



**IIE LAW STYLE GUIDELINES AND LEGAL REFERENCING
2019**

Updated January 2019

**Read and applied in accordance with the IIE's Intellectual Integrity policy
IIE023**

1. INTRODUCTION

- 1.1 These style guidelines have been developed to ensure uniformity in respect of “look and feel” in all law modules on any qualification offered by the IIE.
- 1.2 This style guide must be followed in respect of all **law modules** by developers, students, lecturers, editors, etc.
- 1.3 Law students must also follow these style guidelines in all assignments unless the context indicates otherwise for all “pure law” modules. The normal IIE style guidelines are to be used for all other modules in the degree, e.g. Business Management, Economics, etc.
- 1.4 These guidelines apply to the text and footnotes, unless otherwise indicated.
- 1.5 Footnotes are therefore to be applied in law subjects: Sortkutkey: Ctrl+alt+f.
- 1.6 There **must** be both footnotes in the assignment itself AND a bibliography on the last page of such assignment to prevent being called for plagiarism.
- 1.7 An example of an assignment answer to serve as a guideline as to what the referencing should look like:

Section 10 of the Constitution of the Republic of South Africa, 1996 (the Constitution) provides for the right to dignity.¹

In the matter of *S v Makwanyane*² (the *Makwanyane* case or matter) the concern was whether “everyone” has the absolute right to dignity.

When referring to the principle of *huur gaat voor koop*, the Constitutional Court had to decide in the matter of *Abner v Pretorius*³ “if the owner of the property’s constitutional right to property may be limited due to him or her not upholding their contractual obligations of paying rent as agreed.”⁴

Therefore, by considering what was decided in the *Makwanyane* case, everyone has a right to be protected, however not every right is absolute and therefore not without limitations.⁵

Van der Merwe, Roos, Pistorius, Eiselen, & Nel⁶ (*Van der Merwe et al*) provide an explanation of the limitation clause by providing that “everyone may have the right to equality, dignity and fairness, however you will almost certainly always have an opposing right which should also be taken into consideration.”⁷ This can be seen in legislation such as the Labour Relations Act⁸ (the LRA) which provides for the right to strike,⁹ but such strike will only be protected should the trade union or employees have followed the correct procedure: should this procedure not have been followed, the employer may dismiss such employees.¹⁰

In a more recent report in the Mail and Guardian,¹¹ the parameters of the limitation clause was questioned when reporting on the use of the internet during one’s lunch hour at work. In this article the question was asked by weighing up the right to privacy against the employer’s right to its property rights to the office equipment, which includes the internet sources and computers.¹²

¹ Section 9(1) of the Constitution of South Africa, 1996 (the Constitution), also referred to as equality clause, states: “Everyone is equal before the law and has the right to equal protection and benefit of the law”.

² *S v Makwanyane* 1974 (4) SA 674 (W) (the *Makwanyane* case or matter).

³ *Abner v Pretorius* 2002 (1) SA 396 (CC) (the *Abner* case or matter).

⁴ *Abner* case: 108A-B.

⁵ The *Makwanyane* case at 689B-D refers to the limitation clause, being s 36 of the Constitution. Section 36 of the Constitution provides that rights may be limited by applying the test which concerns ...

⁶ Van der Merwe, DP. Roos, A. Pistorius, T. Eiselen, GTS. & Nel, SS. *Information and Communications Technology Law* 2nd ed (2016) LexisNexis: Cape Town (hereinafter *Van Der Merwe et al*).

⁷ Van Der Merwe *et al* 134.

⁸ Labour Relations Act 66 of 1994 (the LRA).

⁹ The LRA s 64.

¹⁰ The LRA s 64.

¹¹ Mail and Guardian, *Misuse of employer resources during office hours: are you allowed to FB or not?* 12 January 2018 <http://www.hrpulse.co.za/editors->

[pick/235422- Misuse of employer resources during office hours: are you allowed to FB or not?](http://www.hrpulse.co.za/editors-pick/235422- Misuse of employer resources during office hours: are you allowed to FB or not?) (accessed 11 April 2018) (Mail and Guardian, 2018)

¹² Mail and Guardian, 2018.

1.8 An example of a bibliography:

BIBLIOGRAPHY

Legislation

Constitution of South Africa, 1996

Labour Relations Act 66 of 1994.

