



# STARTING LEGAL RESEARCH

## A Guide for Students



INNER TEMPLE LIBRARY

## STARTING LEGAL RESEARCH

Keep a research trail - this will prevent you repeating your steps.

Remember to respect the intellectual property rights of authors and comply with agency agreements and commercial licences.

Avoid plagiarism - this applies to carrying out research, not just academic studies.

## USE AUTHORITATIVE SOURCES

When carrying out legal research you must use authoritative sources.

For textbooks and journals articles check who the authors are. Are they practitioners or academics? Are they recognised as experts in their field?

Get into the habit of using the main legal databases such as Westlaw, Lexis Library, VLex Justis and Lawtel. If you do not have access to these subscription databases, use the Inner Temple Library's gateway site - AccesstoLaw. This provides annotated free links to selected UK, Commonwealth and worldwide legal web sites. It can be viewed at [www.accesstolaw.com](http://www.accesstolaw.com)

## WHAT TO DO IF YOU ARE RESEARCHING A NEW TOPIC

Use *Halsbury's Laws* as this will give you an overview of the topic with information on key cases and legislation.

Find a textbook on the subject for more detailed coverage.



### REMEMBER

You must know how to update the bound volumes in *Halsbury's Laws*. Ask Library staff if you need help.

## HOW TO FIND MATERIAL IN THE LIBRARY

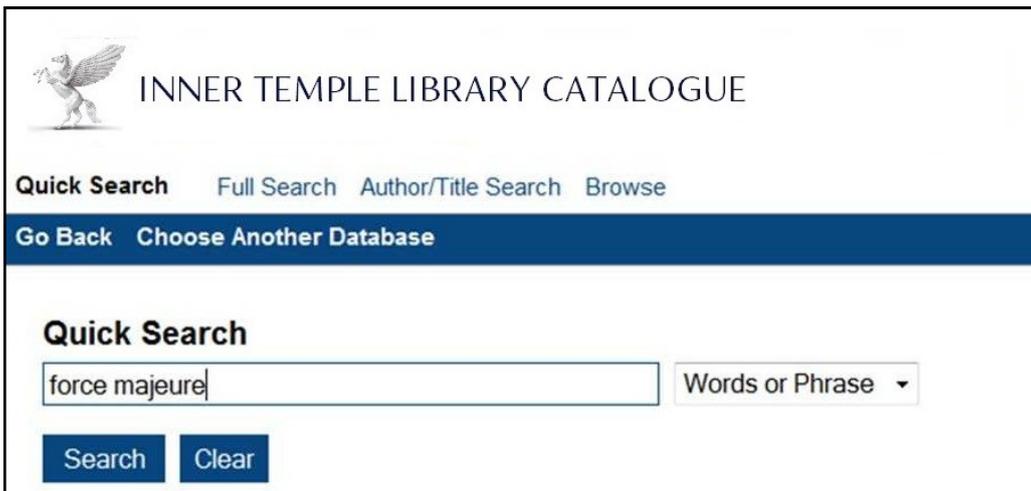
Use the Library's online catalogue to search for books, journals, law report series and encyclopedias.

Search by author, title, subject or words or phrase.

Use \$ to truncate words e.g. insur\$ will look for insurance, insured and insurer(s).

### REMEMBER

You can search the catalogue remotely at [www.innertemplelibrary.org/external.html](http://www.innertemplelibrary.org/external.html) or via the catalogue link on the home page of the Library website



