loose-leaf publications. They are increasingly also available in online format (either Internet or CDs). Mostly they are comprehensive and detailed, and are highly recommended for research.

Legal dictionaries provide definitions of legal words and phrases. There are some that are specifically for South African law and these will give meanings in English, Afrikaans and Latin.

2.2 More information

2.2.1 *Textbooks, monographs or books*

Books are well known to legal professionals because they are extensively used during academic studies. As stated above they are always recommended as a starting point. Take care to use the most recent edition of a book. At the same time bear in mind that no book is fully up-to-date, because the law is constantly changing as a result of amendments in the legislation and new precedents from the courts.

The importance of textbooks in law is that they create order out of the plethora of information contained in common law, legislation and court precedents. Through analysis and discussion, they bring it all together into a more manageable and understandable whole. Of course, they do not have authority as such, but they are respected by the courts, as can be seen by the many citations made in court judgments to sections within books.

It is difficult to evaluate books unless you are personally very knowledgeable in that area of law. What one needs are the major respected works. However, there are a few points worth mentioning. What counts is the reputation of the author and the publisher. One may also be guided by the fact that the book is beyond its first edition. A book which is in its third, fourth, etc. edition is a book that is much in demand and the publishers thereof have therefore requested the authors to update the book because it is selling well. If it sells well it probably has a good reputation.

Foreign books are very useful when there is either nothing or little published in South Africa on a specific topic. This is often the case in a new area of law. Once again be guided by the same recommendations as for local books. New editions, good publishers, reputable authors and so on. As a quick guide the following publishers of foreign law books are respected amongst law librarians:

- Ashgate
- Cambridge University Press
- Edward Elgar
- Foundation Press
- Hart
- LexisNexis
- Martinus Nijhoff

- Oxford University Press
- Routledge
- Sweet & Maxwell
- Thomson
- Wolters Kluwer

Increasingly, authors or editors are including tables and lists in their textbooks which provide very useful additional information. Look, for example, in the book titled *Foundational Principles of South African Medical Law* by PA Carstens and D Pearmain, Durban: LexisNexis (2007) and you will find that the book is composed of the following sections:

- Contents
- The chapters
- Bibliography
 - Table of abbreviations
 - Books and articles cited
 - Various other citations
- Table of statutes
 - An alphabetical list of statutes which refers to the page(s) in the book on which the Act is mentioned or discussed.
 - Not only the Acts but specific sections of the Act are also given, for example, section 27(2) of the Constitution is mentioned on pages 12, 13, 37, 39, 44, etc.
- Table of cases (South African and foreign)
 - Alphabetical list of cases and the pages on which they are mentioned or discussed.
- Index

The **South African Law Reform Commission** issues published reports on its projects. They undertake investigations into a variety of areas of law and then make recommendations as to changes in the law. This usually takes the form of a proposed or draft bill. See website <http://www.doj.gov.za/salrc/index.htm>.

2.2.2 *How to find books*

Suggestions on how to find books on law in South Africa:

- The three most active legal publishing firms in South Africa are *Juta's* <http://www.jutalaw.co.za/>, *LexisNexis Butterworths* <http://ebiz.lexisnexis.co.za/bws/> and *Oxford University Press* <http://www.oxford.co.za/>. These websites supply lists of publications or catalogues on their websites. Browse these lists for books on specific topics.
- Less known, but still worthwhile, legal publishers in South Africa are: PULP <http://www.pulp.up.ac.za/>; The Law Society of South Africa; Ampersand Press; SAGA Legal Publications; ProPlus Publishers; and Siber Ink.
- Book stores that supply university student books should carry all the latest student textbooks, both the prescribed and recommended books.
- South African Law Reform Commission webpage: <http://www.doj.gov.za/salrc/index.htm>
- South African university library catalogues are, on the whole, free on the web. One may consult them for a list of South African books on a topic. It is suggest that one uses:
 - the Constitutional Court Library catalogue <http://www.constitutionalcourt.org.za/uhtbin/webcat>
 - the main law schools library catalogues, for example, the Universities of Pretoria <http://explore.up.ac.za/screens/mainmenu.html> ,
 - CapeTown <http://www.lib.uct.ac.za/>
 - Witwatersrand <http://innopac.wits.ac.za/>
 - Rhodes <http://opac.seals.ac.za/search-S2>
 - Stellenbosch <http://www.lib.sun.ac.za/library/index.htm>
 - Johannesburg <http://ujlink.uj.ac.za/> and so on.

Suggestions on how to find books on law from **foreign** jurisdictions:

- South African university library catalogues are, on the whole, free on the web. One may consult them for a list of foreign books on a legal topic (see above). The same applies for law school libraries overseas.
- Worldwide, probably the two largest library collections are the:
 - § Library of Congress <http://catalog.loc.gov/> and
 - § The British Library <http://www.bl.uk/>
- To find any books in their catalogues one would do a keyword search: for example for books on the tort law in Scotland, one could use as keywords - 'torts' or 'delict' and 'Scotland'.
- See also the list of reputable legal publishers above. Consult the catalogues on their websites.
- *Google Scholar* may provide results on specialised topics (or, it may be like looking for a needle in haystack!)

2.2.3 Encyclopaedias (general)

2.2.3.1 *The Law of South Africa (LAWSA)*, published by LexisNexis Butterworths, is a very good encyclopaedia of our current law. The set of many volumes is arranged alphabetically by subjects and each chapter covers a separate topic in law. The chapters have numbered paragraphs. As stated above the authors for each area of law are well-known experts in their fields. Another reason why it is recommended is because the set, which is currently made up of 34+ volumes, is both comprehensive and very well indexed. The set has a *Consolidated index*; an *Index of Cases*, *Cumulative Supplements* and is kept up to date with monthly publications, known as, *Current Law*. *Current Law* notes the changes in law since the publication of the last annual *Cumulative Supplement*, and is therefore a good way to keep up to date on a topic in law.

In addition, there are new volumes published regularly. Used altogether they are very helpful with regard to new developments in law. Locate any topic by using the index and then use the 'Key' to find the latest cases, legislation and literature on a specific topic. From the index one is referred to a volume, and then, to paragraph numbers (rather than pages). It is useful to follow up all footnotes. The 'key', in both the supplements and monthly updates, is arranged by the volumes and paragraph numbers of the main set.

2.2.3.2 *Halsbury's Laws of England*. *LAWSA* is modelled on the United Kingdom publication known as *Halsbury's Laws of England*, which is published by Butterworths (now LexisNexis) in the UK. *Halsbury's* is basically arranged in the same way as *LAWSA*. It is kept current with a monthly publication called '*Current Service*'. It is very comprehensive and a good starting point for any aspect of UK law.

It was first published in 1907 under the general editorship of the Earl of Halsbury, who was also the Lord High Chancellor of Great Britain. I quote from the introduction to the latest edition: As Lord Halsbury explained ... the work 'is not a mere encyclopedia, it is not a mere collection of cases, but a number of treatises composed by learned lawyers, supported by the decisions of the great judges who have from time to time adorned the English bench; and it is hoped that when finished the work will furnish a complete statement of the laws of England.'

It is now in its fifth edition, and the set of volumes is arranged alphabetically by subjects. As an example, volume 1 covers the subjects *Agency*; *Agricultural Land*; *Agricultural Production and Marketing*.

The editors advise the following with regard to how to use *Halsbury's Laws of England*:

- 'First, by using the tables of contents.

- Secondly, by using tables of statutes, statutory instruments (which are similar to South Africa's regulations), cases or other materials.
- Thirdly, by using the indexes.
- The text volumes should be used in conjunction with the annual *Cumulative Supplement* and the monthly *Noter-up in Current Service*'

2.2.3.3 *Corpus Juris Secundum CJS* is published by West Publishing Co. "Corpus Juris Secundum is a legal encyclopedia covering state and federal legal topics" of the USA. The subtitle is 'A contemporary statement of American Law as derived from reported cases and legislation'. Currently it consists of over 100 volumes. It is very comprehensive, contains many footnote references to case law and is an excellent place to start with research on the law of the USA. As stated on the front page of the hardcopy version, it is 'Kept to date by Cumulative Annual Pocket Parts'. The annual pocket parts contain relevant new cases and statutory changes. As with *LAWSA* and *Halsbury's* (see above) the volumes are arranged alphabetically by subject. Volume 3, for example, of *CJS* deals with the subjects *Agency; Agriculture; Aliens*.

The publisher states in the preface: The basic object of C.J.S. has been to present in concise form the result of the steady stream of precedents which have replaced, modified, or supplemented older doctrines, while at the same time preserving those principles and statements of law that have withstood the test of time and are firmly embedded in our jurisprudence. In carrying out this objective, the publisher has followed a planned program of replacement volumes for diverse areas where there have occurred substantial changes and developments in the law that can no longer be adequately dealt with in the pocket parts.

CJS has the following indexes:

- individual indexes for most volumes;
- the *Table of Statutes, Rules and Regulations cited*;
- *Table of Cases*; and
- The *General Index*.

The full text of *CJS* is included in the *Westlaw* database and in this format it has all the advantages of online searching. (See *Westlaw* below at 9.3.2.1)

2.2.3.4 *International Encyclopedia of Laws* - published by Kluwer Law International. It is described by the publishers as 'Your country-by-country library of national and international law'. The encyclopaedia is a very large series of many volumes. It is in loose-leaf format and, as such, is updated. It comprises 21 different titles, each of which has numerous volumes. Each title (for example, Sports Law) covers that aspect of law on a country-by-country basis. These country sections 'describe how each national legal system governs the relevant field'. Take note

that, by no means, every country in the world is covered, and topics are not dealt with in much depth. It therefore serves as introductory material. Where applicable the volumes will also cover the international law, supranational organisations and case law from the international courts.

The 21 titles (which may be purchased separately) are:

- Civil Procedure
- Commercial and Economic Law
- Constitutional Law
- Contracts
- Corporations and partnerships
- Criminal Law
- Cyber law
- Energy law
- Environmental law
- Family and Succession law
- Insurance law
- Intellectual property
- Intergovernmental Organizations
- Labour law and Industrial Relations
- Medical law
- Private international law
- Property and Trust law
- Social Security law
- Sports law
- Tort law
- Transport law

It is an expensive series, but fortunately, one can purchase the various subject fields or titles separately.

2.2.3.5 *The Digest* is an encyclopaedia of case law. It is published by Butterworths LexisNexis and is a set of 80+ volumes of annotated British, Commonwealth and European cases. Publication started in 1919 (then *The English and Empire Digest*) under the direction of the Earl of Halsbury (see also *Halsbury's Laws of England* above). The set is now in its reissue edition known as the 'Green Band' edition, the publishing of which was started in 1971. The 'Green Band' is found on the spine. Every year a number of volumes are reissued. The volumes are arranged alphabetically by title (subject). The titles correspond as far as possible to those in *Halsbury's Laws of England*. The volumes contain a great number of items which each consist of a summary (digest), and all the citations, of a particular case. Each volume starts with a table of cases for that volume.

The introduction states:

The Digest provides, in digested form, the whole case law of England and Wales, together with a considerable body of cases from the courts of Scotland, Ireland, Canada, Australia, New Zealand and other countries of the Commonwealth. Cases dealing with the law of the European Communities are also included. The case digests are printed with annotations listing the subsequent cases in which judicial opinions have been expressed in the English courts. *The Digest* additionally serves as a comprehensive guide and index to reported cases. It supplies a concise statement of the effect of each case and enables the user to know where to look and what to expect to find when the report itself is examined in full. *The Digest* contains summaries of over 500,000 cases drawn from over a thousand different series of law reports.

It is kept up to date by means of the *Annual Cumulative Supplement*. The entire set also has an *Index* (for those cases where one knows the subject area of one's research); a *Consolidated Table of Cases* and *Quarterly Surveys*. *The Digest* includes cases from South Africa from 1828 to date.

2.2.4 *Loose-leaf books*

Instead of being bound these books have loose pages in a file or binder. This format allows for them to be updated regularly. This is done by means of replacement pages, so that the updated book may correctly reflect the new legal position. This is very helpful in a field where the subject matter is constantly being adjusted by new legislation and regulations or case law. In general, therefore, the loose-leaf books on any topic are likely to be more current than the bound books on the same topic. In South Africa there are a great many of these books published by *Jutas* and *LexisNexis Butterworths* and they cover many different subject areas. In general, they are considered comprehensive in their coverage of the topic. Other jurisdictions also make use of this format for publishing law books.

In order to demonstrate the range of subjects covered, here is a sample of some of the titles, published in South Africa, that one can purchase in loose-leaf format:

- *Administration of Estates*. NJ Wiechers and I Vorster. Durban: LexisNexis, 1996-
- *Agreements in Restraint of Trade in South African Law*. J Saner. Durban: LexisNexis, 1999-
- *Bill of Rights Compendium*. Durban: LexisNexis Butterworths, 1996-
- *Civil Procedure in the Superior Courts*. LTC Harms. Durban: LexisNexis Butterworths, 2003-
- *Commentary on the Children's Act*. CJ Davel and AM Skelton. Cape Town: Juta, 2007-
- *Commentary on the Companies Act*. MS Blackman, et al. Cape Town: Juta, 2002-
- *Commentary on the Criminal Procedure Act*. E du Toit. Cape Town: Juta, 1987-
- *Competition Law of South Africa, Reyburn*. P Sutherland and K Kemp. Durban: LexisNexis, 2000-
- *Consolidated Practice Directives Manual*. LexisNexis, 2009-
- *Constitutional Law of South Africa*. Stu Woolman, et al. Cape Town: Juta, 2002-
- *Cooper's Motor Law. Criminal Liability Administration Adjudication & Medico-legal aspects*. SV Hoor. Cape Town: Juta, 2008-
- *Deeds Practice Manuals. The Consolidated Practice Manuals of the Deeds Office of SA*. Cape Town: Juta, 2006-
- *Environmental Laws of South Africa*. PGW Henderson. Cape Town: Juta, 1996-
- *Family Law Service*. B Clark. Cape Town: Juta, 1988-
- *Guide to the National Credit Act*. JW Scholtz et al. Durban: LexisNexis, 2008-
- *Handbook of South African Copyright Law*. OH Dean. Cape Town: Juta, 1987-
- *Henochsberg on the Companies Act*. PM Meskin. Durban: LexisNexis Butterworths, 1994-
- *Hiemstra's Criminal Procedure*. A Kruger. Durban: LexisNexis, 2008-
- *Jones and Buckle. The Civil Practice of the Magistrates Court of South Africa*. Cape Town: Juta. 1996-
- *Juta's Local Government Law Digest*. DL Craythorne. Cape Town: Juta
- *Local Government Law of South Africa*. N Steytler and J de Visser. Durban: LexisNexis, 2007-
- *Mineral and Petroleum Law of South Africa*. PJ Badenhorst and H Mostert. Cape Town: Juta, 2004-
- *Practice in the Labour Courts*. AA Landman et al. Cape Town: Juta, 1998-
- *Principles and Practice of Labour Law*. SR van Jaarsveld et al. Durban: LexisNexis, 2001-
- *Sexual Offences Commentary. Act 32 of 2007*. D Smythe et al. Cape Town: Juta, 2011-
- *South African Labour Law*. C Thompson and P Benjamin. Cape Town: Juta, 1965-

- *South African Mineral and Petroleum Law*. MO Dale *et a*. Durban: LexisNexis, 2005-
- *Stein on Capital Gains Tax*. Michael L Stein. Durban: LexisNexis, 2001-
- *Superior Practice*. HJ Erasmus. Cape Town: Juta, 1994-
- *The Practitioner's Guide to Conveyancing and Notarial Practice*. A West. Law Society of SA, 2010-
- *The quantum of damages in bodily and fatal injury cases*. MM Corbett and JL Buchanan. Cape Town: Juta, 1985-
- *Webster and Page South African law of Trade Marks*. CE Webster and GE Morley. Durban: LexisNexis, 1997-
- *Wills and Trusts*. RP Race and WM van der Westhuizen. Durban: LexisNexis, 1995-

2.2.5 Dictionaries - legal

The South African legal dictionaries are highly recommended as they contain a wealth of useful legal information.

South Africa:

- *Dictionary of legal words and phrases* by RD Claassen, LexisNexis: Butterworths, loose-leaf book, regularly updated. 4 Volumes. Example of an entry: 'Cost-Plus-Type of building contract was considered in *Gantry Head Investments (Pty) Ltd v Murray & Stewart (Cape Town)(Pty) Ltd* 1974 2 SA 386 (C); cf *Cardoza v Fletcher* 1943 WLD 94.'
- *Drietalige Regswoordeboek / Trilingual Legal Dictionary* by VG Hiemstra and HL Gonin, Cape Town: Juta, 1992. The latest edition seems to be the 1992 edition. Comprises the sections: English-Afrikaans; Latin-Afrikaans-English; Afrikaans-English. Example of an entry: '*pendite lite - hangende die geding - pending the suit.*'
- *The South African judicial dictionary*. JJJ Sisson, Durban: Butterworths.

Foreign:

Some suggestions follow (always use the newest edition available)

- *Bieber's Dictionary of Legal Citations*. MM Prince, Buffalo: William S Hein. (includes *The Bluebook A uniform system of citation.*)
- *Black's Law Dictionary*. BA Garner (ed), St Paul: Thomson West.
- *Collins Dictionary of Law*. Glasgow: Harper Collins.
- *Dahl's Law Dictionary. Dictionnaire Juridique Dahl. Francais-Anglais / French-English*. New York: Hein.
- *Dictionary of Environmental Law*. A Gilpin, Cheltenham: Edward Elgar.

- *Dictionary of International and Comparative law*. JR Fox, Dobb's Ferry: Oceana.
- *Law Dictionary*. SH Gifis, Hauppauge: Barron's.
- *Oxford Dictionary of Law*. Oxford: Oxford University Press.
- *Stroud's Judicial Dictionary of Words and Phrases*. D Greenberg and A Millbrook, London: Sweet & Maxwell.
- *The legal dictionary for bad spellers*. J Krevisky and J L Linfield, New York: Wiley (must surely be entertaining, too!).
- *The New Oxford Companion to Law*. P Cane and J Conaghan. Oxford: Oxford University Press.
- *The Oxford Dictionary of American Legal Quotations*. FR Shapiro, New York: Oxford University Press.
- *Webster's New World Law dictionary*. SE Wild, Hoboken: Wiley.

3 Legislation (South African)

3.1 A basic approach

The words ‘acts’ ‘statutes’ and ‘legislation’ refer to the law that comes to us from parliament. Bills are put before parliament and if, or when, they are passed, they become Acts and are then “in-force” law as from their respective commencement dates. Bills will be further discussed under 3.2.6. Being able to find up-to-date legislation is essential in any research. Whether it is for a legal opinion, for a case one is working on, an assignment at undergraduate level or for postgraduate research, the relevant legislation is fundamental. The legislation passed by parliament represents a very large body of information. Possessing the necessary skill to be able to find what one needs is most important.

National legislation, which is comprised of all the acts and their amendments that are passed by parliament, is originally published in the *Government Gazettes*. The Government Printer in Pretoria publishes the gazettes weekly in hardcopy form (but does not yet publish them online). However, although these printed gazettes are the recognised authority for the statutes, they are not generally used for the purposes of consulting or finding legislation.

If possible, it is recommended that one uses the commercial publications of the “in-force” legislation. In particular, the hardcopy and online versions of the legislation from the publishers *Juta’s* and *LexisNexis Butterworths* should be used. These are updated regularly and include the changes from the amendments. In addition to these, there is also the online database *Netlaw* from *Sabinet Legal*, which is a very up-to-date source of the acts.

The acts that appear on the Government websites, at this stage, do not include the amendments. You can use them if it is a brand new act you are after, but, if not, it may well be an outdated version of the act. To find an act in its original form, that is, before any changes were effected, one would need to go to the *Government Gazette* in which it was originally published. Some library collections bind all the acts for each year, in order to have a record of the Acts in their original, pre-amended form.

Commercially available **online** versions of the *Government* and *Provincial Gazettes* can be obtained from *Juta’s*; *LexisNexis Butterworths* and *Sabinet*. Provincial or regional legislation is originally published in the *Provincial Gazettes*.

There is a partially free and unofficial website with the recent *Gazettes*. See <http://www.greengazette.co.za/>. The website says: ‘Green Gazette SA (est. 2006) is your efficient and cost-effective online resource for government gazettes’, and ‘Green Gazette offers free unlimited

downloads of any document(s) older than 3 months, plus all Tender Bulletins to current also for free'. In addition there is another website, <http://www.gics.co.za/> , which provides a subscription service to the *Government* and *Provincial Gazettes*.

3.2 More information

3.2.1 *The Government Gazettes and print indexes*

The *Government Gazettes* are published in print format by the Government Printers in Bosman Street, Pretoria. They contain their own contents pages. To assist you to find material in the **printed** copies there are the following indexes:

- *The Windex: an accumulative reference index to acts, proclamations, government notices, provincial ordinances and provincial notices.* This is a loose-leaf publication covering the period from 1910 to 1989 and it was published by Prentice Hall in Durban.
- *Government Gazette Index* published by the State Library from 1979 -1989.
- *Juta's Index to the South African Government and Provincial Gazettes.* *Windex* was continued by this publication from 1990. The *Index* is published quarterly. The contents are as follows:
 - § Guidelines
 - § Abbreviations
 - § Alphabetical subject index
 - § Numerical index (Board Notices; General Notices; *Government Gazettes*; Government Notices; Proclamations; *Regulation Gazettes*)
 - § Appendices (Acts - Alphabetical list; Acts - Serial list; Bills - Alphabetical subject index; Bills - Serial list; Draft bills - Alphabetical list; Legal advertisements; Regulations made in terms of Acts - Alphabetical subject index).

3.2.2 *Legislation in printed format*

As stated above it is not advisable, in general, to use the *Government Gazettes* (or the Government website versions) for legislation because one would not be using the updated or amended acts. For a very new act though, these sources would be the best place to start your search.

In general, however, it is recommended that one uses the *Butterworths (LexisNexis)* or *Juta's* printed publications. *Juta's* and *LexisNexis Butterworths* provide additional information to each act before publishing them. If one uses their publications to find an act, one will find the following, for each act, in this order:

- Title. An act always has a short title, a number and a year, e.g. Skills Development Act No 97 of 1998. (The numbering system begins afresh each year, so you will find Act 1 of 2000, Act 1 of 2001 and so on.)
- Below the title is the commencement date.
- A list of the amendments that have been incorporated into the act.
- If there are regulations that apply, then, a list of these regulations follow the amendments.
- Below this is the long title of the act. It is in bold and follows the word 'ACT'.
- The acts are divided into sections starting with the definitions, and, if applicable, ending with Schedules and a list of the acts that have been repealed by the act in question.

Butterworths (LexisNexis) publish the set known as the *Statutes of the Republic of South Africa. Classified and Annotated from 1910. Wette van die Republiek van Suid-Afrika. Geklassifiseer en Geannoteer van 1910 af*. The set consists of about 70 volumes and contains all the 'in-force' legislation in English and, where applicable, also in Afrikaans. The volumes are in loose-leaf format and are updated 2-3 times per year with update pages in order to keep them as current as possible. For example, the update pages received in April 2011 "bring the main work up to date by incorporating all the acts promulgated up to 28 January, 2011. These include Acts 4-26 of 2010".

The Publisher's Note states that:

the Statutes are published by LexisNexis on behalf of the Government and the format of the work and the size of the loose-leaf binders are in accordance with specifications as laid down by the Government Printer. The Government has approved of the method of presentation as hereinafter detailed.

The volumes are arranged according to *Titles* or subject fields (about 100 titles), which bring related statutes "together under suitable titles. Within titles, the Principal Acts are presented in chronological order".

- The first volume is known as the *Index to Titles and Tables of Statutes*. It consists of:
 - An alphabetical index to *Titles* (refers one from the keywords of the short titles of each act to the relevant *Title*)
 - A chronological table of statutes from 1910 to date (repealed acts are also listed with the repealing act number and year).
 - An alphabetical table of statutes from 1910.
 - A table of repealed statutes.
- Each volume contains the following:
 - The table of contents for each title. All the acts for that title, arranged chronologically.
 - Subject matter index for each title

- References to decided cases for each act *
- References to regulations for each act **

* This list assists one to find the cases that pertain to a particular act or section of an act. However, it is advisable to do further checking in all the law reports series, as well as using these citations.

