



IMPORTANT INFORMATION: READ NOW

COLLEGE OF LAW

SCHOOL OF LAW

GENERAL TUTORIAL LETTER TO ALL LLB STUDENTS

Tutorial Letter 301/4/2011

PREPARING FOR LEARNING AT A DISTANCE

Please read this tutorial letter carefully. It contains important information about various aspects of your studies in the School of Law.

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INTRODUCTION

1.1 A word of welcome from the Director: School of Law

It gives me pleasure to welcome you (back) as an LLB student in the School of Law. LLB graduates contribute to our society in various ways and I am therefore pleased that you have chosen this field of study. I hope that you will complete your studies successfully and find them relevant to your chosen career. I also hope that your study experience at Unisa will be both pleasant and stimulating.

This tutorial letter contains important information that will assist you in your studies in the School. Please read it carefully and refer to it when working through the study material, preparing the assignment(s), preparing for the examination and addressing questions to your lecturers.

At the outset it is very important to remind you that **you must read all the tutorial letters** you receive during the semester **immediately and carefully. The information they contain is always important and may well be urgent.** They often contain additional study material or information about recent developments in the law that is prescribed for the examination. They also provide general feedback on the assignments and comments on the examination.

Enjoy your studies. I wish you all the best!

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1.2 The purpose of Tutorial Letter 301

This tutorial letter should be read with the mySTUDIES@Unisa brochure. It outlines a few study skills that will enable you to become more independent as LLB students and answers some of the common questions asked by LLB students.

1.3 Finding your way around the study package

You should immediately read Tutorial Letter 101/2011 of all the modules for which you are registered. Tutorial Letter 101 will tell you which prescribed books, if any, you need to buy, and what other study materials (e.g. DVD) forms part of that module. It also contains detail regarding the assignments and examination.

Note the submission dates of the assignments for all your modules. Then plan your study programme in such a way that you will be able to submit all your assignments **on time.**

On the last page of this tutorial letter we have included a study year planner (calendar). We encourage you to complete it by including important dates (e.g. submission dates of assignments, examination dates, and dates of discussion classes) **for all the modules for which you are registered in 2011**. The mySTUDIES@Unisa brochure also contains a year planner, and further guidelines on effective study methods.

2 ORIENTATION TO ODL IN THE CONTEXT OF THE COLLEGE

2.1 The nature of open distance learning (ODL)

You have chosen to register at Unisa, which is an open distance learning institution of higher education. What does this mean for you?

First, you might have been given access to the University because of its 'open' nature without necessarily having the skills to cope at a University; for example, because you have been long out of the education system. However, these skills can be learnt. Now that you are registered, you will have access to resources that will help you to make a success of your studies: study guides, assignments, the Library, lecturers, tutors, literacy centres, counsellors to assist with study skills, peer groups, the online learning management system *myUnisa*, and so on. You need to use these resources wisely to help yourself.

Second, distance education usually provides an independent study package. Many people are not used to studying completely in isolation from the institution, their teachers and their fellow students. Many distance education students feel lonely and drop out. As mentioned in the previous paragraph, there are resources available to you to bridge this distance and to offer you support: please use them.

2.2 What the School expects of you

In this College we expect students who register for the LLB to be able to:

- learn from predominantly written material;
- communicate what they have learnt comprehensibly in the medium of instruction;
- with guided support, take responsibility for their own progress;
- identify and understand the role of the law in everyday life;
- think critically and analytically within a contextual framework;
- solve complex legal problems;
- engage with legal text;
- enter a career in law based on their academic knowledge and skills;
- advance legal scholarship in regional and global context;
- act responsibly in their chosen career;
- contribute to the realisation of a just society based on a legal democracy.

We also expect students to plan, monitor (including adapt) and evaluate their learning and their strategies. Asking questions is one way of taking control of your own learning.

Planning: What do I already know that will help me to do this activity? What should I do first? How much time do I have and how much time do I need to learn this? What resources do I have and where can I go for help?

Monitoring: Am I on the right track? How am I doing for time? Do I need to speed up? Do I need to slow down? Do I need to (re)prioritize? What must I do because I don't understand? How can I revise my plan if it isn't working?

Evaluating: What could I have done differently? How well did I do? What did I learn that I could use in other tasks? How long did this take me? Could I have done it in less time? How?

2.3 What you can expect from the University

You can expect:

- an up-to-date study guide that helps you to
 - prioritize the important information presented in that course;
 - understand the main ideas and debates in the area of study;
 - learn the terms and concepts important to your chosen field;
 - apply what you are learning to relevant contexts;
 - integrate other media such as the textbook, *myUnisa*, CDs, etc.;
- tutorial assistance at learning centres or online;
- library orientation and services;
- career and study skills counselling;
- assistance with literacy and numeracy problems;
- opportunities to submit assignments and receive constructive feedback before the examination; etc.

3 LEARNING STRATEGIES

This section of the tutorial letter will provide you with some guidelines on estimating your time, planning/ goal setting, using effective learning strategies and how to approach written and multiple-choice assignments:

3.1 Estimating your time

Students often register for more modules than they can handle given their current life circumstances. You can estimate the demands of the course and the time you have available by completing the following timesheet:

STUDENT TIMESHEET: ALL COMMITMENTS

The following timesheet guides you to estimate the amount of time you spend on regular work and life activities in a week so that you can discover the number of hours you have available for study. Each Unisa module needs 120 hours of study, spread across different activities. For a semester of twelve to fifteen weeks, you must have about eight to ten hours a week available for each module.

The more accurate your calculation, the more realistic you can be about how many modules you can take at a time. Potentially, in a week, you have 168 hours.

Hours already committed each week before studies:

Sleep (e.g. seven hours a night = 49	_____
Meals	_____
Personal hygiene	_____
Household work (e.g. cleaning, preparing food, childcare, gardening)	_____
Employment	_____
Travelling	_____
Errands (e.g. shopping)	_____
Socializing	_____
TOTAL COMMITTED:	_____
Hours available for study: 168 – Total committed =	_____

If you divide this number by eight or ten, you can estimate the maximum number of modules that you should be doing in a semester.

Keep up the number of hours required a week. One of the big dangers in distance education is that a crisis such as a sudden illness can throw you off track; then you fall behind and drop out. If such a crisis occurs, be flexible and recalculate your time so that you can catch up. This is easier to do if you were on track before the crisis. Consult your lecturer for advice immediately if you fall behind.

Once you have estimated your time, set some short and long term goals to ensure that you manage your work efficiently.

3.2 Reading for understanding

You need to 'read' your study package so that you can navigate your way around it successfully. Check the titles of every document you receive in the package. This tutorial letter and Tutorial Letter 101 have the instruction READ NOW, which shows their importance. Your study guide is also important and you should look for a start at the table of contents which gives the high level headings and will orientate you to the scope and content of the module.

Students have different reading speeds and abilities. How good a reader are you? You need to develop your reading skills until you can read about 250 words a minute to manage the reading load for each module. You can easily establish your current reading speed by taking a textbook or study guide and getting someone to time you for a minute while you read. Then count how many words you have read in that minute.

One way to read more efficiently is to skim the text first, reading high level headings, the first sentence of every paragraph and looking at any diagrams to build up an overall sense of the meaning. You can build a summary based on this strategy. Once you have the big picture or main ideas, you can read and understand the detail more easily. Other effective reading strategies are to self-question, re-read, paraphrase to understand, link to prior knowledge, look for topic sentences, make outlines, draw diagrams, form study groups, flag to ask a lecturer, etc.

3.3 **Making your own glossary**

A glossary is like a dictionary: it gives you a word or phrase and the meaning of that phrase. You could start to build up an alphabetical list of new terms that are explained in the study guide or textbook and add examples to make the meaning even clearer. You might even wish to write an explanation in your own language if you are using English as an additional language.

Gloss 'terms of art': words which are important to your field of study. Also gloss academic words like 'data', 'phenomenon', 'critical thinking', etc.

3.4 **Re-using effective learning strategies**

Some learning strategies work and make you successful; others do not work, leaving you feeling that you will never understand and therefore you have to memorise and reproduce information. However, memorisation is itself a strategy. If memorisation is your main strategy, and you keep failing, you need to realize that it isn't working. If writing your own glossary helps you to learn, use it in all your modules. If skimming helps you to learn more successfully, use it on all your texts. Keep a note of strategies that work for you so that you can re-use them directly or in an adapted format.

3.5 **Assignments**

3.5.1 **The value of assignments**

The importance of doing assignments cannot be over-emphasised. Assignments, like the activities in the study guide, form an extremely important part of the learning in the module. Assignments are important since they allow you to determine the standard the College sets for its students and the quality of work it expects. Comments on assignments are usually detailed. If you read these comments and relate them to what you wrote in your assignment, you will benefit when revising the work for examination purposes. Assignments also prepare you for the examinations by giving you a chance to practise for final assessment.

Essentially, assignments and examinations have different purposes: an assignment is meant to help you to learn and often focuses on only one or two outcomes. An examination is proof of mastery of all the learning outcomes for the module.

Your assignments also contribute to

- examination admission;
- a year mark.

General guidelines and suggestions (e.g. on understanding the assignment and researching the assignment topic) are of equal importance in approaching written and multiple-choice assignments.

The purposes of the assignments (and the activities in the study guide, online discussion forums, etc.) are as follows:

- 1 We want you to engage actively and learn through doing and receiving feedback.
- 2 We want to motivate you to work through all the study material and achieve all the outcomes.
- 3 You need to learn the reading and writing skills expected of a future professional.
- 4 We want you to practise synthesising from various sources; that is, combining different ideas and arguments in a single answer.
- 5 You need to practise gathering material and presenting ideas/ arguments in a logical, ordered fashion using convincing arguments (merely copying the study material is not acceptable).
- 6 You need to learn to use assessment criteria and feedback on assignments to increase your ability to self-assess. When you enter the world of work, you will have to evaluate your own arguments and submissions and you should, therefore, acquire this skill as soon as possible.

In the School of Law, we require you to present and structure your essay-type assignments according to a particular method. This tutorial letter is intended to help you to do this correctly. This tutorial letter should be studied in conjunction with Tutorial Letter 101 for each module for which you have registered for 2010.

Your assignment answers must satisfy certain requirements for scientific and academic writing. It is, therefore, important that you read this tutorial letter before attempting to write an assignment answer. As you progress with your studies, you will have to become increasingly meticulous in the application of the scientific method for writing assignments. Please note that you will be penalised if your assignment answers do not comply with these requirements. Read this tutorial letter again when you receive a marked assignment from us, so that you can understand the lecturer's comments better.