INNER TEMPLE LIBRARY CATALOGUE

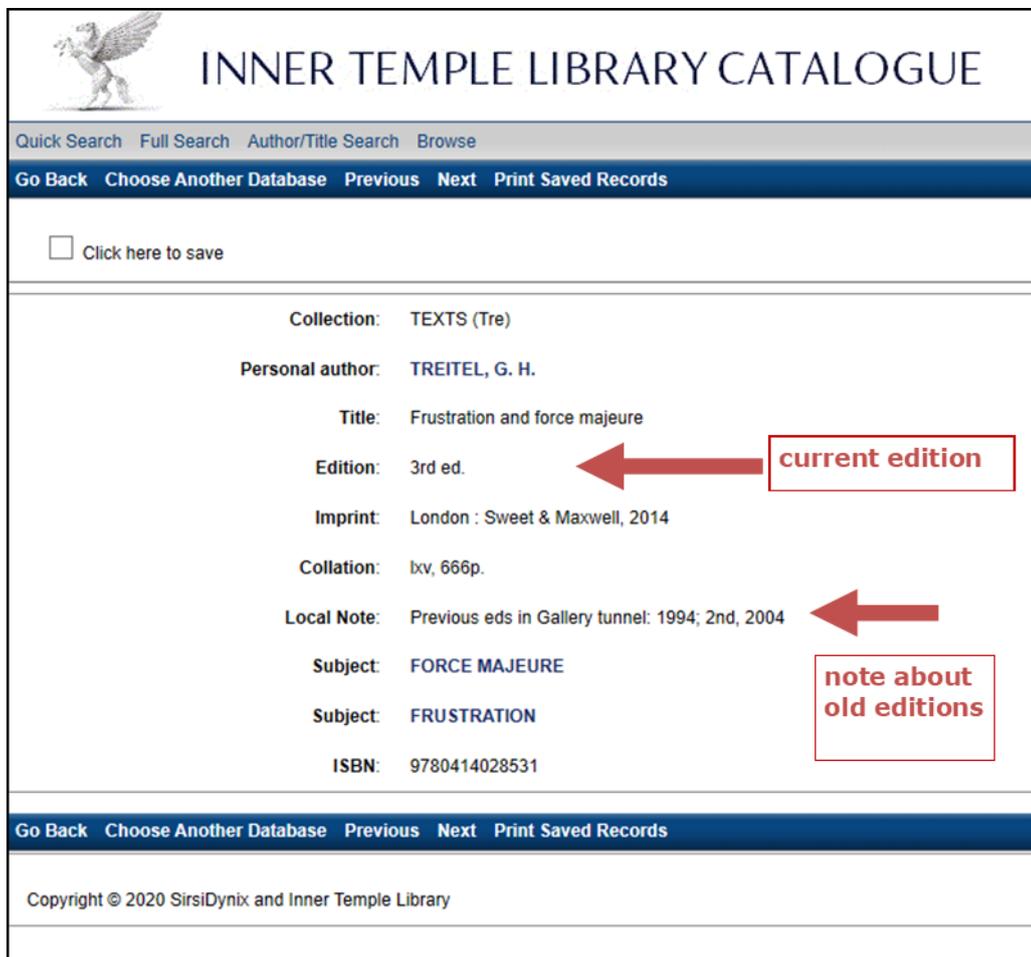
Quick Search Full Search Author/Title Search Browse

Go Back Choose Another Database

Quick Search

force majeure Words or Phrase

Search Clear



INNER TEMPLE LIBRARY CATALOGUE

Quick Search Full Search Author/Title Search Browse

Go Back Choose Another Database Previous Next Print Saved Records

Click here to save

Collection: TEXTS (Tre)

Personal author: TREITEL, G. H.

Title: Frustration and force majeure

Edition: 3rd ed. ← current edition

Imprint: London : Sweet & Maxwell, 2014

Collation: lxxv, 666p.

Local Note: Previous eds in Gallery tunnel: 1994; 2nd, 2004 ← note about old editions

Subject: FORCE MAJEURE

Subject: FRUSTRATION

ISBN: 9780414028531

Go Back Choose Another Database Previous Next Print Saved Records

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There are various guides and leaflets on the Library's website to help you find materials:

**Quick Reference Guide** - shows where various law reports, journals etc. are located in the Library.

**Law Reports & Journals Currently Received** - shows which current series of law reports and journals each Inn Library holds.