** Refers you to the *Government Gazettes* and, in particular, the *Regulation Gazette* number, government notice number and date.

As stated previously the statutes are in loose-leaf format and are updated with 'service issues' several times per year. A '*Noter-up*' is published for each service issue and contains in note form 'all material which will be incorporated in detail in the replacement pages issued in the supplementary service issue as well as the main work'.

Juta's have published a set of acts annually since 1992. They are known as the *Juta's Statutes of South Africa* and are in English only. In the preface of the latest set it says that the set 'comprises all the extant South African acts of parliament, including legislation gazetted up to 1 March 2011'. The new editions are usually available in about June/July each year. (This implies that they are, in fact, about 4-5 months out of date when they become available for purchase and about 16-17 months out of date at the time just before the next issue is made available). In the preface, it is stated that the acts are classified into "18 groups which are further divided into 100 subgroups according to related subject matter".

They consist of the following 8 volumes (20010/11):

- Index volume - with the following:
 - Statutes: Index and tables
 - § Alphabetical index to groups and subgroups
 - § Chronological table of statutes (including repealed acts)
 - § Alphabetical table of statutes
 - § Table of acts of parliament assigned to provinces
 - § Table of provincial acts/laws
 - Legislation judicially considered *
 - Index to regulations
 - § Index to regulations published in the *Government Gazettes* (arranged by alphabetical subject index)
 - § Index to regulations published in the *Provincial Gazettes*

- Volume 1. Communications; criminal and procedural law; security
- Volume 2. Commercial law; trade and industry.
- Volume 3. Revenue
- Volume 4. Labour; transport
- Volume 5. Constitutional law; health
- Volume 6. Agriculture, fisheries, forests and water; electricity, energy & mining; property.
- Volume 7. Education; estates and succession; pensions and welfare; persons and the family; professions.

* The 'legislation judicially considered' section contains lists of all the national and provincial acts (they include both the old and the new provinces) that have been referred to in the SA Law Reports. For example, there is a reference to the Companies Act 61 of 1973, section 145 - referred to in the case in 2005 (2) SA 506 (SCA). This is a very useful way of finding the case law for any Act, or section of an Act, with which one is working. There are also 'judicially considered' lists for the Magistrates' Court Rules; the Constitutional Court Rules; the Supreme Court Rules, Uniform Rules and many other rules of lesser courts.

3.2.3 Legislation in electronic format

Free material is available on the Government website. For example, <http://www.gov.za>, will give one access to the Acts from 'Documents'. These are PDF copies of the acts as they appear in the Government Gazettes. It follows therefore that there are no amendments incorporated into the original acts, nor is there any additional information for that act. The usefulness of this free online material is therefore very limited. The same applies to the legislation on <http://www.polity.org.za/> - see under *Navigate Polity* and then *Legislation* for acts, bills, and documents for public comment, etc.

However, the commercially published statutes are updated and amended, and are made available by *Juta's*; *LexisNexis Butterworths* and *Sabinet Legal - Netlaw*. These are discussed below.

3.2.3.1 Juta's SA Statutes - electronic

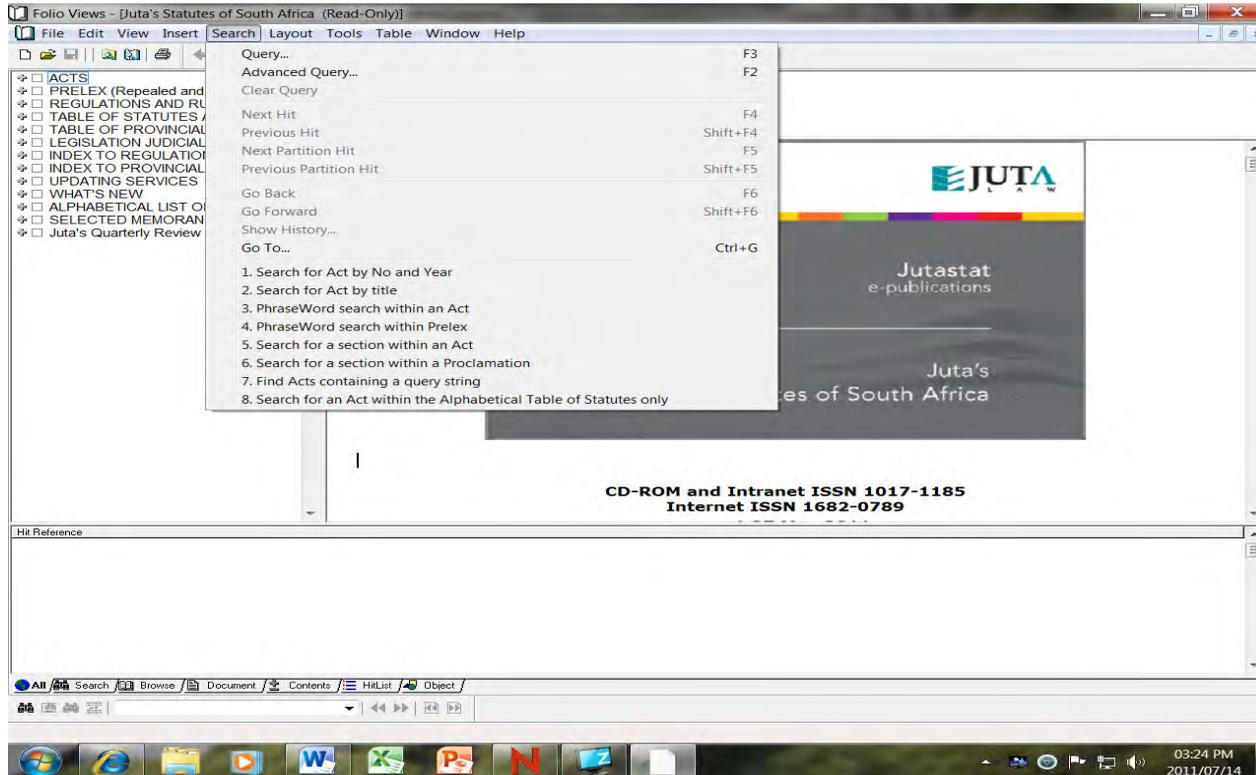
Juta's publish an electronic version that is available on compact discs (CDs) and through the Internet. *Folio Views* software is used for the CDs. It is well-structured and quite easy to use. It is a good idea though, to have some training in order to be able to make optimal use of the database. Previously the CDs contained the Acts and Regulations on separate CDs, but now they are found on a single CD.

The contents of the CD database give the following:

- Acts (including Regulations to acts)
- Prelex (repealed and amended wording)
- Regulations and rules
- Tables of statutes and index
- Tables of provincial legislation
- Legislation judicially considered
- Index to regulations - 1990 to date
- Index to provincial regulations
- Updating services
- What's new?
- Alphabetical lists of acts and regulations made in terms thereof
- Selected memoranda on the objects of bills.

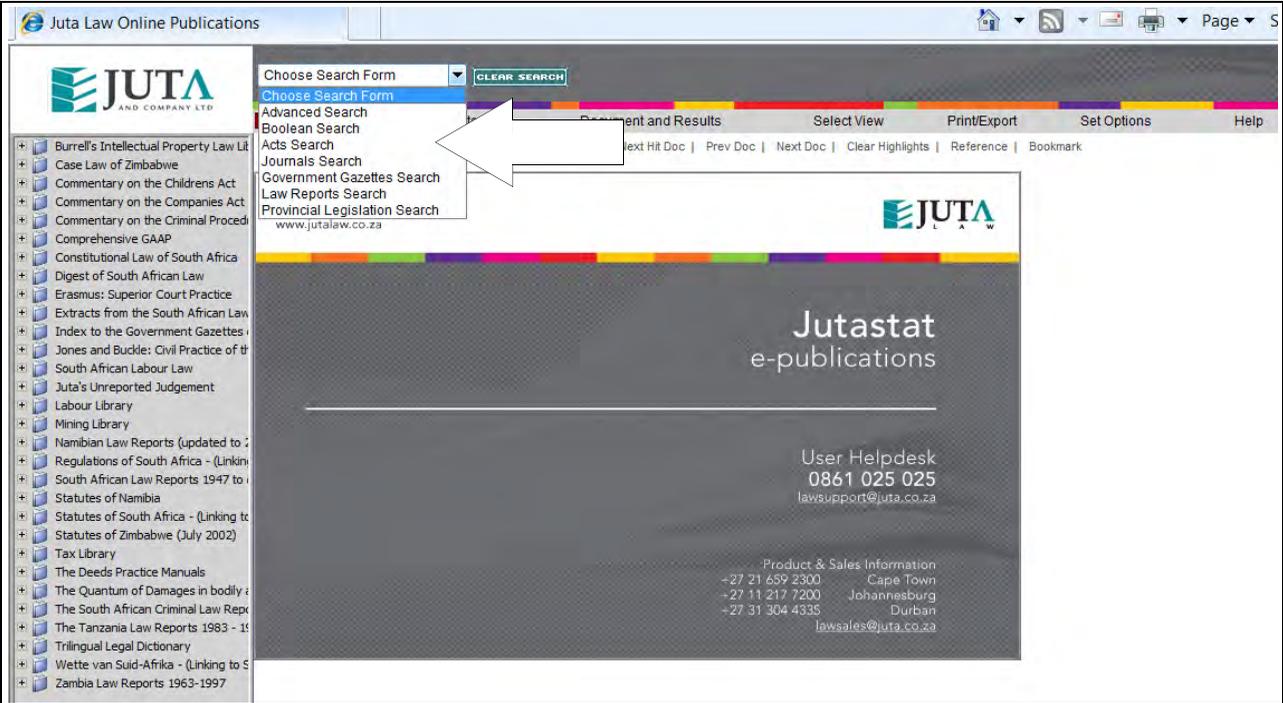
The database is structured in such a way that one can look for a statute by means of the following:

- General full-text search by means of 'Query' or 'Advanced query'
- Search for act by number and year (eg 34 of 1996)
- Search for act by title (eg Upgrading of Land Tenure Rights Amendment Act)
- Phrase/word search within an act
- Phrase/word search within prelex
- Search for a section within an act
- Search of a section within a proclamation
- Find acts containing a query string
- Search for an act within the alphabetical table of statutes only



It is quite straightforward to save or print the material on these CDs. One is given options to print or save whole acts or sections within the acts.

The internet version makes use of different software. Please take note of the option 'Acts search' under 'Choose Search Form' A screenshot of the internet version follows:



3.2.3.2 *LexisNexis Butterworths Statutes* - electronic

The *LexisNexis* electronic material appears in various formats:

1. Internet access
2. CDs - where the same software is used as for the Internet version.
3. CDs where *FolioViews* software is used - as with the same product from *Juta*.

(1 and 2, which look the same and are roughly similar, are discussed below):

Legislation - National contains:

- Indexes (alphabetical table of statutes; chronological table of statutes; *Government Gazette* index; quick guide)
- Acts and regulations
- Repealed acts and regulations

It is worth noting that full acts can only be viewed and printed in '*custom view*' (see between *print* and *e-mail*). See screen shot:

My LexisNexis - It's how you know - Windows Internet Explorer

http://butterworths.up.ac.za/nxt/gateway.dll?f=templates\$fn=default.htm\$vid=mylnb:10.1.048/enu

File Edit View Favorites Tools Help

My LexisNexis - It's how you know

Intranet settings are now turned off by default. Intranet settings are less secure than Internet settings. Click for options...

LexisNexis® Choose Search Form PRINT | CUSTOM VIEW | E-MAIL

HTML JAVA DOCUMENT | SEARCH RESULTS | DOCUMENT & SEARCH RESULTS | BOOKMARK

My LexisNexis - Home Page

- User Manuals
- Customer Service Centre
- Update Information
- Accounting
- Africa
- Civil Procedure
- Constitutional
- Corporate and Commercial
- Competition Law
- De Rebus - SA Attorneys' Jour
- Environment
- Estate Planning
- Financial Planning
- Forms and Precedents
- Gazettes Online (2004 - Curr
- Gazettes Online (1910 - 2004
- Income Tax
- Insolvency
- Intellectual Property
- Journals
- Labour Law
- Law Reports
- Legislation - South Africa - Na
- Legislation - South Africa - R
- Motor Law
- Occupational Health and Safet
- Payroll
- Persons and Family
- Pleadings
- Property
- Public Records
- Reference Works, Indexes, D

Publication specific **Focus Searches** limit the search to certain fields within the data, thereby returning exact results.

Your following publications have Focus Searches:

- Corporate and Commercial**

 - [Henochsberg on the Close Corporations Act](#)
 - [Henochsberg on the Companies Act](#)
- Government Gazettes**

 - [Gazettes Online](#)
- Law Reports**

 - [Law Reports](#)
 - [Judgments Online](#)
 - [Tax Cases Reports](#)
- Legislation**

 - [National Legislation](#)
 - [Nasionale Wetgewing](#)
 - [Regional Legislation](#)
- Major Reference Works, Indexes, Dictionaries and Diaries**

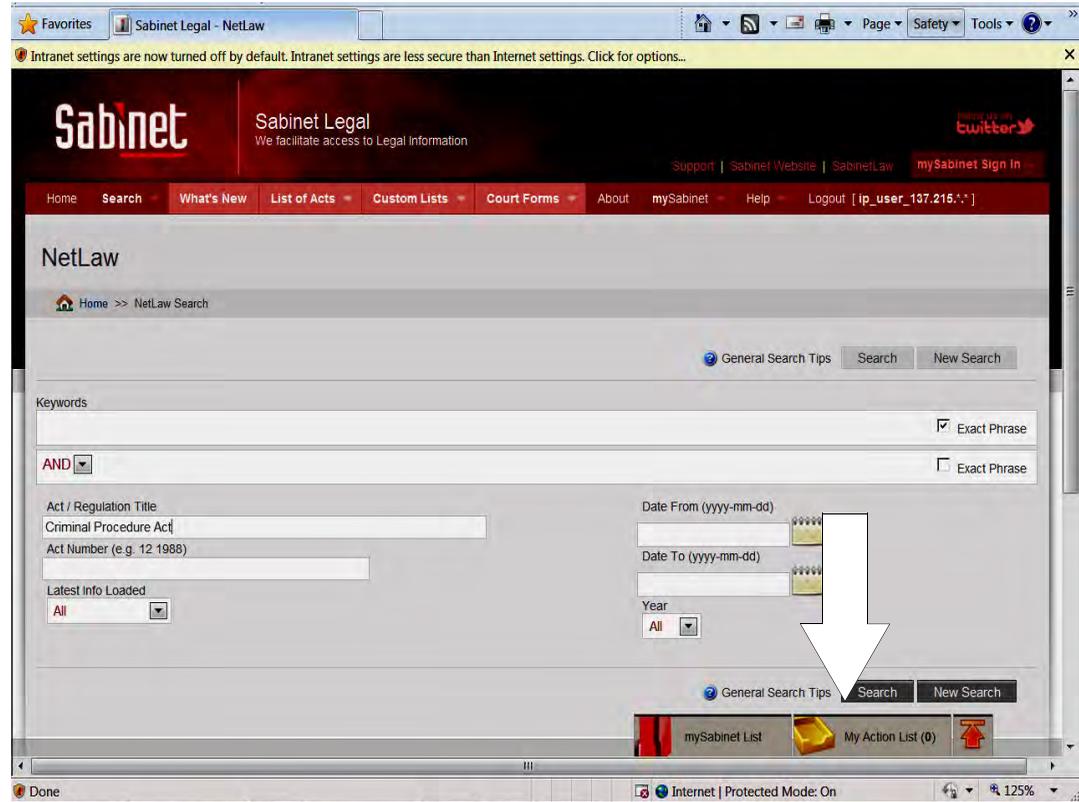
 - [Index and Noter-Up to the South African Law Reports](#)

Internet | Protected Mode: On 125% 03:41 PM 2011/07/18

3.2.3.3 *Netlaw* from *Sabinet*

Netlaw is only available on subscription and in electronic format through the Internet. It is kept current by means of the addition of the new *Government Gazettes* every week. It is a very up-to-date source and is recommended for use for South African legislation at this stage. From the screen shot below one sees that one can search as follows:

- Keywords, with the exact phrase option
- Act/Regulation title
- Act number (eg 12 1988)
- Date, from and to
- Year



Items may be saved in 'My Action List'. *Netlaw* puts together the acts with all the relevant associated documents, like the regulations and amendments. Clicking where it says 'Download Act Index' will take one to a complete list of the Act plus all the regulations. Please also note the 'Document Types' on the right with the list of regulations to the act in question. See to the right:

The screenshot shows the Sabinet Legal NetLaw website interface. The browser address bar displays the URL: `http://0-discover.sabinet.co.za.innopac.up.ac.za/netlaw#results`. The page header includes the Sabinet logo and navigation links such as Home, Search, What's New, List of Acts, Custom Lists, Court Forms, About, mySabinet, Help, and Logout. The main content area shows search results for 'CRIMINAL PROCEDURE ACT 51 OF 1977'. The results list includes:

- CRIMINAL PROCEDURE ACT 51 OF 1977** (NetLaw - Act)
 - Latest updates: The Constitutional Court ruled section 309(3A) and parts of section 309C of the Act to be inconsistent with the Constitution and therefore invalid - See General Notice 373 / GG 30874 / 20080320 br>The Constitutional Court ruled 51 Download Act Index (0.03 MB) Inconstitutional. See: 'S vs Coetzee and Others - CCT 50/1996 Acramended by the Criminal Procedure Amendment Act 65 of 2008 w.e.f. 15 February 2011. 17 Designation of correctional facility in terms of section 159B(2) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) - Added by GN 86 / GG 34000 / 20110204 Date Amended: 2011-02-07
- CRIMINAL PROCEDURE ACT 56 OF 1955 (ACT ONLY)** (NetLaw - Act)
 - Date Amended: 2011-03-08
- REGULATIONS UNDER THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977) - GN R513/2009 (CRIMINAL PROCEDURE ACT 51 OF 1977)** (NetLaw - Regulation)
 - Commencement Date: 20090506 Date Amended: 2011-03-08

On the right side of the page, there is a 'My Query' section with a dropdown menu for 'Sort my Results by' set to 'Relevance'. Below it is a 'Filter using Facets' section with a 'Clear All Filters' button. Under 'Document Types', there are 18 Netlaw Regulations and 2 Netlaw Acts. Under 'Years', there is 1 result from 1955 and 19 results from 1977. At the bottom of the page, there are buttons for 'mySabinet List' and 'My Action List (0)'. The browser's taskbar at the bottom shows the date and time as 03:16 PM on 2011/07/19.

3.2.4 *Additional material to be found in the electronic legislation products*

When using these electronic products it is good to bear in mind that, added to these statute databases, there is other legal information that is very useful for researchers.

3.2.4.1 *Juta's SA Statutes* database (CD version) go to the *Contents* tab along the bottom

- PRELEX: Repealed and amended wording. Arranged chronologically and contains the wording prior to amendments.
- REGULATIONS AND RULES contains the *High Court Rules of Court; Land Claims Court; Magistrates' Courts; CCMA, Labour Court Constitutional Court* and the *Labour Appeal Court*. They are found under '*Regulations and Rules*' - see screen shot below.
- LEGISLATION JUDICIALLY CONSIDERED. Refers one to **case law** where acts or sections of acts have been considered in the courts. These cross-references are very useful for research.
- MEMORANDA: Selected memoranda on the objects of bills. These are explanatory and therefore give the rationale behind the bill. For example, you may find the following: the purpose and objects of the bill, consultation, financial implications, parliamentary procedure, etc.
- *Jutas Quarterly Review of South African Law*. This commentary is arranged by subject.

See below for all these on a screen shot (note that where there is a + sign more information is available, if the + sign is clicked):

Folia Views - [Juta's Statutes of South Africa (Read-Only)]

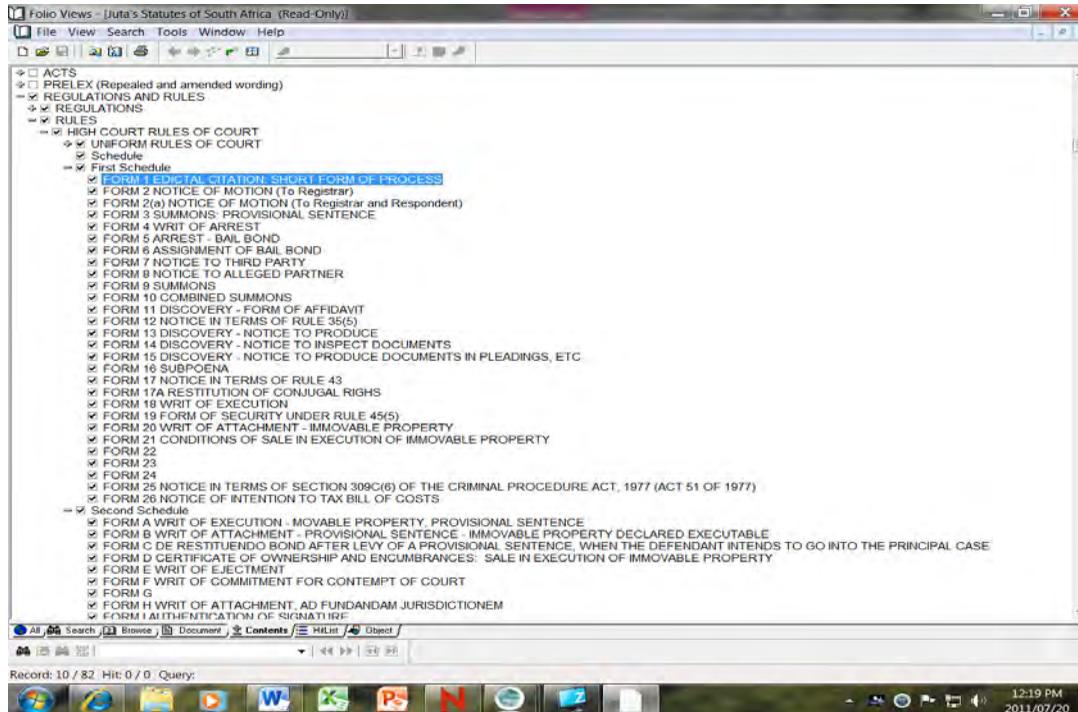
File View Search Tools Window Help

- ACTS
- PRELEX (Repealed and amended wording)
- REGULATIONS AND RULES
 - RULES
 - HIGH COURT RULES OF COURT
 - LAND CLAIMS COURT RULES
 - RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE MAGISTRATES' COURTS OF SOUTH AFRICA
 - RULES FOR SHORT PROCESS COURTS AND MEDIATION PROCEEDINGS
 - RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE CCMA
 - RULES FOR THE CONDUCT OF PROCEEDINGS IN THE LABOUR COURT
 - RULES OF THE CONSTITUTIONAL COURT
 - RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE LABOUR APPEAL COURT
 - RELATED NOTICES
- TABLE OF STATUTES AND INDEX
- TABLE OF PROVINCIAL LEGISLATION
- LEGISLATION JUDICIALLY CONSIDERED
 - STATUTES JUDICIALLY CONSIDERED
 - RULES OF COURT JUDICIALLY CONSIDERED
- INDEX TO REGULATIONS 1990 - 2011 (May)
- INDEX TO PROVINCIAL REGULATIONS
- UPDATING SERVICES
- WHAT'S NEW
- ALPHABETICAL LIST OF ACTS AND REGULATIONS MADE IN TERMS THEREOF
- SELECTED MEMORANDA ON THE OBJECTS OF BILLS
 - EXPLANATORY NOTE
- Juta's Quarterly Review of South African Law

Record: 1 / 27 Hit: 0 / 0 Query:

11:59 AM
2011/07/20

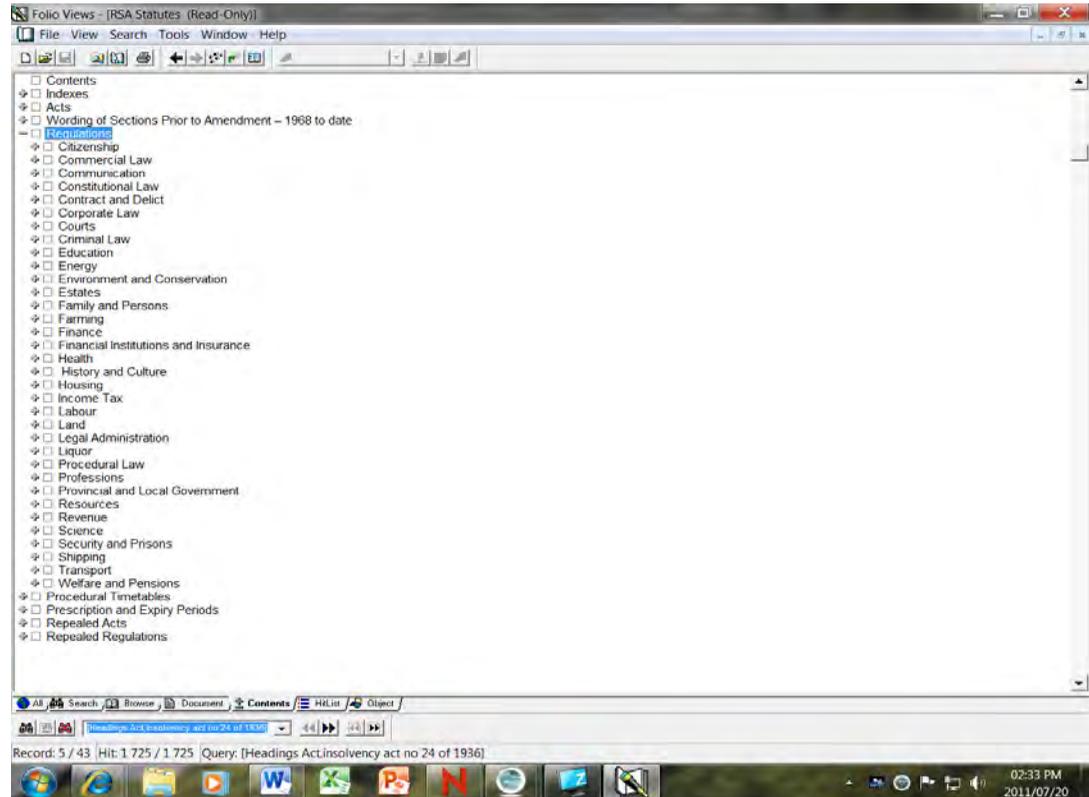
- Forms may be found under REGULATIONS AND RULES; RULES; HIGH COURT RULES; First and Second schedules. These are templates of forms used in court documents. To illustrate this here is a screen shot of part of this very useful information.