3.5.2 Understanding the assignment

This section deals with the interpretation of the assignment topic. The problem statement proceeds from the interpretation of the topic. These aspects will be raised again in sub-section 3.5.7.2.1 of this tutorial letter where we deal with the introductory part of your assignment answer.

3.5.3 Read the assignment

It is very important that you should read the assignment carefully and make sure that you understand what is required. Read it several times to make sure that you do not misinterpret it. Look up any unfamiliar words in a dictionary. All important subject terms should be defined in your study guide and prescribed textbook, so it is very important to consult these as well.

Important information is conveyed in the way in which the assignment is worded as well as through the instructions, assessment criteria and guidelines provided with the assignment.

3.5.4 Find the keywords

What is the function of a key? It helps you to unlock something so that you can open it. A keyword helps you to open up ideas. So, the next step is to identify exactly what the subject is and what aspects of this subject are covered by the assignment topic. To do this, you must find the keywords (i.e. the most important words) in the assignment topic. The keywords enable you to understand what the assignment is asking you to do.

Keywords can provide you with more information on the topic. The reason why you should identify keywords is that they guide you when you are reading about the topic and gathering information on the central theme. However, the fact that you have identified keywords does not mean that you should look at each word separately and say something about each in your assignment answer.

The question words that are used in assignments tell the kind of answers that could be given. The following are examples of question words that are usually found in assignments. These words enable you to decide on the focus of the assignment.

Based on the list below, use the question words in the assignment you are going to work on to understand what you are expected to do.

Question Word (Instruction)	Meaning
Enumerate	Mention items or points one by one. No detail is required and the result of an enumeration is a list of things or aspects.
Indicate	State briefly, in broad outline, without detail. An indication gives the reader the gist of the matter.
Analyse	Divide into sections or elements and discuss in full.

Define	State the precise meaning of a term as you use it in your assignment answer. The definition should ensure that the term has only one meaning and that it cannot be confused with other terms. This often means that you will have to read a number of definitions before arriving at a substantiated decision on the precise meaning you will attach to the term in the relevant assignment.
Distinguish	Provide definitions, but also indicate similarities and differences.
Describe	Give an account of the characteristics or properties of a matter in such a way that your reader can recognise it and not confuse it with anything else. A description tells you 'what it is like'. You can be asked for physical descriptions or descriptions of processes, for instance.
Explain	Write about the topic in such a way that the reader gains a better understanding of the important underlying facts. An explanation tells the reader 'why a thing is the way it is'.
Compare	Set out how things differ from one another and in what ways they are similar. A good comparison also says 'why it is so'.
Discuss	This implies that there are various explanations of, or opinions about, the topic you have to discuss. You must state what these are and show how and why they may correspond or differ. 'Discuss' often involves weighing up arguments for and against something.
Evaluate	Assess or 'determine the value of' something. This means that you should have criteria against which you can measure something; the end result should be the formulation of your own informed opinion of the matter. You may approve, disapprove, or suggest a modification of whatever you have to evaluate. Evaluation usually implies comparison and should always be substantiated , that is based on soundly formulated reasons.
Examine	Look at/ observe, identify the problem or the characteristics, describe what you have observed, and then critically discuss a topic in terms of definite criteria or guidelines and possibly suggest solutions.
Offer comments	Give your own informed opinion on the matter, grounded in the knowledge base of your discipline or field of study.
Point out	Direct attention to something: for instance, a premise logically by means of thorough reasoning; priorities within a field; discrepancies in an argument, etc.
Summarise	Give the key aspects of a topic.

Illustrate	Give examples or draw a diagram to make a particular topic or subject clearer.
Interpret	Specific information is given and you have to say what it means in a particular context or according to certain criteria. Your explanation should be as practical as possible.
Criticise	Academic 'criticism' looks at both good and bad characteristics. Identify these characteristics and give your opinion after taking all the facts into account, applying what you have learnt or looking at given criteria.

The instructions given with each assignment should make it quite clear what is required. If you do not understand an assignment, contact your lecturer or tutor, who will gladly help you to solve any problems you may have. However, do not do this until you have read extensively on the assignment topic, as an assignment topic often becomes clearer once you have done some reading.

3.5.5 **Compile a list of things to find out**

After you have read the assignment, compile a list of things to find out. Ask yourself questions. This will help you to concentrate on the most relevant aspects of the topic and will also ensure that you do not leave out important points.

3.5.6 **Researching the assignment topic(s)**

3.5.6.1 **Finding the information**

3.5.6.1.1 Study guide and prescribed textbook

Read the relevant sections in your study guide and prescribed textbook, if one has been prescribed. This will give you a broad outline of the important aspects of the topic. Subject terms with which you are unfamiliar will usually be defined in the study guide, prescribed textbook and recommended sources.

3.5.6.1.2 Other recommended sources

Once you have a general idea of the topic, you should consult some of the other recommended sources if any are listed in Tutorial Letter 101 for the assignment topic. Use the tables of contents and indexes in books to find the relevant sections. A **table of contents** is at the beginning of the book and gives the headings and subheadings of each chapter. This will guide you as to which chapters are likely to be relevant. The **index** is at the back of the book and is an alphabetical list of topics, with the page numbers where the topics are discussed in the book.

In order to understand the content and meaning of the text, bear the following in mind:

- Headings and sub-headings indicate what the text is about. These will help you to anticipate which aspects are dealt with in a particular section, and to select the sections of a book or article that are relevant to your topic.
- Try to find the key sentence of each paragraph in order to identify the main points. (**Do not underline or write in library books.**) The key sentence opens up the meaning of the rest of the paragraph. It is often but not always the first sentence of a paragraph. If you skim a text – that is, read only the first sentence of each paragraph – you should have a good idea of what the broad outline of that reading is.

3.5.6.2 **Selecting relevant information**

Once you have decided that a source will be useful for a particular assignment, you can set about collecting the relevant information. This means you must select information that relates specifically to the assignment question(s). As you read, make notes on sheets of paper.

Bear in mind that the author of the book or article is not necessarily concentrating on your particular topic. S/He may include too much detail on matters that are not directly relevant to your requirements. When reading, you must select and write down only the information that is relevant to the assignment topic. This information will help you to substantiate (i.e. support) your point of view about the topic. Leave out all matters that do not contribute directly to the subject of your assignment.

3.5.6.2.1 How to make notes

Here are a few hints on how to make notes on the information obtained from literature sources:

Step 1 Put together all the information sources you have obtained for writing the assignment, including the study guide, articles, case law and the prescribed textbook. Read the relevant sections in the study guide, articles, case law and prescribed textbook first, and then the recommended works and any other sources that you may have obtained.

Step 2 Identify the aspects of the information that are relevant to the assignment topic(s) and note them down as follows:

Use a separate sheet of paper for each aspect that you think should be considered. Write down a suitable heading for each particular issue at the top of each sheet.

Step 3 Draw **two** parallel margins on the left side of each sheet of paper to create two columns. Give these columns the following headings: 'Source' for the first column on the left, and 'Page number' for the one next to it.

Step 4 Start making notes as you read through your information sources. For instance, if you have a definition of research on page 4 of the recommended book, take the sheet of paper bearing the heading 'Definitions: research'. Write down 'Recommended book' in the column on the left, and '4' in the column next to it. Then note down the essence of the definition that you have found in the book. If you have also found a definition for research on page 18 of an article, return to the sheet bearing the heading 'Definitions: research'. Write down the author(s) of the article in the left-hand column, and '18' in the one next to it. Write down the essence of the particular author's definition. Once you have completed your reading, the sheet 'Definitions: research' may contain quite a number of definitions, as provided by various authors.

- Remember that if you copy down a sentence or passage word for word from any information source, you must put it in quotation marks even when merely taking notes. (A sentence or passage which is copied word for word from a source is called a 'verbatim quotation'.) More information on the proper citation and reference methods will be provided later in this tutorial letter.

Step 5 Once you have completed your note taking; look at the information noted down on all the sheets. Let us again take the sheet bearing the heading 'Definitions: research' as an example. Study all the definitions you have gathered and see whether some differ from others. One author may, for instance, emphasise a particular point in his or her definition which is not mentioned by another or may offer a completely different definition. These points should be noted on the sheet of paper. (If you can indicate such differences in your assignment answer and use this information as a basis for formulating your own definition, you will have shown evidence of 'critical thinking', which will enable you to score higher marks.)

You will compile your assignment answer from these notes. It is therefore important that you write down the name of the source and the page numbers correctly.

3.5.6.3 **Assessing sources**

When you do your reading, do not automatically accept everything the author states as true. You must be alert to the difference between a fact and an opinion. A fact is a generally accepted truth, such as 'Unisa was founded in 1873'. An opinion is a deduction made by an individual author, for example 'Unisa is the best University'. Facts are objective; opinions are subjective.

Authors often view issues from different perspectives and therefore have different opinions. Do not let this confuse you. Refer to different sources and compare them. Decide which opinions you think are the best supported, or the most logically argued and hence the most valid. You are not, however, required to decide whether a viewpoint is 'right' or 'wrong'. It is more important that you notice these differences of opinion and point them out in your assignment answer. You might also need to choose a perspective most appropriate to a particular context.

If you agree with a particular author's viewpoint, you may say so in your assignment answer, as long as you indicate that you have considered other interpretations and explain why you have accepted a particular point of view. If you include your own opinions you must therefore substantiate (give reasons for) them. For example, it is not enough to say 'Censorship is bad'.

You must also state **why** you hold this viewpoint: 'Censorship is bad because it violates one of the basic principles of information science, namely, that information should be freely available to all'.

3.5.7 **Answering the assignment**

You have now read the assignment carefully and decided what is required in your answer. You have also read various sources and made notes. Now you can begin to write your assignment answer.

There are several stages to completing an essay-type assignment:

- planning your assignment answer;
- writing a first draft of your assignment answer;
- evaluating this draft yourself based on the given assessment criteria;
- redrafting the answer for submission to the lecturer.

3.5.7.1 **Planning your assignment answer**

Before you start writing your assignment answer, you need to plan how you are going to turn your notes into a scientific and academic discussion. The following suggestions may help.

Firstly:

- Read the assignment topic again to refresh your memory.
- Look at the headings, subheadings and other details you wrote in your notes, and consider whether these will help you to compile an answer. If not, you need to return to your sources to find more information.

Secondly:

- Now you are ready to work out your rough plan. Write the heading 'Introduction' at the top of a page, leave a few lines, write the heading 'Main discussion' and then leave most of the sheet empty. A few lines from the bottom of the page, write the heading 'Conclusion'.
- Every assignment answer consists of these three main sections: an introduction, a main discussion and a conclusion.
- You will now fill the spaces under these three main headings by transferring the ideas in your notes onto this planning sheet.
- Read through your notes carefully. Start placing headings and subheadings from your notes in a logical order.