Enquiry Point staff can also tell you if a journal or law report is available electronically.

## DATABASES

All the Inn Libraries subscribe to a range of legal databases. Do not just rely on Lexis and Westlaw as other databases may have useful content.

## HOW TO DECIPHER ABBREVIATIONS

Use the Cardiff Index of Legal Abbreviations - a link to this database is on the home page of all the PCs in the Library and also here [www.legalabbrevs.cardiff.ac.uk](http://www.legalabbrevs.cardiff.ac.uk)

## REMEMBER

You can check the contents of the databases from the home page of the PCs in the Library.



The screenshot shows the Cardiff Index to Legal Abbreviations website. The search results for "clr" are as follows:

Preferred Abbreviation	Alternate Abbreviations	Title	Jurisdiction
-	C.L.R.	Calcutta Law Reports	India, West Bengal
-	C.L.R.	Canada Law Reports	Canada
-	C.L.R.	Ceylon Law Reports	Sri Lanka
-	C.L.R.	Cleveland Law Record	United States, Ohio
-	CLR	Current Labour Reports	India
-	C.L.R.	Cyprus Law Reports	Cyprus
C.L.R.	CLR	Construction Law Reports (Canada)	Canada
CLR	Cal.L.Rev. ; Calif.L.Rev.	California Law Review	United States
CLR	Austr.C.L.R. ; Comm.L.R. ; Commonw.L.R.	Commonwealth Law Reports	Australia
Cl.Ch.	Cl.R.	Clarke's New York Chancery Reports	United States, New York

Also use Raistrick's *Index of Legal Citations & Abbreviations* - held at the Enquiry Point.

## PRIMARY & SECONDARY SOURCES

The primary sources of law are cases and legislation.

Secondary sources include textbooks, journal articles and encyclopedias. They provide explanations and commentaries on a given legal topic.

Use the secondary sources to identify the cases and legislation you need to answer your query and to familiarise yourself with a legal subject area and its terminology.

## RESEARCHING CASES

### What is the difference between a law report and a judgment?

A judgment is the decision of the judge or judges in a court of law.

A law report is produced by a legal publisher with added content such as headnotes and catchwords.

### Anatomy of a law report

It is useful to know the different parts of a law report.

**Names of the parties** - also includes names of the judges and dates of the hearing.

**Catchwords** - describes the subject matter of the case using subject terms.

## REMEMBER

Library staff can help you select an appropriate hard copy or electronic resource.

## REMEMBER

Law reports are cited in court in preference to judgments

**Headnote** - provides a brief summary of the facts of the case and what was decided.

**Lists of cases cited in the judgment** - has cases referred to in the judgment and sometimes cases cited in earlier hearings. The ICLR Law Reports include cases cited in argument.

