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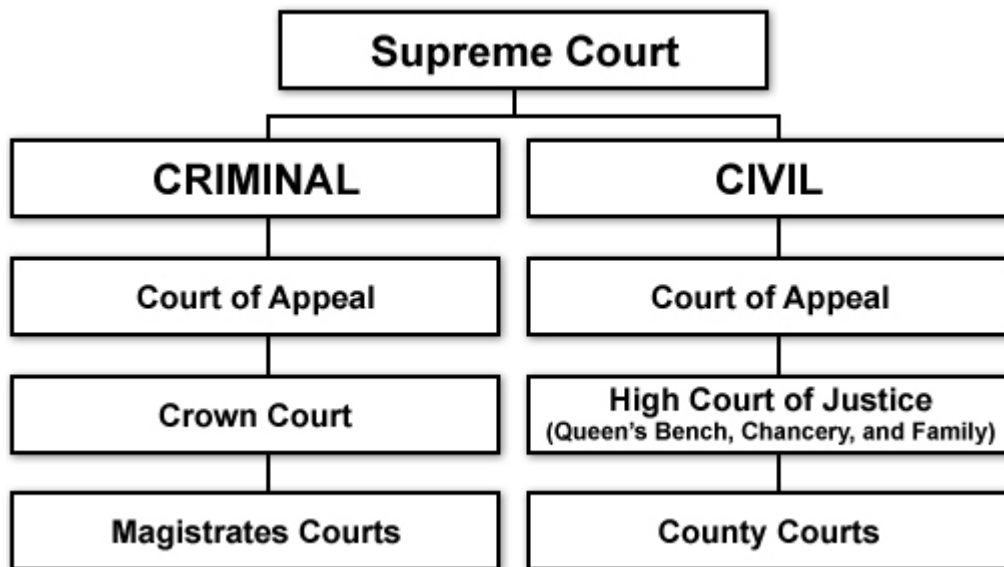
## I. INTRODUCTION

This research guide is an introduction to the basic legal materials of **modern English law** (see *English Legal History*, <https://law.duke.edu/lib/researchguides/englishlegal/>, for historical research). This research guide applies only to the law of England and Wales. Scotland and Northern Ireland have separate court systems, which, while similar, are not identical. This guide does not include information on European Community law, which may be binding on English courts. For guidance with researching EU law, see the European Union research guide (<https://law.duke.edu/lib/researchguides/europe/>). If you are beginning a comprehensive legal research project, refer to the sections of this guide that describe secondary sources first (e.g., sections IX through XI).

Some comparative notes to remember:

1. There is no written English constitution (i.e., there is no one single document called the constitution); “constitutional law” concerns issues such as the role of the state, the protection of individual rights, etc. (see e.g., Anthony King, *The British Constitution*, KD3989 .K56 2007 & online: <https://find.library.duke.edu/catalog/DUKE005340353>).
2. There is no official codification of English statutes.
3. Any statute passed by Parliament is by definition valid and not subject to review by the courts. Thus a statute’s “constitutionality” is not an issue a court can address; Parliament alone may act to change a law.

## II. STRUCTURE OF THE ENGLISH COURT SYSTEM



The chart above shows a simplified version of the English court system. The Appellate Committee of the House of Lords was the final court of appeal for civil and criminal cases from England and Wales until October 2009, when the **Supreme Court** (<https://www.supremecourt.uk/>) replaced it as the highest court in the United Kingdom.

The Court of Appeal in both its civil and criminal divisions has only appellate jurisdiction, while the High Court of Justice and the Crown Court have both appellate and original jurisdiction. They will hear on original jurisdiction civil and criminal cases considered too serious to be heard by either the Magistrate's Courts (criminal) or the County Courts (civil). *The English Legal Process*, 13th ed. (KD7111 .I53 2011) by Terence Ingman provides a detailed discussion of the organization and procedure of the courts.

## III. STATUTES

English statutes have never been officially codified. There are, however, unofficial publications that organize by subject the statutes currently in force. These are discussed below.

Airports Authority Act, 1965 (Eng.) is a typical statute cite. Until 1963, statutes were cited by regnal year rather than calendar year. Thus, you might see a citation such as 5 Eliz. 2, c.3, referring to the third act passed during the fifth year of Elizabeth II's reign. The *English Legal History* research guide (<https://law.duke.edu/lib/researchguides/englishlegal/>) will help you find older statutes.