3.2.4.2 *LexisNexis Butterworths Statutes* database

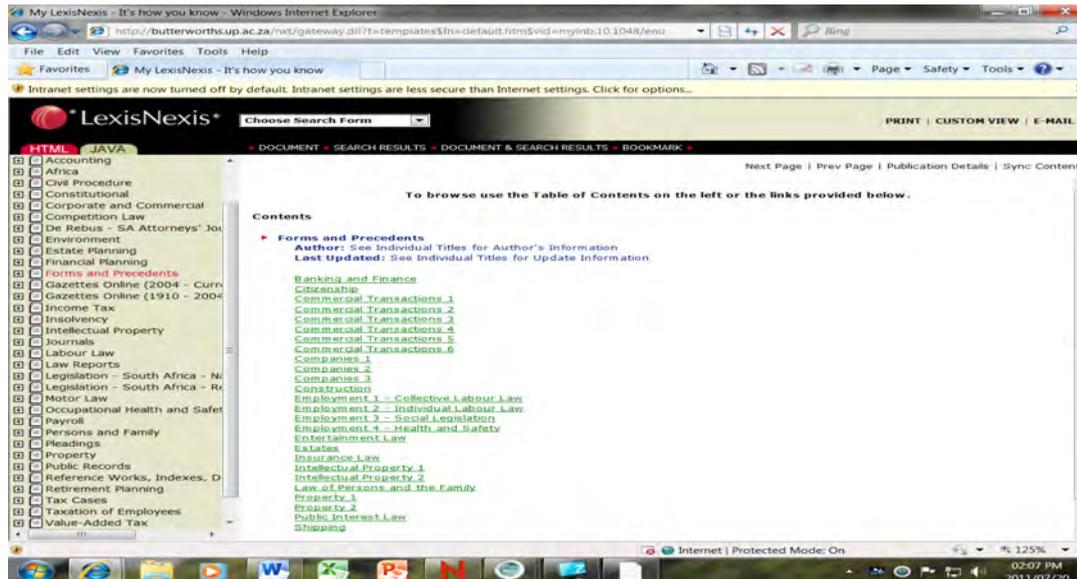
The CD that accompanies the hardcopy or print form of the Statutes also contains:

- Wording of sections prior to amendment
- Regulations - arranged by subject titles
- Procedural timetables
- Repealed acts and regulations
- See screen shot to the right:



The material that appears on the intranet CD - also contains the following:

- CASES. For references to case law associated with the Statutes go to the *Reference Works, Indexes, Dictionaries and Diaries*, then to *Index and Noter-up to the All South African and South African Law Reports*.
- REPEALED ACTS. For repealed acts go to *Legislation - South Africa - National*, and then to *Repealed Acts and Regulations*.
- RULES OF COURT. Go to *Civil Procedure*, then *Civil Procedure in the Superior Courts* (High Court - Uniform Rules)
- FORMS AND PRECEDENTS. These are not the court forms (*Jutas* - see above) but rather contracts, cessions, company forms, wills, power of attorney and other such forms, covering many topics.
- See the following screen shot:



3.2.5 Regulations

Regulations are a form of secondary legislation. They are issued in terms of an enabling section of an Act and are law. For example:

‘RULES REGULATING MATTERS IN RESPECT OF SMALL CLAIMS COURTS

Published under

GN R1893 in GG 9909 of 30 August 1985

as amended by

GN R851 in GG 13178 of 19 April 1991

The Minister of Justice has under and by virtue of the powers vested in him by section 25(1) of the Small Claims Courts Act, 1984 (Act 61 of 1984), made the rules contained in the Annexure hereto regulating matters in respect of Small Claims Courts, with effect from 1 October 1985.’

3.2.5.1 Finding regulations

- Regulations are published in the *Government Gazettes*. Again, this is not the preferred source for everyday use as the material is very scattered and may be difficult to find.
- The *paper format* of the *Butterworths Statutes* contains only the ‘References to regulations, etc. published in *Government Gazettes*’. It does not include the full text of the regulations.
- The *paper format* of the *Jutas Statutes* has a list ‘*Index to regulations*’. The full text of the regulations is not included.
- Both *electronic* versions (see above under 3.2.4.2) of *Butterworths Legislation* include the full text of the regulations with the acts.
- The electronic versions (CD and Internet) of the *Juta SA Statutes* include the full-text of the regulations together with the relevant acts.
- *Sabinet - Netlaw*. As mentioned under 3.2.3.3. above the acts and regulations are together in the database.
- Many of the subject-specific loose-leaf books do have the relevant regulations included in them.

3.2.6 Bills and draft bills

Draft bills are mostly generated as a result of an instruction from Cabinet to the government departments. Generally they are drawn up by state legal advisors. It is possible that they may also come from private members. The Bill, once passed by parliament, becomes an Act. In the process of developing new laws there may be *Green papers* and *White papers*. These are usually government policy documents. After a few years in which no *Green papers* or *White papers* were issued, these are now being issued again, for example the “*Green Paper: National*

Planning Strategy” published by the Presidency in 2009. From these may come *draft bills*, which in turn go through various processes until the last version of the *bill* is taken to parliament.

- Bills and draft bills are mostly published in *Government Gazettes*.
- Bills, Green papers and White papers are obtainable free from the following websites:
- <http://www.gov.za/> (under ‘Documents’ - then ‘Bills’ and so on)
- <http://www.polity.org.za>. (under ‘Navigate Polity’; ‘Legislation’)
- An Internet search should also provide access to bills.
- Another source is the commercial database, *Sabinet Legal*. See under ‘Bill Tracker’ and ‘Policy Documents’. The latter contains draft bills as well as government policy documents. If you do not have access to these then it is suggested that you use the free material from the internet.

3.2.7 Memoranda of the bills

Memoranda of the objects of the bills are obtainable from the bills themselves (see 3.2.6) or from the online *Juta’s Statutes*. The memorandum is given at the end of the bill and will explain the reasoning behind the bill, the purpose and objects of the bill.

For example:

MEMORANDUM ON THE OBJECTS OF THE HIGHER EDUCATION
LAWS AMENDMENT BILL, 2011

1. OBJECT OF BILL

The Bill seeks to amend—

- (a) the Higher Education Act, 1997 (Act No. 101 of 1997); and
- (b) the National Student Financial Aid Scheme Act, 1999 (Act No. 56 of 1999) (the NSFAS Act).

2. MAIN FEATURES OF BILL

2.1 Higher Education Act, 1997 (clauses 1 to 3)

The amendments proposed to the Higher Education Act, 1997, are to—

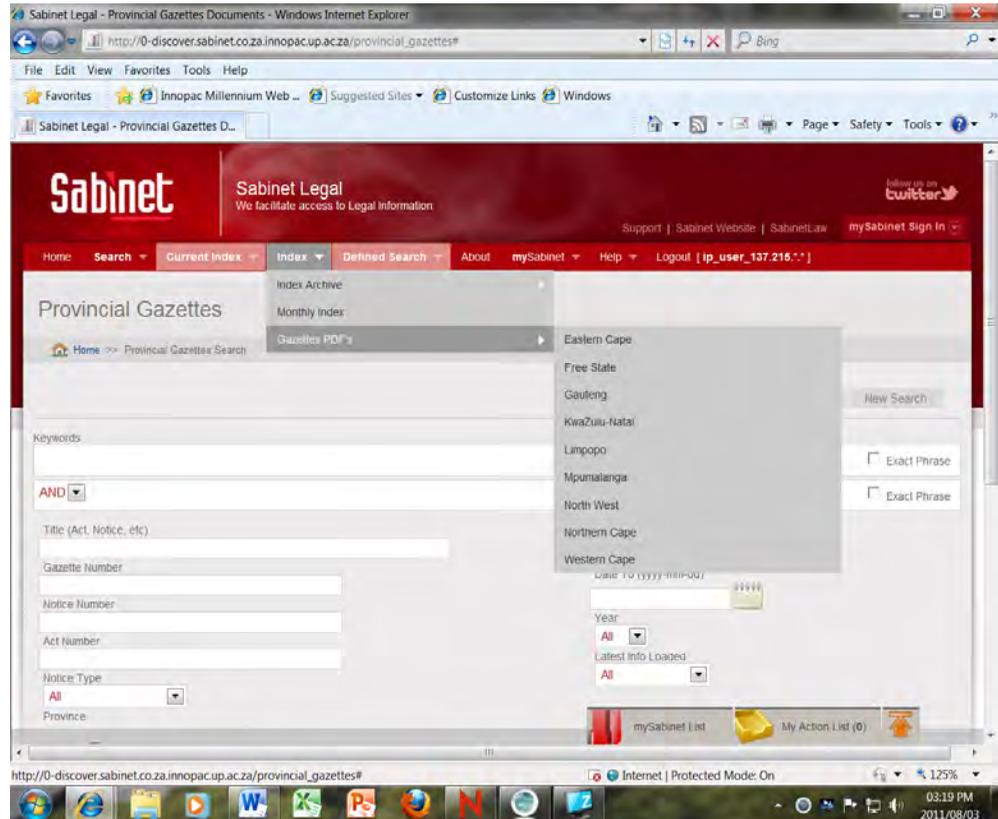
- (a) regulate the conduct of members of the council of a public higher education institution and staff relating to the conducting.....

3.2.8 Regional or provincial legislation

Subordinate legislation from the provinces includes proclamations and regulations. By-laws emanate from the local government level, such as town and metro councils, or municipalities. Ordinances were enacted by the former provincial councils. Statutory bodies may also publish regulations. (Hosten 482-483). The provincial legislation is published originally in the *Provincial Gazettes*. However, for ease of use it is recommended that one uses the commercially published versions. Some suggestions follow:

- See under 3.2.1 *Government Gazettes and indexes* for the indexes that also cover provincial material, namely, *The Windex* and the *Juta's Index to the South African Government and Provincial Gazettes*.
- Over time numerous publications have gathered the ordinances together for ease of use. An old publication *The consolidated ordinances and regulations* for the provinces, from Lex Patria publishers, is useful for the older material which may still be required.

- *Butterworths regional legislative service - Provincial and local government.* A loose-leaf publication.
- *Juta's provincial legislation of South Africa.* Available in loose-leaf, CD and internet format.
- See *LexisNexis Butterworths* online formats for provincial acts, proclamations and regulations. See screenshot above.
- *Sabinet Legal* offers an Internet online product under - 'Provincial Gazettees' Note the options next to *Search*, namely *Current Index* and *Index*. See screenshot to the right.



4 Case law (South African)

4.1 A basic approach

In practice it is most important to find the latest case law on a particular point. For academic research it may be necessary to find much more than just the latest case law. As mentioned before you may use an up-to-date textbook on the subject as a guide to the case law on a topic, and then search the law reports for further relevant judgments. Bear in mind that authors of textbooks may leave out important case law.

Be aware of *free* case law obtainable from the internet. SAFLII (South African Legal Information Institute) attempts to make as many judgments as possible available from their website. These websites are especially useful:

- South African Legal Information Institute (SAFLII) - <http://www.saflii.org.za/>
- Supreme Court of Appeal (UOFS) - <http://law.ufs.ac.za/content.aspx?id=42>
- Supreme Court of Appeal (Justice Dept) - <http://www.justice.gov.za/sca/>
- Constitutional Court <http://www.constitutionalcourt.org.za/site/home.htm>
- Cape High Court Judgments - <http://law.sun.ac.za/portal/page/portal/law/index.english/judgement>
- Competition Tribunal - <http://www.comptrib.co.za/>
- The Courts in South Africa - http://www.capegateway.gov.za/afr/pubs/public_info/C/32303/E
- High Court, Free State - <http://law.ufs.ac.za/content.aspx?id=43>

There are many law report series in South Africa. *Juta's* and *LexisNexis Butterworths* are once again your most important publishers of these sources. The subscription-based law reports are published in paper and electronic formats. They differ from the free case law in the value-added information that one receives with them. These include the flynote (keywords), headnote (summary) or Editors summary, annotations or noter-ups, and many useful indexes including the legislation judicially considered. This information is invaluable to practitioners and researchers. These law reports series are listed below together with examples of citations of judgments from those series. (Remember that there is considerable duplication between the 2 publishers. It may be as much as 90%)

Juta's publish:

- SA Law Reports (from 1828 to 1946) - various citations

- *SA Law Reports* (from 1947 to date), for example
 - § *Hardaker v Phillips* 2005 (4) SA 515 (SCA)
- *SA Criminal Law Reports* (Vol 1, 1990 to date)
 - § *S v Balfour* 2009 (1) SACR 399 (SCA)
- *SA Tax Cases* (1921 - 1994)
 - § *Commissioner for South African Revenue Service v SA Silicone Products (Pty) Ltd* 66 SATC 131
- *Industrial Law Journal, including the Industrial Law Reports* (1980 to date)
 - § *Dallyn v Woolworths (Pty) Ltd* (1995) 16 ILJ 696 (IC)
- *Jutas Daily Law Reports* (1997 to date) online only: <http://www.jutalaw.co.za/> (not a free site).
 - § *C-Max Investments 292 (Pty) Ltd v Fourie* 2005 JDR 0329 (T)

LexisNexis Butterworths publish:

- All South African Law Reports 1828-1946
 - § various citations
- *All South African Law Reports* (1996 to date)
 - § *Botha v Fick* [1995] 2 All SA 78 (A)
- *Arbitration Awards* (1998 to date)
 - § *Mbele/Woolworths (Pty) Ltd* [2008] 10 BALR 980 (CCMA)
- *Competition Law Reports* (1999 to date)
 - § *Media24 Ltd/Uppercase Media (Pty) Ltd* [2008] 2 CPLR 262 (CT)
- *Constitutional Law Reports* (1994 to date)
 - § *Pillay v KwaZulu-Natal MEC of Education and Others* 2006 (10) BCLR 1237 (N)
- *Judgments Online* (1997 to date - only online)
 - § *Gallant v Honourable Minister of Correctional Services* [2006] JOL 16454 (SE)
- *Labour Law Reports* (1994 to date)
 - § *Amazwi Power Products (Pty) Ltd v Turnbull* [2008] 9 BLLR 817 (LAC)
- *Pension Law Reports* (1999 to date)
 - § *Pillay v Illovo Sugar Provident Fund* [2003] 11 BPLR 5320 (PFA)
- *SA Tax Cases* (1995 to date)

§ *Commissioner for South African Revenue Service v SA Silicone Products (Pty) Ltd* 66 SATC 131

There are a number of other less well-known Law Report series which are either specialised or no longer published. Note the abbreviations. They are:

- Burrell's Patent Law Reports (from Juta) - BP
- Burrell's Intellectual Property Law Reports (from Juta) - BIP
- Commercial Law Digest - CLD
- Native High Court - NHC
- Native Appeal Court - NAC
- Prentice Hall Weekly Legal Service - PH

4.2 More information

In order to find all the relevant case law for a topic one needs to know the various law report series, and how to find them and use them effectively.

Decisions of the higher courts are a further primary source of law. The first South African law reports date from 1828, and these early series of law reports from the Cape bear the names of the judges who compiled them (eg Menzies, Searle, Buchanan, Watermeyer, Roscoe, Foord etc.) Juta published High Court cases and there were also Supreme Court cases in the 1800s. Prior to Union in 1910, law reports were published for each of the Supreme and High Courts in the Cape Colony; and for the Natal, Free State and Transvaal High Courts. Later after the Union in 1910, each division of the Supreme Court had its own law report series, named by province as they were at that time.. From 1910 onwards, decisions of the Appellate Division were also reported. (For a useful table of older law reports series see page 1362 of the book by *Hosten, WJ* et al.)

The South African Law Reports (cited as SA)

The South African Law Reports (SA) is our most important collection of case law. This series began publication in 1947. These reports include noteworthy judgments from all the South African higher courts, thus doing away with separate sets of reports for the different divisions (as was the case before 1947). They are published monthly and are bound into volume (1947-2001, 4 volumes per year. 2002 onwards, 6 volumes

per year). Most judgments are reported in English, but a few were recorded in Afrikaans only. Translations from Afrikaans into English exist for the period 1969-1980. The reports are available from the publishers, *Juta*, in printed and in electronic format.

The South African Criminal Law Reports (SACR)

The South African Law Reports reported civil and criminal cases up to 1990. In 1990 *Juta Law* launched the South African Criminal Law Reports in order to provide more in-depth coverage of criminal law and criminal procedure cases. The most important criminal law cases are also duplicated in the South African Law Reports. (Published by *Juta* in printed and electronic format.)

All South African Law Reports (All SA)

This series of reports began in 1996 and is modelled on the All England Law Reports. It reports noteworthy judgments from all the South African higher courts and replaces the Prentice Hall Weekly Law Reports which were published until 1995. (Published by *LexisNexis Butterworths* in printed and electronic format.)

See under 4.1 A basic approach, for a full list of the all the free and the better-known commercially produced law reports published in South Africa.

4.2.1 What to look for

4.2.1.1 Judges

Take note of how the judgments refer to judges' names:

- In 'Broome J' in the case below - 'J' refers to 'judge'. Other abbreviations are:
- P - President of the Constitutional Court
- DP/AP - Deputy President of the Constitutional court / Adjunk-president
- CJ/HR - Chief Justice / Hoofregter
- JA/AR - Judge of Appeal / Appèlregter
- J / R - Judge / Regter - in the Constitutional Court and the high court
- JP / RP - Judge President / Regter-president
- DJP/ ARP - Deputy JP / Adjunk RP
- AJ / WnR - Acting judge / waarnemende regter

4.2.1.2 Parts of the reported case: *Ebrahim v Evans* NO 1990 (4) SA 424 (D)

Case name	<i>Ebrahim v Evans</i> NO
Court deciding the case	Durban and Coast local division
Judge - can be more than one	Broome J (the 'J' always stands for 'Judge')
All the dates of court sittings	1989 September 27; 1990 June 27
Annotations	'Links to case annotations' Clicking here will give a list of the subsequent cases in which this case was cited
Catch phrases or Flynote	Company - winding up - dissolution of company in terms of s 419 of the Companies Act 61 of 1973
Headnote (summary)	The applicant was the defendant in an action which had been brought against him by a company, F I (Pty)Ltd etc.
Date of the judgment	Postea (27 June 1990)
Case information	Attorneys' and advocates' names
The order	Near the end of the case - in this example it starts with 'To sum up then, I uphold the applicant's contention and make an order' etc.
Order for costs	'2. That the respondent is ordered to pay the costs of this application, including the costs' etc.'

4.2.1.3 Indexes (printed)

In the printed version of the *South African Law Reports* the publisher offers an index, *Juta's index and annotations to the South African law reports*, that contains the following:

- Table of cases
- Case annotations - South African and foreign cases
- Legislation considered - Statutes chronologically annotated
- Index of cases reported in the South African law reports

Likewise for the printed Butterworths law reports (see above under 4.1) the publisher offers an index, *Butterworths index and noter-up to the All South African law reports and the South African law reports*, that contains the following:

- Key to abbreviations
- Cases reported
- Table of statutes
- Rules of court
- Words and phrases
- Case history
- Noter-up
- Subject index

4.2.1.4 Printed 'Noter-up', 'Annotations' and 'Fontes Juris':

This information is invaluable for research. The list of citations refers one from a specific case to all the subsequent cases in which that case was cited. One uses these sources to establish whether or not a case is still applicable. From these sources you will be able to establish if a case has been applied, overturned or otherwise criticised. They are contained in the following:

- *Butterworths index and noter-up to the All South African law reports and the South African law reports*. Noter-up section: 'The table below lists the cases which have been referred to or considered judicially in the judgments.' Judgments may be applied, discussed, approved, distinguished, etc.
- *Juta's index and annotations to the South African law reports*. The case annotations contain the same information as in the Noter-up.
- *Fontes Juris. Being the sources of the law which were noted in South African Supreme Court judgments*. These books contain lists that supplement the subject index of the law reports. It leads the reader from a case or source to further cases or sources. 'Under each reported case is listed, in chronological order, the cases (if any) which noted that case.' It is only current up to 2000, but the editors are working on a new edition. This reference tool consists basically of 3 long lists.

Part 1: South African cases reported and noted

'Under each reported case is listed, in chronological order, the cases (if any) which noted that case.' (Cases arranged alphabetically.)

Part 2: Foreign cases noted

Part 3: Legal literature noted

'This list gives, alphabetically under authors (including journals) all the cases which referred to them. If, in your research of a problem, you come across a reference to an author or a journal, the *Legal Literature Noted* List will give you, at a glance, the names and references to all cases which referred to that work/paragraph/page.'

4.2.1.5 New names for the High Courts

Citations for new case law will carry these new court names. The old cases will, of course, still have the old names of the courts in the citation.