- Write these headings in a logical order under the heading 'Main discussion' on your planning sheet. (Only write the headings and subheadings, not your notes and references.)
- By arranging these headings in a logical order like this, you have worked out a framework from which to write the discussion part of the assignment.

Thirdly:

- Consider whether these headings and subheadings are sufficient for and/or appropriate to a discussion of the assignment topic.

3.5.7.2 **Writing your assignment answer**

You will now use your plan and your notes to write your assignment answer. Write down the number and topic of the assignment as they appear in Tutorial Letter 101 before starting with the introduction.

3.5.7.2.1 Introduction

Start the introduction with an interpretation of the topic (a short explanation **in your own words** of your understanding of the field of study of the assignment: that is, the task that must be executed). A mere repetition or paraphrase of the topic as it appears in **Tutorial Letter 101** would, therefore, give no indication of **your own understanding** of the topic.

The reason why you must interpret the topic is to make sure that you understand exactly what you have to do, so that while you are gathering information and making notes, you will be certain that you are concentrating on matters which are relevant to the topic. A good interpretation:

- outlines the main field of study of the topic;
- focuses directly on the assignment topic.

The introduction could include a problem statement. The purpose of the problem statement is to

- put the topic in proper context;
- state what the central point of dispute is;
- indicate the steps to be followed in the investigation or discussion of the topic.

3.5.7.2.2 Main discussion

The 'main discussion' forms the biggest part of your assignment answer. The problems that you have identified in the problem statement are discussed here. It is here that you will develop your main argument and give reasons for your answer. The 'main discussion' of your assignment answer should be divided into sections according to the headings and subheadings that you have already identified in your rough plan. (Do not use 'main discussion' as a heading in your essay.) For each main point you should have a heading and, if necessary, subheadings.

Headings and subheadings must be numbered. Use Arabic numbers (1, 2, 3, etc.) and decimal points for numbering subheadings (1.1, 1.2, etc.)

Your discussion under each heading must be divided into paragraphs. A good paragraph

- deals with one main idea or topic, preferably stated in the first sentence;
- contains all the explanations, details and examples that support the main idea;
- shows how the information is linked to the assignment topic;
- does not contain irrelevant information and does not repeat information.

Do not copy word for word from your sources, although you may use short, fully referenced quotations within your essay ('short' being defined as between a phrase of two or three words up to about three lines). Unless you use your own words, we cannot judge whether or not you have understood your sources. It is not possible to obtain a pass mark for an answer in which too much use has been made of passages copied from sources, even if the copied passages are correctly acknowledged by means of references. (How to acknowledge work consulted is explained later in this tutorial letter under 4 below.) A verbatim (word for word) quotation is only used when you want to emphasise a point that you have made in your assignment answer. The quotation must then be enclosed between quotation marks. But keep direct quotations to the minimum and always ensure that you acknowledge your source **even if you are not quoting from it directly**.

If you quote the **title** of an information source in your text, you must underline the title in a written text and put it in italics in a computer-generated document.

3.5.7.2.3 Conclusion

The conclusion is the last paragraph of your essay. It should relate to the topic(s) of the assignment.

The main points of the assignment answer may be summarised here but **no new information should be included in the conclusion**. Here you should also state the impressions you have gained and the conclusions you have arrived at on the strength of the preceding discussion.

A good conclusion

- summarises the main argument and content of your essay;
- comments on the problem statement;
- provides your own informed impressions or the outcomes of your research.

3.5.8 **Technical details of assignments**

The following must also be included in your assignment answer:

- table of contents;
- acknowledgment of works consulted;
- list of works consulted.

3.5.8.1 **Table of contents**

A table of contents is a list of all the headings and sub-headings, and should follow immediately after the title of your assignment. You indicate a subheading by using the number allocated to the main heading, for example 3, and then adding a decimal point for the sub-heading, for example 3.1. The numbers, headings and sub-headings must be the same as those used in the text of your assignment answer.

Number the pages of your assignment and include the relevant page numbers in the table of contents. A table of contents is incomplete if it does not indicate the page numbers on which the headings and sub-headings appear in the text.

3.5.8.2 **Acknowledgement of works consulted**

As we said earlier, you must acknowledge the sources of your information in the **text** of your assignment answer. You must do this even if you are not quoting directly from the source. **Quotations** from case law and other sources must be kept to a minimum. All quotations must be **accurate** and fully **acknowledged**. Please refer to the section of this tutorial letter that deals with referencing style in the School of Law.

3.5.8.3 **List of works consulted**

Provide your assignment with a **list of cases**, a **list of legislation** and a **bibliography**. These are usually placed directly after the conclusion. When an assignment answer includes appendices, the appendices are placed directly after the conclusion and the list of sources consulted would then be placed after the appendices.

3.5.9 **Some editing tips**

- Write the number and topic of the assignment down on the first page and ensure that your assignment answer contains the following:
 - a table of contents;
 - an introduction;
 - a conclusion;
 - a list of sources consulted.
- Check your grammar as well as you are able. If you are writing on a computer, use its grammar and spelling check.
 - Try to write in short sentences as far as possible (about twenty words maximum).

- Make use of commas to separate ideas.
- Write in complete sentences.
- Start each sentence with a capital letter and end with a full stop.
- Check your spelling, especially of names.
- Make use of headings and sub-headings in your text.
- Divide your essay into paragraphs.
 - Ensure that each paragraph has a main idea.
 - Ensure that each main idea is supported with examples, arguments, data, etc.
- Acknowledge your sources.
- Please ensure that your name, address, student number, module code and assignment number appear on the cover of the assignment and at the top of the first page of your answer; **this information must be correct**. Every successive page should show at least your student number and the module code.
- Number your pages.
- Ensure that the pages of your answer are stapled together properly. Do not join answers to different assignments together.
- **Foreign language expressions** must either be underlined or typed in italics.
- We restrict the length of assignment answers to teach you to write concise and logical arguments. It is very easy to write a long, rambling answer but such an answer does not earn good marks. You must learn to summarise your research findings so that you can answer a question in a factually correct, concise and logical manner.
- Please do **NOT** write on both sides of the page.
- Answers to all the questions in the assignment should be submitted simultaneously.
- Students who use word processors should consult the brochure publication mySTUDIES@Unisa about the format and paper to be used for assignments. If at all possible, the assignment should be typed, in at least 1.5 spacing. If you are not able to submit a typewritten answer, you may submit a **NEAT AND LEGIBLE** handwritten answer.
- It is wise to **make a copy of the assignment** before submitting it, in case it gets lost in the post.

NOTE

Students often find it rewarding to work in a group when preparing an assignment. Unisa encourages you to work together as it can improve learning. Please note, though, that you must give your **own interpretation** of what you have learnt in the group when completing assignments. **Identical assignments** by different members of a group are **not acceptable**. **This will amount to plagiarism and none of these assignments will be marked. Furthermore, these students may be penalised or subjected to University disciplinary proceedings.**

3.5.10 How to approach multiple-choice questions

See the publication mySTUDIES@Unisa for instructions on how to complete a mark-reading sheet for multiple-choice questions. Please read through the following remarks on answering multiple-choice questions and think about them. Of course, you don't need to learn them, but please make sure that you understand what is being said.

A multiple-choice question is the type of short question that gives students alternative answers from which they must choose. The following is a simple example of a multiple-choice question:

Legal capacity can be defined as the capacity to

- [1] perform valid juristic acts.
- [2] appear in a court of law.
- [3] have rights and duties.
- [4] be accountable for crimes.

The multiple-choice question consists of the following:

Problem statement or question

Legal capacity can be defined as the capacity to ...

Distractors/ Alternatives

- (1) the capacity to perform valid juristic acts.
- (2) the capacity to appear in a court of law.
- (3) the capacity to have rights and duties. → correct answer
- (4) the capacity to be accountable for crimes.

The problem statement or question provides the perspective from which or the context within which you have to work to find the most correct alternative. It gives an indication of how to approach the question. Therefore, always read and consider the problem statement carefully. It is thus the function of the problem statement to ensure that one alternative is more correct than another.

What is the perspective from which or the context within which you have to work to find the most correct alternative or answer to the question in the above example?

The key words are **legal capacity** and **defined**.

It is important to consider **all** the alternatives from the perspective provided by the problem statement or question. Sometimes students choose one of the first alternatives without even looking at the rest. Bear in mind that the distracters in a multiple-choice question are not necessarily completely wrong.

They are called 'distractors' because they often contain some appropriate information, so it is easy to make a wrong choice if you do not know the subject well or if you do not read all the alternatives carefully before you choose your answer. For example, the distractor may indicate that a particular option is incorrect and provide the reason why it is incorrect. You should then make sure not only that the distractor correctly states that the option is incorrect, but also that the distractor provides the correct reason why the option is incorrect. You must choose the **most correct** alternative.

Note that an incorrect answer does not mean that a mark or a fraction of a mark will be subtracted from the number of correct answers, but merely that no mark is awarded for that answer.

3.6 Preparing for the examination

3.6.1 Planning and revising

Planning is again of the essence in preparing for the examination. Keeping good notes, doing all the assignments, keeping on track with study programme, all contribute to success in the examination. Work back from the examination date and plan your study time prior to the examination. If you are doing more than one module, plan whether you will try to study a little on each module each day or if you are going to plan their time differently. Prioritize your studies by asking yourself a series of questions:

What do I already clearly understand?

What am I uncertain about?

What don't I understand?

How am I going to address my lack of understanding?

- Study the guide/ textbook again and take more notes
- Work through the assignments and feedback again
- Ask the tutor/ lecturer
- Work in groups with other students

It goes without saying that to achieve success in any examination there is no substitute for a sound knowledge of the subject, which can be attained only by making a thorough study of the study guide and other prescribed material; interacting with other students in person or online; interacting with tutors; using the Library and other resources; completing assignments and taking note of feedback.

3.6.2 In the examination venue

Our experience has, however, been that students who apparently have a good knowledge of the subject sometimes fail to obtain a pass mark. Every year we come across scripts which indicate that students devoted far too much time to the first few questions (for which they earned good marks) and were unable to answer the entire paper because time caught up with them.

It is a good idea first to read carefully through the paper, to specifically note the maximum number of marks allotted to each question, and then to decide on the maximum amount of time that should be devoted to each question.

Do make sure that you stick to the **relevant** points for each question. Our experience is that students sometimes add information that is not really relevant to answering a particular question, in the hope that they will somehow earn marks. It does not work that way. Our questions are very specific and no marks can be earned by 'throwing in' additional material not required.