Since 1831 Her Majesty's Stationery Office (H.M.S.O., now the Office of Public Sector Information) has published the official version of the statutes as *Public General Acts and*

**General Synod Measures** (KD124 .P83). The Law Library began receiving these in 1952. These are the equivalent of our session laws. They are compiled every year; before that they are available in slip law form. Access is through the *Index to the Statutes in Force*. **The Public General Statutes** and **The Public General Acts** (KD124 .P82), published by the Incorporated Council of Law Reporting, contain acts passed between 1866 and 1951 (both sets are marked *Law Reports: Statutes* on the spine). **Current Law Year Book** (KD296 .C82) also contains summaries of recent statutory developments, arranged by subject.

The official publication **Statutes in Force** (KD132 .S72 and in Microform) contains all statutes in force from 1235, in subject order along with their amendments. *Statutes in Force* has not been updated since 1992, and while it should not be used to look for current statutes, it is still useful for historical research. There is an index for each subject as well as a general index. The previous edition, **Statutes Revised**, 3rd ed. (KD130 .S72), contains legislation in force as of 1948.

*Index to the Statutes* (KD142.4 .I52), which covered the period 1235 to 1990 (when publication ceased), and *Chronological Table of the Statutes* (KD142.3 .C47), which covers the years 1235 to the present, are meant to be used with *Public General Acts and Measures* and *Statutes in Force*. The *Chronological Table of the Statutes* indicates repeals and amendments.

There are also several commercial versions of the statutes that are organized by subject. The best of these is **Halsbury's Statutes of England and Wales** (KD135 .H3 4th), currently in its fourth edition. It contains the text of virtually all English statutes still in force. It is annotated with case decisions, and statutory instruments (similar to regulations), and includes references to *Halsbury's Laws of England* (see below under Encyclopedias). It is updated between editions. *Halsbury's Statutes Citor* (KD135 .H35) and *Current Law Statute Citor* (KD296 .C8322) list repeals and amendments to statutes. *Current Law Statute Citor* includes citations to cases which have interpreted the legislation.

Public general acts currently in force are also on Lexis (UK Parliament Acts, Welsh Assembly Acts, and Scottish Parliament Acts) and Westlaw (United Kingdom Legislation: Statutes, Scots Legislation: Statutes). The Westlaw database United Kingdom Legislation Locator provides links to citing cases and secondary sources. Type the names of the above databases into the search bar in the relevant service to locate the source.

The National Archives maintains the official place of publication for **newly enacted legislation online** (<http://www.legislation.gov.uk/>). It contains all legislation from 1988 to the present day, as well as most pre-1988 primary (i.e. statutory) legislation. The "Search All Legislation" section at the right of the screen allows searching by title, year, number, and type of legislation. For Public General Acts, choose "UK Public General Acts" from the "Type" drop-down menu. Newly enacted legislation will typically appear in official form on the website within 24 hours or its publication in print.

*A Guide to the UK Legal System* provides advice on finding English legislation ([http://www.nyulawglobal.org/globalex/United\\_Kingdom.html](http://www.nyulawglobal.org/globalex/United_Kingdom.html)). *Craies on Legislation: A Practitioners' Guide to the Nature, Process, Effect and Interpretation of Legislation*, 9th ed. (KD691 .C73 2008) is a standard text on English statutes and statutory interpretation.

For the treatment of statutes in cases (beginning in 1947) check *Current Law Statute Citator* (KD296 .C831 through 1999, KD296 .C8322 through 2006) which also lists amendments to the statutes. Once you have selected and found a statute in Westlaw, to find related acts, cases, and secondary sources citing your statute, click on "Analysis." While Lexis doesn't have a comparable feature, searching in the case law or statutory databases with the name of the statute may lead to cases and other statutes that refer to your statute.

## IV. STATUTORY INSTRUMENTS

Parliament may delegate to another authority the power to make rules and regulations in an area where Parliamentary language is general. These rules have the force of law and are called statutory instruments. They may also be referred to as delegated, subordinate, or secondary legislation. (These instruments are similar to the federal regulations promulgated by executive departments and agencies of the U.S. Federal Government.) *Statutory Instruments* (KD166 .A3 through 2011) are published annually. The index to this set is the biennial *Index to Government Orders* (KD170 .I52 through 1991).