Cases

S v Makwanyane 1974 (4) SA 674 (W).

Abner v Pretorius 2002 (1) SA 396 (CC).

Text books

Van der Merwe, DP. Roos, A. Pistorius, T. Eiselen, GTS. & Nel, SS. *Information and Communications Technology Law* 2nd ed (2016) LexisNexis: Cape Town.

Internet sources

Mail and Guardian, *Misuse of employer resources during office hours: are you allowed to FB or not?* <http://www.hrpulse.co.za/editors-pick/235422- Misuse of employer resources during office hours: are you allowed to FB or not?> (accessed 11 April 2018).

2. GENERAL INFORMATION

2.1 SPELLING

- 2.1.1 Use UK/SA spelling where possible. This means that words ought to be spelt with an “s” as opposed to a “z” where appropriate. For example, cognisance as opposed to cognizance; realisation as opposed to realization, etc. The **only exception** to this rule is in the case of technology/IT law; it is standard across the globe to use American spelling, e.g. program as opposed to programme, email as opposed to e-mail, etc.
- 2.1.2 Where appropriate “u” must be used after an “o”. For example, favour instead of favor; colour instead of color, which is American spelling.
- 2.1.3 Programme ends with “me” (as afore stated) unless one refers to a computer program in which case the American spelling has been

adopted as the norm. This rule applies to almost all words related to technology.

- 2.1.3 Only use capitalisation in the middle of a sentence if it is customary to do so, e.g. High Court of South Africa; Bill of Rights, etc.
- 2.1.4 “Law” is not to be capitalised in the middle of a sentence unless it is absolutely necessary.
- 2.1.5 Names in general are not capitalised e.g. the high courts, but the High Court of Johannesburg refers to a specific institution.
- 2.1.6 When referring to legislation in general, it is not capitalised e.g. the legislator had an act in mind to resolve... But the Act refers to a specific statute which may be the Labour Relations Act.
- 2.1.7 Lowercase is used for “state” and “parliament”.
- 2.1.8 Where possible, use gender neutral language. If it is not possible, use she/he, s/he, her/his, etc.
- 2.1.9 When referring to a juristic person refer use “it” e.g. The employer applied the rule it distributed to its employees....
- 2.1.10 The Constitution of the Republic of South Africa, 1996 does not have an act number.
- 2.1.11 “Section” is only written out if it is at the beginning of a sentence. If it is in the middle of a sentence, you may use “s”; plural “ss”; articles: art or arts; foot notes: fn.
- 2.1.12 Remember the paragraph reference is always in italics; e.g. s 1(2)(d).
- 2.1.13 In all assessments the name of the applicable piece of legislation must be written out in full each time that you use it in a different question.
- 2.1.14 Where more than one paragraph is referred to: paras. 27-31.
- 2.1.15 Quotation marks must be avoided and used sparingly. Quotes must be accurate (all editing must be copied exactly as is in the original source); use double quotation marks (“...”).
- 2.1.16 Quotations shorter than three lines are not indented.
- 2.1.17 Should words need be removed three dots are to be used e.g. “... the rule of law provides for...”.
- 2.1.18 Do not write in the first person and do not use emotional words e.g. My opinion is that I like this case’s outcome because the judge used good English.

2.2 NUMBERS

- 2.2.1 When a monetary amount is written, there is no space between the “R” and the first numeral. For example, R100.
- 2.2.2 Leave a space between every thousand, e.g. R1 000 000.
- 2.2.3 Please use hard spaces between the numerals by pressing shift+ctrl+space bar simultaneously.

- 2.2.4 Do not use or indicate cents, e.g. R100.00 should read R100 unless it is crucial to indicate cents, in which case it should read R100.45.
- 2.2.5 If a student is required to do any calculation, e.g. averaging, please use whole numbers and not cents.