Summary of pleadings & facts

Names of counsel

Judgment

Names of solicitors

Name of the court reporter

## How to track the judicial history of a case

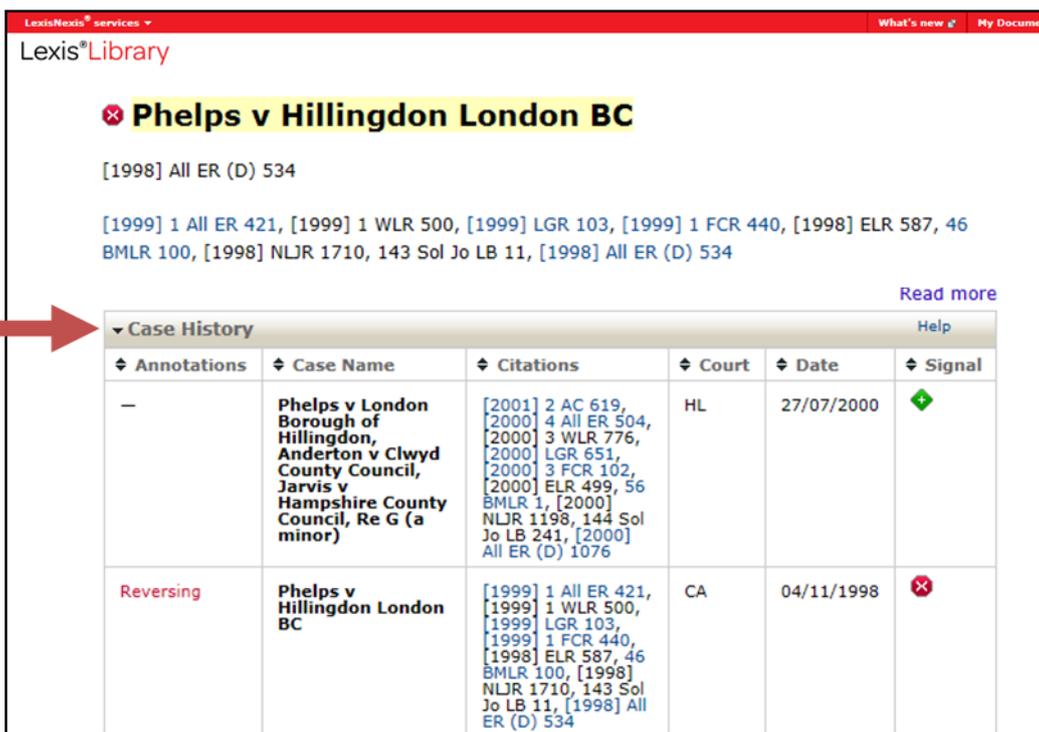
**Lexis Library** - within the **Cases database**, use the **Case Overview** option. From here you can track the case's history.

## REMEMBER

Reading the headnote will save time as it tells you what the case is about and therefore if it is relevant to your research.

## REMEMBER

If you do not check a case's judicial history you run the risk of citing an overruled case in court.



LexisNexis® services

What's new a My Document

LexisLibrary

✖ **Phelps v Hillingdon London BC**

[1998] All ER (D) 534

[1999] 1 All ER 421, [1999] 1 WLR 500, [1999] LGR 103, [1999] 1 FCR 440, [1998] ELR 587, 46 BMLR 100, [1998] NLJR 1710, 143 Sol Jo LB 11, [1998] All ER (D) 534

Read more

Annotations	Case Name	Citations	Court	Date	Signal
—	Phelps v London Borough of Hillingdon, Anderton v Clwyd County Council, Jarvis v Hampshire County Council, Re G (a minor)	[2001] 2 AC 619, [2000] 4 All ER 504, [2000] 3 WLR 776, [2000] LGR 651, [2000] 3 FCR 102, [2000] ELR 499, 56 BMLR 1, [2000] NLJR 1198, 144 Sol Jo LB 241, [2000] All ER (D) 1076	HL	27/07/2000	+
Reversing	Phelps v Hillingdon London BC	[1999] 1 All ER 421, [1999] 1 WLR 500, [1999] LGR 103, [1999] 1 FCR 440, [1998] ELR 587, 46 BMLR 100, [1998] NLJR 1710, 143 Sol Jo LB 11, [1998] All ER (D) 534	CA	04/11/1998	✖

**Westlaw** - each case has a **Case Analysis** document. Here you can trace a case's subsequent history.

The screenshot shows the Westlaw Edge UK interface. The top navigation bar includes 'Cases', 'Legislation', 'Journals', 'Current Awareness', 'Index of Legal Terms', 'EU', 'Westlaw Books', and 'Lawtel'. The main content area displays a case analysis document for 'Phelps v Hillingdon LBC'. The left-hand navigation menu is expanded to show 'Case Analysis', with 'Appellate History' highlighted by a red arrow. The main content area shows the case title, a summary, and a 'Case Digest' section. A 'Positive/Neutral Judicial Consideration' badge is visible on the right side of the document.

**Current Law Case Citators** - these hard copy volumes provide information on English cases which have been judicially considered since 1947.