Halsbury also publishes cumulations of selected statutory instruments of general application in *Halsbury's Statutes Consolidated Table of Statutory Instruments* (KD173 .H33). Recent statutory instruments are summarized in *Current Law Year Book* (KD296 .C82). You can also find current general (not local) statutory instruments on Westlaw (United Kingdom Legislation: Statutory Instruments).

Statutory Instruments are available on the web beginning in 1988 (<http://www.legislation.gov.uk/>). In the "Search all Legislation" section at the right of the screen, choose "UK Statutory Instruments" from the drop-down menu under "Type."

## V. CASE LAW

### *Pre-1865 Law Reports*

English case reporting can be divided into two main periods, before and since 1865. Until 1865 there was no sanctioned reporter for English cases. Instead, commercial reporters published their own series, many of which consisted of only a few volumes, and which varied greatly in quality. The Goodson Law Library's *English Legal History* research guide

(<https://law.duke.edu/lib/researchguides/englishlegal/>) will help you find earlier cases, beginning in the Middle Ages.

### ***Law Reports since 1865***

In 1865 the Incorporated Council of Law Reporting was formed to produce a quasi-official version of reports, the ***Law Reports***. Originally there were eleven series of reports. Now, due to court reorganization, there are four series: Appeal Cases, Queen's Bench Division, Chancery Division and Family Division. You should cite cases to *Law Reports* (*Bluebook*, T2.42). Be aware that citations to these series refer only to the series abbreviation, and do not indicate that they are part of the *Law Reports* (e.g., *Weston v. Remington*, [1986] A.C. 135 is a citation to the Appeal Cases series of the *Law Reports*). Neither Lexis nor Westlaw have access to the *Law Reports*. Online access is available, however, to Duke affiliates through **ICLR Online** (<https://find.library.duke.edu/catalog/DUKE007459208>).

***Appeal Cases*** (KD275.4 .L38) includes the reports from the House of Lords, the Judicial Committee of the Privy Council (a special court which prepares advisory opinions for the Queen), and Peerage Cases. ***Queen's Bench Division*** (KD277.7 .L38) contains the cases decided in the Queen's Bench division of the High Court of Justice and appeals from there to the Court of Appeal, and cases in the criminal division of the Court of Appeal. (This set is called "King's Bench" when a king is on the throne of England.) The reporters from the ***Chancery*** (KD276.3 .L38) and ***Family*** (KD279.3 .L38) divisions contain cases in those courts and on appeal therefrom.

The ***Weekly Law Reports*** (KD282 .W33) is another series published by the Incorporated Council. Weekly advance sheets are cumulated into three bound volumes each year. The cases in volumes 2 and 3 are generally reprinted in the *Law Reports*. (The first volume of the *Weekly Law Reports* contains cases considered to be less important.) The *Weekly Law Reports* have the advantage of currency; it can take up to two years for a case to appear in the *Law Reports*.

Some reporter series other than the *Law Reports* were still published after 1865, including: *Law Journal Reports* (1822-1949) (KD288 .A22), *Times Law Reports* (1884-1952) (KD288 .A5) and *Law Times Reports* (1843-1947) (KD288 .A34). Currently only one set, ***All England Law Reports*** (1936- ) (KD288 .A64) is still published. This incorporates the *Law Journal Reports* and the *Law Times Reports*. It is not wholly duplicative of the *Law Reports* and its headnotes are considered to be more helpful than those in the *Law Reports*. Weekly advance sheets are also issued.

In addition to the general series of law reports, there are commercially published reporters containing cases in a specific subject area. Examples include *Criminal Appeal Reports* (KD7865 .A2 C7), *Lloyd's Law Reports* (KD1815 .A2 L56) and *Ryde's Ratings Cases* (KD5534 .A51). The online catalog will indicate whether the library receives a set of reports and its call number. Many English cases, including those from subject area reporters are available on Westlaw (United Kingdom Cases) and Lexis (All United Kingdom Cases).