We try to ensure that examination papers are not too long. However, at the risk of repetition, we wish to emphasise that proper time planning is of great importance in writing an examination.

In dealing with a problem question (i.e. a question setting out a hypothetical factual situation, to which you must provide the solution), it is inadvisable to go directly to the solution. It is better first to make sure of the principles that are relevant in seeking a solution, to describe these briefly and then to state your ideas on the solution of the problem. Even if your eventual conclusion is not absolutely correct, your statement of principles (if done correctly) will earn you valuable marks. If the solution is also correct, you will obviously be rewarded for that as well.

When you are required to **define** certain concepts or **state** certain principles or criteria, you should be brief and to the point. It will not be necessary to discuss or comment in detail on these, unless you are specifically asked to do so.

Please structure your answers into short paragraphs. It is difficult for us to read through pages and pages of "unbroken" text. If you have begun your answer and are moving on to a new point or aspect, please make use of a new paragraph. Some of you actually number specific points and paragraphs and that is very helpful. Subheadings and underlining can be equally helpful in marking scripts. If you quote decided cases or the names of authors of books or articles, do underline their names. (Please note: We will never require you to know the reference of a case, such as: 1957 (3) SA 710 (T).)

Please use a pen that will produce a bold and legible script. Sometimes the script produced by an "overused" ballpoint pen is barely legible.

Our endeavour at all times is to set a paper that will test your knowledge in a fair and proper manner and to maintain sound standards. Students who have obtained a degree from this University may take pride in their achievement.

3.6.3 **Supplementary/ aegrotat examination**

Please note that should the University grant you a **supplementary examination, your year mark will not count towards your final mark**. In other words, your supplementary examination will count 100% of your final mark and you will have to achieve a mark of at least 50% in the supplementary examination to pass the module.

However, this arrangement will **not** affect students who write the **aegrotat examination** (that is, an examination given to people who were ill and whose condition is supported with a medical certificate). Their year mark will count towards their final mark, if they had obtained a year mark before the aegrotat was consented to.

4 ETHICAL BEHAVIOUR AS A STUDENT

4.1 **Plagiarism**

Plagiarism is the act of taking words, ideas and thoughts of others and using them as if they were your own. It involves a number of dishonest academic activities such as copying the work of other students, copying from textbooks or study guides without giving the source, copying in the examination, etc.

The mySTUDIES@Unisa brochure contains the *Disciplinary Code for Students*. You are advised to study the Code. Kindly read the University's *Policy on Copyright Infringement and Plagiarism* as well.

4.2 **Referencing techniques**

There are basically two ways of referencing: in footnotes or within the text (the Harvard method). The one is not more correct than the other, although in legal academic writing the use of footnotes is the more common. The Harvard system is described below, but is not often used in the School of Law.

The Harvard referencing system

In this system your references are placed in brackets in the text. This system presupposes the use of abbreviated references. The full references – see (3), (5) and (6) above – are set out in your bibliography. Footnotes are not used, except where explanatory notes, incidental remarks, quotations, etcetera, are provided, which do not belong in the text for some reason.

Examples

Masuku (1988:56) states that...

Mandela argues that ... (1992:10-16).

It can be argued that ... (Mandela 1992:10-16).

Makgoba (1988:5-10, 15-20) maintains that ...

Ramaphosa and Meyer (1991:6) suggest ...

There is evidence to suggest ... (Mahomed & Chaskalson 1995:8).

Terreblanche et al (1997:101) claim ...

Studies suggest ... (Gerwel et al 1995:101).

Footnotes

The use of footnotes is, as indicated above, the preferred referencing method for legal writing. In this system there are no references in the text; these all appear in the footnotes. If, for example, you refer to *Kilburn v Est Kilburn* your text would read: "In *Kilburn v Est Kilburn*²³ it was held that ... ". You would then have a footnote numbered 23 reading: "1931 AD 501 at 504." Further references to the *Kilburn* case would then be in footnotes reading, for example, "Above n 23 at 506." If the footnote number appears at the end of a sentence, the punctuation mark (full stop) precedes the footnote number, for example: "A director owes her company a fiduciary obligation.²³"

References (at least when they appear for the first time) should usually be complete as set out in numbers (3), (5) and (6) above, unless you have a list of abbreviations, in which case only the abbreviation need be used. Another, more formal, method is to use recognised abbreviations, for example *op cit*, *ibid*, *supra*, etcetera. In all these instances, however, you must include the footnote number in which the first reference to the source appears. If you insist on using these terms - particularly *ibid* and *id* - you must do so correctly.

- X *Ibid* means exactly the same source (same author/case **and** same page). To use the *Kilburn* example: if in footnote 28 you again wish to refer to the *Kilburn* case at page 504, your note will read "*Ibid* n 23 above". If, however, you wish to refer to page 508 of the case, you must use *Id* and your note will read "*Id* n 23 above (or *infra*) at 508."
- X *Supra* means above and the latter term is easier to use correctly.
- X *Infra* means below; the English word is preferred.

In both text and footnotes the names of cases and all words in a language other than that in which the dissertation is written must be underlined or italicised. The same applies to the titles of books and journals.

4.3 Modes of citation

The modes of citation set out below are the prescribed methods to be used in all assignments, dissertations and theses in the School of Law. Deviation from this is only allowed in exceptional circumstances and then the deviation must be consistent throughout the document. In instances where the prescribed modes of citation do not make provision for a particular source that you have consulted, you may use your own discretion and must then use the form of citation of the particular source consistently in the footnotes and in the bibliography.

We suggest that you use the *PULP guide: Finding legal information in South Africa* in conjunction with this document. It can be downloaded at the following Internet address: http://www.pulp.up.ac.za/cat_2010_05.html. The *Guide* provides valuable information on legal sources and databases. You should however as far as possible keep to the modes of citation as explained here below in this document.

The golden citation rule is that if any information contained in the text (or in

the footnotes) has been obtained from an outside source - and is therefore not the writer's own ideas, thoughts or arguments - it is absolutely necessary that **a reference to that source must be provided**; otherwise the information may amount to plagiarism.

The sources that you use must be provided in the prescribed mode of citation in **footnotes**. References to sources are not provided in the text or in endnotes. The thesis must also be supplied with a **bibliography** of the sources (e.g. books, journal articles, case law, statutes, international documents, etc) used. As a general rule, the **essential bibliographical information**, that is, the information without which the source referred to cannot be found easily, should be provided in a consistent style and manner in the bibliography.

1. Books

- a) As a general rule always use the **latest edition** of a book unless there is a good reason to refer to an older edition.¹ Where **more than one edition** of the book is used, the bibliography and footnotes should indicate which editions are used (see for example Neethling, Potgieter and Visser in the *Bibliography* below).
- b) The **basic form** of reference in the **bibliography** is:

One author:

Smith C *Insolvency*

Smith C *The Law of Insolvency* 3rd ed (Butterworths Durban 1988)

Two authors:

Rautenbach and Malherbe *Constitutional Law*

Rautenbach IM and Malherbe EFJ *Constitutional Law* (LexisNexis Butterworths Durban 2004)

Three authors:

In the case of books with **more than one author**, a maximum of three authors is given fully:

Church, Schulze and Strydom *Human Rights*

Church J, Schulze C and Strydom H *Human Rights from a Comparative and International Law Perspective* (Unisa Press Pretoria 2007)

More than three authors:

Where there are **more than three authors**, only the first author's name is given followed by *et al*:

Corbett *et al Succession*

Corbett MM *et al The Law of Succession in South Africa* (Juta Cape Town 1980)

1 For example, in legal historical research, the oldest available edition of the work should be consulted.

The **publisher and place of publication** must be mentioned with the **date of publication** in brackets after the title. Where more than one place of publication is mentioned, only the first place name is given.

- c) In the **footnotes** a **short form** of reference should be used:

One author:

Smith *Insolvency* 35.

Two authors:

Rautenbach and Malherbe *Constitutional Law* 45.

Three authors:

Church, Schulze and Strydom *Human Rights* 95.

More than three authors:

Corbett *et al Succession* 85.

- d) There is no comma between the author's surname and initials, but a comma is added after his/her initials in the case of more than two authors, (see for example Church, Schulze and Strydom in the *Bibliography* below).
- e) Where a **later edition** of a source was rewritten by (a) new author(s), the author of the new edition is given, with reference to the original author's name in the title, where applicable (see for example Scott and Scott in the *Bibliography* below).
- f) In instances where the book has been **translated**, the name of the translator should be provided in brackets (see for example Kelsen in the *Bibliography* below).
- g) The **title of the book is italicized**. The **first letter of each keyword** of the title is written with a **capital letter**, while, for example, conjunctions, prepositions and adverbs are written in lower case.
- h) The **edition** is given directly after the title in the form 2nd ed, 4th ed, etc., and not between brackets for example:
Rautenbach IM and Malherbe EFJ *Constitutional Law* 4th ed (LexisNexis Butterworths Durban 2004)
- i) The place of publication and all information apart from the title itself are given in the **language** in which the contribution is being submitted. If the dissertation or thesis is in English, all details apart from the title will be in English, and should the dissertation or thesis be in Afrikaans, all information will be in Afrikaans.
- j) Where a work has been compiled by an **editor or editors**, it is given under the editor's name, with (ed) or (eds) without a full-stop, in round brackets, always in English if the text is English (see for example Zweigert and Puttfarken (eds) in the *Bibliography* below).

- k) Where reference is made to a contribution in a **collected work or work compiled by an editor**, there is reference to the relevant contribution, as well as collected work (see for example Pound in the *Bibliography* below). The same applies to **published papers delivered at a conference** (see for example Kahn in the *Bibliography* below; but see as to **unpublished papers** also Kahn in the *Bibliography* below).
- l) Where the **author** who is being cited is the **author or editor of a collected volume**, the name is not repeated (see for example Zweigert and Puttfarcken in the *Bibliography* below).
- m) Where **more than one source by the same author** is cited, the author's name is given each time with the source (see for example Cassese in the *Bibliography* below).
- n) **Theses and dissertations** are cited similarly to books but the fact that it is a mini-dissertation, dissertation or thesis must also be mentioned (see for example Kindiki in the *Bibliography* below).
- o) The list of sources in a bibliography should be arranged **alphabetically** according to the surnames of authors and according to the short mode of citation used in the footnotes. The full bibliographical details are indented directly below the short citation. One space is left open between sources. For each new letter of the alphabet to be used in the bibliography, the letter, for example a **B**, can be given for greater clarity.