2.3 ABBREVIATIONS

- 2.3.1 Standard abbreviations may be used without having to write out the full word/phrase initially.
- 2.3.2 Use full stops sparingly unless the standard English abbreviation requires a full stop.
- 2.3.3 For non-standard abbreviations the word/phrase must be written out in full the first time in a chapter or learning unit where after the abbreviation may be used if given in brackets. For example, Labour Relations Act 66 of 1995 (LRA).
- 2.3.4 Some of the common abbreviations that are used include:

AJ	Acting Judge
AJA	Acting Judge of Appeal
CJ	Chief Justice
ch	Chapter
ed	Edition/editor
GG	Government Gazette
GN	Government Notice
J	Judge
JA	Judge of Appeal
JP	Judge President
n	Footnote
para	Paragraph
Proc	Proclamation
Reg	Regulation
s	Section/s

2.4 ACRONYMS

- 2.4.1 The first time that an acronym is used in a chapter or learning unit it must be written out in full where after the acronym may be used, e.g. the South African National Blood Services (SABS) ...
- 2.4.2 If the acronym is pronounced as a word, the first letter is capitalised, and the rest of the letters are in lower case, e.g. Unisa. If, however, the letters

of the acronym are pronounced separately, e.g. SANBS, the acronym is written in capital letters in full without full stops.

2.5 APOSTROPHES

- 2.5.1 An apostrophe denotes possession. As such when the plural of a term is used, no apostrophe is used. For example, DVDs (correct) as opposed to DVD's (incorrect).
- 2.5.2 If the word ends on an "s", the apostrophe is used after the "s", e.g. Jo Smiths' words ... and not Jo Smiths's words ...

2.6 DATES

- 2.6.1 Use the traditional South African method – day, month, year and not the American method (month, day, year). So, dates are written as follows: 11 March 2017. Where necessary make use of hard returns.
- 2.6.2 The American method may only be used if the use thereof has become the norm, e.g. 9/11, which refers to 11 September.

2.7 EMPHASIS

- 2.7.1 In today's electronic environment underlining denotes **hyperlinks only**.
- 2.7.2 Prior to the advent of personal computers, lawyers used to underline for foreign words, which are now typed in italics, or emphasis. However, as one is able to use italics or bold on the computer, **no** underlining is to be used, unless you put in a hyperlink.
- 2.7.3 For emphasis, use **bold**.

2.8 FOREIGN WORDS/PHRASES

- 2.8.1 All foreign words/phrases which are not common to, or which have not been adopted into, colloquial English need to be italicised, e.g. *pro non scripto*, *supra*, etc.
- 2.8.2 When foreign words/phrases are used in a heading or section that is already in italics, these words/phrases should be changed to normal font.
- 2.8.3 Numbers zero to ten are always written out and numerals are not used. Numerals are used from 11 and more.
- 2.8.4 Only use capitalisation in the middle of a sentence if it is customary to do so, e.g. High Court of South Africa; Bill of Rights, etc.

- 2.8.5 “Law” is not to be capitalised in the middle of a sentence unless it is absolutely necessary.
- 2.8.6 Only use generally accepted abbreviations, including Latin abbreviations (e.g. *id.*) where necessary.
- (i) Generally full stops are only used in abbreviations if the letter of the abbreviation is not the same as the last letter of the word that has been abbreviated. In the latter case, one does not use a full stop. So, for example, *id.* ends with a full stop, as *ibidem* does not end on a “b” as with the abbreviation. So too does *ibid.*
- (ii) One may, however, use abbreviations of Acts, terms/phrases commonly used in law.
- 2.8.7 Where possible, use gender neutral language. If it is not possible, use she/he, s/he, her/his, etc.
- 2.8.8 Note that when a source reference is referred to more than once, the style in this document for that source e.g. case law or legislation should be maintained and therefore no use of “*ibid*”, “*infra*” or “*supra*”.

2.9 QUOTATIONS AND QUOTATION MARKS

- 2.9.1 Double quotation marks (“...”) should be used, except where a quotation within a quote is made.
- 2.9.2 Where a sentence or paragraph is not quoted in full, every omitted part, regardless of its length, are indicated by three dots.
- 2.9.3 Changes and insertions in quotes are indicated by means of block brackets, for example “[l]n...; “there [has to] ...”
- 2.9.4 No more than 10% of the assignment may consist out of direct quotes.
- 2.9.5 Quotations must be used sparingly.

5. REFERRING TO CASE LAW, BOOKS, DISSERTATIONS

5.1 GENERAL

- 5.1.1 Shortcut key: **ctrl+alt+f** to create footnotes.

5.1.2 FOOTNOTES

- 5.1.2.1 The footnote is always inserted after the punctuation; never before. The footnote number is also always in normal font, i.e. not in bold, italics, etc.
- 5.1.2.2 Footnotes always start with a capital letter and end with a full stop.
- 5.1.2.3 Where possible and appropriate, use abbreviations.
- 5.1.2.4 If one refers to multiple sources, use a semi-colon between the sources.

