

Topical Research Guide: United Kingdom Law

The Osgoode Hall Law School Library has a significant number of the United Kingdom legal materials in its collection. Canadian common law is rooted in English law, as evidenced by the ultimate appeal from the Supreme Court of Canada to the Judicial Committee of the Privy Council in England which existed prior to 1949, and by the formal reception of English law by each province entering Confederation. Many of the landmark cases still cited by Canadian courts today are English cases. Today English law is not binding, but it is still persuasive in Canadian courts, particularly in the absence of any Canadian primary legal sources.

This research guide attempts to identify and help users locate the core materials needed for researching United Kingdom law.

Secondary Legal Resources

Textbooks

A good starting point for legal research can be the library catalogue <http://www.library.yorku.ca/> for references to textbooks on your topic. Do a keyword search to identify titles of textbooks on your topic.

Although never binding in court, some textbooks are written by scholars of outstanding reputation and prestige, and consequently engender considerable judicial respect. Such textbooks include certain core British titles such as *Chitty on Contracts*, or *Salmond and Heuston on the Law of Torts*.

Legal Dictionaries

The following dictionaries are available in the Law Library collection:

1. *Osborn's Concise Law dictionary* [KF 156 O8 2009](#)
2. *Mozley & Whiteley's Law dictionary* [KF 156 M6 2001](#)
3. *Jowitt's Dictionary of English Law* [KF 156 J77 1977](#)
4. *The New Oxford Companion to Law* [K48 W34 2008](#)
5. *Stroud's Judicial Dictionary of Words and Phrases* [KF 156 S8 2000](#)

Legal Journals

Law journals are good sources of information since academics, lawyers or other experts in their field usually write the journal articles. An easy way to find relevant journal articles is to search an index of legal periodicals, which usually allows you to search by subject, author or title. By searching various legal periodical indexes, you can find citations to full-text articles, case comments and book reviews. A relevant full-text journal article can in turn lead you to other significant sources included in its

bibliography and footnotes. A number of British journals are available in the following online databases:

- HeinOnline
- LexisNexis Academic (York University campus wide access)
- LexisNexis/Quicklaw (subscription for Osgoode Hall Law faculty and students only)

These databases can be accessed from the [Law Library Research Databases](#) page.

Legal Journals Index

The following indexes contain articles on British legal topics:

- Agis Plus Text
- LegalTrac
- Index to Legal Periodicals

They can all be accessed from the [Law Library Research Databases](#) page.

There is the *Legal Journals Index* available as the LJI database via Westlaw (to Osgoode faculty and students only). This journal index covers all journal titles that are published in the United Kingdom that frequently contain articles on legal topics.

Legal Encyclopedias

Legal encyclopedias are a useful starting point for research. They provide a good overview of the law by organizing the law into manageable topics, and they include references to relevant primary sources of law.

- **Halsbury's Law of England (Dig E25)**

Halsbury's Laws of England is the classic English legal encyclopedia. It summarizes the law in essay form with citations to supporting statutes and cases in footnotes. The current edition is the 4th, and was completed in 1986, although some of the volumes have since been reissued. There is a "Consolidated Table of Statutes" in volume 53, a "Consolidated Table of Cases" in volume 54, and a "Consolidated Index" in volumes 55, 56 and 57 of the edition. Volume 57 also includes "Words and Phrases".

Halsbury's is available online to law students and staff with Quicklaw passwords. Once logged in, click on Commentary on the top sidebar and then on International Commentary on the left sidebar. Once there, there is a "sources" box with a drop down menu. Choose Halsbury's Law of England. You can either search the whole database, or if you click on "browse" on the left sidebar, the individual topical volumes will be displayed and you can break them open and search within specific volumes.