## Hierarchy of citations

It is important that you know which law reports are considered authoritative and which to cite in court.

The most authoritative reports are *The Law Reports*, produced by the Incorporated Council of Law Reporting (ICLR) since 1865 and should always be used if available.

The *Weekly Law Reports* and *All England Law Reports* are next in authority.

If the case is not reported in any of these, you should cite the fullest specialist report you can find.

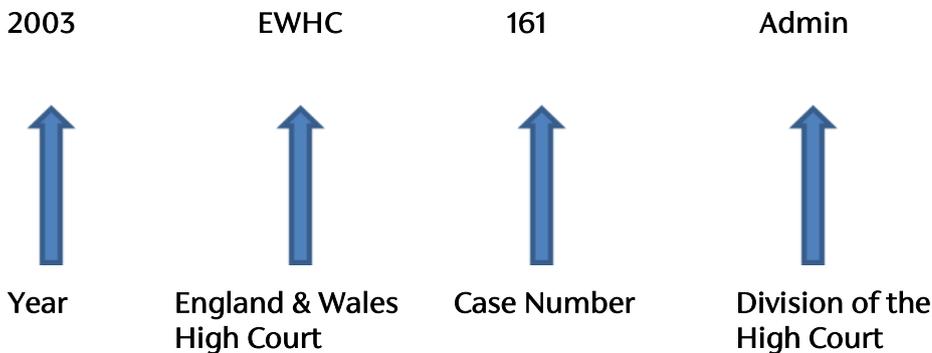
Where there is no full report, use the official transcript instead (but not the handed-down text of the judgment). See Lord Chief Justice's Practice Direction: Citation of Authorities 2012, [2012] 1 W.L.R. 780, and Practice Direction (Criminal Proceedings), [2013] 1 W.L.R. 3164.

## REMEMBER

A judgment should only be cited if there is no law report available.

## Neutral citations

Neutral citations are applied to all cases from the High Court and make it easier to find a judgment online e.g. [2003] EWHC 161 (Admin).



## Finding unreported cases

BAILII, Justis (Judgments databases), Lawtel, Lexis Library and Westlaw can be used to find transcripts of unreported cases.

## Problems with case names

Finding a case by its name can be difficult for many reasons:

Cases involving children will often be anonymised e.g. N (A Child) - you will need additional information to find it, such as the date, name of the judge or an idea of the subject of the case.

Cases involving ships will often be known by the name of the ship e.g. The Sava Star.

Spellings - is it Payne, Paine or Pain? use wildcards or truncators if you are unsure of a spelling.

### REMEMBER

Neutral citations are not law reports. Use a database to find out if there is a report of the case.

### REMEMBER

Only a tiny percentage of cases heard are reported. This is particularly true of cases heard in courts below the High Court.

### REMEMBER

If you cannot find a case, consider alternative spellings or add extra search terms; you can also use a textbook on the same subject to find useful cases.

# RESEARCHING ACTS AND STATUTORY INSTRUMENTS

## What are Acts and Statutory Instruments?

Acts are primary legislation, i.e. laws that have been passed by Parliament.

Statutory Instruments are subsidiary or secondary legislation that has been made under powers that Parliament has delegated to another body.

## Anatomy of an Act

It is useful to understand how an Act is made up so that you can find relevant information quickly.

Using the Protection of Badgers Act 1992 as an example:

**Short title** - this is the official title of the Act, e.g. Protection of Badgers Act 1992

**Citation** - 1992 c. 51 (c. standing for chapter).

**Sections** - each Act is divided into parts called sections, e.g. Protection of Badgers Act 1992 s. 6.

**Marginal notes** - some Acts will have marginal notes. These enable you to identify different sections of an Act more quickly.

**Interpretation** - this section defines certain terms.

**Final section** - contains information on the geographical extent of the Act and its commencement date(s).

**Schedules** - there may be schedules added to the Act. These may contain information about the effect of the legislation on earlier Acts and more detailed information about the Act, such as procedural rules and fees.



