HOW TO REFERENCE USING TSAR GUIDELINES

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I. General

1. The TSAR style is the “house style” of the Faculty of Law of the University of Johannesburg, and must be followed.

1. Save time. Use the correct style from the moment you start to compose your assignment. Students who say “I will put in the footnotes later” often do very poorly.

1. When you start drafting the text, do not transfer the style from the sources which you consult to your manuscript. It will take you many hours to weed them out again. BE CAREFUL: an inordinate number of style discrepancies could be an indication of impermissible copying.

2. Every single time you use the ideas or words of the person you must reference the statement or idea. BE CAREFUL: if you do not do this you will be guilty of plagiarism which may lead to expulsion.
5. Read, read, read your manuscript over, over and over, at least thirty times. Style and language errors abound when you do not leave yourself enough time for the thorough revision of the text. There is an inverse relationship between the number of times you read and revise your manuscript and the number of typing, language and style errors in it. It is part and parcel of good planning that you leave yourself (more than) enough time for the thorough revision of your manuscript.

6. Do not be intimidated by the hundreds of rules on style which are listed below. The best way of knowing the rules is to start using them with enthusiasm and dedication. Start writing and consult the rules as you go along. Good advice: keep a copy of the TSAR at hand when you write. It is often easier to find out what to do by paging through a copy of the TSAR than to locate the relevant rule in the style guide.
2. TSAR Guidelines

1. The Journal of South African Law (Tydskrif van die Suid-Afrikaanse Reg – “TSAR”) is published under the auspices of the UJ Faculty of Law. The first edition of the Journal of South African Law appeared in 1976 and since then has established itself as one of the leading law journals in South Africa. The journal does not only focus on the legal position in South Africa but also publishes articles on the legal position in other jurisdictions.

2. Click here to download a copy of the TSAR guidelines.

3. This “how to” will show you how some of the most frequently used sources should be referenced. If however you are unsure of the correct ways in which to reference a source, you may consult your writing assistant, tutor or lecturer but only after you have consulted the TSAR guidelines and tried to find an example from a TSAR article.
3. Abbreviations

**Abbreviations in the text:**

Abbreviations are not used in the text.

**Abbreviations in footnotes:**

Abbreviations are used in footnotes whenever possible.

(a) All generally recognised abbreviations are acceptable, refer to your dictionary.
(b) The creation of new abbreviations and acronyms for virtually every new structure and new legislation is discouraged.
(c) Avoid full stops in and after abbreviations.
(d) Abbreviations in other languages than the language in which the manuscript is written, are italicised.
(e) The following abbreviations must be used in footnotes:

- s: section/sections, NOT ss for sections
- par: paragraph/paragraphs, NOT para/paras/pars
- p: page/pages, NOT pp for pages*
- J: Judge
- AJ: Acting Judge
- JA: Judge of Appeal
- CJ: Chief Judge
- reg: regulation
- regs: regulations
- ch: chapter
- chs: chapters
- n: footnote / footnotes
4. Capital letters and small letters

- Use capital letters sparingly. The following are examples of where capital letters are used: American, Bible, Blacks, Chinese, Community (in EC), the Continent, Companies Act, Government Gazette, Second World War, Union, Western, Whites.

- The following are examples of the use of small letters: act, administrator, department of labour, high court, house of assembly, house of commons, KwaZulu-Natal high court, law commission, legislature, minister, minister of internal affairs, national council of provinces, parliament, president, prime minister, registrar, supreme court of appeal.

- English titles in English contributions start with capital letters: Mr, Ms, Judge, Lord, Sir, Lady – but “his lordship, the judge”.

- References to judges follow the preceding rule: small letters for judge of appeal, chief judge, etc and no abbreviations in the text when these titles are used without a surname: “the judges of appeal concluded” but Mpati JA.
5. Commas, colons and semicolons

- **TSAR style** makes scant use of commas. One should use a comma only where its omission could cause confusion.

- A colon (:) or a semicolon (;) is followed by a small letter. When more than one sentence or a sentence in quotation marks follow a colon (:), the first letter after the colon is a capital letter.
6. Footnotes

- The references to the sources which you have consulted are contained in footnotes. Footnotes are also useful to make cross-references to other parts of the dissertation. Footnotes should not be used to write a parallel text. When information or arguments are directly applicable to the topic, they should be included in the text and when they are passing remarks which deal with unrelated matters, they should not be included in the footnotes of a mini-dissertation.

