
Sourcing legal information in the UK and EU

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Topics to be covered

- **UK – Primary sources**
- Legislation
- Cases
- **UK - Secondary sources**
- Textbooks
- Journals
- Official publications
- **EU – Primary sources**
- Treaties
- Legislation
- Cases

Introduction

- Some points to remember about legal research: law is not static therefore you should always check the currency of the source you are using. However, the English legal system relies on precedent so you may have to use very old legislation or cases in your research. Finally there is a huge range of sources available today so always make sure that you choose a source that is authoritative and reliable. There is much available in the public domain now but for some research you will have to use commercially published sources.

To begin with a couple tips

Legal dictionaries – to understand the jargon

Words and Phrases Legally Defined

Stroud's Judicial Dictionary

Abbreviations – used heavily by lawyers and is confusing

Use www.legalabbrevs.cardiff.ac.uk/

LEGISLATION

- 2 types of legislation – Primary (Acts/Statutes) and Secondary (SIs)
- Acts – can be public (PGAs that affect whole country) or can be local (affect a particular area, group of people or company)
- PGAs – these are published by OPSI once Bill is passed. Published singularly (known as the Queen’s Printer copy) and then in bound volumes. Available from OPSI website in full text from 1988. – see www.opsi.gov.uk
- Local Acts – published by OPSI and available from the website from 1991.
- NB the Scottish Parliament and Northern Ireland Assembly can make Acts – see www.opsi.gov.uk/legislation/scotland/s-acts.htm
www.opsi.gov.uk/legislation/northernireland/ni-acts.htm

LEGISLATION contd

- Legislation does not remain static. Acts get amended, consolidated and repealed. The OPSI website will not give this kind of information.
- Have to use commercially published sources to find amended legislation and to find the status of legislation i.e is it still in force?.
- **Halsburys Statutes** – best hard copy source. Published by Butterworth's and consists of over 50 vols, arranged A-Z by subject. You should understand how the service is updated when you use this product.
- There are several online subscription services that give access to amended legislation. Butterworth's Legislation Direct and Westlaw.

LEGISLATION

SECONDARY LEGISLATION

Secondary legislation is legislation that is made under powers that Parliament has delegated usually to a Minister. SI is a generic term covering: rules, regulations, orders, warranties and schemes. SIs can be public or local in nature.

Official source for SIs is OPSI. Published singularly every day and then published in annual bound vols.

Public SIs on OPSI website from 1987; draft SIs from 1997

Scottish Parliament , North Ireland Assembly and Welsh Assembly can all make SIs – see www.opsi.gov.uk/legislation/scotland/s-stat.htm
www.opsi.gov.uk/legislation/wales/w-stat.htm
www.opsi.gov.uk/legislation/northernireland/ni-srni.htm

SECONDARY LEGISLATION contd

- As with Acts, there is no publicly available source for finding SIs that have been amended or to find their current status.
- **Halsburys Statutory Instruments** – published by Butterworth's, 20 plus volumes of SIs arranged by subject. Not all public SIs are included and not all published in full. Contact Butterworth's for the full text.
- Online subscription based services include Legislation Direct and Westlaw

LEGISLATION contd

STATUTE LAW DATABASE – this is being developed by the DCA and will give public access to legislation in force. It is hoped that this will launch later this year.

- Some large public libraries will have collections of legislation and the Halsbury series.
- Westminster Reference Library - 35 St. Martin's Street, London WC2H 7HP

Holborn Library - 32-38 Theobald's Road, London , WC1X 8PA

CASELAW

- The sources for researching caselaw are vast nowadays. Quality varies. Also although thousands of cases are heard every year, only a small percentage are reported and unreported cases can be cited in court.
- Unlike legislation there is no official source for law reports. The most authoritative source is The Law Reports and these should be cited in court in preference to any other report. Published by ICLR since 1865. Available in hard copy from the ICLR or online via Westlaw, Lexis and Justis. There is no free version available.
- The range of published law reports is huge. There are many specialist law reports and some that have had a very long publishing history. Increasingly law reports are becoming available on Westlaw and Lexis Nexis. Again some large public libraries will have collections of law reports (see those Libraries mentioned earlier)

CASELAW contd

- There are, however, various publicly available sources for accessing judgements.
- Court service – www.courtservice.gov.uk. Selected cases from High Court back to 1996; searchable using parties, judge and date.
- BAILII – www.bailii.org/ British and Irish Legal Information Institute
 - aiming to make available as much of the primary sources as possible. High court cases and cases from Scotland, Ireland and Northern Ireland

CASELAW contd

- House of Lords - www.publications.parliament.uk/pa/ld/ldjudgmt.htm - from Nov 1996
- EAT - www.employmentappeals.gov.uk/ - from 1999

CASELAW contd

- Judgments can be used to find out what cases and legislation have been cited in subsequent hearings.
- However, for research on the status of the case i.e whether it has been upheld or overridden you would have to use a product such as Westlaw, Lexis Nexis or hard copy case citators published by Sweet & Maxwell.

SECONDARY SOURCES - TEXTBOOKS

- Very important source but again a lot of choice in terms of readership being aimed at. Always try to assess the level at which the user needs assistance.
- Nutshells for students, academic texts, practitioner texts, handbooks with key legislation on a topic, loose leaf encyclopaedias.
- Sometimes need to refer to an old edition of a book so do not assume that the most recent edition is needed.
- Also books often referred to as “The white Book”, “The Green Book” , “The Purple Book”
- Legal book sellers such as Wildys and Hammicks can advise on the most appropriate text.
- Westlaw and Lexis Nexis have online versions of various handbooks, encyclopedias and textbooks but you need to subscribe.

JOURNALS

- Journals are used for current awareness; keeping up to date with legal developments, commentary on recent legislation in advance of new books, concise summaries of the law in a particular area, summaries of recent cases ahead of reports.
- Huge range - general weeklies, specialist journals, newsletters, learned legal journals and legal business titles.
- Some available online for free: www.legalweek.net; www.thelawyer.co.uk; www.lawgazette.co.uk
- Check catalogues of the main legal publishers and institutions such as IALS, Inns of Court, large public libraries (mentioned earlier)
- Some available in full text on Westlaw and the Butterworths-Lexis Nexis platform

OFFICIAL PUBLICATIONS

- Legislation is preceded by green papers, white papers, command papers and Bills.
- Green paper = consultation, usually comes from a government department. Use direct.gov.uk to locate the department and then the consultation paper.
- White paper follows the green paper consultation and is usually published as a Command paper. From May 2005 selected white papers are published as PDFs on www.offical-documents.co.uk; there is also an archive back to 1994.
- Following the white paper, a Bill is published. These can be viewed on www.parliament.uk. To check the status of Bills use the House of Commons weekly Information Bulletin www.publications.parliament.uk/pa/cm/cmwib.htm. NB once a Bill is passed it is replaced by the Act on the OPSI website.

EU RESEARCH - PRIMARY SOURCES

- Primary legislation = the treaties that set up the EC and then EU
- Secondary legislation = Regulations, Directives & decisions.
- Cases from ECJ
- All of the above is now available from Eurlex website eur-lex.europa.eu . This has collections that include treaties, international agreements, legislation in force, preparatory acts and caselaw
- Westlaw and Lexis Nexis have EU materials