## How to cite an Act/SI

### 1998 c. 29

This is a citation for a Public General Act; in this case the Data Protection Act 1998.

Acts can be cited with their title and calendar year (Data Protection Act 1998) or year and chapter number (1998 c. 29).

The chapter number is the Act's individual number.

### 7 & 8 Eliz. 2 ch.57

This is also a Public General Act - the Street Offences Act 1959. Because it is **before 1963** the **regnal** year is used, where 7 & 8 Eliz. 2 is the 7th and 8th year of Elizabeth II's reign.

### 1998/3132

This is a Statutory Instrument (SI) and refers to the Civil Procedure Rules 1998.

Statutory Instruments can be cited by their title and year, or by their year and number.

In this example 1998 is the year and 3132 is the SI number.

## How to find commencement information for Acts/SIs

Each Act has a **commencement section**. This is found at the end of the Act before the schedules.

### REMEMBER

Chapter number can be written as c, ch. or chap.

Chapter numbers begin with number 1 each year.



For the Mobile Homes Act 2013, section 15 is the commencement section and reads as follows:

*Final provisions*

**15 Commencement, transitional etc. provision, extent and short title**

- (1) Sections 1 to 7 shall come into force on 1 April 2014.
- (2) Sections 8, 13 and 14 shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) Sections 9 to 12 and this section shall come into force two months after Royal Assent.
- (4) The Secretary of State may by order made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (5) This Act extends to England and Wales only.
- (6) This Act may be cited as the Mobile Homes Act 2013.

The **Is It In Force?** volume of *Halsbury's Statutes* can be used to find commencement information for **Acts** passed since 1960.

The commencement information for an SI is found on its front page under the title.

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STATUTORY INSTRUMENTS

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**2015 No. 1415**

**PUBLIC SECTOR INFORMATION**

**The Re-use of Public Sector Information Regulations 2015**

*Made* - - - - - 24th June 2015

*Laid before Parliament* 25th June 2015

*Coming into force* - - 18th July 2015



**REMEMBER**

Different sections of an Act can come into force at different times.

**REMEMBER**

Is It In Force might not be up to date. Use the Is It In Force section in the service volume of Halsbury's Statutes to bring yourself up to date.

A number of online sources can be used to find commencement information.

**Lexis Library** - the **Notes** to each section of an Act/SI contain commencement information. Also the **Find Out More** box for each section of an Act includes the online version of Is It In Force?

10 Right to prevent processing likely to cause damage or distress

take such steps for complying with the notice (or for complying with it to that extent) as the court thinks fit.

(5) The failure by a data subject to exercise the right conferred by subsection (1) or section 11 (1) does not affect any other right conferred on him by this Part.

**NOTES**

**Initial Commencement**  
**Royal Assent**

Sub-s (2): Royal Assent (so far as conferring power to make subordinate legislation): 16 July 1998: see s 75(2)(i).

**To be appointed**

Sub-ss (1), (3)–(5): To be appointed: see s 75(3).

**Other formats available**

Request historical version

**Find out more**

Status Snapshot

- Commentary (42)
- Cases (16)
- Journals (11)

Halsbury's Annotations  
Halsbury's Statutes Citor  
Is it in force?

**Document information**

Data Protection Act 1998  
Date made: 16/07/1998

**Westlaw** - the **Provision Details** link for each section of an Act/SI has commencement information.

THOMSON REUTERS  
WESTLAW EDGE UK

Cases Legislation Journals Current Awareness Index of Legal Terms EU Westlaw Books Lawtel

Home > Legislation Search > Search Results > Document

Table of Contents

Provision

- Text
- Notes
- Statutory Annotations
- Provision Details**
- Primary References
- Commentary References
- Practical Law References
- Associated Documents

**Data Protection Act 2018 c. 12**  
**s. 4 Processing to which this Part applies**

4 Processing to which this Part applies

(1) This Part is relevant to most processing of personal data.