Seat of the High Court	Name of the High Court
Bhisho	Eastern Cape High Court, Bhisho
Bloemfontein	Free State High Court, Bloemfontein
Cape Town	Western Cape High Court, Cape Town
Durban	KwaZulu-Natal High Court, Durban
Grahamstown	Eastern Cape High Court, Grahamstown
Johannesburg	South Gauteng High Court, Johannesburg
Kimberley	Northern Cape High Court, Kimberley
Mafikeng	North West High Court, Mafikeng
Mthatha	Eastern Cape High Court, Mthatha
Pietermaritzburg	Kwazulu-Natal High Court, Pietermaritzburg
Port Elizabeth	Eastern Cape High Court, Port Elizabeth
Pretoria	Gauteng High Court, Pretoria
Thohoyandou	Limpopo High Court, Thohoyandou

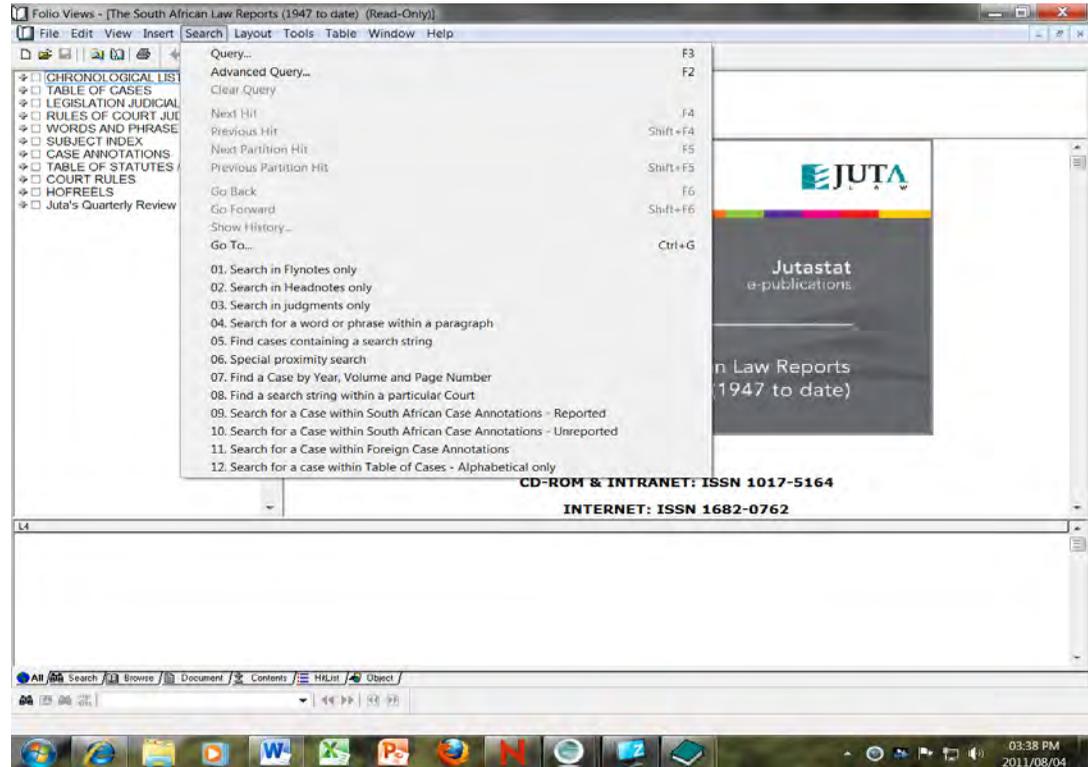
4.2.2 Electronic databases

4.2.2.1 Juta's SA Law reports 1828 to date

There are 2 formats for these electronic law reports. What is shown here is the one in CD format. The internet version is similar to that of the Butterworths case law - see 4.2.2.2

The screen shot of search choices follows to the right:

Searching. When using the 'Query' 'Advanced Query' or any other search options it is advisable to use quotation marks (" ") for a phrase. It keeps the words together. Note that it is possible to choose to search in the flynote or headnote only and it is advisable to use these when looking for a specific topic. Note also that you can find a case using 'Year, Volume and Page Number' only. It also offers the possibility of searching in case annotations.



Annotations. 'Link to case annotations' This screen shot to the right shows where these are located in the case.

The screenshot displays a web browser window titled "Folio Views - [The South African Law Reports (1947 to date) (Read-Only)]". The page content includes:

- CHRONOLOGICAL LISTING OF CASES - January 1947 to July 2011
- 1965
- Volume 2: 261 - 596 (May)
- JONES, NO v SANTAM BPK 1965 (2) SA 542 (A)

JONES, NO v SANTAM BPK 1965 (2) SA 542 (A) 1965 (2) SA p542

Citation	1965 (2) SA 542 (A)
Court	Appellate Division
Judge	Steyn CJ, Rumpff JA, Holmes JA, Williamson JA and Van Winsen JA
Heard	November 26, 1964
Judgment	February 25, 1965
Annotations	Link to Case Annotations

Flynote : Sleutelwoorde

Negligence - Action for damages - Child claiming through her father - Apportionment of Damages Act, 34 of 1956. - Applicability of sec. 1 (1) (a) - Child shown to be *culpa capax* - Child's share of negligence - Determined on same basis as for an adult - When claim for special damages also subject to apportionment - Minor - Liability of for culpa (negligence) - When child shown to be *culpa capax* - Assessment of degree of child's negligence.

Headnote : Kopnota

A person is guilty of *culpa* if his conduct falls short of that of the standard of the *diligens paterfamilias* - a standard that is always objective and which varies only in regard to the exigencies arising in any particular circumstances. The conduct of a child, in regard to negligence or *culpa*, is not measured in relation to any different standard to that ordinarily applicable, but there arises the necessity of determining whether that child is *culpa capax*, which involves an enquiry in relation to the capacity for *culpa* of the particular child. If it be decided in any particular case that a child under puberty is old enough to have and does have the intelligence to appreciate a particular danger to be avoided, that he has knowledge of how to avoid it or of the precautions to be taken against it, and further that he is sufficiently matured or developed so as to be able to control irrational or impulsive acts, such as a sudden and unexpected dash from the verge of a busy main road into the line of travel of a closely approaching vehicle, then it would be proper to hold that a failure to

At the bottom of the browser window, the status bar shows: "L4: 20 532 / 97 599 Hit: 142 / 225 Query: jones santam". The system tray at the bottom right shows the date and time: "11:39 AM 2011/08/05".

If you follow this 'Link to Case Annotations' it will give you the information regarding whether or not the case has been considered judicially (compared, considered, applied, referred to, distinguished). See screen shot to the right:

The screenshot shows a web browser window displaying a legal database. The main content area is titled 'CASE ANNOTATIONS' and 'SOUTH AFRICAN CASES - Reported Cases'. Below this, the case name 'Jones NO v Santam Bpk 1965 (2) SA 542 (A)' is listed. A search bar at the top contains the text 'Jones NO v Santam Bpk 1965 (2) SA 542 (A)'. The main content area displays a list of annotations, each with a corresponding case reference:

Annotation	Case Reference
applied	1966 (1) SA 248 (N)
referred	1966 (2) SA 684 (D)
applied	1968 (1) SA 398 (A)
applied	1970 (1) SA 705 (N)
applied	1970 (2) SA 73 (C)
approved & applied	1973 (1) SA 687 (RA)
applied	1975 (3) SA 128 (O)
discussed	1975 (3) SA 761 (A)
distinguished	1978 (2) SA 145 (SF)
applied	1981 (1) SA 544 (C)
applied	1981 (3) SA 740 (E)
considered	1981 (3) SA 795 (E)
applied	1981 (3) SA 1062 (W)
applied	1982 (1) SA 145 (T)
considered	1982 (1) SA 444 (A)
discussed & not approved	1983 (1) SA 381 (A)

The interface also includes a search bar at the top with the text 'Jones NO v Santam Bpk 1965 (2) SA 542 (A)', a navigation bar with buttons for 'All', 'Search', 'Browse', 'Document', 'Contents', 'HitList', and 'Object', and a footer with a search bar containing 'jones santam' and navigation buttons.

4.2.2.2 LexisNexis Butterworths Law Reports 1828 to date

Many options are given for searching.
See to the right:

The screenshot displays the LexisNexis search interface within a Windows Internet Explorer browser window. The browser's address bar shows the URL: `http://butterworths.up.ac.za/nxt/gateway.dll?templates$fn=default.htm$vid=mylnb:10.1048/enu`. The page title is "My LexisNexis - It's how you know".

The search interface includes a "Choose Search Form" dropdown menu. Below this, there is a "Search by" section with several input fields for different search criteria:

- Case Name [HINT]**: (eg: ryland v edros)
- Citation [HINT]**: (eg: 1994 (1) BCLR 145)
- Flynote [HINT]**: (eg: death sentence)
- Division [HINT]**: (eg: Transvaal Provincial Division)
- Judge [HINT]**: (eg: Harms)
- Date [HINT]**: (eg: 26 / 03 / 1998 or 03 / 1998 etc.)
- Case Number [HINT]**: (eg: 101 / 96 or 101 etc.)
- using a General Text search: [HINT]**

Below these fields, there are checkboxes for advanced search options:

- Find alternate word forms (stemming)
- Find synonyms (thesaurus)

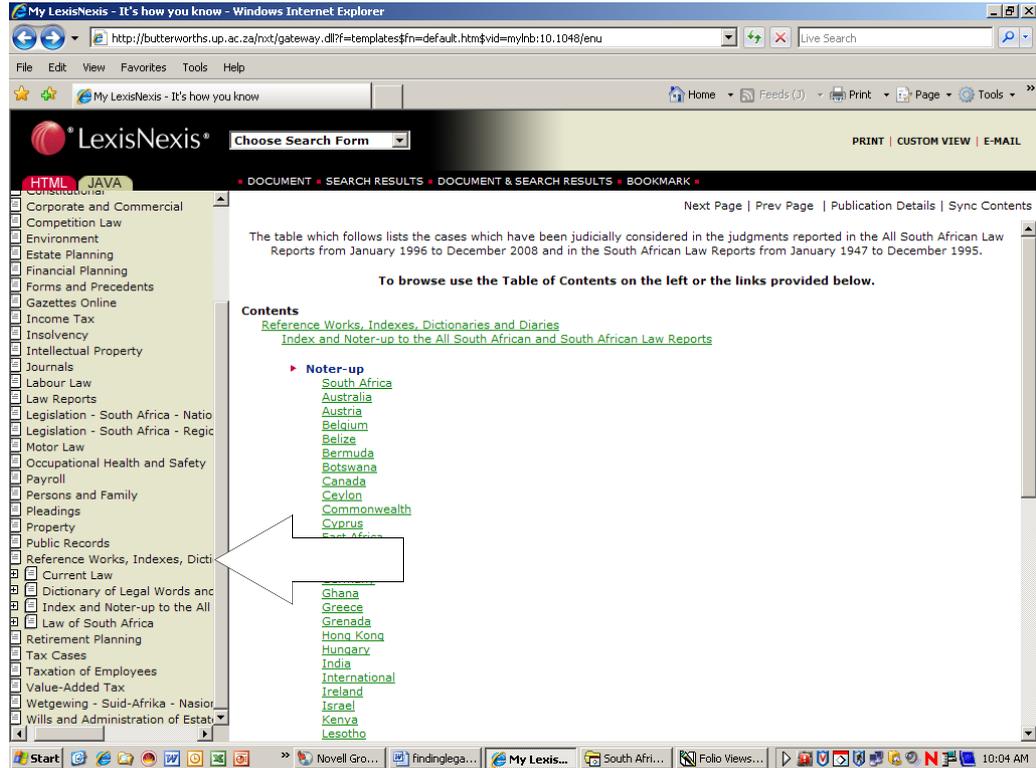
There is also a checkbox for "Show document excerpts in the results list" and a dropdown menu set to "Medium". At the bottom of the search section, there is a dropdown menu for "Order of results" set to "Relevance".

On the right side of the search interface, there is a "Select Law Reports to Search" section with a list of checkboxes for different report categories:

- All of the following Law Reports
- All England Law Reports
- All South African Law Reports
- All South African Law Reports 1828-1946
- Arbitration Law Reports
- Competition Law Reports
- Constitutional Law Reports
- Judgments Online
- Labour Law Reports
- Pension Law Reports

The bottom of the browser window shows the Windows taskbar with the Start button and several open applications: Novell Gro..., findinglega..., My Lexis..., South Afri..., and Folio Views... The system clock shows 10:02 AM.

- *Noter-up* online material is available under 'Reference works'. See the alphabetical list on the left of the screen.



4.2.2.3 *Fontes Juris*

It is worthwhile to note at this point that *Fontes Juris*, although not a full-text database of case law, does provide annotations for case law. It is available in printed format (see 4.2.1 above) and on CD. The CD includes case law up to 2001. In comparison to the printed format the CD has an additional list which is the *Legislation* list. The legislative records (acts, laws, statutes) are arranged chronologically from 1215 AD to date, and refer one to the relevant case law dealing with that specific piece of legislation. 'Each law is classified under date-country-number-name-section-paragraph. Thereunder follows the cases in which it was noted.' This screen shot illustrates the contents and the beginning of the introduction:

The screenshot shows the 'Folio Views - [Fontes Juris on CD (Read-Only)]' window. The left pane displays a tree view of the CD's contents:

- Fontes Juris on CD
 - Introductions
 - General Introduction
 - Manual
 - Introduction to Part 1: South African
 - Introduction to Part 2: Foreign Cas
 - Introduction to Part 3: Legal Literat
 - Introduction to Part 4: Legislation
 - Part 1: South African Cases List and
 - Part 2: Foreign Cases References
 - Part 3: Legal Literature References
 - Part 4: Legislation References

The main pane displays the 'General Introduction' text:

General Introduction

What is *Fontes Juris*?

Fontes Juris literally means *Sources of the Law*. In other words: *Legal Authorities*. It lists the authorities which were cited in reported judgments since the beginning of law reporting in South Africa. It is therefore a complete "noter-up" of cited legal authorities.

The data was extracted from the main reports of South African cases since 1828 to date. It includes the reports of the late Cape, Transvaal, Natal and Orange Free State up to 1910, and the *South African Law Reports [SA]* since then. It also lists the *SA Criminal Law Reports [SACR]* 1990+, *Butterworths Constitutional Law Reports [BCLR]* 1994+, and the *All SA Law Reports [All SA]* 1996+.

The authorities are classified into the following 4 Parts:

1. **SOUTH AFRICAN CASES:** 80,000 reported cases — cited 220,000 times
2. **FOREIGN CASES:** 24,000 cases — cited 44,000 times
3. **LEGAL LITERATURE:** 7,000 legal works — cited 84,000 times
4. **LEGISLATION:** 12,000 sections, etc, of laws — cited 150,000 times.

Not a Subject Index

Please note that *Fontes Juris* is NOT a subject index. Subject indexes are becoming obsolete as electronic law reports are being used by more and more lawyers. Because not only are printed subject indexes always out of date, but they can never be as quick to use — or as complete — as a word-search of a database.

When the compilation of *Fontes Juris* commenced in 1980, a PC-on-each-lawyer's-desk was only a futuristic vision. But we foresaw that the end of subject indexes was nigh, and *Fontes Juris* was therefore designed as a secondary research tool: once you find an authority which is relevant to your research topic — even a single reference — you can usually complete your research by using only *Fontes Juris* and the *Law Reports*.

Although it is not intended as a subject index, a word-search of *Fontes Juris* will in fact produce a list of all titles of

The bottom of the window shows a status bar with 'Record: 1 / 12', 'Hit: 0 / 0', and 'Query:'. The Windows taskbar at the bottom indicates the time is 10:56 AM.

See the screen shot to the right, which illustrates an example of the list of South African Cases in *Fontes Juris*:



4.2.3 Unreported cases

In general these may be obtained from the clerk of the court in which the case was heard. But you may also find them in the *JOL (Judgments Online from LexisNexis Butterworths)*, the *Juta's Daily Law Reports*, or *SAFLII*. The first two are commercially available, but *SAFLII* is a free internet website - <http://www.saflii.org.za>. You may also try searching the internet. More and more case law is going online and is available free of charge.

4.2.4 Acts linked to the case law

Printed:

- In the printed version of the set of *Juta's index and annotations to the South African law reports* there is a section: 'legislation considered - statutes chronologically annotated'. This is a list of the acts considered in the case law, arranged by the year and number of the act. For example:
 - Act 51 of 1977, section 111 ... 2008 (4) SA 441 (C).
- The printed *Butterworths index and noter-up to the All South African law reports and the South African law reports* there is a table of statutes which is described as 'The statutory provisions listed below were referred to or considered in the All South African Law Reports and the South African Law Reports from ... to ...'. For example:
 - Act 61 of 1973, Companies Act, section 391 ... [2006] 4 All SA 11

Electronic:

- *The South African Law Reports* from *Jutas* has 'Legislation judicially considered', in which the acts and the relevant case law are linked.
- *LexisNexis Butterworths* has a list known as 'Table of Statutes' (found under the 'Reference Works, Indexes, Dictionaries and Diaries', and then *Index and noter-up to the All South African and South African law reports*). This list links the acts and relevant case law.
- *Netlaw from Sabinet* also gives references to the relevant case law. Once you have opened a particular statute, see 'Download documents' on the right of the screen and click on 'Act index' in order to get a list of 'Decided Cases' for that statute. See the following screenshot.

Document - INSOLVENCY ACT 24 OF ...

Sabinet Legal

INSOLVENCY ACT 24 OF 1936 - Windows Internet Explorer

http://0-discover.sabinet... | Bing

File Edit View Favorites Tools Help

INSOLVENCY ACT 24 OF 1936

INSOLVENCY ACT 24 OF 1936

Please note that Netlaw consists of consolidated Acts, Rules and Regulations. Additional notices have been added at our discretion. Please consult the *Government Gazette* database for any other notices in terms of this Act.

[THE ACT](#)

[AMENDMENT ACTS](#)

[DECIDED CASES](#)

- [REGULATIONS UNDER SECTION 158 – GN R1379/62](#)
- [TARIFFS OF FEES UNDER SECTION 73 \(2\) – Gen N 733/81](#)

Done | Internet | Protected Mode: On | 125%

(Signed by the Governor-General in Afrikaans)

[Assented To: 17 June 1936]
[Commencement Date: 1 July 1936]

mySabinet | My Action List (0)

Return to NetLaw Results

Add This My Action List To

Print Document

Record: 1 of 1

How the document works

Download Document(s)

Act.index (0.03 MB)
Act (0.83 MB)

Related Documents

SA Statutes

1936

http://0-discover.sabinet.co.za/innopac.up.ac.za/webx/access/netlaw/Insolvency%20Act%2024

5 Journals (South African law journals)

5.1 In general

Journals contain articles and notes, and are considered secondary legal sources. The primary legal sources are common law, legislation and precedents from case law. Journal articles contain commentaries or discussions on the law and the case law. The topics discussed in journal articles are probably more current, or up to date, than the same material in textbooks. Many journal articles are cited in court judgments.

Most academic law journals are published by the law schools. There are about 27 academic-type law journal titles in South Africa and these are listed below. To obtain the printed versions of the journals one must subscribe to the titles. Some titles are also available in electronic format. The two commercial databases that hold South African law journals in full-text are *SAePublications* and *HeinOnline*. Commercially available electronic journals (individual titles) can be obtained from the publishers *Jutas* and *LexisNexis Butterworths*.

Journal title	Institution	Publisher	Full-text found in <i>SAePublications</i>	Full-text found in <i>HeinOnline</i>
Acta Juridica	University of Cape Town	Juta	✓	✓
Acta Criminologica	Criminological Society of South Africa	-	✓	
African Human Rights Law Journal	University of Pretoria	Juta	✓	✓
Annual Survey of South African Law	Faculty of Law, University of the Witwatersrand	Juta	✓	✓
Codicillus	UNISA	UNISA	✓	
Constitutional Court Review (new from PULP)	University of Pretoria	PULP		
CILSA - Comparative and International Law Journal of South Africa	UNISA	UNISA	✓	

De Jure	University of Pretoria	PULP		
Fundamina - a Journal of Legal History	UNISA	UNISA	✓	
Industrial Law Journal	University of the Witwatersrand	Juta		✓
Journal of Estate Planning Law	University of the Free State	UFS	✓	
Journal of Juridical Science (Tydskrif vir Regswetenskap)	University of the Free State	UFS	✓	
Law, Democracy and Development	University of the Western Cape	Lexis-Nexis Butterworths	✓	
Obiter	Nelson Mandela Metropolitan University	NMMU	✓	
Potchefstroom Electronic Law Journal	University of the North West	UNW	✓	✓
Responsa Meridiana	Student Law Societies of the Universities of Cape Town and Stellenbosch	UCT & Stellenbosch		
SADC Law Journal (new)	SADC Law Journal Trust	-		
South African Journal of Criminal Justice	University of Cape Town	Juta	✓	✓
South African Journal of Environmental Law & Policy	University of Kwazulu Natal	UKZN		
South African Journal on Human Rights	University of the Witwatersrand	Juta	✓	✓
South African Law Journal	-	Juta	✓	✓
South African Mercantile Law Journal	UNISA	Juta	✓	✓
South African Public Law - SA Publiekreg	Verloren van Themaat Centre, UNISA	UNISA	✓	
South African Yearbook of International Law	Verloren van Themaat Centre, UNISA	UNISA	✓	

Speculum Juris	University of Fort Hare	Lexis-Nexis Butter- worths		
Stellenbosch Law Review – Stellenbosse Regstydskrif	University of Stellenbosch	Juta	✓	✓
Tydskrif vir die Suid-Afrikaanse Reg – Journal of South African Law	University of Johannesburg	Juta	✓	✓
Tydskrif vir Hedendaagse Romeins-Hollandse Reg – Journal for Contemporary Roman Dutch Law	Society Hugo de Groot, Pretoria	Lexis-Nexis Butter- worths		

There are a number of other law periodicals which although very useful for practitioners, are not considered academic journals. Examples are *Without Prejudice* <http://www.gleason.co.za/fusion/articles.php> and *De Rebus*. *De Rebus*, the attorneys' journal from the Law Society, is free on the web <http://www.derebus.org.za>.

Open Access. At this stage there are four free online academic journals in this country – namely, *Potchefstroom Electronic Law Journal* at <http://www.puk.ac.za/fakulteite/regte/per/index.html>, *Constitutional Court Review* at http://www.pulp.up.ac.za/cat_2009_04.html, *SADC Law Journal* at <http://www.sadclawjournal.org/> and *De Jure* at <http://www.dejure.up.ac.za>.

5.2 Finding articles in South African journals

Reference indexes. There are two indexes to Southern African journals. These indexes give only references to articles (not full-text access). One can search by author, title, keywords, journal title, etc.

- The most widely used and comprehensive index is the *ISAP – Index to South African Periodicals* (a *Sabinet* database). This should be the first place one searches for articles. *ISAP* requires a subscription.
- The other is a free index on the Constitutional Court Library website and is called *iSALPi*, *South African Legal Periodicals Index* www.constitutionalcourt.org.za. Go to the library, then the library catalogue and search in *iSALPi*.

- You may also search the online versions of the journals published by *Jutas* and *LexisNexisButterworths* for articles.

Full-text. For full-text coverage one can use the print copies of the journals as well as the following databases. These databases hold some (see list above under 5.1) of our law journals in full-text:

- *SA ePublications* is a local subscription *Sabinet* database with full-text access to many South African journals. It covers journals from 2001 onwards.
- *HeinOnline* is an American subscription database but does contain some South African journals. The coverage is retrospective and usually covers the journal from volume 1 up to a year or two ago. It does not usually have the latest year or two of a journal.
- Full-text coverage is also obtainable from the online versions of the journals published by *Jutas* and *LexisNexisButterworths*.

See screen shot of *SA ePublications* below:

The screenshot shows a web browser window displaying the Sabinet search page. The browser's address bar shows 'Easy Search'. The page header includes navigation links: SEARCH, ADVANCED SEARCH, CONTENTS PAGES, HELP, TERMS & COND., and EXIT. A 'Portal Access' dropdown menu is visible. The main content area features the Sabinet logo and the heading '[SEARCH SA ePUBLICATIONS]'. Below this is an alphabetical index from A to Z, followed by links for 'Browse', 'Collections', and 'List of journals'. The search form consists of two input fields for search terms, each with a dropdown menu set to 'All fields (except full-text field)'. A dropdown menu for 'and' is also present. Below the search fields are three more dropdown menus: 'Limit results to articles with:' set to 'Full text', 'Limit results to journal title:' set to '-- All full-text journals in this collection --', and 'Limit results to accredited journals:' set to 'Do not limit'. A 'Submit' button is located below the last dropdown. At the bottom of the page, there is a footer with the following text: 'This Website has been created, and is hosted and maintained in-house by Sabinet. Comments or suggestions on this site may be sent to the Webmaster. All information and images on this site are protected by the Copyright Act (98/1978)'. The browser's status bar at the bottom shows 'Done', 'Internet | Protected Mode: On', and a zoom level of '125%'.