English cases are also published on the web. **House of Lords cases** decided from 1996 - 2009 are available from its archive (<https://publications.parliament.uk/pa/ld/ldjudgmt.htm>), and the **Supreme Court** website provides information about pending and decided cases (<https://www.supremecourt.uk/index.html>). The **judiciary website** makes selected judgments available ([https://www.judiciary.uk/judgments/?filter\\_type=judgment](https://www.judiciary.uk/judgments/?filter_type=judgment)) as well as the **British and Irish Legal Information Institute** website (<http://www.bailii.org/>). The **Times Online** (<https://www.thetimes.co.uk/?region=global>) publishes legal news along with the full text of selected judgments.

## VI. DIGESTS

There are a number of English digests, but the most useful and comprehensive is *The Digest* (called *The English and Empire Digest* until 1981) (KD296 .E52 1971), which covers cases from the Yearbooks to the present. Cases are arranged in classified order under broad subject headings and then chronologically within each topic. Each case is assigned a number that can be used to trace the later treatment of that case (thereby allowing *The Digest* to be used as a citator). The digest's organization is similar to that of *Halsbury's Laws of England* (see below under Encyclopedias). Each volume has its own index and there is a two-volume general index of subjects and of words and phrases. The third (or green band) edition of *The Digest* is the most current. In some instances, an older case may not be in the current digest. You may find it by checking one of the older editions. Like its American counterparts, *The Digest* has Tables of Cases volumes allowing you to find a case if you know it by name and do not have a citation. It will refer you to the correct volume of *The Digest*, which will then provide the full citation for the case.

## VII. UPDATING CASES / CITATORS

To get information in Westlaw for English cases similar to that which you would find in *Shepard's* or KeyCite for U.S. cases, there are several paths that lead to the same result. After pulling a case, click on the blue "Analysis" link under the case name to get the appellate history as well as other citing documents. However, this feature is available only for cases in reporters included in the Westlaw databases. Lexis doesn't have a comparable feature, but once you have identified a case, you can try searching in the case databases with the name of the parties to find other cases that refer to your case. (Restricting the search by date will help to limit results to cases that followed your case.)

The closest print equivalent to *Shepard's* is the *Current Law Case Citator* (KD296 .C84 through 2006) which traces the subsequent history and treatment of cases since 1947 (note that cases are listed alphabetically, rather than by citation as in *Shepard's*). For the history and treatment of cases prior to 1947, check *The Digest* (KD296 .E52 1971). The article by Stephen E.

Young, *Shepardizing® English Law*, 90 Law Libr. J. 209 (1998) explains in detail how to use print citators for cases and statutes.

## VIII. TREATIES

British treaties and agreements of international effect (including unratified treaties) are published as **Command Papers**, all of which appear in *State Papers*, the bound volume of Parliamentary Papers for each session. Treaties are indexed in the monthly and annual lists of government publications of Her Majesty's Stationery Office (now the Office of Public Sector Information). Ratified treaties, and most of the agreements and exchanges of notes, are numbered within the *Treaty Series* (KZ635.3 .T74), in which a new numbering commences every year. The complete set of Command Papers is available at Perkins library. For more information on the Command Papers see the Perkins Library's *British Parliamentary Papers Research Guide* (<https://guides.library.duke.edu/parliamentary>).

## IX. ENCYCLOPEDIAS & DICTIONARIES

*Halsbury's Laws of England* (KD310 .H34 2008), currently in its fifth edition, contains many of the elements of the American law dictionary, encyclopedia, digest and treatise. It is a complete narrative statement on the law of England, which has been culled from many sources, including the ancient common law, case law, statutory law and instruments, European legislation and treaties. It is supplemented by monthly current service, annual supplements, new additional volumes and an annual abridgement volume (KD296 .H34). The arrangement of the set is under title headings in alphabetical order. Means of access is through an index volume. It is an excellent resource and a recommended starting point for any UK legal research project.

Two of the leading English legal dictionaries are *Stroud's Judicial Dictionary*, 9th ed. (Ref. KD313 .S925 2016) and *Jowitt's Dictionary of English Law*, 3rd ed. (Ref. KD313 .J69 2010). Both are supplemented and cite relevant statutes and cases for their definitions.