(2) [This Part]<sup>1</sup> —

(a) applies to the types of processing of personal data to which the [UK GDPR]<sup>2</sup> applies by virtue of Article 2 of the [UK GDPR]<sup>2</sup>, and

(b) supplements, and must be read with, the [UK GDPR]<sup>2</sup>.

[...]<sup>3</sup>

**Notes**

1 Words substituted by Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019/419 Sch.2 para.5(2)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

**Law In Force**

Version 2 of 2

Compare versions

Version 2  
To: Present  
From: 31 December 2020

Version 1  
To: 30 December 2020  
From: 23 May 2018

**Subjects**

Information technology

## REMEMBER

You need to check if an Act/SI is in force before you cite it.

## How to find legislation as amended/consolidated

**Lexis Library** - the text of Acts and SIs is **displayed as amended** with **footnotes** and a **status snapshot** contains information about what caused the amendments.

**Westlaw** - the text of Acts and SIs is **displayed as amended** with a **table of amendments** to explain what caused the amendments.

**Legislation.gov.uk** - [www.legislation.gov.uk](http://www.legislation.gov.uk) - the **What version** option may have the latest revised version of a statute available. But be aware of **warnings** about amendments that have not yet been incorporated into the text. SIs will **not** be shown as amended.

**Halsbury's Statutes & Halsbury's Statutory Instruments** - these encyclopedias contain the text of Acts and SIs that are in force **as amended**. The **footnotes** to each section tell you what caused the amendments. The bound volumes will not be up to date. For Halsbury's Statutes use the Cumulative Supplement and loose-leaf Noter-Up to bring the information up to date. For Halsbury's Statutory Instruments, use the Statutory Instruments Citator and the Monthly Update within the service volume.

### REMEMBER

You should check if the Act/SI has been amended. If you cite an out of date piece of legislation it will not impress.



## LEGAL DEFINITIONS

To find legal definitions use the following:

*Stroud's judicial dictionary of words and phrases*

Words and phrases legally defined

*Jowitt's dictionary of English law*

*Oxford English Dictionary*

Lexis Library - has a "Glossary" option on the home page that has definitions of key terms; Words & Phrases legally defined is also available on Lexis Library.

Westlaw - use the Index of Legal Terms tab to find legal dictionaries.

## PRECEDENTS/FORMS

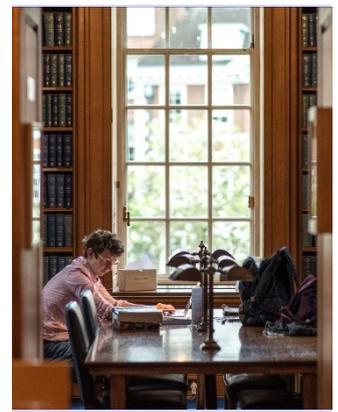
*Atkin's court forms* - contains forms and procedural documents for use in civil proceedings before courts and tribunals.

*Encyclopaedia of forms & precedents* - contains forms and precedents used in legal business (other than litigation) carried on outside the courts.

Some specialist practitioners' texts contain forms or precedents.

Practical Law - this database contains precedent documents.

Lexis®PSL - this database contains precedent documents.



### REMEMBER

You do not have to draft everything from scratch. Use print and online precedent sources to find standard documents.

## KEEPING UP TO DATE

Lawyers need to be aware of what is happening in the legal world. The Inner Temple Library's Current Awareness blog aims to provide up-to-date information on new case law, changes in legislation, and legal news in England and Wales.

It can be accessed at [www.innertemplelibrary.com](http://www.innertemplelibrary.com)

You can sign up for a daily alert by email or follow it on Twitter ([https://twitter.com/inner\\_temple](https://twitter.com/inner_temple)) or via an RSS feed.

## CONTACTS

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Website: [www.innertemplelibrary.org.uk](http://www.innertemplelibrary.org.uk)