Examples:

The following are examples of books cited in a bibliography as explained above (the reason for using the example is stated between brackets in bold):

C

Cassese *Criminal Law*

Cassese A *International Criminal Law* 2nd ed (2008) (**more than one book by same author: see next book**)

Cassese *International Law*

Cassese A *International Law* 2nd ed (2005) (**more than one book by same author: see previous book**)

Church, Schulze and Strydom *Human Rights*

Church J, Schulze C and Strydom H *Human Rights from a Comparative and International Law Perspective* (Unisa Press Pretoria 2007) (**more than two authors**)

Corbett *et al Succession*

Corbett MM *et al The Law of Succession in South Africa* (Juta Cape Town 1980) (**more than three authors**)

K

Kahn "Crime"

Kahn E "Crime" in *Criminal Law* (Papers delivered at the Third Annual Congress of the South African Association of Criminologists 21-26 July 1961 Juta Cape Town) 221-228 (**published contribution at a conference**)

Kahn "Crime"

Kahn E "Crime" (Unpublished paper delivered at Third Annual Congress of the SA Association of Criminologists 21-26 July 1961 Pretoria) 221-228 (**unpublished contribution at a conference**)

Kelsen *Norms*

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

Kindiki *Humanitarian Intervention*

Kindiki K *Humanitarian Intervention: The Role of Intergovernmental Organisations* (LLD thesis University of Pretoria 2002) (**LLD thesis**)²

NNeethling, Potgieter and Visser *Delict*

Neethling J, Potgieter JM and Visser PJ *Law of Delict* (Butterworths Durban 1990) (**different editions of same book: see next book**)

Neethling, Potgieter and Visser *Delict* 5th ed

Neethling J, Potgieter JM and Visser PJ *Law of Delict* 5th ed (LexisNexis Butterworths Durban 2006) (**different editions of same book: see previous book**)

PPound *Mainstreetism*

Pound R "The Passing of Mainstreetism" in Sythoff AW (ed) *XXth Century Comparative and Conflicts Law* (Leyden 1961) 3-14 (**reference to one contribution in collective work**)

RRautenbach and Malherbe *Constitutional Law*

Rautenbach IM and Malherbe EFJ *Constitutional Law* 4th ed (LexisNexis Butterworths Durban 2004) (**two authors**)

2 Note that once a thesis is published, it becomes a book and must then be cited as such.

S

Scott and Scott *Wille's Mortgage and Pledge*

Scott TJ and Scott S *Wille's Law of Mortgage and Pledge in South Africa* 3rd ed (Juta Cape Town 1987) (**later edition of book written by new authors**)

Smith *Insolvency*

Smith C *The Law of Insolvency* 3rd ed (Butterworths Durban 1988) (**one author**)

Z

Zweigert and Puttfarcken (eds) *Rechtsvergleichung*

Zweigert K and Puttfarcken H (eds) *Rechtsvergleichung* (Darmstadter Verlagsanstalt Darmstadt 1978) (**editors, when referring to whole book**)

Zweigert and Puttfarcken in *Rechtsvergleichung*

Zweigert K and Puttfarcken H "Rechtsvergleichung" in *Rechtsver-gleichung* (Darmstadter Verlagsanstalt Darmstadt 1978) 1-9 (**authors also editors**)

2. Journal articles

- a) The same general rules apply here as for books, but the basic form in the **bibliography** changes to:

Stander 1996 *THRHR* 388

Stander AL "Die eienaar van die bates van die insolvente boedel" 1996 (59) *THRHR* 388-399

- b) A **short form of reference** is used in the **footnotes**:
Stander 1996 *THRHR* 385.
- c) The **title of the article** is not italicized, is in **lower-case** (except where capital letters must be used), and is followed by the date and the volume number (in brackets, if available) of the journal.
- d) The **titles of journals** are, wherever possible, **abbreviated**, with an explanatory list of abbreviations supplied. The abbreviation is italicized. Note that law journals mostly prescribe, on their editorial pages, how the journal title should be referred to in abbreviated form. Such prescriptions have to be complied with.
- e) The **first page of the journal article** is provided in the **short form** in the bibliography and the **page numbers of the full article** are provided in the **full reference** in the bibliography.
- f) **Newspaper reports** are cited similarly to contributions in law journals (see Ngqiyaza in the example given below)

Examples:

The following are examples of journal articles cited in the bibliography:

Anon (stands for anonymous) 1977 *SALJ* 221
 Anon "Crime" 1977 (66) *SALJ* 221-228

Burchell 1999 *SALJ* 1
 Burchell JM "Media freedom of expression scores as strict liability receives the red card: *National Media Ltd v Bogoshi*" 1999 (116) *SALJ* 1-11

Ngqiyaza 1997-09-19 *Business Day* 4
 Ngqiyaza B "Socio-economic rights must be enforced in South Africa – Pityana" 1997-09-19 *Business Day* 4

Strauss 1996 *THRHR* 492
 Strauss SA "Privaatheidskending en die toestemmingsvereiste by bloedoetse" 1996 (61) *THRHR* 492-497

Van der Merwe 1963 *THRHR* 131
 Van der Merwe NJ "*Regal v African Superslate (Pty) Ltd* 1963 1 SA 102 (A)" 1963 (91) *THRHR* 131-139

3. Old authorities

- a) Give the Latin or Dutch title of the book you cite, not the title of a translation in English. But see what is said below about the *Corpus Iuris Civilis*.
- b) Many of the works in Dutch bear different titles in the various editions and reprints. Select a title and keep to it. A convenient guide to acceptable titles will be found in Hahlo HR *The South African Law of Husband and Wife* 5th ed (1985) xiiiff and Corbett MM *et al The Law of Succession in South Africa* (1980) ixff.
- c) The principal parts of the *Corpus Iuris Civilis* of Justinian of the mid-sixth century are the *Institutiones*, the *Digesta* (also known as the *Pandectae*) and the *Codex*. It is customary to refer to them by the English translations (not in italics): Institutes, Digest and Code. In citations the abbreviations I, D and C are used. Where the part is divided into books, titles and sections, unless specific reference has to be made to a particular one book, title or section, a short form of reference is used: so I 2.9.2 refers to book 2 title 9 section 2 of the Institutes.
- d) Where a Roman-Dutch legal treatise is divided into books, titles (or chapters) and sections, the same approach is taken. Take Hugo Grotius *Inleiding tot de Hollandsche Rechtsgeleerdheid* (the Dutch title). The full details must appear in the bibliography. Cite the appropriate passage in the footnotes in this way: Grotius 3.8.5.

This is a reference to book 3 chapter 8 section 5 of the book. Another example is Johannes Voet *Commentarius ad Pandectas* (the Latin title). The reference to Voet 18.1.13 in a footnote means book 18 title 1 section 13 of the book. Note that Van der Keessel's *Theses Selectae* is an epitome of Van der Keessel's lectures on Grotius's *Inleidinge*. The *Theses* are numbered in Roman numerals but it is customary to cite the appropriate passage as Th 72, which is a reference to thesis 72. Finally, an example of a work by an oft-cited French jurist: Pothier *Traité des obligations* para 365. Observe that the section sign - § - should not be used, as Pothier uses it for a subdivision including several paragraphs.³

Examples:

The following are examples of old authorities cited in the bibliography. You should find help on the names and works of the more important of the old authorities in Ellison Kahn *Contract and Mercantile Law Through the Cases* Volume II 2 ed xxvff:

Accursius Glossa

Accursius *Accursii Glossa* (on different sections of the *Corpus Iuris Civilis*) Republished in *Corpus Glossatorum Juris Civilis* (curante Iuris Italici Historiae Instituto Taurinensis Universitatis) VII-XI (Universita di Torino Turin 1959-1969)

Grotius *Inleiding*

Grotius H *Inleiding tot de Hollandsche Rechtsgeleerdheyt* (1631 ed), with notes by Groenewegen and Schorer (Amsterdam 1767)

Van der Keessel *Theses Selectae*

Van der Keessel DG *Theses Selectae Juris Hollandici et Zelandici, ad supplendam Hugonis Grotii Introductionem ad Jurisprudentiam Hollandicam* (Leyden 1800)

Voet *Commentarius*

Voet J *Commentarius ad Pandectas* (The Hague 1698-1704)

4. Internet

- a) Information obtained on the Internet ("world wide web") is acknowledged by **reference to the particular website**, followed by the **date on which the website was visited**. The date is important because the contents of the page on the website may subsequently change, or the particular reference or even the whole website may disappear or be moved elsewhere. You should therefore be careful not to use information on outdated websites. It follows that besides making a printout of the particular page at the time of visiting it, you should re-check the current status of all Internet references when preparing the final version of your work for submission.

³ Please note that there are sometimes differences in the Dutch spelling of some of the titles of the books. As a general rule, stick to the spelling of the title of the edition you are using.

- b) If the author of the Internet source (for example an article) is not clear, reference may be made to the host of the website, for example, the United Nations or the World Health Organisation.
- c) Legal academic journals that are published on the Internet, such as the *Potchefstroom Electronic Law Journal*, are cited in the same manner as normal journal articles and not as an Internet source.
- d) A journal article accessed on an electronic database, such as *Heinonline*, should be cited as it originally appeared in the particular journal and not as an Internet source.
- e) You should not consult generally unscientific websites and “blogs”. Search engines such as “Google” and “Yahoo” may also not be cited as academic sources. Since there is not general consensus on whether “Wikipedia” may be regarded an acceptable source, you should be very cautious to consult it. You should never provide “Wikipedia” as a source for information that could be found in a recognised scientific source, for example a book
- f) The **basic form** of reference in the **bibliography** is:
Mamoepa B “The Act on Higher Education”
<http://www.star.hsrb.ac.za/nche.html> (Date of use: 16 November 1997)
- g) In the **footnotes** a **short form** of reference is used:
Mamoepa <http://www.star.hsrb.ac.za/nche.html> (Date of use: 16 November 1997)

5. Law reports

5.1 South Africa (principal series)

- a) In the register of cases in the bibliography the **name of the case is given fully**. In the text and footnotes **all non-essential information should be left out**, for example *NO*, *NNO*, *and others*, et cetera.
- b) The case must be cited in the **form**, also as regards brackets, given **in the particular law report**.
- c) The **name of the case** (ie the parties to the case) is **italicized**.
- d) The first time where reference is made to a court case, the full reference is given in a footnote. After that an abbreviated form can be used, for example, “the *Hoffmann* case”. It should however be stated clearly that this abbreviated form will be used further on, for example:

Hoffmann v South African Airways 2001 (1) SA 1 (CC)
(hereinafter the *Hoffmann* case).