Easy Search

SEARCH ADVANCED SEARCH CONTENTS PAGES HELP TERMS & COND. EXIT

Portal Access

[SEARCH SA ePUBLICATIONS]

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

[Browse](#) [Collections](#) [List of journals](#)

Search for : in All fields (except full-text field)

and in All fields (except full-text field)

Limit results to articles with : Full text

Limit results to journal title : -- All full-text journals in this collection --

Limit results to accredited journals : Do not limit

Submit

This Website has been created, and is hosted and maintained in-house by Sabinet.
Comments or suggestions on this site may be sent to the [Webmaster](#).
All information and images on this site are protected by the [Copyright Act \(98/1978\)](#).

Done Internet | Protected Mode: On 125%

HeinOnline - screen shot follows:

Law Journal Library - HeinOnline.org

Printer Friendly | Select Library | Help | Feedback | Log Out

Resources Search Citation Navigator Title Lookup MyHein

Libraries >> Law Journal Library >>

Citation Navigator

Bluebook Citation:
Find Bluebook Citation

Vol. Abbreviation Page

open in new tab/window

Type or Copy and Paste Citation Here:

open in new tab/window

Non-Consecutively Paginated Volumes:

Abbreviation

Issue Year Page

Winter

[Click Here for Classic Citation Navigator](#)

Law Journal Library

Text

[Field Search](#) | [Advanced Search](#) | [Help](#) | [Find Bluebook Citation](#)

Browse by: **Publication Title** | State (U.S.) | Country | Subject | Most-Cited

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#) | [O](#) | [P](#) | [Q](#) | [R](#) | [S](#) | [T](#) | [U](#) | [V](#) | [W](#) | [Y](#) | [Z](#) | All

A

- [AALL Spectrum ^{Updated*}](#)
i Vols. 1-15#8 (1996-2011)
- [ABA Journal](#)
i Vols. 1-95 (1915-2009) Title Varies: Vols. 1-69 (1915-1983) as American Bar Association Journal
- [ABA Journal of Labor and Employment Law](#)
i Vols. 1-24 (1985-2009) Title Varies: Vols. 1-24 (1985-2009) as Labor Lawyer
- [ABA Juvenile & Child Welfare Law Reporter](#)
See: [Child Law Practice](#)
i Vols. 1-28 (1982-2010) Title Varies: Vols. 1-4 (1982-1984) as National Juvenile Law Reporter; Vols. 5-14 (1986-1996) as ABA Juvenile & Child Welfare Law Reporter

Internet | Protected Mode: On 125%

5.3 Citing journal articles

Reference styles vary from journal to journal, but it is important to always include the author, article title, journal title, year, volume, issue or number and pages, in any citation to a journal article. Example:

Hoexter, Cora 'Clearing the intersection? Administrative law and labour law in the Constitutional Court.' *Constitutional Court Review* 2008. Vol.1. p 209-234.

6 Old Authorities (South African)

Many academic libraries (and private individuals) in South Africa possess collections of law books known as the ‘old authorities’. These are books containing Roman and Roman-Dutch law and are still authoritative. Some of these books are rather old and some were printed as early as the 1500s. There are also translations of the important old sources. For postgraduate research in particular these sources are in demand. Consult the law librarians to assist you to locate the old authorities in the collection as they may be stored in locked rooms if they are, in fact, old books. The old authorities are still cited regularly in our courts. For example, the name ‘Grotius’ (for Hugo de Groot) is cited 722 times in the SA Law Reports from 1947 to June 2011. To the right see the screen shot from the law reports, as an illustration of this:

The screenshot displays a legal database search results page for the query 'grotius'. The interface includes a menu bar (File, View, Search, Tools, Window, Help), a toolbar with navigation icons, and a main text area displaying a list of cases with 'Grotius' highlighted in blue. The cases listed include Dormell Properties, LE Roux, RAQA v Hofman, Pappalardo v HAU, EMPULENI Local Municipality, Frans v Paschke, Kruger v Joles, Pillay v ShaiK, Kidson v JimSpeed, ShaiK v Pillay, Bisnath v Absa Bank, and MEC for Economic Affairs. The bottom status bar shows 'L4: 12 / 722 Hit: 12 / 722 Query: grotius'.

University library catalogues should contain records of these books. For example, one may look in the University of Pretoria's catalogue <http://explore.up.ac.za/screens/mainmenu.html> for old authorities titles. An example of an 'old authorities' record from that catalogue is given to the right:

The screenshot shows a web browser window displaying the University of Pretoria/CSIR Library Catalogue search results. The search term is 'old authorities' and the results are sorted by relevance. The main record displayed is for 'Hugonis Grotii Florum sparsio ad ius Iustinianum' by Hugo Grotius.

Search Options

- Advanced Search
- Author & Title
- Government Document Number
- UP Shelf Number
- CSIR Shelf Number
- Dewey Number

My Library

- My Account Login
- Inter-Library Loan

New Materials

- News Feeds
- New Books
- New Book Orders

Course Reserves

- Course Search
- Instructor Search

Exam Papers

- Course Code
- Department

Search Results:

KEYWORD: old authorities grotius UP Libraries (Except Mamelodi) Search

Limit search to available items

Did you mean [old authorities gratis?](#) [more >](#)

1 result found. Sorted by **relevance** | [date](#) | [title](#)

(Search History)

Author Name: **Grotius, Hugo, 1583-1645.** [Persistent link to this title](#)

Title: **Hugonis Grotii Florum sparsio ad ius Iustinianum.**

Publisher: Parisiis : Apud Viduam Gulielmi Pele' ..., 1642.

Rating: ★★★★★

LOCATION	CALL NO	STATUS	NOTE
Law Library Old Authorities	OA 340.543 GROTIUS	IN	---

Details

Add Author: Justinian I, Emperor of the East, 483?-565.

Add Title: Florum sparsio ad ius Iustinianum.
Hvgonis Grotii Florvm sparsio ad ius Iustinianum
Corpus juris civilis.

Phys Descr: 415, [1] p. ; 23 cm.

Notes: Photocopy of original

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Roman law

The Roman emperor Justinian, who died in 565AD, had the Roman law codified. Justinian's code consists of four parts and is known as the *Corpus iuris civilis*. This code was the vehicle for carrying the Roman law to the rest of Western Europe and is still used today. The four parts are the:

- *Codex*
- *Digesta* or *Pandectae*
- *Institutiones*
- *Novellae*

These books have been translated into English. These books are sometimes referred to, in footnotes or bibliographies, simply as 'D' for Digest, or 'C' for Codex, together with chapter and section numbers. For example: *D.43.26.6.1* means *Digest*, book 43, title 26, paragraph 6, line 1.

Roman-Dutch Law

Roman-Dutch law is a synthesis of Roman law, Germanic customary law, feudal law, canon law and so on. There are a number of old writers who are considered authorities on classical Roman-Dutch law. Their works appeared from about 1550 to 1800. Researchers should be aware of the following names in this regard:

- Merula wrote *Manier van procederen* on civil procedure.
- Hugo de Groot (Grotius) wrote *Inleidinge tot de Hollandsche rechtsgeleerdheid* and *De jure belli ac pacis, libri tres*. His *Introduction*, a treatise on Roman-Dutch law, is a very important work.
- Antonius Matthaeus
- Simon Groenewegen van der Made
- Simon van Leeuwen was the first writer to use the term Roman-Dutch law
- Johannes Voet, his best known works are *Compendium iuris* which follows the sequence of the *Digest* or *Pandects* and *Commentarius ad Pandectas*.
- Cornelis van Bynkershoek
- DG Van der Keessel
- Johannes van der Linden is known as the author of *Rechtsgeleerd, Practicaal en Koopmans Handboek*

7 Legislation (other jurisdictions)

7.1 In general

For free access to legislation, statutes, acts, and codes, one of the options is *WorldLII* <http://www.worldlii.org/>. The acronym stands for World Legal Information Institute. The aim of the *Legal Information Institute* movement worldwide is to provide free access to the law. Open the website and select 'All Countries'. It contains some law reports and legislation for many countries. In some cases there is a great deal of information, but for others there may be very little. Apart from this site a general search by means of an internet search engine will produce results for some jurisdictions. For *WorldLII* see to the right:

World Legal Information Institute
Free, independent and non-profit access to worldwide law

[About](#) | [Contact](#) | [Translate](#) | [Feedback](#) | [Privacy](#) | [Disclaimers](#) | [Help](#)

WorldLII

[\[Advanced Search\]](#) [\[LawCite\]](#) [\[Help\]](#)

[1166 databases](#) from 123 jurisdictions via [14 Legal Information Institutes](#)

Global

- [All Countries](#)
- [All Databases](#)
- [All Regions](#)
- [Other Groupings](#)

Libraries & Projects

- [Final Appeal Courts](#)
- [GLIN Abstracts](#)
- [International Decisions](#)
- [Law Journals](#)
- [Law Reform](#)
- [Treaties](#)
- [International Law](#)
- [Privacy Law](#)

Catalog

- [All Categories](#)
- [Subjects](#)

News & Database Additions
Last updated 5 August 2011

- [LII of India](#) opened for public access on 25 November 2010
- [Call for Papers - Law via the Internet Conference 2011](#), Hong Kong, 8-10 June 2011
- [Utrecht Law Review \(UtrechtLawRw\) 2005](#). (WorldLII)
- [Indian Central Administrative Tribunal \(INCAT\) 2004](#). (LIIofIndia)
- [Indian Cyber Appellate Tribunal \(INCyberAT\) 2010](#). (LIIofIndia)
- [Journal of Law, Information and Science 2001](#). (AustLII)
- [Australian Year Book of International Law 1968](#). (AustLII)
- [Past additions...](#)

Latest Catalog Additions

- German Law Archive
Link added: >> Germany >> [Other Indexes](#)
- Legal Aid Review Panel (LARP)
Link added: >> Courts & Case-Law >> [Tribunals & Other Authorities](#)
- Review Authority
Link added: >> Courts & Case-Law >> [Tribunals & Other Authorities](#)
- [Past additions...](#)

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- [Funding Supporters](#)
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Law via Internet Conference

- [Conferences 1997-](#)
- [Conference Papers Archive](#)

Research Projects

- [International Law Library](#)

Special Features & Tools

- [WorldLII Toolbar](#)
- [WorldLII News: Subscribe](#)

<http://www.worldlii.org/worldlii/recent.html>

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7.2 North America

The USA and Canada.

7.2.1 *Free on the Web*

The USA has federal law and laws of the various states. The Federal law is known as the US Code. The code is arranged by titles and then chapters. There are also popular names, such as the infamous USA Patriot Act. This concept is explained below under the LII.

A list of United States of America websites to try for free material, such as the US Code and other legal information follows:

1. *LII or Legal Information Institute* (the first LII which is housed by Cornell University) <http://www.law.cornell.edu/>. Go to 'Legal Resources' and then 'US Code'. The website contains a list of all titles (broken down to chapters, subchapters, sections):

Table of Contents (by-Title listing)

- [Title 1](#) General Provisions [*Search*]
- [Title 2](#) The Congress [*Search*]
- [Title 3](#) The President [*Search*]
- [Title 4](#) Flag and Seal, Seat Of Government, and the States [*Search*]
- [Title 5](#) Government Organization and Employees [*Search*]
- [Appendix to Title 5](#)
- [Title 6](#) Domestic Security [*Search*]
- [Title 7](#) Agriculture [*Search*]
- [Title 8](#) Aliens and Nationality [*Search*]
- [Title 9](#) Arbitration [*Search*]
- [Title 10](#) Armed Forces [*Search*]
- [Appendix to Title 10](#) (Rules of Court of Appeals for the Armed Forces)
- [Title 11](#) Bankruptcy [*Search*]
- [Appendix to Title 11](#)
- [Title 12](#) Banks and Banking [*Search*]

- [Title 13](#) Census *[Search]*
- [Title 14](#) Coast Guard *[Search]*
- [Title 15](#) Commerce and Trade *[Search]*
- [Title 16](#) Conservation *[Search]*
- [Title 17](#) Copyrights *[Search]*
- [Title 18](#) Crimes and Criminal Procedure *[Search]*
- [Appendix to Title 18](#)
- [Title 19](#) Customs Duties *[Search]*
- [Title 20](#) Education *[Search]*
- [Title 21](#) Food and Drugs *[Search]*
- [Title 22](#) Foreign Relations and Intercourse *[Search]*
- [Title 23](#) Highways *[Search]*
- [Title 24](#) Hospitals and Asylums *[Search]*
- [Title 25](#) Indians *[Search]*
- [Title 26](#) Internal Revenue Code *[Search]*
- [Appendix to Title 26](#)
- [Title 27](#) Intoxicating Liquors *[Search]*
- [Title 28](#) Judiciary and Judicial Procedure *[Search]*]
- [Appendix to Title 28](#)
- [Title 29](#) Labor *[Search]*
- [Title 30](#) Mineral Lands and Mining *[Search]*
- [Title 31](#) Money and Finance *[Search]*
- [Title 32](#) National Guard *[Search]*
- [Title 33](#) Navigation and Navigable Waters *[Search]*
- [Title 34](#) Navy (repealed) *[Search]*
- [Title 35](#) Patents *[Search]*
- [Title 36](#) Patriotic Societies and Observances *[Search]*
- [Title 37](#) Pay and Allowances Of the Uniformed Services *[Search]*

- [Title 38 Veterans' Benefits](#) *[Search]*
- [Appendix to Title 38 \(Rules of Court of Appeals for Veterans Claims\)](#)
- [Title 39 Postal Service](#) *[Search]*
- [Title 40 Public Buildings, Property, and Works](#) *[Search]*
- [Title 41 Public Contracts](#) *[Search]*
- [Title 42 The Public Health and Welfare](#) *[Search]*
- [Title 43 Public Lands](#) *[Search]*
- [Title 44 Public Printing and Documents](#) *[Search]*
- [Title 45 Railroads](#) *[Search]*
- [Title 46 Shipping](#) *[Search]*
- [Appendix to Title 46](#)
- [Title 47 Telegraphs, Telephones, and Radiotelegraphs](#) *[Search]*
- [Title 48 Territories and Insular Possessions](#) *[Search]*
- [Title 49 Transportation](#) *[Search]*
- [Title 50 War and National Defense](#) *[Search]*
- [Appendix to Title 50](#)

Using the US Code on the LII website:
If one clicks on *Title 11* the chapters for 'Bankruptcy' are shown - see the screen shot to the right.

The screenshot shows the Cornell University Law School Legal Information Institute (LII) website. The browser address bar displays "United States Code: Title 11, TITLE 11...". The page header includes the Cornell University Law School logo and a search bar. The main content area is titled "Legal Information Institute [LII]" and "OPEN ACCESS TO LAW SINCE 1992". Below this, there is a navigation menu with options: "ABOUT LII / GET THE LAW / FIND A LAWYER / LEGAL ENCYCLOPEDIA / HELP OUT". A red button labeled "U.S. Code" is visible. The main heading is "TITLE 11—BANKRUPTCY". A list of chapters is displayed:

- CHAPTER 1—GENERAL PROVISIONS (§§ 101—112)
- CHAPTER 3—CASE ADMINISTRATION (§§ 301—366)
- CHAPTER 5—CREDITORS, THE DEBTOR, AND THE ESTATE (§§ 501—562)
- CHAPTER 7—LIQUIDATION (§§ 701—784)
- CHAPTER 9—ADJUSTMENT OF DEBTS OF A MUNICIPALITY (§§ 901—946)
- CHAPTER 11—REORGANIZATION (§§ 1101—1174)
- CHAPTER 12—ADJUSTMENT OF DEBTS OF A FAMILY FARMER OR FISHERMAN WITH REGULAR ANNUAL INCOME (§§ 1201—1231)
- CHAPTER 13—ADJUSTMENT OF DEBTS OF AN INDIVIDUAL WITH REGULAR INCOME (§§ 1301—1330)
- CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES (§§ 1501—1532)

On the right side of the page, there is a "U.S. CODE TOOLBOX" section with a search bar and a "Search Title 11" button. Below this, there are social media sharing options (Like, Tweet, Facebook, Submit) and a "Donations cover only 20% of our costs. Become an LII sponsor" message. At the bottom, there is a "STAY INVOLVED" section with links to "LII Announce Blog" and "LII Supreme Court Bulletin". The browser status bar at the bottom indicates "Internet | Protected Mode: On" and "125%".

Should one find a reference to US legislation one can find it on this website. For example - '11 USCA §105(a)' = Title 11 (Bankruptcy) of the US Code, Section 105(a).

The screenshot displays the Cornell University Law School Legal Information Institute (LII) website. The browser's address bar shows the URL "United States Code: Title 11,105. Pow...". The page header includes the Cornell University Law School logo and a search bar. The main content area features the LII logo and navigation links such as "ABOUT LII", "GET THE LAW", "FIND A LAWYER", "LEGAL ENCYCLOPEDIA", and "HELP OUT". The current page is titled "U.S. Code" and "MAIN PAGE FAQ INDEX SEARCH". The specific section is "TITLE 11 > CHAPTER 1 > § 105" and "§ 105. POWER OF COURT". The text of the section is as follows:

(a) The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

(b) Notwithstanding subsection (a) of this section, a court may not appoint a receiver in a case under this title.

(c) The ability of any district judge or other officer or employee of a district court to exercise any of the authority or responsibilities conferred upon the court under this title shall be determined by reference to the provisions relating to such judge, officer, or employee set forth in title 28. This subsection shall not be interpreted to exclude bankruptcy judges and other officers or employees appointed pursuant to chapter 6 of title 28 from its operation.

(d) The court, on its own motion or on the request of a party in interest—

- (1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and
- (2) unless inconsistent with another provision of this title or with applicable Federal Rules of Bankruptcy Procedure, may issue an order at any such conference prescribing such limitations and conditions as the court deems appropriate to ensure that the case is handled

The right sidebar contains a search bar for LII, social media links (Follow, Like), and a "U.S. CODE TOOLBOX" section with a search bar for Title 11. Below the toolbox are social media sharing options (Tweet, Like, Submit) and a donation request: "Donations cover only 20% of our costs. Become an LII sponsor". At the bottom, there is a "STAY INVOLVED" section with links to "LII Announce Blog" and "LII Supreme Court Bulletin".

The contents of Title 15 on
'Commerce and Trade' follows:

The screenshot displays the Cornell University Law School Legal Information Institute (LII) website. The browser address bar shows "United States Code: Title 15, TITLE 15...". The page header includes the Cornell University Law School logo and a search bar. The main navigation bar features "U.S. Code" and "TITLE 15" with a dropdown menu. The main content area lists the following chapters under "TITLE 15—COMMERCE AND TRADE":

- CHAPTER 1—MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE (§§ 1—38)
- CHAPTER 2—FEDERAL TRADE COMMISSION; PROMOTION OF EXPORT TRADE AND PREVENTION OF UNFAIR METHODS OF COMPETITION (§§ 41—77)
- CHAPTER 2A—SECURITIES AND TRUST INDENTURES (§§ 77a—77bbb)
- CHAPTER 2B—SECURITIES EXCHANGES (§§ 78a—78oo)
- CHAPTER 2B-1—SECURITIES INVESTOR PROTECTION (§§ 78aaa—78III)
- CHAPTER 2C—PUBLIC UTILITY HOLDING COMPANIES (§ 79_to_79z6)
- CHAPTER 2D—INVESTMENT COMPANIES AND ADVISERS (§§ 80a1—80b21)
- CHAPTER 2E—OMNIBUS SMALL BUSINESS CAPITAL FORMATION (§§ 80c—80c3)
- CHAPTER 3—TRADE-MARKS (§ 81_to_134)
- CHAPTER 4—CHINA TRADE (§§ 141—162)
- CHAPTER 5—STATISTICAL AND COMMERCIAL INFORMATION (§§ 171—198)
- CHAPTER 6—WEIGHTS AND MEASURES AND STANDARD TIME (§§ 201—262)

On the right side of the page, there is a "U.S. CODE TOOLBOX" section with a search bar and a "Search Title 15" button. Below this, there are social media sharing options (Like, Tweet, +1, Submit) and a "Donations cover only 20% of our costs. Become an LII sponsor" message. At the bottom, there is a "STAY INVOLVED" section with links to "LII Announce Blog" and "LII Supreme Court Bulletin".

Another example of a reference to the federal legislation — '15 USCA §432':

The screenshot shows a web browser displaying the Cornell University Law School Legal Information Institute (LII) website. The address bar shows "United States Code: Title 15,432, Boar...". The page header includes the Cornell University Law School logo and a search bar. The main content area features the LII logo and navigation links. The specific page is titled "§ 432. BOARDS OF TRADE DEALING IN AGRICULTURAL PRODUCTS; EXCLUSION OF REPRESENTATIVES OF COOPERATIVE ASSOCIATIONS PROHIBITED". The text of the statute is displayed, starting with "No board of trade whose members are engaged in the business of buying or selling agricultural products or receiving the same for sale on consignment in interstate commerce shall exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association, corporate or otherwise, composed substantially of producers of agricultural products, or any such representative of any organization acting for a group of such associations, if such association or organization has adequate financial responsibility and complies or agrees to comply with such terms and conditions as are or may be imposed lawfully on other members of such board: Provided, That no rule of a board of trade shall forbid or be construed to forbid the return on a patronage basis by such cooperative association or organization to its bona fide members of moneys collected in excess of the expense of conducting the business of such association." The page also includes a "U.S. Code" tab, a "U.S. CODE TOOLBOX" sidebar with search and RSS options, and a "STAY INVOLVED" section with links to LII Announce Blog and LII Supreme Court Bulletin. The browser status bar at the bottom shows "Waiting for about:blank..." and "Internet | Protected Mode: On".

The LII website also includes a table of popular names, for example, the *'Wild Horse Annie Act'*. It also explains how the Code is built. The screen shot to the right explains the concept of the popular names:

The screenshot shows a web browser window displaying the Cornell University Law School Legal Information Institute (LII) website. The page is titled "U.S. Code Making sense of popular names". The LII logo is visible at the top left, and the Cornell University Law School logo is at the top right. The page content includes a section titled "What's in a popular name?" which explains that laws acquire popular names as they pass through Congress, often to recognize sponsors, honor creators, or gain political support. It also includes a section titled "How the Code is built" which describes the structure of the United States Code, organized into fifty titles, each subdivided into logical subtopics.

Cornell University Law School

LII / Legal Information Institute

U.S. Code

Making sense of popular names

See [Table of popular names](#)

What's in a popular name?

Laws acquire popular names as they make their way through Congress. Sometimes these names say something about the substance of the law (as with the '2002 Winter Olympic Commemorative Coin Act'). Sometimes they are a way of recognizing or honoring the sponsor or creator of a particular law (as with the 'Taft-Hartley Act'). And sometimes they are meant to garner political support for a law by giving it a catchy name (as with the 'USA Patriot Act' or the 'Take Pride in America Act') or by invoking public outrage or sympathy (as with any number of laws named for victims of crimes). History books, newspapers, and other sources use the popular name to refer to these laws. Why can't these popular names easily be found in the US Code?

How the Code is built

The United States Code is meant to be an organized, logical compilation of the laws passed by Congress. At its top level, it divides the world of legislation into fifty topically-organized Titles, and each Title is further subdivided into any number of logical subtopics. In theory, any law -- or individual provisions within any law -- passed by Congress should be classifiable into one or more slots in the framework of the Code. On the other hand, legislation often contains bundles of topically unrelated provisions that collectively respond to a particular public need or problem. A farm bill, for instance, might contain provisions that affect the tax status of farmers, their management of land or treatment of the environment, a system of price limits or supports, and so on. Each of these individual provisions would, logically, belong in a different place in the Code. (Of course, this isn't

Internet | Protected Mode: On 125%

2. Public Library of Law at <http://www.plol.org/Pages/Search.aspx>
3. The Library of Congress, see Thomas at <http://thomas.loc.gov/home/thomas2.html>

Canada. Free internet access to Canadian legislation may be found on the *CANLII* website: <http://www.canlii.org/en/info/legislation.html>

Their approach to legislation in Canada is described in their own words as follows:

LEGISLATION

CanLII reproduces consolidations of statutes and regulations as published by official printers from the federal, provincial, and territorial jurisdictions. Prior and updated versions of legislative materials are becoming available in a growing number of what we call 'point-in-time databases'. All consolidated legislative databases on CanLII will become point-in-time in the near future.