- 5.1.2.5 The abbreviation or shortened reference of the case, article, textbook etc. must be placed in brackets **after** the full citation/reference but **before** the page number to which one is referring. For example: Van der Merwe, DP. Roos, A. Pistorius, T. Eiselen, GTS. & Nel, SS. *Information and Communications Technology Law* 2nd ed (2016) LexisNexis: Cape Town (hereinafter Van Der Merwe *et al*) 134; *S v Makwanyane* 1974 (4) SA 674 (W) (the *Makwanyane* case or matter).
- 5.1.2.6 **Never** include “p”; “pp”; “pg.”, etc. or an “on” before the page number.

5.2 CASE LAW

- 5.2.1 The names of the parties must be italicised, and the rest of the citation must be in normal font.
- 5.2.2 All cases must contain the full citation in the footnote only.
- 5.2.3 When referring to a paragraph in a case: *Standard Bank v Neugarten* 1987 3 SA 695 W:703 C-D.

5.2.4 Unreported case law

- 5.2.4.1 Whether in the text, in a footnote or as a heading of a case discussion: *Berdene v Potgieter* case no 49/9(C) (unreported); or if the case number is not available, but the date upon which the judgment was delivered is, *Berdene v Potgieter* 15-01-2018 (C) (unreported).
- 5.2.4.2 Subsequent references to case law may be, for example: In the *Cohen* case ...

5.3 LEGISLATION

- 5.3.1 Constitution of the Republic of South Africa, 1996 (no act number for the Constitution).
- 5.3.2 When you use the name of an Act more than once in a text, put the abbreviation in brackets after the first use of the name of the Act, e.g. Employment Equity Act 55 of 1998 (EEA).
- 5.3.3 In the event that there are two Acts that have the same names, but different numbers/dates, you can make reference as follows: Labour Relations Act 28 of 1956 (1956 Act; or Labour Relations Act, 1956) and Labour Relations Act 66 of 1995 (1995 Act; or Labour Relations, 1995).
- 5.3.4 Avoid using “the Act” as reference. The use hereof is particularly confusing when one refers to more than one Act in a particular document.

- 5.3.5 The word “Section” is only written out if it is at the beginning of a sentence. If it is in the middle of a sentence, you may use “s”. (Remember the paragraph reference is always in italics; e.g. s 1(2)(d)).

5.4 OTHER NOTICES

Government notices

G41488 GeN121 No R 121, 2018 (9 March 2018).

Regulations

Trade Mark Regulations – GN R578/95 (Trade Marks Act 194 of 1993)
(Published in Government Gazette 16373 of 21 April 1995)

5.5 OLD AUTHORITIES

- 5.5.1 Accepted usages should be followed, whenever possible. Where no fixed conventions exist, older authorities are to be cited like any modern book.

Examples

D 9 2 5 3, D 9 2 27 pr I 2 1 31 C 10 15 Nov 134 9

De Groot Inl 3 32 7 De Groot De Jure Belli ac Pacis 2 10 2 1

Voet 47 1 2

Groenewegen De Leg Abr 4 10

5.6 ARTICLES

- 5.6.1 Use the abbreviation for a journal, if there is one.
5.6.2 Surname, initial/s, name of article (in italics), standard journal reference

Examples:

Sun, H *Copyright law under siege: An inquiry into the legitimacy of copyright protection in the context of the global divide* IRIPCL 2005 (2) 192-213

Van der Merwe, D *Computer crime* 1983 Obiter 124

Tzanou, D *Data protection as a fundamental right to privacy? ‘Reconstructing’ a not so new right* 2013 IDPL 88.