- e) Specific **sections** of a case are referred to with reference to either the page(s), for example 263H, where it is indicated in the reported volume, or a paragraph(s) of the judgment (as has become customary for judges in their judgements nowadays). The paragraph is identified by way of square brackets, for example [137].
- f) Since 4 February 1997 the Appellate Division of the Supreme Court is known as the Supreme Court of Appeal, and the other divisions (provincial or local) of the Supreme Court as those of the High Court. In references to judgments before and after 4 February 1997 this distinction has to be observed.
- g) Note the following explanations: *Ex parte* means by (from) only one party, or as the sole interested party; *In re* means in the matter of; *NO* (*NNO*) stands for *nomine officii* - in his (their) official capacity or by virtue of his office (say, as trustee in insolvency); *R* stands for *Rex* or *Regina* - the Crown (King or Queen) in a prosecution before South Africa became a republic, after which the State (*S*) prosecuted.

The following is an alphabetic list of the principal South African law report series:

- AD** Reports of the Appellate Division of the Supreme Court of South Africa. Annual volumes. 1910-46.
Example: *Marks Ltd v Laughton* 1920 AD 12
- All SA** All South African Law Reports: 1996-Current. Four volumes a year, three monthly issues making a volume. It covers decisions of the Constitutional Court, the Supreme Court of Appeal, the divisions of the High Courts of South Africa and the superior courts of Botswana, Lesotho, Namibia and Zimbabwe. The reference to the court is in the letter or letters in the last parenthesis of the citation.
Example: *Holomisa v Argus Newspapers Ltd* [1996] 1 All SA 478 (W)
- BCLR** Butterworths Constitutional Law Reports: 1994-Current. Report judgments dealing with constitutional issues, particularly from the Constitutional Court.
Example: *S v Makwanyane and another* 1995 (6) BCLR 665 (CC)
- BLLR** Butterworths Labour Law Reports: 1994-. Current. Report judgments of the Labour Appeal Court and the Industrial Court.
Example: *Roberts and Another v OK Bazaars Ltd t/a Hyperama* [1994] 7 BLLR 1 (LAC)

- Buch** Buchanan's Reports. Cape Supreme Court. 1868-9;1873-9.
Example: *Mostert v The Master* (1878) 8 Buch 83
- Buch AC** Buchanan's Appeal Cases. Cape Appeal Court. 1880-6; 1904-10.
Example: *Kemp v Roper NO* (1886) 2 Buch AC 141.
- CPD** Reports of the Cape Provincial Division. Annual volumes. 1910-46.
Example: *Wilson v Wilson* 1943 CPD 352
- CTR** Cape Times Reports. Annual volumes. 1891-1910.
Example: *Solomon v Wolff* (1898) 8 CTR 184 (cite only if the case is not reported in SC).
- EDC** Reports of the Eastern Districts Courts of the Cape. Vols 1-5: 1880-7. Vols 6-19: 1891-1905. Thereafter annual volumes to 1909.
Example: *In re Estate of Barnes* (1880) 1 EDC 5.
- EDL** Reports of the Eastern Districts Local Division. Annual volumes. 1910-46.
Example: *Ex parte Francis* 1936 EDL 377.
- GWL** Reports of the Griqualand West Local Division. Volumes: 1910-17; 1918-23; 1924-6; thereafter annual volumes to 1946.
Example: *Ex parte Klein* 1938 GWL 11
- HCG** Reports of the High Court of Griqualand. There are ten volumes, each covering two or more years, as from 1882.
Example: *R v Nel* (1903) 9 HCG 286.
- Hertzog** Hertzog's Reports. High Court of the South African Republic 1893.
Example: *Bailey v Bailey* (1893) Hertzog 56
- ILR** Industrial Law Reports: 1980-Current. Report relevant judgments of the Constitutional Court, the Supreme Court of Appeal, the divisions of the High Courts of South Africa and the Industrial Court. Published in the *Industrial Law Journal (ILJ)*.
Example: *Metal and Allied Workers Union and another v A Mauchle (Pty) Ltd t/a Precision Tools* (1980) 1 ILJ 227 (IC)

- Kotzé** Kotzé's Reports. High Court of the Transvaal. 1877-81.
Example: *Ex parte De Hart* (1880) Kotzé 590
- Menz** Menzies' Reports - (sometimes referred to as M). Three volumes, covering reports of the Cape Supreme Court 1829-49. Cases arranged according to subject matter.
Example: *Barker v Barker* (1829) 1 Menz 265
- NLR** Natal Law Reports (New Series). Natal Supreme Court 1879-1932. Vol 1: 1879-80. Vol 2: 1880-1. Volumes thereafter corresponding to year to vol 50 (1929). Thereafter annual volumes with no number to 1932. (After 1932, NPD.)
Examples: *Bell v Ramsay* (1929) 50 NLR 265. *In re Hardwood Timber Co Ltd* 1932 NLR 312
- NPD** Reports of the Natal Provincial Division (and the Durban and Coast Local Division). Annual volumes. 1933-46.
Example: *Johnstone v Johnstone* 1941 NPD 279.
- Off Rep** Official Reports. (Sometimes referred to as OR.) Reports of the High Court of the South African Republic 1893-8. Six volumes, each covering a year. Original version in Dutch, but reference is usually made to the English translation.
Example: *African Banking Corporation v Goldbard* (1897) 4 Off Rep 402.
- OPD** Reports of the Orange Free State Provincial Division. Annual volumes. 1910-46.
Example: *Smith v Phillips* 1931 OPD 107
- ORC** Orange River Colony Reports. High Court of the Orange River Colony. Annual volumes. 1903-9.
Example: *Attwell v Botha* 1907 ORC 2
- PH** Prentice-Hall Weekly Legal Service. 1923-1995. After 1930 two volumes a year. Digest of decisions. Cases arranged according to subject-matter. Thus 'A' refers to mercantile law. The reference to the court in the last parenthesis is the same as with SA (below).
Example: *Ex parte Atkinson* 1943 (1) PH B11 (W).
- R & N** Rhodesia and Nyasaland Law Reports. 1956-64. Among the reports are those of the Federal Supreme Court (cited FC or FSC) and the High Court of Southern Rhodesia (cited SR). Annual volumes. 1956-64.
Example: *Smith v Smith* 1962 R and N 469 (FC)

- RLR** Rhodesia Law Reports. High Court of Southern Rhodesia and of Rhodesia, General and Appellate Divisions, and decisions of the Privy Council on appeal. Annual volumes. 1964-79.
Example: *R v Phineas* 1965 RLR 217 (A)
- Roscoe** Roscoe's Reports. Cape Supreme Court. Vol 1: 18617; vol 2: 1871-2; vol 3: 1877-8.
Example: *Domov v Hackett* (1871) 2 Roscoe 38
- SA** South African Law Reports 1947-Current. Initially published in four volumes per year, it now includes six volumes a year, two monthly issues making a volume. It covers decisions of the South African Constitutional Court, the Supreme Court of Appeal, the High Courts, the Labour Court, the Labour Appeal Court, the Competition Appeal Court, the Land Claims Court; the superior courts of Namibia, Zimbabwe and their predecessors; and the previously independent states of Transkei, Bophuthatswana, Ciskei and Venda. The reference to the court is in the letter or letters in the last parenthesis of the citation.
Example: *S v Soci* 1986 (2) SA 14 (A)
- SACR** South African Criminal Law Reports: 1990-. Current. Report judgments on criminal law and criminal procedure. No duplication with the SA Law Reports.
Example: *S v Maseko* 1990 (1) SACR 107 (A)
- SAR** Reports of the High Court of the South African Republic (Transvaal). Four volumes, covering 1881-92.
Example: *Fern Gold Mining Company v Tobias* (1890) 3 SAR 134
- SC** Cape Supreme Court Reports. 27 volumes. 1880-1910.
Example: *Tradesmen's Benefit Society v Du Preez* (1887) 5 SC 269
- Searle** Searle's Reports. Cape Supreme Court. Five volumes, covering 1850-67.
Example: *Muter's Executors y Jones* (1860) Searle 356
- SR** Reports of the High Court of Southern Rhodesia. 1899;1911-55. (Followed by R and N.)
Example: *Ex parte Low: In re Estate of Mangan* 1915 SR 147

- SWA** Reports of the High Court of South West Africa. Annual volumes. 1920-45. (No volume for 1946.) Thereafter taken up in **SA**.
Example: *Kehrmann v Weiss* 1935 SWA 33
- TH** Reports of the Witwatersrand High Court. Annual volumes. 1902-9.
Example: *Harrower v Harrower* 1909 TH 231
- TS** Reports of the Transvaal Supreme Court. Annual volumes 1902-9.
Example: *Hill v Hill* 1906 TS 101
- TPD** Reports of the Transvaal Provincial Division. Annual volumes 1910-46.
Example: *Hurwitz v Taylor* 1926 TPD 81
- WLD** Reports of the Witwatersrand Local Division. Annual volumes. 1910-46.
Example: *Ex parte Groth* 1927 WLD 303
- ZLR** Zimbabwe Law Reports. 1980-Current. (S) at the end of the citation stands for the Supreme Court of Zimbabwe (prior to 28 August 1981, it was the High Court of Zimbabwe, Appellate Division, cited as (A)).

NOTE: If a series of law reports (whether from South Africa or abroad) has volume numbers (as with the Cape SC), keep to the year of publication of the volume number as the indicated year of decision of the case, not the year in which judgment was delivered, unless (as with Menzies' Reports) the year of publication of the volumes bears no relationship to the judgments in it.

List of abbreviations indicating the court:⁴

After 1996 the following court names and abbreviations have been introduced:

Courts with the highest authority:

(CC) Constitutional Court (KH: Konstitusionele Hof)
(SCA) Supreme Court of Appeal⁵ (HHA: Hoogste Hof van Appèl)

⁴ These are the new court names and abbreviations introduced after 1996. Sometimes, however, the older forms are still used. There is also a difference between the way in which the Law reports abbreviate courts and the style of journals. We suggest you use the style as set out here. Note that the Afrikaans abbreviation is given right after the name of the court.

⁵ Sometimes this court is still referred to as the Appellate Division. We however suggest that the designation in the Constitution of the Republic of South Africa, 1996 (section 168) should be followed.