Point-in-time Databases

Point-in-time databases provide you with access not only to a current, up-to-date version of the consolidated legislative text, but also to past versions. Moreover, new search tools have been made available for these databases:

- A new 'versions' field in the legislation databases search template (see for instance the search template of the *Statutes and Regulations of Canada* entry page)
- A versions comparison tool which allows easy identification of the parts of text that have been changed (see for instance the COMPARE button which allows you to launch a comparison between two versions of the *Access to Information Act*).

There are two types of versions in CanLII's point-in-time databases, depending upon whether or not CanLII was able to establish the coming into force dates of amendments made to the texts: 'in force version' and 'posted version'.

An 'in force version' displays the legislative text as it was legally binding during the period shown (see for instance versions of the *Access to Information Act*, R.S.C. 1985, c. A-1). You should, however, note that the binding nature of a legislative enactment at a given moment in time may vary for different situations. You remain responsible to check whether or not the text applies to your specific situation.

A 'posted version' displays the legislative text as it was posted on the official printer's website and downloaded by CanLII at the dates shown (see for instance versions of the *Bankruptcy and Insolvency General Rules*, C.R.C., c. 368). The dates associated to these versions do not match their commencement dates.

7.2.2 Subscription databases

There are two major legal databases in the US and they are *Westlaw* and *LexisNexis*. There is considerable duplication in the two databases. They are very good sources for the legislation for both the federal law and the state law. These databases will provide the annotations to the relevant case law and to commentaries and discussions on the laws. Both also give Canadian legal material. There may also be other databases available commercially.

Using *Westlaw*, we can do a search for the same section in the Bankruptcy legislation that was used as an example under 7.2.1, namely '11 USCA §105(a)' in the 'Find by Citation' box (see screen shot to the right).

The screenshot shows the Westlaw International search interface. The browser address bar displays the URL: `default.wl?RS=UKIS1.0&VR=2.0&SP=INTpret-000&FN=_top&MT=126&SV=Split`. The page title is "Welcome to Westlaw - World Journals". The navigation menu includes "FIND", "KEYCITE", "DIRECTORY", "KEY NUMBERS", "COURT DOCS", "SITE MAP", "HELP", and "SIGN OFF". The main navigation tabs are "Westlaw International", "Commonwealth", "Canadian Research", "World Journals", and "WLI Academic".

The "Find by citation:" section contains a text input field with "11 USCA §105(a)", a "Go" button, and a "Publication Country" dropdown menu set to "US - United States". A tooltip "Go find with full cite" is visible over the "Go" button. Below this is a "Search for a data" section with an "Enter database name" field and a "Go" button. A "Recent Databases" dropdown menu is also present, along with links for "International Directory" and "Getting Started Tips".

The "Search" section features a search bar, "Search Tips", "You have 0 databases selected", and "Clear Selections". It includes tabs for "Terms & Connectors" and "Natural Language", a "Search" button, and a "Recent Searches & Locates" dropdown menu. A "Show Advanced Options" link is located below the search bar.

The page displays several sections of journals and law reviews, each with a list of titles and checkboxes:

- World Journals and Law Reviews**
 - Combined World Journals and Law Reviews
- US Journals and Law Reviews**
 - US Law Reviews Combined
 - Columbia Law Review
 - Harvard Law Reviews
 - Yale Law Journal
- Australian Journals and Law Reviews**
 - Melbourne University Law Review
 - Sydney Law Review
- Canadian Journals and Law Reviews**
 - [Unlabeled]
- Hong Kong Journals and Law Reviews**
 - Hong Kong Law Journal
 - Journal of Chinese & Comparative Law
- New Zealand Journals and Law Reviews**
 - New Zealand Journal of Taxation Law and Policy
 - New Zealand Journal of Public and International Law
 - Victoria University of Wellington Law Review
 - New Zealand Universities Law Review
 - New Zealand Business Law Quarterly
- Singapore Journals and Law Reviews**
 - [Unlabeled]

The browser status bar at the bottom shows "Internet | Protected Mode: On" and a zoom level of "125%".

Westlaw will give the following result - see screen shot to the right. You will note that there is much added information that follows the actual quote from the US Code. The material covers 9 screens.

The screenshot shows the Westlaw International website interface. At the top, there is a search bar with the text "Find Result - 11 USCA § 105". Below the search bar is a navigation menu with tabs for "50 State Surveys", "European Union", "Federal", "Westlaw International", "Commonwealth", "Canadian Research", "World Journals", and "WLI Acad". The main content area displays the search results for "11 U.S.C.A. § 105". The results include a "Result List" with "1 Doc" and "Related Info" with "11 USCA § 105". The main text of the statute is displayed, including the title "11 U.S.C.A. § 105" and the text of subsections (a) through (d). A large white arrow points to the page navigation numbers (1-9) indicating the document spans 9 screens. The browser's address bar shows "Internet | Protected Mode: On" and the page is zoomed to 125%.

7.3 United Kingdom

Legislative material in the UK is referred to as the Statutes. It is of interest to note that the *Chronological table of the statutes* begins with the Statute of Merton 1235. It can be seen that South African acts resemble those from the UK in form in that they also have a long title, a date of assent (Royal), and are arranged by sections. UK acts may also contain schedules and a table of repeals. (Moys 75-78).

Subordinate legislation includes Orders, Regulations, Rules (like the Rules of Court), Schemes, Directions or Warrants. They are to be found in the Statutory Instruments (SI) series. For example, building regulations will be found in the SI (Moys 105).

There is an excellent series known as the *Halsbury's statutes* and another series known as the *Halsbury's statutory instruments*. (See above under 2.2.3 for *Halsbury's laws of England*)

7.3.1 Free on the web

1. BAILII or British and Irish Legal Information Institute <http://www.bailii.org/>
 2. UK's parliamentary website for bills and legislation - http://www.parliament.uk/business/bills_and_legislation.cfm
 3. Office of Public Sector Information <http://www.legislation.gov.uk/>
- Doing a search for a reference to a section in an act, for example, '*Insolvency Act 1986 s 373*', first find the act using the title and year - see screen shot that follows:

The screenshot shows the homepage of legislation.gov.uk. At the top, there is a navigation bar with links for Home, About Us, Browse Legislation, New Legislation, and Changes to Legislation. A large banner in the center features the text 'UK ACTS 1267-PRESENT STATUTORY INSTRUMENTS' and 'LOCAL ACTS PARLIAMENT OF GREAT BRITAIN CHURCH MEASURES'. To the right, there is a search box titled 'Search All Legislation' with a white arrow pointing to it. The search box contains the following fields: Title: 'Insolvency Act', Year: '1986', Number: (empty), and Type: 'All Legislation (excluding draft)'. A 'Search' button is located below the search fields. Below the search box, there are links for 'Advanced Search' and 'Browse UK Legislation'.

Department of Lib... Legislation.gov.uk

legislation.gov.uk

delivered by The National Archives

Help Site Map Accessibility Contact Us

Home About Us Browse Legislation New Legislation Changes to Legislation

UK ACTS 1267-PRESENT STATUTORY INSTRUMENTS LOCAL ACTS PARLIAMENT OF GREAT BRITAIN CHURCH MEASURES

Browse UK Legislation > UK Parliament website >

Welcome United Kingdom Scotland Wales Northern Ireland

New Legislation

- The A38 Trunk Road (Pridhamsleigh to Lower Dean, Buckfastleigh, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2011 >
- The A1(M) Motorway (Junctions 3 – 1, Southbound) (Temporary Prohibition of Traffic) Order 2011 >
- The M25 Motorway, the M4 Motorway and the M40 Motorway (M25 Junctions 14 - 16, M4 Junction 4B and M40 Junction 1A) (Temporary Prohibition of Traffic) Order 2011 >
- The M23 Motorway (Junction 8 - North of Junction 9) (Temporary Restriction of

Frequently Asked Questions

- What has happened to the OPSI and Statute Law Database (SLD) websites? >
- What legislation is held on legislation.gov.uk? >
- Will I find new legislation on legislation.gov.uk? >
- What legislation is available as revised? >

Most requested Acts

- Data Protection Act 1998 >
- Disability Discrimination Act 1995 >
- Consumer Credit Act 1974 >
- Health and Safety at work etc. 1974 >
- Children Act 2004 >
- Employment Rights Act 1996 >
- Environmental Protection Act 1990 >

Done Internet | Protected Mode: On 125%

Once the full text of the act is found, go to the section 373:

The screenshot shows a web browser window displaying the legislation.gov.uk website. The page title is "Insolvency Act 1986" and the specific section is "Section 373". The website header includes the Royal Coat of Arms and the text "legislation.gov.uk" and "delivered by The National Archives". The navigation menu includes "Home", "About Us", "Browse Legislation", "New Legislation", "Changes to Legislation", and "Search Legislation". The search bar contains "Title:", "Year:", "Number:", and "Type: All Legislation (excluding draft)". The main content area shows the "Insolvency Act 1986" with "1986 c. 45" and "Part X" and "Section 373". The "Content" tab is selected, and the "Table of Contents" is visible. The "What Version" section shows "Latest available (Revised)" selected. The "Advanced Features" section includes "Show Geographical Extent" and "Show Timeline of Changes". The "Opening Options" section is also visible. The main text of Section 373 is displayed, starting with "Jurisdiction in relation to insolvent individuals." and listing three numbered points. A red banner at the top of the main text area indicates "Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Insolvency Act 1986. Any changes that have already been made by the team appear in the content and are referenced with annotations." The browser's address bar shows "Internet | Protected Mode: On" and the zoom level is set to 125%.

legislation.gov.uk

delivered by The National Archives

Help Site Map Accessibility Contact Us

Home About Us Browse Legislation New Legislation Changes to Legislation Search Legislation

Title: Year: Number: Type: All Legislation (excluding draft) Search

Advanced Search

Insolvency Act 1986

1986 c. 45 Part X Section 373

Table of Contents Content More Resources

Previous: Provision Next: Provision Plain View Print Options

What Version

Latest available (Revised)

Original (As enacted)

Advanced Features

Show Geographical Extent (e.g. England, Wales, Scotland, Northern Ireland)

Show Timeline of Changes

Opening Options

373 Jurisdiction in relation to insolvent individuals.

(1) The High Court and the county courts have jurisdiction throughout England and Wales for the purposes of the Parts in this Group.

(2) For the purposes of those Parts, a county court has, in addition to its ordinary jurisdiction, all the powers and jurisdiction of the High Court, and the orders of the court may be enforced accordingly in the prescribed manner.

(3) Jurisdiction for the purposes of those Parts is exercised—

(a) by the High Court in relation to the proceedings, which, in accordance with the rules, are allocated to the London insolvency district, and

(b) by each county court in relation to the proceedings which are so allocated to the insolvency district of that court

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Insolvency Act 1986. Any changes that have already been made by the team appear in the content and are referenced with annotations. View outstanding changes

Internet | Protected Mode: On 125%

7.3.2 Subscription databases

There are numerous commercially available databases that cover the statutes and their instruments. *Westlaw* and *LexisNexis Butterworths* are two examples. *Justis* at <http://www.justis.com/> is a database with legislation covering the UK, Ireland and the EU.

Using *Westlaw*, as an example, if one looked for the same reference as searched above, namely, '*Insolvency Act 1986 s 373*' (under 7.3.1) one would do the following search (refer to 9.3.2.1 *Westlaw* for the explanation of 'Terms and Connectors' to use) and get the following results:

The screenshot displays the Westlaw International search interface. The search bar contains the query: `TI("insolvency act 1986") & "s 373"`. The interface includes several sections for filtering and navigation:

- Find by citation:** Includes a search box, a 'Go' button, and a 'Publication Country' dropdown menu set to 'US - United States'.
- Search for a database:** Includes a search box, a 'Go' button, and a 'Recent Databases' dropdown menu.
- Search Templates:** Lists links for 'EU Cases (full text)', 'EU Multiple Databases', 'UK Cases (full text)', and 'UK Multiple Databases'.
- Citor Tools:** Includes a 'KeyCite by Citation' search box and a 'Go' button.
- Related Westlaw Tabs:** Includes a link for 'Westlaw International Tab'.
- Search Results:** Shows 'You have 1 database selected' and a 'Clear Selections' link. Below this are several collection filters:
 - Australia Collection:** Australian Cases (AU-ALLCASES)
 - Canada Collection:**
 - Canada All Case Law (CAN-ALLCASES)
 - All Canadian Statutes (CANST-ALL)
 - All Canadian Law Reviews, Texts, & Journals (TP-CANADA)
 - European Union Collection:**
 - All European Union Materials (EU-ALL)
 - European Union Cases All (EU-CS-ALL)
 - European Union Legislation (EU-LEG)
 - European Reports All (EU-RPTS-ALL)
 - Hong Kong Collection:**
 - All HK Materials (HK-ALL)
 - HK Case Law (HK-CS-ALL)
 - HK Legislation (HK-LEG)
 - HK Civil Procedure (HKCP)
 - HK Journals (HK-JLR)
 - United Kingdom Collection:**
 - UK Case Locator (UK-CASELOC)
 - United Kingdom Reports All (UK-RPTS-ALL)
 - United Kingdom Statutes (UK-ST)
 - UK Statutory Instruments (UK-SI)
 - UK Journals and Law Reviews (UK-JLR)

White arrows in the image point to the search bar and the 'United Kingdom Statutes (UK-ST)' checkbox.

Result

Westlaw INTERNATIONAL FIND KEYCITE DIRECTORY KEY NUMBERS COURT DOCS SITE MAP HELP SIGN OFF

Preferences Alert Centre Research Trail

Federal Westlaw International Commonwealth Canadian Research World Journals WLI Academic

Result List 2 Docs Related Info UK ST 1986 c 45 Pt X...

Full Screen List Edit Search | Locate in Result

Result Options

SELECT TO PRINT, EMAIL, ETC.

1. **United Kingdom Statute 1986 c 45 Pt X s 373**
INSOLVENCY ACT 1986 CHAPTER 45 s 373
Jurisdiction in relation to insolvent individuals.

2. **United Kingdom Statute 1986 c 45 Pt XI s 385**
INSOLVENCY ACT 1986 CHAPTER 45 s 385
Miscellaneous definitions.

Clear all | Clear 1-2

Previous **UK ST 1986 c 45 Pt X s 373** Next
INSOLVENCY ACT 1986 CHAPTER 45
s 373 Jurisdiction in relation to insolvent individuals.

THOMSON
SWEET & MAXWELL

FOR EDUCATIONAL USE ONLY
United Kingdom Statute 1986 c 45 Pt X **s 373**

SWEET & MAXWELL UNITED KINGDOM LAW IN FORCE
INSOLVENCY ACT 1986 CHAPTER 45
PART X INDIVIDUAL INSOLVENCY: GENERAL PROVISIONS
UK Statutes Crown Copyright. Reproduced by permission of the
Controller of Her Majesty's Stationery Office.
Amendment as at: April 6, 2011 (see Analysis Tab for Commencement Information)

s 373 Jurisdiction in relation to insolvent individuals.

(1) The High Court and the county courts have jurisdiction throughout England and Wales for the purposes of the Parts in this Group.
(2) For the purposes of those Parts, a county court has, in addition to its ordinary jurisdiction, all the powers and jurisdiction of the High Court; and the orders of the court may be enforced accordingly in the prescribed manner.
(3) Jurisdiction for the purposes of those Parts is exercised--
(a) by the High Court [or the Central London County Court] [FN1] in relation to the proceedings which, in accordance with the rules, are allocated to the London insolvency district, and
(b) by each county court in relation to the proceedings which are so allocated to the insolvency district of that court.
(4) Subsection (3) is without prejudice to the transfer of proceedings from one court to another in the

Term Doc 1 of 2 Tools Go

Done Internet | Protected Mode: On 125%

7.4 European Union law

This is to be found at http://europa.eu/geninfo/info/index_en.htm

The webpage is very full and for the purposes of looking for legislation it is suggested that you go to 'Publications and documents' and then to 'Legislation and Treaties'.

Justis at <http://www.justis.com/> is a subscription database with legislation covering the UK, Ireland and the EU.

The screenshot shows the Europa Gateway to the European Union website. The browser address bar displays "EUROPA - Publications and documents". The website header includes the Europa logo and the text "Gateway to the European Union". A language dropdown menu is set to "English (en)". The main navigation menu includes "Home", "About the EU", "Policies and activities", "Your life in the EU", "Take part!", "Publications and documents", "Official documents", "Legislation and treaties", "Order or download a publication", "Statistics and opinion polls", "Tools and manuals", "Libraries and documentation centres", "Archives", "Media centre", and "Quick links for...". The "Publications and documents" section is highlighted, featuring a search bar, a "Share" button, and a "Search" input field. Below this, there are four main categories: "Official documents", "Legislation and treaties", "Order or download a publication", and "Statistics and opinion polls". Each category has a list of sub-items. The "Official documents" list includes "Official Journal of the EU", "Register of documents", "Documents common to all EU institutions", "Documents of individual institutions, agencies and other bodies", and "More official documents". The "Legislation and treaties" list includes "Laws in force", "Summaries of EU laws", "Treaties", "Legislation in preparation", "EU case-law", and "Legislative procedures explained". The "Order or download a publication" list includes "EU Bookshop", "Publications office", "Publications by institution", and "European Commission Central library". The "Statistics and opinion polls" list includes "Statistics from Eurostat", "Statistics from other sources", "Opinion polls", and "More stats & polls". The right sidebar contains "Popular links" with "European Commission central library", "Search the Commission's historical archives and collections", and "User's guide to accessing EU documents". The bottom of the page shows the browser status bar with "Internet | Protected Mode: On" and a zoom level of "125%".

7.5 African countries

The *Legal Information Institute* movement aims to make legal information freely available. Note that the *LII* websites are interconnected. For free material for African countries in general therefore one may use *WorldLII* at <http://www.worldlii.org/> and also *CommonLII* at <http://www.commonlii.org>.

SADC countries: *SAFLII* website gives access to a considerable amount of legal material from the SADC countries. See <http://www.saflii.org.za/> and the screen shot to the right:

The screenshot shows a web browser window displaying the SAFLII website. The browser's address bar shows the URL 'http://www.saflii.org.za/'. The website header includes the SAFLII logo (Southern African Legal Information Institute) and navigation links: 'About SAFLII', 'Databases', 'Search', 'Terms of Use', and 'RSS Feeds'. The main content area is divided into two columns. The left column, titled 'Browse by Country', contains a vertical list of African countries: Angola, Botswana, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Uganda, Zambia, and Zimbabwe. The right column, titled 'About SAFLII', contains the following text: 'The Southern African Legal Information Institute (SAFLII) collects and publishes legal materials from Southern and Eastern Africa for free online access. Our current collection includes superior court judgments from Botswana, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe. Our recent additions include a full consolidated collection of Uganda legislation and Lesotho caselaw. Currently in preparation: Lesotho, Zambia, Namibia and Uganda judgments, as well as Uganda subsidiary legislation.' Below this text is a list of links: 'Partners', 'Funders', 'Projects', and 'Contact'. The browser's status bar at the bottom shows 'Done' and 'Internet | Protected Mode: On'.

Scrolling down on the SAFLII website you will find a number of organisations affiliated to the LII project. For the purposes of finding African material they include: JuriBurkina, JuriNiger, eKLR (Kenya) and ULII (Uganda).

The screenshot shows the SAFLII website interface. At the top, there are browser tabs for 'Law Library - Resou...' and 'SAFLII Home | S...'. The main content area is divided into several sections:

- Regional Courts of Justice:** A list of courts including COMESA, East African Court of Appeal, East African Court of Justice, and SADC Tribunal.
- News from LegalBrief Africa:** A section for African legal news.
- News from LegalBrief Today:** A section for today's legal news, featuring a link to 'Speaker bars Zuma Inc debate' dated Aug 19, 2011 8:26:36 AM.
- Latest judgments:** A list of recent court decisions, including ZAGPJHC 81 (11 February 2011) and Wheeler v Wheeler and Another (2000/21991) [2010] ZAGPJHC 153 (10 December 2010).
- Significant recent additions:** A section for newly added legal materials.
- Free Access to Law movement:** A statement that SAFLII is a member of this movement, followed by a grid of logos for various legal information institutions (LIIs) such as Law NZ, AsianLII, CanLII, CYLAW, droit.org, GLIN, IJLLI, IJusticia, IRLII, itig, JerseyLaw, JuriBurkina, JuriNiger, eKLR, KLRJ, The LAWPHIL project, LEXUM, LII, LII of India, NZLII, SAFLII, TLRC, ulii, and WorldLII.

Francophone African countries: For free material for the francophone countries try the website <http://www.droit-afrique.com/>. To the right is a screen shot of their website:

Some African countries do have their legislation free online. See:

- Angola
<http://www.dnci.net/legislacao/>
- Kenya
http://www.kenyalaw.org/kenyalaw/klr_home/
- Rwanda
http://amategeko.net/index.php?Parent_ID=15&Langue_ID=An
- Sierra Leone
<http://www.sierra-leone.org/laws.html>
- Uganda
<http://www.ugandaonline.lawlibrary.com/default.asp>
(this is not free - requires a subscription)

The screenshot shows the website **Droit-Afrique.com** with the tagline "LE DROIT DES AFFAIRES EN AFRIQUE FRANCOPHONE". The navigation menu includes: Accueil, Librairie, Emploi, A propos de Droit-Afrique, Mentions légales, and Contacts.

Accès direct par pays

- Algérie
- Bénin
- Burkina Faso
- Burundi
- Cameroun
- Comores
- Congo
- Congo RD
- Côte d'Ivoire
- Djibouti
- Gabon
- Guinée
- Guinée Equatoriale
- Madagascar
- Mali
- Maroc
- Mauritanie
- Niger
- Rep. Centrafricaine
- Rwanda
- Sénégal
- Tchad
- Togo
- Tunisie

OHADA
CEMAC
UEMOA
OAPI
CIMA
Autres organisations

Le droit des entreprises en Afrique francophone

Droit-Afrique.com est un site consacré au droit des affaires et à la fiscalité des pays de l'Afrique francophone. Il a pour objectif de mettre à la disposition des entreprises et des professionnels du droit une information juridique globale, pertinente et à jour sélectionnée par des juristes spécialisés.

Droit-Afrique.com propose pour chaque pays :

- une **base juridique et fiscale** comprenant plus de 1390 textes de Codes, de lois, décrets, conventions, jurisprudence, etc. en libre accès,
- un **portail internet** comprenant plus de 370 liens vers des sites juridiques,
- un **espace librairie** (Codes des impôts, Mémentos, etc.),
- ainsi qu'un **annuaire juridique** recensant plus de 210 juristes d'affaires en Afrique francophone.

Dernières parutions : Guide des procédures collectives OHADA, Code des impôts 2011 Burkina Faso, Bénin, Djibouti, Gabon, Guinée new, République Centrafricaine, Sénégal

Codes des impôts : Algérie, Cameroun, Congo, Côte d'Ivoire, Guinée Equatoriale, Madagascar, Mali, Maroc, Mauritanie, Niger, Tchad, Togo, Tunisie

Contacts : 91 rue du Faubourg St Denis, 75010 Paris - Tel +33(0)951 82 10 91 / +33(0)603 58 14 84

Annuaire de juristes d'affaires
Seul des juristes spécialisés peuvent solutionner vos questions juridiques et fiscales. Pour vous aider dans la recherche de votre conseil, Droit-Afrique.com vous propose un **annuaire des juristes d'affaires** ici pour accéder au listing complet de ces liens.

Sites internet juridiques pour l'Afrique
Afin de compléter vos recherches, Droit-Afrique.com vous propose plus de 370 liens vers des sites juridiques et fiscaux répertoriés par pays et par thème. Cliquez ici pour accéder au listing complet de ces liens.