## X. LEGAL PERIODICALS

Many English law journals are indexed in the American journal indexes: *Index to Legal Periodicals*, *Current Law Index* and LegalTrac. From 1986-1994 the library received the *Legal Journals Index* (Reference Indexes), which indexes all British legal periodicals. This index is now available from 1986 to present on Westlaw. Issues of *Current Law* (KD296 .C82), both monthly and annual, also contain indexes to periodical articles. The library subscribes to most of the major English legal periodicals, and many are also available in Lexis and Westlaw.

## XI. TREATISES

The Library contains a large collection of English treatises. Most are classified under KD, and located on Level 1. To find books by subject in the online catalog, search by subject using the topic name followed by the subdivision “*Great Britain*” (e.g., *contracts great britain*).

The Library has a number of basic texts explaining the English legal system, including:

- Fiona Cownie, et al., *English Legal System in Context*, 5th ed. (KD7100 .C69 2010) (the 6th edition (KD660 .C69 2013) is available through our TRLN shared print collection).
- Catherine Elliott and Frances Quinn, *English Legal System*, 11th ed. (KD662. E45 2010).
- Gary Slapper & David Kelly, *English Legal System*, 10th ed. (KD661 .S58 2011).
- Richard Ward & Amanda Wragg, *Walker & Walker’s English Legal System*, 9th ed. (KD660 .W34 2005).

## XII. CITATION FORM / ABBREVIATIONS

Rules governing citation form for English materials are found in *The Bluebook: A Uniform System of Citation* at rule 20.3.1 (common law cases), 20.5.1 (statutes in common law systems), and in Table 2 (T2.42). A typical statute cite looks like this: Airports Authority Act, 1965, c.16 (Eng.).

A typical case citation might look like:

- *Smith v. Weston*, (1987) 2 Q.B. 135 (if there were more than one volume of Queen’s Bench reports for 1987); or:
- *Weston v. Remington*, [1986] A.C. 135 (if there were only one volume of Appeal Cases for 1986).

There are several resources that explain how to cite British materials in accordance with UK conventions. *The Oxford Standard Citation of Legal Authorities (OSCOLA)* (<https://www.law.ox.ac.uk/research-subject-groups/publications/oscola>) produced by the Oxford Law Faculty in consultation with academic law publishers, is the UK resource which most closely resembles the *Bluebook*. Other useful titles include Derek French, *How to Cite Legal Authorities* (Ref. KD400.F73 1996) (which has lists of abbreviations and regnal years), and *Manual of Legal Citations* (Ref. KD400 .M36 1960).

Sources for abbreviations include Donald Raistrick, *Index to Legal Citations and Abbreviations*, 4th ed. (Ref. KD400 .R35 2013); *How To Cite Legal Authorities* (Ref. KD400.F73 1996); and *The Cardiff Index to Legal Abbreviations* (<http://www.legalabbrevs.cardiff.ac.uk/>).



### XIII. RESEARCH GUIDES

Guy Holborn, *Butterworths Legal Research Guide*, 2d ed. (Ref. KD392 .H64 2001).

This very useful guide to legal research includes a section on Internet resources.

Sarah Carter, *A Guide to the UK Legal System* [Update by Hester Swift]

([http://www.nyulawglobal.org/globalex/United\\_Kingdom.html](http://www.nyulawglobal.org/globalex/United_Kingdom.html)).

This website has information about both print and electronic resources.

John Knowles and Philip A. Thomas, *Effective Legal Research* (Ref. KD 392 .T484 2006).

This book gives very clear and detailed descriptions of English legal materials and how to use and cite them.

**LawBore.Net** (<http://lawbore.net/>)

This is a subject-orientated legal portal designed to make Internet research easier for students.

Glanville Williams, *Learning the Law*, 13th ed. (KD442 .W54 2006).

This text introduces students to legal research and other skills needed to study the law.

### XIV. ENGLISH LAW ON THE WEB

Apart from the specific sites mentioned above, there are websites with links to many sources for English legal materials. Two of the best are *Lawlinks: Legal Information on the Internet* from the University of Kent at Canterbury (<https://www.kent.ac.uk/library/subjects/lawlinks/>) and the **British and Irish Legal Information Institute** website (<http://www.bailii.org/>).

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