High Court of South Africa.⁶

- (C) Cape Provincial Division (K)
- (D) Durban and Coast Local Division (D)
- (E) Eastern Cape Division; prior to 28 June 1957, the Eastern Districts Local Division (E)
- (GW) Griqualand West Local Division (31 May 1910-30 April 1969; succeeded by the Northern Cape Division) (GW)
- (N) Natal Provincial Division (N)
- (NC) Northern Cape Division (from 1 May 1969) (NK)
- (O) Orange Free State Provincial Division (O)
- (SE) South-Eastern Cape Local Division (SO)
- (T) Transvaal Provincial Division (T)
- (W) Witwatersrand Local Division (W)

The divisions of the High Court were subsequently re-named in terms of the Renaming of High Courts Act 30 of 2008. The following abbreviations were adopted by the editors of the *South African Law Reports* to designate the re-named courts:

- (ECB) (Eastern Cape High Court, Bisho) [previously Ciskei High Court (Ck)]
- (ECG) Eastern Cape High Court, Grahamstown [previously Eastern Cape Provincial Division (E)]
- (ECM) Eastern Cape High Court, Mthatha [previously Transkei High Court (Tk)]
- (ECP) Eastern Cape High Court, Port Elisabeth [previously South Eastern Cape Local Division (SE)]
- (FB) Free State High Court, Bloemfontein [previously Orange Free State Provincial Division (O)]
- (KZD) KwaZulu Natal High Court, Durban (Durban and Coast Local Division) [previously Durban and Coast Local Division (D)]
- (KZP) KwaZulu Natal High Court, Pietermaritzburg [previously Natal Provincial Division (N)]
- (LT) Limpopo High Court, Thohoyandou [previously Venda High Court (V)]
- (GNP) North Gauteng High Court, Pretoria [previously Transvaal Provincial Division (T)]

6 Section 169 of the Constitution of the Republic of South Africa, 1996.

- (NWM) North West High Court, Mafikeng [previously Bophuthatswana High Court (B)]
- (NCK) Northern Cape High Court, Kimberley [previously Northern Cape Provincial Division (NC)]
- (GSJ) South Gauteng High Court, Johannesburg [previously Witwatersrand Local Division (W)]
- (WCC) Western Cape High Court, Cape Town [previously Cape Provincial Division (C)]

The names and abbreviations of the different courts may change from time to time. You need to follow the citation as the particular case was reported at that specific time in the law reports.

Other courts:

- (CAC) Competition Appeal Court
- (IC) Industrial Court
- (LCC) Land Claims Court
- (LAC) Labour Appeal Court

South West Africa/Namibia:

- (SWA) High Court of South West Africa until the coming into operation of the Supreme Court Act 59 of 1959; thereafter a 'provincial division' of the Supreme Court of South Africa, under the name of the South West Africa Division; from 1 January 1982 the independent Supreme Court of South West Africa until 1990 (2) and thereafter:
- (Nm) High Court of Namibia
- (NS) Supreme Court of Namibia

Zimbabwe:

- (FC) Supreme Court of the Federation of Rhodesia and Nyasaland 1955-63
- (R) High Court of Rhodesia, General Division, 1966-79
- (RA) High Court of Rhodesia, Appellate Division, 1966-79
- (SR) High Court of Southern Rhodesia, General Division, until Unilateral Declaration of Independence (UDI) in 1966
- (SRA) High Court of Southern Rhodesia, Appellate Division, until UDI in 1966

- (Z) High Court of Zimbabwe, General Division, after 1980 when the country was given this name, until 27 August 1981, thereafter the High Court of Zimbabwe
- (ZA) High Court of Zimbabwe, Appellate Division, during this period, then replaced by (ZS) - see below
- (ZR) High Court of Zimbabwe-Rhodesia, General Division, 1979-80
- (ZRA) High Court of Zimbabwe-Rhodesia, Appellate Division, 1979-80
- (ZS) Supreme Court of Zimbabwe from 28 August 1981

Independent States:

The previously independent states of Transkei, Bophuthatswana, Ciskei and Venda were cited as follows during their existence:

- (THC) High Court of Transkei from 1 August 1973 until independence on 26 October 1979
- (Tk) Supreme Court of Transkei thereafter, until 30 April 1979, and thereafter Supreme Court of Transkei, General Division
- (TkA) Supreme Court of Transkei, Appellate Division, from 1 May 1979
- (B) High Court of Bophuthatswana from 27 April 1977 until independence on 6 December; thereafter, until 3 October 1982, the Supreme Court of Bophuthatswana; thereafter the Supreme Court of Bophuthatswana, General Division
- (BA) Supreme Court of Bophuthatswana, Appellate Division, from 4 October 1982
- (Ck) High Court of Ciskei from 21 August 1981 until independence on 4 December 1981, and thereafter the Supreme Court of Ciskei
- (V) High Court of Venda from 1 July 1979 until independence on 13 September 1979, and thereafter the Supreme Court of Venda

5.2 Foreign countries

For a full guide to the law reports of England, Scotland, Ireland and the Commonwealth countries, see volume 1 of the fourth edition of Halsbury's *Laws of England* or volume 1 of *The Digest* (which used to be called *The English and Empire Digest*).

A very useful general guide to modes of citation of foreign law reports generally is Donald Raistrick *Index to Legal Citations and Abbreviations*.

Very often a volume of law reports from a country will indicate in its opening pages how it is to be cited. But sometimes you will have to scout around for the correct mode of citation of a case. Normally you will pick it up from a secondary source, such as a book or article.

5.3 International and regional case law

- a) The *PULP Guide* (see above) provides a number of websites and databases to access international and regional case law.
- b) The citation of international case law may in some instances be complex and there is not always a set form of reference. You need to decide on a method of citation and consistently keep to it. Your promoter will be able to assist you in this regard.

Examples:

The following are examples of references to international and regional case law:

Al-Adsani v United Kingdom (2002) 34 EHRR 11 [example of a judgment of the European Court of Human Rights]

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory 2004 ICJ Reports 136 [example of a judgment of the International Court of Justice]

Mike Campbell (Pvt) Ltd and Others v Republic of Zimbabwe (2/2007) [2008] SADCT 2 (28 November 2008) [example of a judgment of the SADC Tribunal]

Nationality Decrees in Tunis and Morocco PCIJ Series B No 4 (7 February 1923) [example of a judgment of the Permanent Court of International Justice]

6. Legislation

6.1 South Africa

- a) The **basic form** of reference is:

Patents Act 57 of 1978.

The **first time** where reference is made to an Act, the **full reference** is given in the text or in a footnote. After that an **abbreviated** form can be used, such as the Patents Act of 1978, the Patents Act 1978 or even (depending on whether the date has been established) the Patents Act or (exceptionally) the 1978 Act.

Do not refer to Act 57 of 1978 in place of the Patents Act 57 of 1978; indeed, do not use this mode of reference at all. If there are references in the text to only one specific Act, the later references - after the first full reference to the specific Act - are to the Act (note the capital A) or to an abbreviated form. If reference should be made to a whole series of different Acts, a list of the Acts should be supplied in a separate list. Please note that the Citation of Constitutional Laws Act 5 of 2005 provides that the **final Constitution** should always be referred to as Constitution of the Republic of South Africa, 1996. This is therefore an exception to the general rule. If an Act is referred to more than once, you can quote the full title once, for example, Patents Act 57 of 1978 and then add in brackets "(hereinafter referred to as the Act or the Patents Act)". This then makes it unnecessary to repeat the reference every time you refer to the Act.

- b) No commas or repetitions of the word Act should be used in a reference (such as the Patents Act, Act 57 of 1978).
- c) Acts are divided into **sections**. A section may be divided into **subsections**, a subsection into a **paragraph**, and a paragraph into **subparagraphs**. They run as follows: section 1; subsection (1); paragraph (a); subparagraph (i). Section, subsection, paragraph and subparagraph must each be spelt in full when it is the first word in a sentence; otherwise abbreviate as a rule as s (plural ss), subsec (plural subsecs), para (plural paras). For example: s 56(1) or subsec (1) of s 56, but not subs 56(I) which is illogical. If you wish to cite two or more subsections of a section, do it as follows: subsecs (1) and (4) of s 56, or s 56(1) and (4).
- d) **Provincial ordinances** are referred to in the same way as Acts, except that where necessary the first letter of the name of the province must be added in this way: the Town-planning and Townships Ordinance 25 of 1965 (G).
- e) In **subordinate legislation** (such as schedules to an Act or ordinances, proclamations, rules, regulations, and bylaws) and other material in the *Government Gazette* (abbreviation: GG) and similar official publications, the following is applicable:
 - (i) A schedule normally has paragraphs or items; and subparagraphs or subitems. Example Schedule 4 para 13 (2) (a) of the Income Tax Act 58 of 1962.
 - (ii) A proclamation (abbreviation: proc) has sections, subsections and paragraphs. Example: Proclamation 51 GG 3651 of 15 April 1983 (also see the explanation under (iii)). Within a sentence use Proc, thus:

By Proc 51 of 1983 certain substances were declared to be special nuclear material for the purposes of the Nuclear Energy Act of 1982.

- (iii) A *Government Gazette* is identified by way of different numbers on the first page. Some editions are regulation gazettes, some are extraordinary government gazettes, and some are ordinary editions. Regulation gazettes and extraordinary gazettes are numbered independently and apart from the successive numbering. For the purposes of quotation, these numbers, as well as the volume number given on the left-hand side under the title block of the first page of each *Government Gazette*, should be ignored. A specific *Government Gazette* is effectively identified with the aid of the date of publication and the ongoing numbering. These details are found on the first page of the relevant gazette right under the title block in the middle (date) and right-hand side (number). The complete example of reference is as follows:

Proclamation R138 *Government Gazette* 8331 of 6 August 1982.

- (iv) **Rules** are made under Acts. The subdivisions are subrules and paragraphs. Example:

Rule 57(2)(a) of the Uniform Rules of the Supreme Court.

- (v) **Regulations** (abbreviation: reg) are made under Acts and ordinances. The subdivisions are subregulations and paragraphs. Example:

Reg 5(2)(f) of the regulations in terms of s 22G of the Medicines and Related Substances Act 101 of 1965 (GN R553 GG 26304 of 30 April 2004). (GN stands for Government Notice.)

- (vi) **Bylaws** of local authorities have sections, subsections and paragraphs.

6.2 Foreign countries

Cite the name of the relevant legislation or subordinate legislation fully, and precisely follow the divisions found in the legislation. If uncertain, scout around for the correct mode of citation which you will normally pick up from a related secondary source, such as a book or article dealing with the legislation.

A few countries may be mentioned:

Zimbabwe: The Acts were last consolidated in 1974. Make sure that the reference is to that consolidation, and not the earlier one. An example before 1974 is s 2 of the Conventional Penalties Act ch 21; and after 1974, s 1 of the Electoral Act 14 of 1979.

United Kingdom: Up to 1962 the mode of citation referred to the regnal year and chapter (as c), with the monarch's name (the number in an arabic numeral), thus the Pilotage Act 1913 (2 and 3 Geo 5 c 31). (After the first reference, it is enough to speak of the Pilotage Act 1913 or even simply the Pilotage Act.) Since 1962 the monarch's name has been dropped, as in the Housing Act 1977 (c 48). (Often it is considered unnecessary to refer to the chapter.)