Mise à jour
Le fonds documentaire Droit-Afrique disponible en ligne est mis à jour tous les deux mois.
Consultez la mise à jour n°80 du 3 juillet 2011

Vient de paraître
Codes des impôts
Guinée 2011
Boutique

www.droit-algerie.com
Droit-Afrique édite un site exhaustif sur le droit des entreprises algériennes, en partenariat avec le cabinet CMS Bureau Francis LeFebvre :
www.droit-algerie.com

8 Case law (other jurisdictions)

8.1 In general

One of the free options is *WorldLII* <http://www.worldlii.org/>. The acronym stands for World Legal Information Institute. Open the website and select 'All Countries'. It contains some law reports and legislation for many countries. In some cases there is a great deal of information, but for others there may be very little. See also 7.1 In general above.

8.2 International and regional case law

8.2.1 *Free on the web*

- International Courts and Tribunals Collection <http://www.worldlii.org/int/cases/>. Aims to provide a search facility for final decisions of all international and multi-national courts and tribunals.
- The European Court of Human Rights <http://www.echr.coe.int/echr/>. Deals with cases arising from The Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights.
- Court of Justice of the European Communities http://curia.europa.eu/jcms/jcms/j_6/. Since the establishment of the Court of Justice of the European Communities in 1952, its mission has been to ensure that 'the law is observed' 'in the interpretation and application' of the Treaties. As part of that mission, the Court of Justice: reviews the legality of the acts of the institutions of the European Union, ensures that the Member States comply with their obligations under Community law, interprets Community law at the request of the national courts and tribunals. The Court thus constitutes the judicial authority of the European Union and, in cooperation with the courts and tribunals of the Member States, it ensures the application and uniform interpretation of Community law.
- International Court of Justice (ICJ) which has its seat in the Hague, is the principal judicial organ of the United Nations. <http://www.icj-cij.org/homepage/index.php?lang=en>
- International Criminal Court <http://www.icc-cpi.int./Menus/ICC?lan=en-GB>. The International Criminal Court (ICC), governed by the Rome Statute, is the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. The ICC is an independent international

organisation, and is not part of the United Nations system. Its seat is at The Hague in the Netherlands. For the ICC Legal Tools see the website <http://www.legal-tools.org/en/terms-and-conditions-of-use/>.

- United Nations - International Criminal Tribunal for Rwanda at <http://www.unict.org>. The Security Council created the International Criminal Tribunal for Rwanda (ICTR) by resolution 955 of 8 November 1994. The purpose of this measure is to contribute to the process of national reconciliation in Rwanda and to the maintenance of peace in the region.
- United Nations - International Criminal Tribunal for the former Yugoslavia at <http://www.icty.org/>. 'The International Criminal Tribunal for the former Yugoslavia (ICTY) is a United Nations court of law dealing with war crimes that took place during the conflicts in the Balkans in the 1990's'.
- Project on International Courts and Tribunals - *PICT* <http://www.pict-pcti.org>. There now are more than 20 international courts and tribunals that is to say permanent institutions, composed of independent judges, that adjudicate disputes between two or more entities (at least one of which is either a State or an International Organisation); operate on the basis of predetermined rules of procedure; and render decisions that are binding on the parties. Beside these international courts and tribunals, there are at least 70 other international institutions, which exercise judicial or quasi-judicial functions.
- International Tribunal for the Law of the Sea (ITLOS) <http://www.itlos.org/>. The United Nations Convention on the Law of the Sea was opened for signature at Montego Bay, Jamaica, on 10 December 1982. The Convention establishes a comprehensive legal framework to regulate all ocean space, its uses and resources. It contains, among other things, provisions relating to the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone and the high seas.
- The World Trade Organization (WTO) http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm. The WTO is the only international organisation dealing with promotion and regulation of international trade at a global level. Its aims are to help trade flow as freely as possible, to achieve further liberalisation gradually through negotiation, and to provide an impartial means of settling disputes.
- Court of Justice of the European Free Trade Agreement <http://www.eftacourt.lu/>. In 1992, the European Communities, the EFTA, and their member States, entered into an agreement aimed at integrating the two economic areas into a so-called European Economic Area (EEA). The aim of the EEA is to guarantee the free movement of persons, goods, services, and capital; to provide equal conditions of competition; and to abolish discrimination on grounds of nationality in the area. The EFTA Court is entrusted with monitoring the obligations of those EFTA States which have ratified the EEA Agreement (Iceland, Liechtenstein, and Norway, but not Switzerland) and the functioning of the ESA under EEA law. Conversely, the Court of Justice of the European Communities ensures the respect of EEA law by the communities' member States and organs. It is evident that for the EEA Agreement to work, coordination between the EFTA Court and the ECJ had to be guaranteed.

- Inter-American Court of Human Rights. <http://www.corteidh.or.cr/index.cfm?&CFID=55120&CFTOKEN=47885654>. In a manner similar to the ECHR, the Inter-American Court of Human Rights (IACHPR) was established by the 1969 American Convention of Human Rights, concluded under the aegis of the Organization of American States, with the task to ensure, along with the Inter-American Commission of Human Rights, the observance of the rights and freedoms protected thereunder. The Inter-American Court of Human Rights, which is an autonomous judicial institution of the Organization of American States established in 1979, and whose objective is the application and interpretation of the American Convention on Human Rights and other treaties concerning this same matter.
- Central American Court of Justice (no website). The Central American Court of Justice (Corte de Justicia Centroamericana) was established in 1907 to maintain peace and resolve disagreements among Central American states. the CACJ is characterised by strong supra-national features. It acts as a permanent consultative organ for Supreme Courts of the region and can, upon request of a party, hear disputes between constitutional organs of member States.
- The Caribbean Court of Justice (CCJ) <http://www.caribbeancourtofjustice.org/> is a nascent regional judicial body. After the Agreement Establishing the Caribbean Court of Justice of February 14, 2001, it entered into force on July 23, 2002 (when Guyana joined Saint Lucia and Barbados in depositing its instrument of ratification). The CCJ has a hybrid nature that sets it apart from all other courts. Indeed, like the ECJ, COMESA Court, TJAC, and even the ICJ, the CCJ is an international tribunal applying rules of international law in respect of the interpretation and application of the applicable treaties.
- *L'Organisation pour l'Harmonisation en Afrique du Droit des Affaires* <http://www.ohada.com/> is a regional international organisation that groups together 16 African states, mainly of the francophone area. Its aim is to harmonise the legal and judicial systems specifically in the field of business and corporate law of member states.
- The Court of Justice of the Common Market for Eastern and Southern Africa (COMESA). <http://about.comesa.int/lang-en/institutions/court-of-justice>. The aim of COMESA is to promote regional economic integration through trade and investment. The Court was established in 1994 under Article 7 of the COMESA Treaty as one of the organs of COMESA.
- African Commission on Human And Peoples Rights http://www.achpr.org/english/_info/court_en.html. Established by the African Charter on Human and Peoples' Rights which came into force on 21 October 1986 after its adoption in Nairobi (Kenya) in 1981 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU.), the African Commission on Human and Peoples' Rights is charged with ensuring the promotion and protection of Human and Peoples' Rights throughout the African Continent. The Commission has its headquarters in Banjul, The Gambia.
- International Centre for Settlement of Investment Disputes (ICSID) <http://icsid.worldbank.org/ICSID/Index.jsp>. ICSID is an autonomous international institution established under the Convention on the Settlement of Investment Disputes between States and Nationals of other states with over one hundred and forty States. The Convention sets forth ICSID's mandate, organisation and

core functions. The primary purpose of ICSID is to provide facilities for conciliation and arbitration of international investment disputes.

- North American Free Trade Agreement (NAFTA) <http://www.nafta-sec-alena.org/en/view.aspx>. The NAFTA Secretariat, comprised of a Canadian Section, a Mexican Section and a United States Section, is responsible for the administration of the dispute settlement provisions of the North American Free Trade Agreement (NAFTA).

8.2.2 *Subscription databases*

Some case law from international and regional courts can be found on the *Westlaw* and *LexisNexis* databases. These two are widely used databases for global legal information but are by no means the only commercially available databases to use. However, both of these can be found in the large academic, and some corporate, law libraries in South Africa. *Justis* at <http://www.justis.com/> is a subscription database with case law covering the EU.

8.3 Case law by country

8.3.1 *Free on the web*

A great deal of free case law may be obtained by means of searches on the internet.

For country-specific case law that is free, a useful site is *WorldLII* <http://www.worldlii.org/>. The acronym stands for *World Legal Information Institute*. The aim of the *Legal Information Institute* movement worldwide is to provide free access to the law. Open the website and select '*All Countries*'. It contains some law reports and legislation for many countries. See under 7.1. The other well-known LIIs are the original LII of US material at Cornell University, AustLii (Australia), Bailii (British and Irish), HKLii (Hong Kong), SAFLii, CanLii (Canada), AsianLii, ULii (Uganda), NZLii (New Zealand). Simple internet searches will take you to the websites in question.

Bear in mind that there are a very large number of law report series throughout the world. For example, in the *Digest* (see under 2.2.3), there are many hundreds of different law reports series and these only cover Commonwealth countries.

8.3.2 Subscription-based law reports

Although there are a great many series titles, the well-known legal databases such as *LexisNexis* and *Westlaw* do hold extensive, but not exhaustive, collections of these. A great deal of the case law from the western world can therefore be found on these databases. *Justis* at <http://www.justis.com/> is a database with case law covering the UK, Ireland and the EU. In fairness there are probably a number of other databases that also contain this information.

See the *Digest* (see under 2.2.3) for useful summaries of case law from the Commonwealth countries. All university law libraries carry holdings of some of the overseas law reports.

9 Journals: Other jurisdictions

9.1 In general

Literally many hundreds of legal journals are published worldwide. They range from newsletters and practitioners journals to academic journals. The quality of the content varies a great deal too. Academic journals differ from the others in a number of ways. Generally they are peer-reviewed and the articles contain footnotes and bibliographies. More time has been taken and more research done during the writing of the articles and, consequently, the contents have more credibility. The emphasis is on the need for substantiation and authority. Internationally legal academic journals are rated like other academic journals by using the citation rates of the journals. Journal titles that are frequently cited have a good reputation, they are more trusted and are sought-after as vehicles for new publications.

The citation rates or impact factors of journals may be seen on the following websites.

- International Science Index* or *ISI Web of Knowledge* (only available with a subscription to the database). For *ISI* use 'Additional Resources' and 'Journal Citation Reports'. A list of law journals rankings is available <http://www.isiknowledge.com/>. There are only about 120-130 law titles on the list, see screen shot to the right.

The screenshot displays the ISI Web of Knowledge Journal Citation Reports interface. The page title is "JCR-Web 4.5 Journal Summary List". The main heading is "ISI Web of KnowledgeSM Journal Citation Reports[®]". Below this, there are navigation buttons for "WELCOME" and "HELP". The page is identified as the "2010 JCR Social Science Edition".

The "Journal Summary List" section shows "Journals from: subject categories LAW" with a "VIEW CATEGORY SUMMARY LIST" link. The list is "Sorted by: Journal Title" and includes a "SORT AGAIN" button. A "Journal Title Changes" link is also present.

The list displays "Journals 1 - 20 (of 128)" on "Page 1 of 7". Navigation controls include "MARK ALL" and "UPDATE MARKED LIST" buttons, and a message: "Ranking is based on your journal and sort selections." The table below shows the first six journals.

Mark	Rank	Abbreviated Journal Title <small>(linked to journal information)</small>	ISSN	JCR Data <small>↓</small>						Eigenfactor TM Metrics <small>↓</small>	
				Total Cites	Impact Factor	5-Year Impact Factor	Immediacy Index	Articles	Cited Half-life	Eigenfactor TM Score	Article Influence TM Score
<input type="checkbox"/>	1	ADMIN LAW REV	0001-8368	467	1.115	0.962	0.222	27	8.9	0.00127	0.412
<input type="checkbox"/>	2	AM BANKRUPT LAW J	0027-9048	160	0.513	0.630	0.000	14	8.5	0.00044	0.227
<input type="checkbox"/>	3	AM BUS LAW J	0002-7766	233	1.576	1.682	1.059	17	4.2	0.00058	0.452
<input type="checkbox"/>	4	AM CRIM LAW REV	0164-0364	330	0.738	0.613	0.242	33	7.9	0.00077	0.198
<input type="checkbox"/>	5	AM J COMP LAW	0002-919X	498	0.965	0.932	0.473	55	9.3	0.00098	0.343
<input type="checkbox"/>	6	AM J INT LAW	0002-9300	1080	0.865	0.858	0.544	57	>10.0	0.00184	0.374

The browser's status bar at the bottom shows "Done" and "Internet | Protected Mode: On" with a zoom level of 125%.

- *Scopus*. Go to 'Analytics' and then *SJR* (*SCImago Journal Rank*) - *SJR* is a measure of the scientific prestige of scholarly sources. A citation from a source with a relatively high *SJR* is worth more than a citation from a source with a lower *SJR*. <http://www.scopus.com/home.url>.
- The *Washington and Lee University School of Law, Law Journals: Submissions and Rankings* (free on the web) <http://lawlib.wlu.edu/LJ/index.aspx>. The number of journal titles on the list exceeds 1400.

Journal articles generally contain commentary and discussion on the law. For postgraduate research in law it is essential to use this source of information.

The screenshot shows the Scopus Journal Analyzer interface. The search term 'harvard' is entered in the search box, and the category is set to 'Social Sciences'. The results table is as follows:

Journal Title	SJR
Harvard Civil Rights-Civil Liberties Law Review	0.028
Harvard Design Magazine	
Harvard Educational Review	0.060
Harvard International Law Journal	0.031
Harvard International Review	0.025
Harvard Journal of Law and Public Policy	0.026
Harvard Journal of Legislation	0.034
Harvard Law Review	0.031
Harvard Studies in Classical Philology	0.025
Harvard Environmental Law Review	0.034

Calculations Last Updated: 30 May 2011

The interface also shows a message: "Chart contains no journals. To add journals, use the Search box to the left of the graph. Add journals from the search results by double-clicking, select and enter, or by dragging and dropping to the right."

9.2 Free on the web

Increasingly titles are being made available free on the web because of the worldwide 'Open Access' movement. This movement enables legal researchers to obtain journal articles on the law without cost by using the web. Many titles may be found by means of an internet search.

Another related trend is that of 'institutional repositories'. Institutions, such as universities and research institutes, are placing all their own publications in repositories which are freely available on the web. These publications may then be found by means of internet searches, especially *Google Scholar* searches. It does not mean that such publications are not also published in subscription-based journals as well. It does mean, though, that they are freely available from the institutions where the research was done.

The *Directory of Open Access Journals, DOAJ* at <http://www.doaj.org/> provides free access to a number of law journal titles.

9.3 Subscription-based journals

The majority of journals fall into this category. In general, overseas law journals, for which subscriptions are required, are available both in print form and in an electronic format. As such they may be purchased individually or as part of a collection in a database. A great number of them are included in journal collections within databases. Certainly it is through these databases that most of the use of journals happens.

9.3.1 Indexes to journal articles

Some databases provide only references or abstracts to articles within journals. Examples of these databases are:

- *Legaltrac* (incorporated into *Academic OneFile*). This international bibliographic database is a combination of some full-text access and some abstract-only access. Searches will produce lists of articles with either abstracts or full-text.
- *Index to Legal Periodicals* and *Index to Foreign Legal Periodicals*. These two databases are very similar to *Legaltrac*. The first deals with the US and UK material, whilst the second one has foreign (as in 'not UK or US') journals. Some South African titles are included in the *Foreign* database
- *AGIS* (old name - *Austrom*) is a bibliographic database that indexes and abstracts articles from over 120 Australian, New Zealand and Pacific law journals; and selected articles from major law journals from the United States, Canada and the United Kingdom. 'Covers all aspects of law and is produced by the AGIS Section of the Lionel Murphy Library, Commonwealth Attorney-General's Department in Canberra.'
- *ABI World*. World Bankruptcy Institute. Journals and other material on insolvency law.

- *Criminal Justice Abstracts* 'contains hundreds of in-depth abstracts of current books, book chapters, journal articles, government reports, and dissertations published worldwide. *Criminal Justice Abstracts* also offers extensive coverage of new books from scholarly and commercial publishers and valuable reports from public and private agencies in many nations.'

9.3.2 Full-text journals in electronic form

For foreign journals in electronic form there are a number of options. The best known in South Africa are *Westlaw*, *LexisNexis International*, *HeinOnline*, *Oxford Journals* and *Cambridge Journals*. Two of these are discussed to give some idea of their contents.

9.3.2.1 Westlaw

<http://www.westlawinternational.com/> A very large full-text legal information database used extensively in the English-speaking world. It contains many journals and its coverage of case law and legislation is extensive. Other types of documents are also found on *Westlaw*. (Please note that the database *LexisNexis International* is a very similar database. The difference lies in that the journal titles and the law report series are not all the same).

Using Westlaw

1. Once access to the database is gained you will need to select the 'tab' (near the top under 'Westlaw International') that you would like to search under, eg WLI Academic; World Journals; Westlaw UK, US Research; 50 State Surveys; European Union and so on. (The names of these tabs can differ depending on the subscription).
2. Then select the database you require when searching in *Westlaw*, for example: 'Combined world journals and law reviews'; 'US collection-All Federal and State Cases'; 'United Kingdom Statutes' and so on. (Tip: In general, use 'World Journals' for journal articles and 'WLI Academic' for case law and legislation).
3. If you use the 'Terms and connectors' search option (which is recommended) you will need to search for a phrase by using inverted commas. Using " " for the phrase keeps the words together.

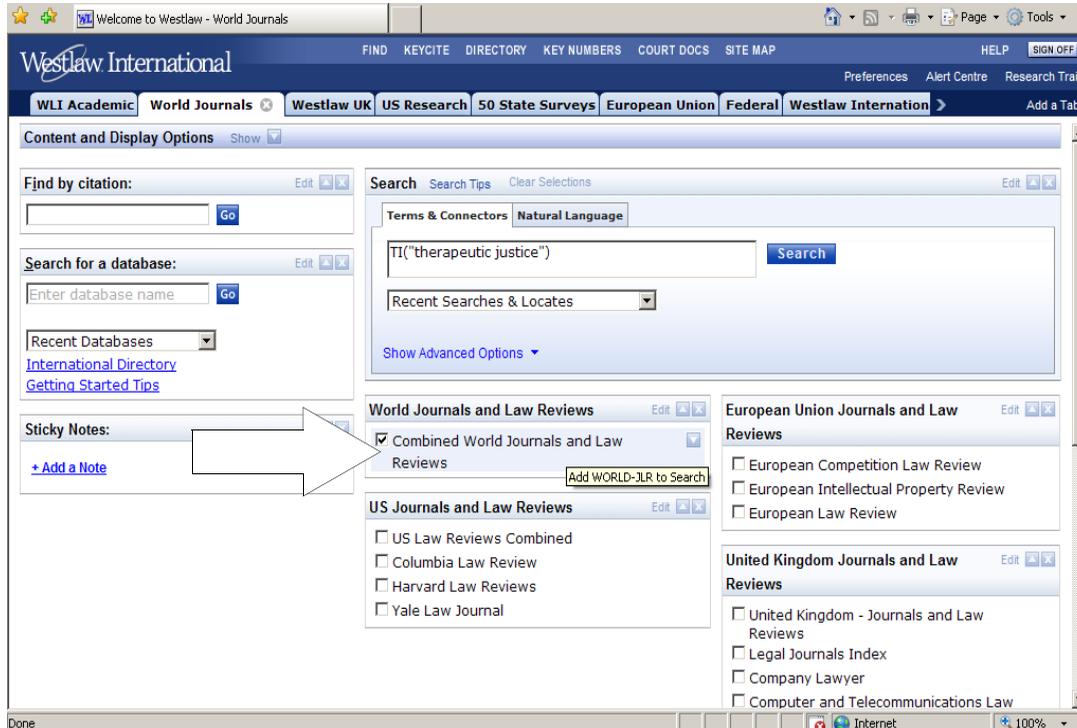
4. Other searching tips:

& AND	/s In same sentence
space OR	/p In same paragraph
" " Phrase	/n Within n terms of
% But not	AU() author's name
! Root expander	TI() words in the article title

* Universal character

SU() summary

5. For example, search in the title for articles written on the topic of 'therapeutic justice' by putting in: TI("therapeutic justice").



The results can be printed or e-mailed. Note that the list of references - 'Result List: 7 docs' is on the left, whereas the document itself, the first article on the 'Result List', is displayed in the middle of the screen. Scrolling down the 'Result List' will take one to the other articles. The results will look like this:

The screenshot shows the Westlaw International interface. At the top, there are navigation links: FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, SITE MAP, HELP, and SIGN OFF. Below this is a search bar and a 'Go' button. The main navigation bar includes tabs for WLI Academic, World Journals, Westlaw UK, US Research, 50 State Surveys, European Union, Federal, and Westlaw International. The 'Westlaw International' tab is selected, and a 'Document Related Tabs' menu is open, showing options for Full, List, and Edit. The search results are displayed in a list on the left, with the first result selected. The main content area shows the full text of the selected document, including the title, author information, and the beginning of the article text.

Result List 7 Docs
74 MSLJ 827

74 MSLJ 827
Mississippi Law Journal
FROM THE CLASSROOM TO THE COURTROOM: THERAPEUTIC JUSTICE AND THE GAMING ...
Winter 2005 (Approx. 12 pages)

FOR EDUCATIONAL USE ONLY
74 Miss. L.J. 827

Mississippi Law Journal
Winter 2005

Symposium: Gaming Law and Technology

***827** FROM THE CLASSROOM TO THE COURTROOM: **THERAPEUTIC JUSTICE** AND THE GAMING INDUSTRY'S IMPACT ON LAW

[Ronald J. Rychlak \[FNaa1\]](#), Corey D. Hinshaw [\[FNaa1\]](#)

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I. Introduction

The past few decades have seen an unprecedented explosion of legalized gambling throughout the United States. [\[FN1\]](#) Only two states, Hawaii and Utah, still have a total ban on all forms of gambling. [\[FN2\]](#) In addition, illegal gambling, which is ***828** virtually impossible to regulate or quantify, is believed to be at an all-time high. [\[FN3\]](#) Whether the burgeoning gaming industry is viewed as a viable solution to economic hardship or the cause of many resulting social ills, it is nevertheless true that " (g)ambling has become a ubiquitous industry." [\[FN4\]](#) It has infiltrated modern culture, and it is having a significant impact on the legal system.

Result Options [Go]

SELECT TO PRINT, EMAIL, ETC.

C 1. 74 Miss. L.J. 827
Mississippi Law Journal Winter 2005 Symposium: Gaming Law and Technology FROM THE CLASSROOM TO THE COURTROOM: THERAPEUTIC JUSTICE AND THE GAMING INDUSTRY'S IMPACT ON LAW Ronald J. Rychlak [FNaa1], Corey D. Hinshaw [FNaa1]

...Winter 2005 Symposium: Gaming Law and Technology FROM THE CLASSROOM TO THE COURTROOM: **THERAPEUTIC JUSTICE** AND THE GAMING INDUSTRY'S IMPACT ON LAW Ronald J. Rychlak [FNaa1], Corey D. Hinshaw [FNaa1] Copyright © 2005 Mississippi Law ...

C 2. 19 Alaska L. Rev. 1
Alaska Law Review June, 2002 Article THERAPEUTIC JUSTICE IN ALASKA'S COURTS Teresa W. Carns [FNaa1] Michael G. Hotchkin [FNaa1] Elaine M. Andrews [FNaa1]

Term Doc 1 of 7 Tools Go

9.3.2.2 *HeinOnline*

<http://heinonline.org/> is a subscription database that is much used in law school libraries. This is also a full-text international legal database, but it differs from the others in that it is a retrospective database. It usually carries the full-text of the journals (and other documents) from the first volume. Here we shall focus on the journals.