- 5.6.3 Electronic journals are cited the same as ordinary journals, for example:
Svantesson, D *Jurisdictional issues in cyberspace* CLSR 17 (2001) 318-326

5.7 SOUTH AFRICAN LAW REFORM COMMISSION

- 5.7.1 Official publications and SA Law Reform Commission Reports as far as possible follow the conventions applying to books. If a report has a number, the number should be used instead of the date.
- 5.7.2 Examples
 South African Law Reform Commission Report: Activities of the South African Law Reform Commission 2016/2017 (full reference)
 Activities of the South African Law Reform Commission 2016/2017 (abridged reference)

5.8 TEXT BOOKS

- 5.8.1 The first time a reference is made to a textbook text, refer to all the authors, and then followed by the first author's surname in brackets and *et al* Van der Merwe, DP. Roos, A. Pistorius, T. Eiselen, GTS. & Nel, SS. *Information and Communications Technology Law* 2nd ed (2016) LexisNexis: Cape Town (hereinafter Van Der Merwe *et al*).
- 5.8.2 Where there are a number of authors with an editor
 McGregor, M & Dekker, A (Eds) Budeli-Nemakonde, M Germishuys-Burchel, W Manamela, ME Manamela TE Tshoose CI *Labour law rules!* (2017) 3rd ed Siber Ink: Cape Town. Should it be used more than once, then add (McGregor *et al*), and thereafter use McGregor *et al* states that...
- 5.8.3 Where there are a number of authors without an editor
 Nagel, CJ. Eiselen, GTS. & Nel, SS *Commercial Law* (2015) 5th ed LexisNexis: Durban
- 5.8.4 Where there are two authors
 Papadopoulos, S & Snail, S *Cyber Law: the law of the internet in South Africa* 3rd ed Van Schaik Publishers: Pretoria (2012).

5.9 LOOSE-LEAF EDITIONS

- 5.9.1 Surname and initials/s of author/s or editor/s; title (in italics) Vol; at most recent service number (in brackets); pinpoint/page/para, for example:
 Bourke, JP *Bourke's Criminal Law* Victoria Vol 1 (at Service 95) [3.120].
- 5.9.2 In an online loose-leaf edition service, the same format as above is followed, save that there is no Vol applicable, for example:
Lawyers Practice Manual Thomson Reuters Victoria (at March 2010) [1.1.401].

5.10 WEB RESOURCES

- 5.10.1 Surname and initial/s of author/s; full title of the document (in italics); date; the title of the web resource (website, blog, etc.) on which the document appears; date; URL; date accessed in brackets.

Example:

Israelstam, *Unpleasant CCMA surprise for employers*
<http://www.hrpulse.co.za/editors-pick/235422-unpleasant-ccma-surprises-for-employers> (accessed 12 December 2017).

- 5.10.2 There is no such author as “anon” – type the institution’s name as the author.

5.11 ARTICLES IN PRINTED OR ONLINE MEDIA

- 5.11.1 Articles in printed media, e.g. newspaper and magazine articles, as far as possible follow the conventions applying to journal articles. However, the names of newspapers and popular magazines are not abbreviated (unlike in the case of standard abbreviations of journal articles).
- 5.11.2 When a statement in the text must be supported by data from a newspaper report, only the following particulars should be furnished in the footnote: Mail & Guardian (2018-04-12) 4.

Example:

Allison, S Bono’s charity admits to ‘toxic’ bullying at South Africa office (12 March 2018) Mail and Guardian <https://mg.co.za/article/2018-03-12-bonos-charity-admits-to-toxic-bullying-at-south-africa-office> (accessed 13 March 2018).

6 REFERENCE LIST/BIBLIOGRAPHY

- 6.1 The order of headings must be as follows:
Legislation; cases; loose-leave editions; articles, books, chapters in books and journals, theses and internet sources.
- 6.2 List all sources under the headings alphabetically.
- 6.3 Reference list/bibliography to be on the last separate page **only**.

7 HEADINGS, SUBSECTIONS AND NUMBERING

7.1 Sections and subsections are numbered as follows:

1	INTRODUCTION
2	APPLICATION OF THE <i>HUUR GAAT VOOR KOOP</i> PRINCIPLE
2 1	Introduction
2 2 1	<i>Historical Background</i>
2 2 1 1	Common Law Position
2 2 1 2	Statutory Position
	a South African Position: Brief History
	b South African Position: Current Events
	i The <i>Labour Relations Act</i> 66 of 1996
	ii The <i>Amended Labour Relations Act</i> ...

7.2 The initial letter of all the words in the headings and subheadings is in uppercase except in the case of conjunctive words.

7.3 Headings and subheadings are in bold and; sub-subheadings italics but not bold.

7.4 Headings are all in uppercase.

8 EDITING

1. Arial font.
2. Size: 11.
3. Line spacing 1.15.