The screenshot shows the LexisNexis Quicklaw Source Directory interface. The search results list includes the following items:

- Butterworths Corporate Law Service [Browse](#)
- Butterworths Family Law Service [Browse](#)
- Butterworths Financial Regulations Service [Browse](#)
- Butterworths Money Laundering Law [Browse](#)
- Butterworths Personal Injury Litigation Service [Browse](#)
- Butterworths Planning Law Service [Browse](#)
- Butterworths Property Law Service [Browse](#)
- Butterworths Road Traffic Service [Browse](#)
- Consumer Law Bulletin [Browse](#)
- Environmental Law Bulletin [Browse](#)
- Halsbury's Laws of England [Browse](#)
- Halsbury's Laws Index [Browse](#)
- Halsbury's Laws of England Monthly Review - All [Browse](#)
- Halsbury's Laws Of England Monthly Review - Bills [Browse](#)
- Halsbury's Laws of England Monthly Review - In Brief [Browse](#)
- Halsbury's Laws of England Monthly Review - Last Week [Browse](#)
- Halsbury's Laws of England Monthly Review - Quantum of Damages Table [Browse](#)
- Halsbury's Laws of England Monthly Review - This Week [Browse](#)
- Halsbury's Laws Weekly Review [Browse](#)
- Halsbury's SI Citator [Browse](#)
- Halsbury's Statutes Citator [Browse](#)
- Harvey on Industrial Relations and Employment Law [Browse](#)
- Hill and Redman's Law of Landlord and Tenant [Browse](#)
- The Law of Education [Browse](#)
- Tolley's Company Law and Insolvency Newsletter [Browse](#)

A callout box highlights the 'Halsbury's Laws Index' link. The key for source icons is as follows:

- Click icon to view single source information.
- Click icon to view group source information.
- Click icon to view aggregate source information.
- Click icon to view gateway source information.

The annual *Cumulative Supplement* updates the 4th edition.

Primary Legal Resources

Case Law Digests or Summaries

Another useful tool for finding relevant court cases are case law digests or summaries. The leading case law digest in England is the *Digest*.

- **The Digest (Dig E34)**

The *Digest* (formerly the *English and Empire Digest*) is a digest of the case law of England to date. It includes cases from the courts of Scotland, Ireland, Canada, Australia, New Zealand, India, South Africa and the West Indies. The arrangement of titles used by *Halsbury's Law of England* is generally followed.

If you have a case name, locate the case in the *Consolidated Table of Cases*, which will refer you to the appropriate volume and title. Go to the volume indicated and look up the case in the "Table of Cases" at the front of the volumes to determine the paragraph number at which your case is listed. Look up your case by paragraph number. For cases reported after the period covered by the *Consolidated Table of Cases*, consult the "Table

of Cases” at the front of the *Supplement*. This will refer you to the volume, subject and paragraph number of your case.

Using the *Digest* is a good way to find the citation or parallel citation for a case. For example, if you have just the name of a British case and you know the year, by locating your case in the Digest, you would be able to find the citation which will lead you to the full text of the particular case.

If you are working with a particular subject, turn to the most appropriate title. Each title begins with its own “Table of Contents” divided into subject headings which will lead you to the appropriate section. You may also consult the *Consolidated Index*, which will indicate the appropriate volume and title of a particular topic.

Sources for UK Case law

Full-text British court decisions date back hundreds of years. The publishing of British case law therefore has a long and somewhat complicated history. The following is a brief overview of how British case law is reported.

- **The English Reports** ([Rep-G.B. A4 C64](#)) Available in HeinOnline and Justis electronically

Prior to 1865, most law reporting in England was done by private reporters whose reports bore their names. They thus became known as the nominate reports. Hundreds of different series were published between the end of the fifteenth century and 1865. Most of them are reprinted in a 178 volume set called the *English Reports*, cited E.R. The library also subscribes to a web-based version of the English Reports. The link is found by searching “English reports” in the catalogue.

If you are given the name of the case, consult the last two volumes of the English Reports. These volumes contain an index of cases that were decided before 1867. Beside the case name you will find the citation of the case in the original nominate reporter. On the opposite side of the page is the volume number of the E.R. in which the case can be found.