- Number the footnotes *sequentially*.

- Incorporate the footnotes *electronically* in the text.

- Show the footnotes *at the bottom of each page* and not at the end of chapters or the end of the manuscript.
Footnotes begin with a capital letter when the footnote comprises a full sentence.

1 S 77 provides an example of poor drafting.
2 This is an incorrect assumption.
3 See s 33.
4 Cf s 22.
5 Compare Boberg (n 2) 44.

A footnote begins with a small letter when the footnote does not constitute a full sentence, unless the first word used always starts with a capital letter, for example, surnames.

6 eg in s 44.
7 s 55(a)(i).
8 Mokgoro (n 3) 44.
9 Brink v Kitshoff (n 20) par 45.
10 and so say all of us.

All footnotes end with full stops.

The abbreviation for “footnote/footnotes” is “n” and a space is left between the “n” and the footnote number.

11 See n 33 below.

A previous footnote is referred to as follows:

12 n 13 above.

A subsequent footnote is referred to as follows:

13 n 99 below.

Please note: We do not use supra, infra, loc cit, op cit, id, idem and vide. These words and phrases are dispensable medieval baggage.
• In footnotes, a space must be left between the page number and ff/et seq.

1 124 ff.
2 124 et seq.

Please note: et seq is italicised, ff is not italicised.

• When more than one source is referred to in the same footnote, the references must be separated with a semicolon (;). Between the last two sources in a series of more than two sources, or when only two sources are referred to an “and” is used and not a semicolon.

2 Andrews v Botha 1933 AD 44 and Cohen v Dlamini 1955 3 SA 222 (C).
3 Andrews v Botha 1933 AD 44; Cohen v Dlamini 1955 3 SA 222 (C) and Ebrahim v Singh 2010 5 BCLR 88 (CC).

• References to sources usually appear in footnotes, but very often a part of a reference appears in the text and part of it in a footnote.

The constitutional court abolished the death penalty in S v Makwanyane.¹ Parliament gave effect to the right to administrative action in the Promotion of Administrative Justice Act.²

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1 1995 6 BCLR 665 (CC).
2 3 of 2000.

- Ff means “and the following pages” and is used to indicate that no final number can usefully be given.
- Et seq, similarly, means et sequentia (and the following). As such it must be italicised.
7. Headings

• All headings start with a capital letter.
• No full stop after a heading.

• Heading styles

Titles of essay: capital letters and text in bold

THE ELEMENTS OF A DELICT

Subdivisions of chapters: figures in regular print, text in italics and font size the same as the text

1 Introduction

2 The silence of lambs

Further subdivisions: figures and text in regular print (no italics) and font size the same as the text

1.1 Monday

1.1.1 Mornings
8. Hyphens

- Common law as a noun, but common-law definitions; common-law partners; common-sense approach.

- Single-intent test; same-evidence test.
9. Other languages

- Words and concepts in a language different from the language in which the text is written may either be italicised or may be shown in quotation marks. Sentences and strings of more than four words or concepts must be shown in quotation marks.

*Rechtsstaat* or “Rechtsstaat” ... BUT NOT “*Rechtsstaat*

*toerekeningsvatbaarheid* or “toerekeningsvatbaarheid”

She referred to the “Nebenfolge der Tat des Angeschuldigten”.
10. Quotations

• Use double quotation marks.

The author remarked: “It is a good idea.”

• Use single quotation marks within a quote.

She said: “Let us sing ‘Auld Lang Syne’ in June.”

• When a full sentence appears or full sentences appear in quotations marks, the quotation marks are closed after the (last) full stop.

“It snows in Johannesburg.”
“It snows in Johannesburg. It rains in Spain.”
He said: “It is a good idea.”

• When a quotation forms part of a full sentence, the quotation marks are closed before the full stop.

John loves “all things bright and beautiful”. John loves “all things bright and beautiful” and cats.
• Do not change the style in quotations to *TSAR* style. One does not edit the style in quotations.

• When style or words are *inserted or changed* in quotations, the changes must appear between square brackets [    ]. In the following example, the words [the protest] were added and [T] replaced a small letter.

“It [the protest] can serve to anticipate or negate an inference of acquiescence. . . . [T]hey agree with the judge.”