United States of America: In general statutes use sections, but § for the abbreviation, thus: § 20 (where we would say s 20). But a sentence starts as we would start: "Section 20 states..." For federal legislation, the full reference includes both the name of the Act, as well as its reference in the annotated statutes (the Sentencing Act of 1984 (18 USC § 3551)).

Germany and Switzerland: The codes are divided into sections, the § sign being used.

France and Italy: The codes are divided into articles. Thus: art 1156 Code Civil.

7. International and regional instruments/documents

a) The most important international and regional documents may be found on the official websites of international and regional organisations. The *PULP Guide* also provides Internet websites where international treaties and documents can be accessed.

b) The *United Nations Documents: Research Guide* on the official website of the United Nations (<http://www.un.org/Depts/dhl/resguide/>) gives an overview of the different types of documents and publications issued by the United Nations and provides guidance to researchers how to work with these documents.

c) The *United Nations Treaty Series (UNTS)* is also available on the official website of the United Nations (<http://treaties.un.org/Pages/UNTSONline.aspx?id=1>).

Example: Vienna Convention on the Law of Treaties (1155 UNTS 331).

d) *International Legal Materials (ILM)* is a bimonthly publication of the American Society of International Law and each issue *inter alia* contains the full texts of treaties, judicial and arbitral decisions and documents of international and regional organisations. This source is cited as a journal.

Example: International Covenant on Economic, Social and Cultural Rights 1966 (1967 (6) ILM 360)

- e) There are also some other useful works available that contain the texts of international and/or regional documents, for example:

Mtshaulana, PM, Dugard J and Botha N (eds) *Documents on International Law: Handbook for Law Students and Constitutional Lawyers* (Juta Kenwyn 1996)

Heyns C and Killander M (eds) *Compendium of Key Human Rights Documents of the African Union* 2nd ed (PULP Pretoria 2006)

If you consulted one of these works for the text of an international or regional document, you would provide the citation of the work containing the text as the source for the text of the document.

Example: For the text of the Constitutive Act of the African Union see Heyns and Killander *Human Rights Documents* 4-11.

- f) If an international or regional instrument or document is referred to more than once, you may quote the full title once, for example, Vienna Convention on the Law of Treaties 1969 (115 UNTS 331) and then add in brackets “(hereinafter the Vienna Convention)”. This then makes it unnecessary to repeat the reference every time you refer to the instrument or document.

Examples:

The following are examples of references to international and regional documents:

African Charter on Human and Peoples Rights (OAU Doc. CAB/LEG/67/3 rev.5; 1982 (21) ILM 58)

Convention on the Prevention and Punishment of the Crime of Genocide (GA Res 260 (III); 78 UNTS 277)

Draft Articles on the Responsibility of States for Internationally Wrongful Acts (*Report of the International Law Commission, General Assembly Official Records, 56th Session, Supplement 10 (A/56/10) 29 (2001)*)

5 FREQUENTLY ASKED QUESTIONS

We receive many calls from students asking the same questions over and over again. We have therefore decided to include these frequently asked questions in this tutorial letter. Please do not make an unnecessary telephone call asking one of the following questions:

5.1 **What is Tutorial Letter 101 (Tut101)?**

You will receive a Tut101 for every module for which you are registered. The Tut101 contains essential information such as information on administrative matters, assignment details such as submission dates and the actual assignment questions, as well as the prescribed sources for that specific module. **It is essential that you read carefully through the Tut101 for each module.**

5.2 **Are there assignments that I need to complete? Do I have to submit the assignments?**

Each module has at least two assignments that you need to complete and submit by the due date mentioned in your Tut101. Please check carefully under the assignment section of your Tut101 how many assignment(s) you need to complete, what kind of assignment(s) they are and what the submission date(s) are. **As explained in your Tut101, no extensions whatsoever will be granted for the submission of the assignments and you are requested not to apply for extensions under any circumstances.**

5.3 **Do I have to buy any prescribed textbooks? Can you recommend any further reading material?**

If you are required to buy any textbook(s) for your module, particulars will be given in the section 'Study material' in the Tut101. The same applies to recommended reading(s).

5.4 **What do I do if I experience problems with the content of the study material?**

Contact your tutor or one of the lecturers responsible for the module immediately. Please do not hesitate to contact us. You can **phone** any of the lecturer, **make an appointment to come and see us personally**, write a **letter** or send an **e-mail**. Tutors are available in person at Regional Learning Centres on most Saturday mornings. You need to register at the centre to attend tutorials.

5.5 **I have not yet received my study material. Can you send it to me?**

No, unfortunately **the study material is kept at a different department**. Please contact the Unisa Contact Centre at 0861 670 411 and ask whether the specific item has been despatched. If it has been despatched and you have not received it after a reasonable period of time, ask for another copy to be despatched.

You can also find your study material on *myUnisa*. Refer to your Tut101 on how to access *myUnisa*.

5.6 **When do classes start at Unisa?**

Unisa is a University that offers **distance learning** and is **not a residential University**. We do not, therefore, offer classes to our students on a daily basis. We do, however, offer tutorial classes on a weekly basis at Unisa Learning Centres throughout the country. Be wise and find out more about these tutorial classes! Refer to Tut101 for more information.

5.7 **Do I have group discussions (that is, visits from lecturers at various venues)?**

Information concerning group discussions for any module will be provided in Tut101, and/or follow up tutorial letters you will receive during the course of the semester. Group discussions will also be announced and scheduled on *myUnisa*.

5.8 **When and where am I writing the examination?**

Should you have any enquiries about the examination date, time and venue for (module code), please **contact** the **Unisa Contact Centre** at 0861 670 411 (RSA only), or +27 11 670 9000 (international calls). When you register, select an examine centre that is convenient to you. If you need to change venues, inform the Directorate: Student Assessment Administration in good time so that they can make provision for you at the other centre.

5.9 **When will the examination results be released?**

Please **contact** the **Unisa Contact Centre** at 0861 670 411 (RSA only), or +27 11 670 9000 (international calls).

5.10 **Where do I find my examination results?**

You will be able to obtain your results from the following places on the day on which the examination results are released:

- On **notice boards** on the Main Campus in Pretoria, as well as the regional offices/learning centres.
- On the **Internet** at <http://www.unisa.ac.za>.
- By calling the toll free number of the MTN Voice Response System: **083 1234**.

A hard copy of your official results will also be **posted** to you.

Please note that examination results may not be made available by e-mail or telephone.

5.11 **What do I do if I am not happy with my results?**

Refer to the **back page** of your **official results** (that you **will receive by post**) for the **different options**. Also, consult the brochure publication mySTUDIES@Unisa which you received as part of your study package.

5.12 **How do I apply for my examination script to be remarked or rechecked?**

You will find **all the information** with regard to the remarking or rechecking of examination scripts at the **back** of the **official results** that you will receive by **post**. You will also find the information in the brochure publication mySTUDIES@Unisa that you received as part of your study package.

5.13 **When do the supplementary examination/ aegrotat examinations take place?**

Please **contact** the **Unisa Contact Centre** at 0861 670 411 (RSA only), or +27 11 670 9000 (international calls).

5.14 **For which modules do I have to register next?**

Please refer to the brochure mySTUDIES@Unisa. If you require assistance, please contact the Directorate for Counselling, Career and Academic Development (DCCAD). Details are found in the brochure mySTUDIES@Unisa.

5.15 **What is *myUnisa*?**

The ***myUnisa*** learner management system is Unisa's new virtual campus that will help students to communicate with their lecturers, with other students and with the administrative departments of Unisa – all through the computer and the Internet.

To go to the ***myUnisa*** website, start at the main Unisa website, <http://www.unisa.ac.za>, and then click on the About ***myUnisa*** option listed under myUnisa on the screen. Here you will find more information about ***myUnisa*** and how to log onto ***myUnisa***.

Please consult the publication myATUDIES@Unisa which you received with your study material for more information on ***myUnisa***.

5.16 **What is satellite delivery?**

At Unisa, satellite transmission is used for the live presentation of lectures, tutorials or training programmes to learners using a television screen at Unisa regional centres. You will be informed by SMS about the satellite broadcasts for any modules for which you are registered.

5.17 **What is RPL?**

Recognition of prior learning (RPL) is the recognition by Unisa of any non-accredited learning of tertiary level related to a Unisa discipline which occurred before you decided to register for an academic qualification.

- The RPL programme at Unisa enables you to gain recognition and credit for what you already know and are able to do at a level equivalent to University study.
- You receive credit for what you have learned from experience, training courses, etc. For example, if you have worked as a police official for ten years, you will have learned a vast number of skills, such as how to effect an arrest, how to write a statement, how to negotiate. If you have started up and run your own successful business, you will be experienced in budgeting, stocktaking and preparing proposals for clients. If you have done research and written research reports, you could request credits in the field of research.

RPL makes it possible for you to earn credits towards a UNISA qualification, thereby shortening your study time, and decreasing your study fees.

Applications or enquiries can be directed to rpl@unisa.ac.za.

5.18 I want to transfer credits from another University. How do I do this?

Contact the Unisa Contact Centre at 0861 670 411 (nationally) or +27 11 670 9000 (internationally) or study-info@unisa.ac.za.

5.19 What can a tutor do for me?

See the brochure mySTUDIES@Unisa for details on tutorial services.

5.20 I want to work with other students. How can I do this?

The brochure mySTUDIES@Unisa contains information on study groups.

5.21 What can I do if I am not a confident reader or writer?

The Directorate Counselling, Career and Academic Development offers literacy support at many of the regional learning centres. They can also assist you to improve your study skills.

5.22 What if I have received a CD or DVD and I don't have the equipment to play it?

Many regional learning centres have computers that students may use. Regional offices can also give you details of Multi-Purpose Community Centres that might have equipment that you can use.

5.23 How much contact can I expect?

Distance education relies on independent self-study so your study package on its own should enable you to complete the module successfully. However, the University also offers some forms of contact besides letters, phone calls, e-mail or visits to lecturers in their offices. In some modules, lecturers visit various regions once a semester. Students are alerted to these visits in a tutorial letter. Many first-year modules offer tutorial classes once a week at regional learning centres.

Some modules use video-conferencing or satellite classes to regional centres that have these facilities. *myUnisa* offers discussion forums. The Directorate for Counselling, Career and Academic Development has counsellors, literacy centres, peer collaborative learning facilitators, etc. See further your brochure mySTUDIES@Unisa.

5.24 **Where can I obtain financial aid?**

Information on student funding can be obtained from 012 441 5463 (Sunnyside Campus), or 011 471 2027 (Florida Campus).

WE HOPE THAT YOU WILL ENJOY YOUR STUDIES AND WE WISH YOU EVERY SUCCESS