If you are given the original nominate citation of the case and want to locate where it has been reprinted in the E.R., first consult the index chart. A copy of the chart entitled “English Reports Wall Chart”, is hanging up at the end of the shelf where these reports are kept. Find the abbreviation of the nominate reporter on the chart. For example, if you were given the citation **Harrison v. Courtauld, 1 Russ. & M. 428**, you would locate the abbreviation of the old reporter and discover that it stands for **Russell and Mylne**. The chart also indicates in which volume of the E.R. the relevant nominate reporter is reprinted. Turn to the E.R. volume indicated by the chart. In the upper corner of each

page you will see the original citation for the reported case. Find the citation of the old reporter and locate the page number given in the original citation.

If you cannot find the nominate report's abbreviation on the chart, use the index of the Revised Reports (Rep-G.B. A4 D22) (see below), to determine whether the case is reprinted there. If this fails, refer to one of the following: D. Raistrick's *Index to Legal Citations and Abbreviations*, 2d ed. (Ref KF 246 R24 1993), at the end of *Where to Look for Your Law*, (KF 1 W54), or at the back of *Osborne's Concise Law Dictionary* (Ref KF 156 O8 2001). These lists include alternative titles and abbreviations and show where the nominate report is reprinted.

- **Revised Reports ([Rep-G.B. A4 D22](#))**

The *Revised Reports*, cited R.R., is another set of reprints of the nominate reports from the period 1785 to 1866. There is no complete duplication between the *English Reports* and the *Revised Reports* for this period (the *Revised Reports* contain cases not in the *English Reports*), although the *English Reports* are more frequently used.

- **The Law Reports (Rep-G.B. B6 etc.)**

In 1865, the Incorporated Council of Law Reporting for England and Wales began its publication of the semi-official *Law Reports*, which contain reports of the decisions of the superior courts. From 1865 to 1876 there were eleven series organized by subject jurisdiction, as listed below.

Series	Volumes	Cited
Chancery Appeal Cases	1 – 10	L.R. [vol. no.] Ch. Or Ch. App.
Equity Cases	1 – 20	L.R. [vol. no.] Eq.
Common Pleas Cases	1 – 10	L.R [vol. no.] C.P.
Exchequer Cases	1 – 10	L.R [vol. no.] Ex.
Queen's Bench Cases	1 – 10	L.R [vol. no.] Q.B.
Probate & Divorce Cases	1 – 3	L.R [vol. no.] P. & D.
Admiralty & Ecclesiastical Cases	1 – 4	L.R [vol. no.] A. & E.
Crown Cases Reserved	1 – 2	L.R [vol. no.] C.C. or C.C.R.
English & Irish Appeals	1 - 7	L.R [vol. no.] H.L.

Scotch & Divorce Appeals	1 – 2	L.R [vol. no.] Sc. or L.R. Sc. and Div.
Privy Council Appeals	1 – 6	L.R [vol. no.] P.C.

The *Supreme Court of Judicature Act, 1873*, came into effect in 1875 and brought together in one Supreme Court the administration of common law and equity, as well as probate, divorce, and admiralty.

The Supreme Court (or the High Court of Justice) was composed of five divisions (Chancery, Common Pleas, Exchequer, Queen's Bench and Probate, Admiralty and Divorce). The Supreme Court also included a Court of Appeal. Accordingly, the number of series in the *Law Reports* was reduced to six in 1876. The abbreviation "L.R." in the citation of each was dropped.

These six series are:

Series	Volumes	Citation
Chancery Division	1 – 45	Ch. D.
Common Pleas Division	1 – 5	C.P.D.
Exchequer Division	1 – 5	Ex. D.
Queen's Bench Division	1 – 25	Q.B.D.
Probate Division	1 – 15	P.D.
Appeals Cases	1 – 15	App. Cas.

In 1891 the Law Reports were re-organized into four series, and the method of citation was changed from volume number to year of publication, which appears in square brackets.