• *Omissions* from quotations, are dealt with as follows:

The judge comes to the conclusion that the calculation must be made “. . . with reference to the usages of the property . . . If the property is situated next to industrial property . . . objective criteria will be applied . . .”.

Three full stops are inserted where something is omitted ( . . . ) and they may be either spaced or typed without spacing ( . . . or . . . ). A fourth spaced full stop is added at the end of a sentence ( . . . or . . . ). This full stop is the normal full stop at the end of the sentence.

The three full stops *at the beginning of a quotation* may be omitted.

The judge comes to the conclusion that the calculation must be made “with reference to the usages of property . . .”.
Quotations longer than three printed lines must be indented and printed in smaller type:

The authors state:

“In South Africa, the term of office of the President is the same as that of the parliament which elected the President. After every national election, the National Assembly elects a President at its first sitting. The term of the National Assembly is five years, but it can be dissolved before the expiry of its term.”

Please note that quotation marks are still being used for the indented text and that the capital letters in the case of President and National Assembly are left unchanged, because one does not edit the style in a quotation (see 9.5 above).

Paraphrasing

Generally speaking, students must be careful not to over utilise quotations. As far as possible students must try to paraphrases the idea into there own words. This means that the student will express the meaning of the idea using different words. If you have paraphrased the idea using different words you must still reference the idea!!
II. References

- Articles in journals [click]
- Books [click]
- Case law [click]
- Internet sources [click]
- Legislation [click]
- Monographs [click]
- Newspapers and gazettes [click]
- Old authorities [click]
- Papers of the South African law commission [click]
- Series and edited compilations [click]
- Unpublished theses and dissertations [click]
ARTICLES IN JOURNALS

Example:

1 Budlender “Access to courts” 2004 SALJ 339 342.


Note the following:

• The first figure following the name of the journal refers to the page on which the article begins. This figure must always be shown in the first footnote reference to a particular article. The second figure following the name of the journal refers to the page on which the information appears.

• No initials are used except for identification purposes when more than one author with the same surname are referred to in the same footnote. Initials are then shown before the surname.

• Title in quotation marks.

• Only the first word in the title of the article begins with a capital letter, even when the other words in the original title (the title as published in the original source) have capital letters.

• BUT when certain words start with a capital according to the rules of a specific language. They must start with a capital letter in your manuscript.

Robberts “The legal philosophy of Dick King” 1985 Journal for Legal Philosophy 926
• The name of the journal is italicised. Please note: no full stops in abbreviations of journal names.
• Abbreviations are used for the names of journals which are generally recognised. The abbreviations of most South African law journals are generally known to all South African readers.

*CILSA, SACJ, SALJ, SAJHR, THRHR, TRW, TSAR, etc.*

• Subsequent cross-references to a contribution of an author is done by referring to the name of the author and the note in which the full title of his contribution was first referred to – the name of the journal is not repeated.

Jansen, Conradie and De Villiers “Erfreg in perspektief” 1980 *TSAR* 5


23 Smith (n 1) 694.

• Only the date of the journal must be used, not the volume or issue numbers, except in the case of issue numbers published in the same year but without sequential page numbers, or in the case of the *WPNR* where the year may be added between brackets after the number of the week.

• No full stops, colons or commas after the author’s name or in the rest of the citation, except in the case of three or more writers.

Remember that just because you find an article in a database does not mean that you can simply reference the database. You have to cite the article as normal. Do not reference “LexisNexis” or “Jutastat”
BOOKS

Example:

Schwikkard and Van der Merwe
*Principles of Evidence* (2002) 46

or when the year of publication is not available:

Schwikkard and Van der Merwe
*Principles of Evidence* (2d ed) 46

Note the following:

- No initials. Except for identification purposes when two or more authors with the same surname are referred to in the same footnote. Initials are then shown before the surname.


- The title of the book is italicised.
- All words in the title begin with capital letters, except prepositions, conjunctions and definite or indefinite articles.
- Use the year of publication. When the year of publication is unknown, use the edition number, NEVER BOTH.
- Year of publication (or sometimes) edition, in brackets.
- In the event of more than one author, use “and” ... not “&”.
- The publisher and place of publication are not referred to.
- Volumes are referred to as follows:

Palmer II *Precedents in Company law*
Esser II.2
XXXIX Halsbury-Simonds.
CASE LAW:
South African Cases

Example:

Conradie v Rossouw 1965 2 SA 589 (C) 593F
Green v Green 1942 WLD 67 69
Smith v Smith 1946 AD 201
S v Manamela 2000 5 BCLR 491 (CC)

Note the following:

• Citations of different cases are separated by semicolons:

Brown v Brown 1948 1 PH 821 (O); Green v Green 1942 WLD 67 69.