Using *Heinonline*:

To familiarise yourself with the database, try this exercise:

1. Gain access to their webpage
2. Select 'Law Journal Library'
5. Use the 'Search' tab and then click on 'Field Search'
6. Type in 'therapeutic justice' using the 'title' field - as in the screen shot to the right:

The screenshot displays the HeinOnline search interface. The browser address bar shows 'http://0-www.heinonline.org.innopac.up.ac.za/HOL/Feedback?action=new&collection=journals'. The page header includes 'HEINONLINE' and navigation links like 'Resources', 'Search', 'Citation Navigator', 'Title Lookup', and 'MyHein'. A 'Tip of the Week' banner is visible. The main search area is titled 'Search Law Journal Library' and contains a search form with the following fields and options:

- Field search for: "therapeutic justice" in Title
- Search type: word (selected) / phrase
- AND search option
- Field search for: in Title
- Search type: word / phrase
- AND search option
- Field search for: in Creator/Author
- Search type: word / phrase
- Subject: All Subjects (selected), Accounting, Administrative Law, Admiralty, Advocacy
- OR search option
- All Titles (selected), A.B.A. Antitrust Section, A.B.A. J., A.B.A. Sec. Admin. L. Ann. Rep. Comm., A.B.A. Sec. Admin. L. Ann. Rep. Div. & Comm., A.B.A. Sec. Corp., Banking & Bus. L. Proc., A.B.A. Sec. Crim. L. Program & Comm. Rep., A.B.A. Sec. Fam. L. Proc., A.B.A. Sec. Ins. Negl. & Comp. L. Proc., A.B.A. Sec. Intell. Prop. L. Ann. Rep.

The page also includes a 'Search' sidebar with links for 'Field Search', 'Advanced Search', 'Search Index to Periodical Articles Related to Law', 'Search History', and 'Search Tips'. An 'About Searching' section provides links to 'Searching in HeinOnline - Help Guide (PDF)', 'View Advanced Search Syntax (PDF)', 'How to search the Index to Periodical Articles Related to Law Database (PDF)', and 'How to Search by Subject, State or Country (PDF)'. The status bar at the bottom shows 'Local intranet' and '100%' zoom.

The results should look something like this (note the citation information):

The screenshot displays the HeinOnline Law Journal Library Search interface. The search query is: *Searching for: (title:(+ "therapeutic +justice?")) AND partof:(+journals) AND type:(article OR comments OR notes OR reviews OR legislation OR cases OR decisions OR external)*. The results are sorted by Relevance, showing 25 results. The first result is highlighted with a white arrow pointing to the citation information.

Search Law Journal Library

Searching for: (title:(+ "therapeutic +justice?")) AND partof:(+journals) AND type:(article OR comments OR notes OR reviews OR legislation OR cases OR decisions OR external)

Modify Your Search | Search Within These Results | Run This Search in Other Collections

Sort By: Relevance | 25 Results | Re-Display Results

Results 1-7 of 7 matches displayed, sorted by "Relevance".

- 1. [57 Minn. L. Rev. 289 \(1972-1973\)](#)
Therapeutic Justice [article]
Wexler, David B.
[Print/Download Options](#) | [Cited by 36](#)
- 2. [19 Alaska L. Rev. 1 \(2002\)](#)
Therapeutic Justice in Alaska's Courts [article]
Carns, Teresa W.; Hotchkinn, Michael G.; Andrews, Elaine M.
[Print/Download Options](#) | [Cited by 15](#)
- 3. [24 Seattle U. L. Rev. 373 \(2000-2001\)](#)
Advocacy of the Establishment of Mental Health Specialty Courts in the Provision of Therapeutic Justice for Mentally Ill Offenders [article]
Kondo, LeRoy L.
[Print/Download Options](#) | [Cited by 14](#)
- 4. [28 Am. J. Crim. L. 255 \(2000-2001\)](#)

9.3.2.3 LexisNexis International

LexisNexis International (Lexis = Legal; Nexis = the news component). The broad categories consist of information on the following topics:

Law; News; Companies; Industries; Markets; Countries; US Public Records; People.

Navigating within LexisNexis is easy, as the platform is split into three tabs, the *Search*, *Sources* and *My Research*. The *Search* tab contains all the content specific search forms, the *Sources* are the publication library and the *My Research* tab contains activities used by your ID.

Using *LexisNexis International*:

To familiarise yourself with this database, try this exercise:

- To search for 'liabilities of company directors' using the 'Power Search', 'natural language' option:

The screenshot shows the LexisNexis UK Power Search interface. At the top, there are navigation tabs for 'Search', 'Sources', and 'My Research'. Below these are sub-tabs for 'Power Search', 'Countries', 'Biographies', 'Cases', 'Easy Search', 'Legislation', 'International Cases', and 'All Search Forms'. The main search area is titled 'Power Search' and includes a search box with the text 'company directors liability'. To the left of the search box, there are radio buttons for 'Terms and Connectors' and 'Natural Language', with 'Natural Language' selected. Below the search box, there is a 'Search' button. Further down, there are sections for 'Required Terms (Optional)', 'Sources' (set to 'UK Law Journals1'), 'Duplicate Options' (set to 'Off'), and 'Specify date' (set to 'All available dates'). At the bottom right, there is another 'Search' button and links for 'Save this search' and 'Clear form'.

The Results of the search produced a massive 1000 hits, which one is able to edit in the top right hand corner in the 'edit search results' box. These results are also visible in the left hand window, giving a breakdown of the number of hits in different journals. One is thus able to browse through the articles in the different journals using this option. Also try using the 'Terms and Connectors' option.

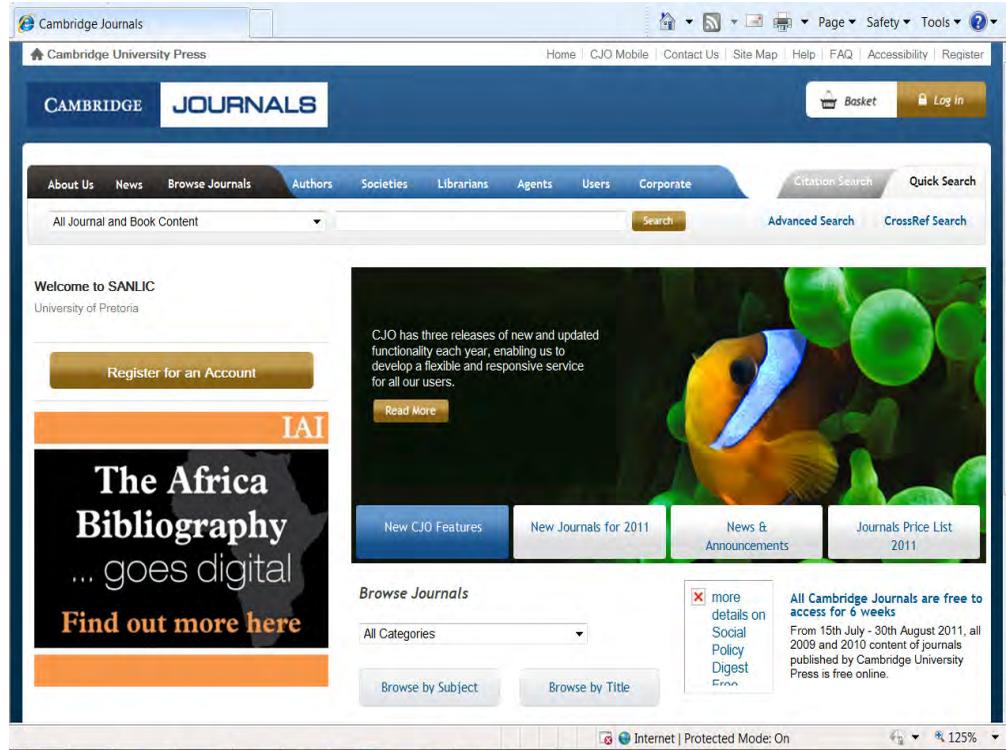
9.3.2.4 Other foreign databases for law journals

All the large legal databases mentioned in 7.3.2 above are widely used and provide access to a great deal of legal scholarship. Some also provide access to case law and legislation. See also:

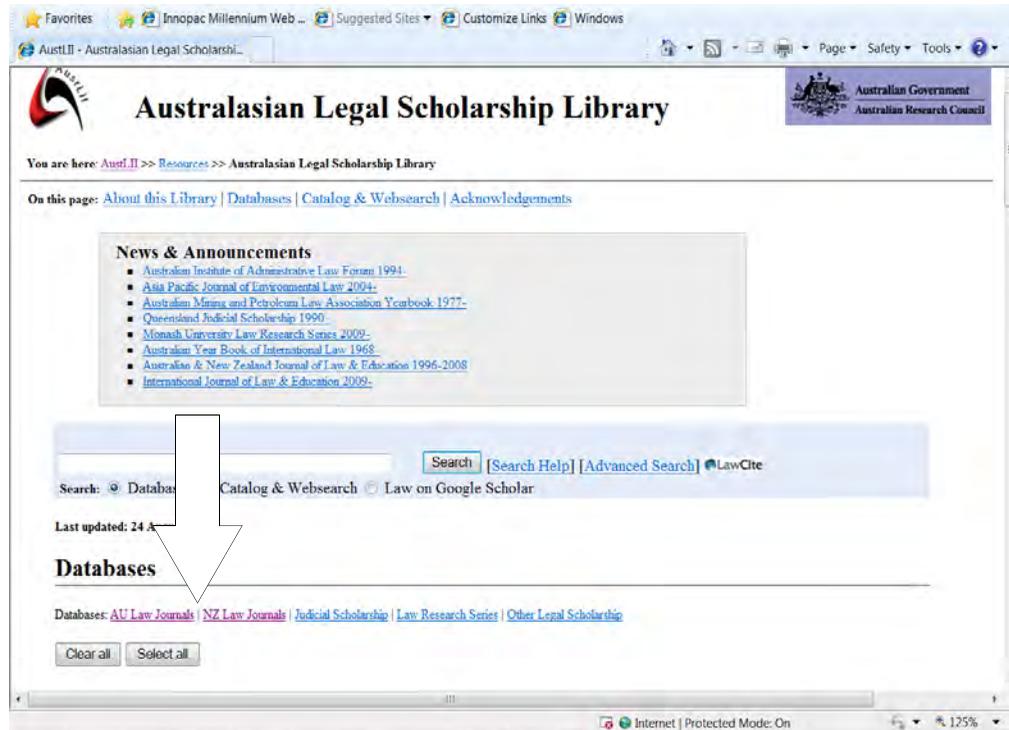
- *Oxford Journals* <http://www.oxfordjournals.org/> - see the screen shot to the right:

The screenshot displays the Oxford Journals website interface. At the top, there is a navigation bar with links for 'ABOUT US', 'NEWS', 'CONTACT US', 'MY BASKET', and 'MY ACCOUNT'. The main header features the 'OXFORD JOURNALS' logo and a language selector for 'English | Chinese | Japanese'. Below the header, the 'OUR JOURNALS' section is divided into 'JOURNALS A-Z' (with an alphabetical index) and 'JOURNALS BY SUBJECT' (listing categories like Economics, Humanities, Law, Life Sciences, Mathematics & Physical Sciences, Medicine, and Social Sciences). A search bar is present with a 'GO' button and a link to 'Advanced search'. The page also includes sections for 'INFORMATION & SERVICES' (with links for Librarians, Agents, Authors, Societies, etc.) and 'DIGITIZED JOURNALS ARCHIVE' (highlighting the Oxford Open initiative). The footer shows the URL 'http://www.oxfordjournals.org/subject/social_sciences/' and the system status 'Internet | Protected Mode: On'.

- *Cambridge Journals* <http://journals.cambridge.org/> - see the screen shot that follows:



- AustLII at <http://0-www.austlii.edu.au.innopac.up.ac.za/au/journals/> has many full-text journals from Australia and New Zealand. Go to: *AU Law Journals* and *NZ Law Journals*. See screen shot:



10 Government information

Statutory law is passed by parliament and therefore government is the source of this legal information. Government printers are usually responsible for the issuing of the government gazettes, statutes, bills, subordinate legislation, etc. Note that *Government Gazettes* from South Africa are not available online from the printers' office. In general, however, Government websites may be a good source for government documents and legislation.

For South Africa, the following websites are suggested:

- Government's own website: <http://www.gov.za>
- Polity: <http://www.polity.org.za>
- Parliamentary Monitoring Group: <http://www.pmg.org.za/>

11 Documents and treaties

This material can often be found in books in libraries, but it is recommended that you first try the Internet for these as much of the material is freely available on the web.

11.1 South Africa

- For a list of treaties and conventions signed by the South African government go to <http://www.dfa.gov.za/foreign/index.html>.
- For South Africa's involvement in conventions and treaties on environmental affairs go to <http://www.environment.gov.za/Enviro-Info/env/intro.htm>. This website has links to the full text of the conventions.
- SADC Key documents: <http://www.sadc.int/index/browse/page/32>.
- South Africa's Aviation treaties and agreements: <http://www.library.up.ac.za/law/aviation.pdf>.
- African Union documents: <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>.

11.2 Other countries

- Library of Congress: Thomas at <http://thomas.loc.gov/home/thomas2.html>.
- WORLDLII - International Treaties Library: <http://www.worldlii.org/int/special/treaties/>.
- Yale Law School, Avalon Project, Documents in law, history and diplomacy: <http://avalon.law.yale.edu/>.
- Council of Europe, Treaty Office: <http://conventions.coe.int/>.
- ENTRI - Environmental Treaties and Resource Indicators: <http://sedac.ciesin.columbia.edu/entri/>.
- EUR-Lex - Access to European Union Law: <http://eur-lex.europa.eu/en/index.htm>.
- FLARE Index to Treaties: <http://193.62.18.232/dbtw-wpd/textbase/treatysearch.htm>.
- ICRC Red Cross: <http://www.icrc.org/eng>.
- Office of the High Commissioner for Human Rights: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>.
- Official Document System of the United Nations: <http://documents.un.org/welcome.asp?language=E>.
- University of Minnesota: Human Rights Library: <http://www1.umn.edu/humanrts/index.html>.
- Library of Congress: Treaties: <http://www.loc.gov/law/help/guide/treaties.php>.

11.3 Environmental

- ENTRI - Environmental Treaties and Resource Indicators: <http://sedac.ciesin.columbia.edu/entri/>.
- For South Africa's involvement in conventions and treaties on environmental affairs go to <http://www.environment.gov.za/Enviro-Info/env/intro.htm>. This website has links to the full text of the conventions.

12 Understanding references

Academic books and journal articles are characterised by the inclusion of references. In order to substantiate a statement, argument or idea in law, writers will refer to legislation, case law and the writings of other researchers in law. The references to such material will usually be found, (in the field of legal scholarship, that is) in the footnotes and the bibliography. For someone unaccustomed to the terminology used, the terms used could be confusing and it could therefore be difficult to be able to follow up these references.

There are many reference techniques and those will not be discussed here. In general, though, one should bear in mind that a reference should contain all the information needed to actually find the document referred to, so that one can see the contents oneself.

12.1 Books, monographs, textbooks and chapters

A reference to a book should always include:

- The title
- The author(s) or editor(s)
- Publisher
- Place of publication
- Year of publication
- Edition (if not the first edition)

Note that a *chapter* in a book may be referred to specifically, especially when the chapters are written by different authors. The reference may then look something like this (note the use of the word 'in'):

Cousins B. 'Contextualising the controversies: dilemma of communal tenure reform in post-apartheid South Africa', in Claassens A and Cousins B. 2008. *Land, power and custom*. Cape Town: UCT Press.

12.2 Journal articles

It makes no difference whether the article is in print or electronic format, the citation or reference is the same. It is not required to say that the article was obtained from the *Westlaw* database.

Journal article references are characterised by the following:

- Author of the article
- Article title
- Journal title
- Year of that issue
- Either volume, issue or number or a combination of these
- Pages – beginning and end of the article

There are various ways to cite an article but the reference should always contain the above items of information. An example follows:

Cross C 'An alternate legality: the property rights question in relation to South African land reform' (1992) 8 (3) *South African Journal on Human Rights*. p 305-333.

Abbreviations for law journals are commonly used in references. For abbreviations in general see <http://www.legalabbrevs.cardiff.ac.uk/> - Cardiff Index to Legal Abbreviations. The abbreviations that are used for the South African law journals are listed below:

Journal Title	Abbreviation	Journal Title	Abbreviation
Acta Criminologica	Acta Crim	The Magistrate	TM
Acta Juridica	AJ	Modern Business Law of Moderne Besigheid	MB
African Human Rights Law Journal	AHRLJ	South African Insolvency Law Review	SAILR
Annual Survey of South African Law	AS	South African Insurance Law Journal	SAILJ
Businessman's Law	BML	South African Deeds Journal	SADJ
Comparative and International Law Journal of South Africa	CILSA	South African Journal of Criminal Justice	SACJ
Contemporary Labour Law	CLL	South African Journal of Environmental Law and Policy	SAJELP
De Jure	DJ	South African Journal on Human Rights	SAJHR
De Rebus	DR	South African Law Journal	SALJ
Employment Law	EL	South African Mercantile Law Journal	SA Merc LJ
Economic and Social Rights in South Africa Review	ESR	South African Public Law or Suid-Afrikaanse Publiekreg	SAPL or SAPR
Human Rights and Constitutional Law Journal of Southern Africa	HRCLJ	South African Yearbook of International Law	SAYIL
Industrial Law Journal	ILJ	Stellenbosch Law Review or Stellenbosse Regstydskrif	Stell LR
Journal for Juridical Science or Tydskrif vir Regswetenskap	JJS or TRW	Tydskrif vir die Suid-Afrikaanse Reg or Journal of South African Law	TSAR
The Judicial Officer	TJO	Tydskrif vir Regswetenskap or Journal for Juridical Science	TRW or JJS
Juta's Business Law	JBL	Tydskrif vir Hedendaagse Romeins-Hollandse Reg or Journal of Contemporary Roman-Dutch Law	THRHR
Law, Democracy and Development	LDD		

12.3 Case law or law reports

There are a fair number of law reports series in South Africa. In law it is essential to be familiar with the recognised South African citations to cases. See 4.1 above for the style used to cite South African case law.

Once you are familiar with the South African law report citations it is easier to recognise a law report from a foreign country. There are probably thousands of different series and it is not possible to be familiar with all of them. There are a few publications which list the abbreviations to law reports.

- D French *How to cite legal authorities* (1996) London: Blackstone.
- D Raistrick *Index to legal citations and abbreviations* (1994) East Grinstead: Bowker-Saur (this publication also gives standard abbreviations to law journals)
- S Noble *Noble's revised international guide to the law reports* (1998) Etobicoke: Nicol Island
- *Cardiff index to legal abbreviations* at <http://www.legalabbrevs.cardiff.ac.uk/>

12.4 Terminology

Some of the most common terms used in footnotes follow :

<i>Supra</i>	above
<i>Infra</i>	below
Cf (confer)	compare
Ch	chapter
<i>Contra</i>	to refer to a contrary view
Ed	edition
<i>Et seq (et sequens)</i>	and the following
<i>Ibid (ibidem)</i>	the same, as above - used when referring to the exactly the same reference as the one above
<i>Id</i>	used when citing to the immediately preceding authority.
<i>loc cit (loco citato)</i>	in the place quoted
n (or fn)	footnote
<i>Op cit (opere citato)</i>	in the book previously mentioned, 'opus' means 'a work'

par or para
S
vide

paragraph
section
see

12.5 Common abbreviations within South African references

A
AD
AII ER
AII SA
ALS
AMSSA
ANC
ANCWL
ANCYL
a quo
AS
ASSA
BAC
BALR
BCLR
BCT
BF&P
BIP
BLLR
BPLR
BP
Bona fide

Appeal Court
Appellate division
The All England Law Reports
The All South African Law Reports
Association of Law Societies
Arbitration, Mediation Service of South Africa
African National Congress
African National Congress Womens' League
African National Congress Youth League
from which
Annual Survey of South African Law
Annual Survey of South African Law
Buchanan's Appeal Cases
Butterworths Arbitration Law Reports
Butterworths Constitutional Law Reports
Broadcasting Complaints Tribunal of SA
Butterworths Forms and Precedents
Burrell's Intellectual Property Law Reports
Butterworths Labour Law Reports
Butterworths Pension Law Reports
Burrell's Patent Law Reports
in good faith

Bop
 Bpk
 C
 CAC
 C&B
 CC
 CCMA
 CIR
 CK
 Co
 CODESA
Contra bonos mores
 D
 D&C
De facto
De jure
 E
 ECJ
 ECHR
 EDL
 EHHR
 et seq
 GATT
 GenN
 GN
 HSRC
 ICJ
 ILO

Bophuthatswana
 Beperk
 Cape
 Competition Appeal Court
 Corbett and Buchanan Quantum of Damages
 Constitutional Court
 Commission for Conciliation, Mediation and Arbitration
 Commissioner for Inland Revenue
 Ciskei
 Company
 Convention for a Democratic South Africa
 Against good morals
 Durban and Coast local division
 Durban and Coast local division
 in fact
 in law
 Eastern Cape
 European Court of Justice
 European Convention on Human Rights
 Eastern Districts Local Division
 European Human Rights Reports
 and the following page
 General Agreement on Tariffs and Trade
 General Notice
 Government Notice
 Human Sciences Research Council
 International Court of Justice
 International Labour Organization

ITC	<i>Income Tax Cases</i>
ITR	<i>Income Tax Reporter</i>
Ltd	Limited
LAC	Labour Appeal Court
LAWSA	<i>The Law of South Africa</i> (an encyclopaedia of SA Law)
LC	Labour Court
LCC	Land Claims Court
LHR	Lawyers for Human Rights
LRA	Labour Relations Act
LRC	Legal Resources Centre
MN	Municipal Notice
Mpy	Maatskappy
NATO	North Atlantic Treaty Organization
NLR	Natal Law Reports
Nm	Namibia
NYP	not yet published
O	Orange Free State
OAU	Organization of African Unity
PAB	Publications Appeal Board Reports
PC	Privy Council
PFA	Tribunal of the Pension Funds Adjudicator
PH	Prentice Hall
PN	Provincial Notice
Proc	Proclamation
Pty	Proprietary
R	Rex, Regina, the Crown
SC	Supreme Court; senior counsel (Latin: senior consultus)
SCA	Supreme Court of Appeal

T

T

UNCITRAL

UNCRC

UNDP

UNEP

UNESCO

UNHCR

UNICEF

UNIFEM

V

WIPO

Z

ZS

Transvaal

Transkei

United Nations Commission on International Trade Law

United Nations Convention on the Rights of the Child

United Nations Development Programme

United Nations Environment Programme

United Nations Educational, Scientific and Cultural Organization

United Nations High Commissioner for Refugees

United Nations Childrens Fund

United Nations Development Fund for Women

Venda

World Intellectual Property Organization

Zimbabwe

Supreme Court, Zimbabwe

13 Books on legal writing and research

With regard to books on research and on writing itself, the following are suggested:

- Butt P and R Castle. 2006 2nd ed. *Modern legal drafting*. New York: Cambridge
- Greetham B 2001. *How to write better essays*. New York: Palgrave
- Henning E *et al* 2005 2nd ed. *Finding your way in academic writing*. Pretoria: Van Schaik
- Hofstee E 2006 *Constructing a Good Dissertation*. Johannesburg: EPE
- Mouton J 2001 *How to succeed in your master's and doctoral studies*. Pretoria: Van Schaik
- Peck J and M Coyle 2005 *Write it right. A handbook for students*. New York: Palgrave MacMillan
- Squires LB 1996 2nd ed. *Legal writing in a nutshell*. St Paul: West (or the latest version)
- Strong SI. 2006 2nd ed. *How to write law essays and exams*. Oxford: Oxford University Press
- The City Law School, City University, London. 2007. *Opinion writing, 2007/8*. Oxford: Oxford University Press.
- Van der Walt C and AG Nienaber. 2002 2nd ed. *English for law students*. Lansdowne: Juta
- Viljoen F and A Nienaber. 2001. *Plain legal language for a new democracy*. Pretoria: Protea Book House.
- Volokh E. 2007 3rd ed. *Academic legal writing: Law review articles, student notes, seminar papers, and getting on law review* New York: Foundation Press
- Webley L. 2007. *Legal writing*. Abingdon: Cavendish
- Wydick RC 1998 4th ed. *Plain English for lawyers*. Durham: Carolina

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- Kok, A *et al* (2007) *Skills workbook for law students*. Lansdowne: Juta
- Moys, EM (1987) 2nd ed *Manual of law librarianship*. *British and Irish Association of Law Librarians*. Aldershot: Gower
- Tunkel, V & de W Horak, A (1997) *Legal research*. Durban: Butterworths