Series	Citation
Chancery Division	[] Ch.
Queen's (King's) Bench Division	[] Q. (K.) B.
Probate Division	[] P.
Appeal Cases	[] A.C.

The *Administration of Justice Act, 1970* changed the allocation of cases to the divisions of the High Court of Justice and, in 1972; the Probate Division was replaced by the Family Division, cited [year] Fam.

The Chancery Division exercises jurisdiction over administration of estates, redemption and foreclosure of mortgages, rectification and cancellation of deeds, specific performance of contracts for the sale or lease of interests in land, winding-up of companies, bankruptcy, landlord and tenant disputes, and contentious probate matters. The jurisdiction of the Queen's Bench Division is wider than that of Chancery and Family and includes tort, contract, commercial and criminal matters, contentious probate, and admiralty. The Family Division has jurisdiction over matrimonial cases, wardship and non-contentious probate.

The A.C. series contains reports of cases decided by the House of Lords and the Judicial Committee of the Privy Council. Prior to the abolition of appeals to the Privy Council from the Supreme Court of Canada in 1949, Canadian appeals to the Privy Council were reported in this series.

In general, the House of Lords hears appeals of civil and criminal matters. The jurisdiction of the Privy Council includes hearing appeals from the highest courts of a number of independent Commonwealth countries, certain admiralty matters, and appeals from ecclesiastical courts and medical tribunals. Cases from the Court of Appeal are not found in the A.C. series, as one might expect, but are found in one of the other three, according to the nature of the case.

- **Weekly Law Reports ([Rep-G.B. B6 W4](#))**

The *Weekly Law Reports*, published weekly by the Incorporated Council of Law Reporting for England and Wales, provides reports of cases more promptly than the *Law Reports*. Thus you should consult the weekly paperback issues of the W.L.R. for the most recent cases.

The first part of each paperback issue, cited [year] 1 W.L.R., contains cases that will not be later reported in the *Law Reports* but may be reported elsewhere, for example, in the *All England Reports*. Such cases are considered worth reporting but may not raise any new point of law.

The second part of each issue, cited [Year] 2 W.L.R. for the first half of the calendar year, contains cases that will be reported in the *Law Reports*. The *Weekly Law Reports* do not contain arguments of counsel, as the *Law Reports* do.

The index on the front page of the paperback W.L.R. issues indicates the cases printed in that issue, as well as the volume and page number of the bound W.L.R. in which that case will eventually appear. Citations to other reporters are also given.

Each weekly issue contains a "Subject Matter" index which lists general subject matters in bold letters and gives a brief summary and citation of relevant cases found in that issue.

The "Cases Judicially Considered" index lists cases that were judicially considered, the treatment of the case and the considering case that is found in that issue.

- **All England Law Reports ([Rep.-G.B. B8 A3](#))**

The *All England Reports*, cited [year] All E.R., are published weekly in paperback form. The *All England Reports* is a commercial series and contains reports of many cases that are not included in the *Law Reports*. Decisions of English Superior Courts and courts of special jurisdiction are reported in this series. All E.R. began publication in 1936, although it became virtually a complete set of British cases by releasing at the same time volumes containing reprints of selected cases from 1558 onwards.

Other British Case Law Reporters

In addition to the *Weekly Law Reports* and the *All England Law Reports*, there are a number of topical reporters available. Some examples of these reports would be:

- *Aspinall's Maritime Law Cases*,
- *Butterworth's Workmen's Compensation Cases*
- *Cox's Criminal Cases*.

Their call numbers begin with Rep-G.B. and they are shelved on the ground floor of the library in the same area as the other British case law reporters.

British Cases Online

There are a number of online sources for British cases:

- Justis – This is a commercial subscription available to registered students and faculty of York University. Justis contains cases from 1163 to date. They can all be accessed from the [Law Library Research Databases – Law page](#)
- [BAILII \(the British and Irish Legal Information Institute\)](#), is a recently established, and free, Web-based resource. It hosts libraries of judgments from all British jurisdictions and the Irish republic. Coverage is currently limited to the last few years and the judgments are provided in "raw" or "unreported" form.