• Full stops, commas and brackets are not used unless they are essential. TSAR does not put volume numbers of law reports in brackets.

1965 2 SA 589 (C) NOT 1965 (2) SA 589 (C)

And others, NO, etc, are omitted

Foreign Cases

• Use the accepted ways of reference, but without the unnecessary [ ] and avoid full stops whenever possible.

Unreported Cases

Pienaar v Beukes case no 492/90 (C) (unreported)

Or when the case number is not available, but the date upon which the judgment was delivered is:

Pienaar v Beukes 15-01-1989 (C) (unreported)
INTERNET SOURCES

• The use of internet sources is discouraged. An internet source may only be used when it is the only available source. An internet source must be referred to in the following way:


• The date between brackets is the date on which you have last accessed the source. This date must be supplied.
• The reference to the internet source (http:www. ...) is not underlined, italicized or printed in another colour.

Beware of Internet Sources!!

In our modern world it is often our first instinct to “Google” a subject. The internet is a wonderful research tool and a significant resource. But students should also note that not all sources are equal. We generally refer to books, articles and the like because they have been peer reviewed. Any person can write an opinion of something on a webpage – if it has not been peer reviewed there will be little value in the resource and it will affect your mark negatively!!
**Example:**

The Companies Act 61 of 1973

**Note the following:**

- The name of the act is not italicised. Italicise the name of the act only where the act is in a language different to that of the text.

- No reference to “number” etc and no commas.

- (Title of the act with a capital letter if it is the official short title of the act, otherwise small letters, for example, the Promotion of Administrative Justice Act 3 of 2000, but the German constitution. All other references to an act or the act are always with small letters, but Act 39 of 1962 when the title is not used.

- With certain exceptions, all subsections in legislation must be referred to in brackets.

  s 15(2)(a) or section 15(2)(a)

**BUT**

  s 6A(1); s 111bis; s 36quin(3)(a)
**MONOGRAPHS**

*Example:*

Van der Walt *Enkele Gedagtes oor die Skuldlose Aanspreeklikheid* (1970 publication series of the RAU (A 35)) 20-25

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**NEWSPAPERS AND GAZETTES**

*Example:*

*Beeld* (15-01-1983) 12
or
*Beeld* (15 Jan 1983) 12

*Government Gazette* (in footnotes abbreviated as *GG*) 6679 (28-09-1979)
or
*Government Gazette* 6679 (28 Sept 1979)

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**What is a monograph?**

A legal monograph is a detailed written study of a single specialized subject within the field of law or an aspect of it.

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Although students can certainly use newspapers as sources, especially to point to societal problems. It should be noted however that these are not academic writings and they should not be treated as such.
OLD AUTHORITIES

Example:

D 9 2 11 8; De Groot Inleidinge 2 2 12 and Voet Commentarius ad Pandectas 7 1 13.

Note the following:

• No full stops

• Translations from the old authorities may only be given when the translation is uncontested, but the author may also use the original Latin text in a footnote. In such a case the text follows a colon after the reference.

PAPERS OF THE SOUTH AFRICAN LAW COMMISSION

Example:

South African Law Commission

[In this case, the title is in quotation marks because it is one of the papers in a project.]
SERIES AND COMPILATIONS UNDER AN EDITOR AND A FESTSCHRIFT

Example:

1 De Wet “Agency and representation” LAWSA (1976) § 18
2 Botha “Extradition” X.1 LAWSA (2008) § 223

Note the following:

• 132 is the starting page of the contribution and 139 is the number of the page on which the information appears.

UNPUBLISHED THESES OR DISSERTATIONS

Example:

Van der Walt Risiko-aanspreeklikheid uit Onregmatige Daad (1974 thesis SA) 15
De Waal Die Moontlikheid van Besitherstel as Wesenselement vir die Aanwending van die Mandement van Spolie (1982 dissertation US) 19

Note the following:

• It is not necessary to mention that it is unpublished.
• SA/US/RAU/UJ indicates the conferring university.