- [The Supreme Court](#) officially became the highest court of the United Kingdom on October 1, 2009. Cases decided after this date can be found on the official site. However cases decided prior to this can be found on the [The House of Lords' web site](#).

Both of the major commercial law databases, Lexis and Westlaw, host a large and growing range of British case law files of both reported and unreported judgments, with historical coverage. Westlaw provides access to the Law Reports from 1891 to present with pagination to the original print reports.

Sources for Legislation

British statutes, unlike Canadian statutes, are not periodically consolidated, which makes their use somewhat complicated. If your research involves a British statute, you will want to locate the original statute, and all subsequent amending statutes, which must be read together to give you the statute in its current form.

The hard copy statutes have call numbers beginning Stats-G.B. and they are shelved on the ground floor of the library. This area includes the Statutes of England, and also Scotland and Ireland.

For statutes for the period 1235 to 1713, consult the volumes entitled *Statutes of the Realm* (Stats-G.B. A2) (except for the period 1642-1660). The library also has various series of *Statutes at Large* such as *Hawkins Statutes at Large* (Stats-G.B. B24) or *Ruffhead's Statutes at Large* (Stats-G.B. B28). Although the coverage of the series, *Statutes at Large*, overlaps with that of *Statutes of the Realm*, the text contained in *Statutes of the Realm* is the official version for the period 1235 to 1713. Note that the text can vary between the two series.

For statutes for the period 1714 to 1984, consult the volumes in the series variously entitled *Public General Statutes* (Stats-G.B. B54) or *Law Reports, Statutes* (Stats.G.B. D42). For U.K. Statutes after 1984, see *Current Law Statutes Annotated* (Stats-G.B. D52).

Since amendments are not consolidated with the statute, you must locate these amendments separately. To do so, consult the *Chronological Table of the Statutes* (Stats-G.B. H17) which lists all statutes passed and notes under each of any later act which has amended it. The statutes are listed according to the year they were passed.

An alternative to using the semi-official volumes discussed above is provided by *Halsbury's Statutes* (Stats-G.B. E24), a commercial publication. It is particularly useful for finding out what British Acts of Parliament deal with a particular subject. Publication of the fourth edition was completed in 1989 (a number of volumes have been reissued since). *Halsbury's Statutes* consists of 50 main volumes that contain annotations of statutes organized by subject.

[The Office of Public Sector Information's](#) web site also provides full text legislation passed since 1998. [BAILII](#), the British and Irish Legal Information Institute, is a free, Web-based resource which also includes some unconsolidated U.K. legislation.

Currently the best way to search up-to-date British legislation is to use one of the major commercial law databases, [Lexis](#) and [Westlaw](#), which both host libraries of British statutes and regulations.

Legal Citation

The [Oxford Standard for Citation of Legal Authorities](#) is the most widely and accepted form of citation in the UK.

For Canadian law school students, you should follow the rules set down in Rule 3.3 of the *McGill Guide* (6th ed.) for citing British cases, keeping the following points in mind:

When giving the citation for cases from the *English Reports*, cite the old nominate reporter first, then the *English Report*.

E.g. *Nathan v. Jacob* (1859), 1 F. & F.452, 175 E.R. 805.

When giving parallel citations, do so in the following order: (a) Nominated reports, (b) *English Reports*, (c) *Law Reports*, (d) *All England Law Reports*, (e) Other reports: e.g., *Weekly Law Reports*

Useful Websites

- [Cardiff Index to Legal Abbreviations](#) – This is a free online resource that gives the full meaning of legal abbreviations for the UK and other international jurisdictions.
- [Intute Law](#) – A free website that identifies and evaluates primary and secondary sources of legal information covering the UK, European Union and other international jurisdictions.
- [Guide to the UK Legal System](#) – A comprehensive guide prepared by law librarian Sarah Carter for a better understanding of the UK legal system.

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