



Discovering & Understanding Legal Materials.

What are legal materials?

Legal materials are documents that tell you what the law is, or which explain, discuss and comment on the law.

They fall into two broad categories:

- Primary legal materials represent the law itself. There are two significant types of primary legal material: statute law (also known as legislation) and case law.
- Secondary legal materials such as journals and textbooks, explain, discuss and comment on the law.

Primary legal materials: statute law

- **Acts of Parliament**
 - Acts of parliament are the most significant form of statute law. They start out as Parliamentary Bills, and when they have passed through the House of Commons and House of Lords they receive Royal Assent. The Act then becomes a law, although it may not come into force immediately.
 - Acts of Parliament have a short title and a chapter number, for example, the Freedom of information Act 2000 (c.36).
 - Acts of Parliament are published on the government's [Legislation website](http://www.legislation.gov.uk/) (<http://www.legislation.gov.uk/>). They are also available in the legal databases [Lexis Library](https://www.sheffield.ac.uk/library/cdfiles/halslaws) (<https://www.sheffield.ac.uk/library/cdfiles/halslaws>) and [Westlaw UK](https://www.sheffield.ac.uk/library/cdfiles/westlaw) (<https://www.sheffield.ac.uk/library/cdfiles/westlaw>).
- **Delegated Legislation**
 - Parliament can empower other institutions or individuals to make legislation. This is known as delegated legislation.
- **Statutory Instruments**
 - Statutory Instruments are the most common form of delegated legislation. Some Acts of Parliament give powers to government ministers to make rules and regulations relating to the Act, and these are Statutory Instruments.
 - Example: [Displaced Persons \(Temporary Protection\) Regulations 2005](#) SI 2005-1379
 - Statutory Instruments are published on the government's [Legislation website](http://www.legislation.gov.uk/) (<http://www.legislation.gov.uk/>). They are also available in the legal databases [Lexis Library](https://www.sheffield.ac.uk/library/cdfiles/halslaws) (<https://www.sheffield.ac.uk/library/cdfiles/halslaws>) and [Westlaw UK](https://www.sheffield.ac.uk/library/cdfiles/westlaw) (<https://www.sheffield.ac.uk/library/cdfiles/westlaw>).

How does statute law develop?

- **Consultations**
 - If new legislation is required, the government may issue a consultation document (Green Paper) or a policy proposal (White Paper) and seek opinions from interested parties. These will usually be published as Command Papers.





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- Example: [The Digital Economy Act 2010](http://www.legislation.gov.uk/ukpga/2010/24/contents) (<http://www.legislation.gov.uk/ukpga/2010/24/contents>) took forward a number of recommendations requiring legislation from the White Paper [Digital Britain](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228844/7650.pdf) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228844/7650.pdf) which was published as a Command Paper (Cm 7650) in 2009.
- The [Law Commission](https://www.lawcom.gov.uk/) (<https://www.lawcom.gov.uk/>) has a remit to review the law and recommend reform when necessary, and it publishes consultation documents and reports, available on the website.
- Example: The [Bribery Act 2010](http://www.legislation.gov.uk/ukpga/2010/23/contents) (<http://www.legislation.gov.uk/ukpga/2010/23/contents>) implemented proposals from the [Law Commission report 313 Reforming Bribery](https://www.lawcom.gov.uk/project/bribery/) (<https://www.lawcom.gov.uk/project/bribery/>) published in 2008.
- **Bills**
 - All Acts of Parliament start life as Bills, which may be introduced either in the House of Commons or in the House of Lords. General information about Bills is available from the [UK Parliament Website](https://www.parliament.uk/business/bills-and-legislation/) (<https://www.parliament.uk/business/bills-and-legislation/>).
- **Debates**
 - If you want to read Parliamentary or Committee debates on a particular Bill, you need to use [Hansard](https://www.parliament.uk/business/publications/) (<https://www.parliament.uk/business/publications/>), which is an edited verbatim report of the proceedings of Parliament. If you need to consult older volumes a [historic archive from 1803-2005](https://api.parliament.uk/historic-hansard/index.html) (<https://api.parliament.uk/historic-hansard/index.html>) is available from a beta service.
 - Older copies of Hansard can also be found in the House of Commons [UK Parliamentary Papers database](https://www.sheffield.ac.uk/library/cdfiles/hcpp) (<https://www.sheffield.ac.uk/library/cdfiles/hcpp>).
- **Act of Parliament**
 - A Bill becomes an Act of Parliament when it has passed all the necessary stages in both Houses of Parliament and receives Royal Assent. It may not come into force immediately, and one or more Statutory Instruments may be required to bring the legislation into force.

For an in-depth look at how statute law develops you can look at the [Passage of a Bill](https://www.parliament.uk/about/how/laws/passage-bill/) (<https://www.parliament.uk/about/how/laws/passage-bill/>) or watch the [video](https://www.parliament.uk/education/teaching-resources-lesson-plans/from-bill-to-law/) (<https://www.parliament.uk/education/teaching-resources-lesson-plans/from-bill-to-law/>) from Parliament UK.

Primary legal materials: case law and law reports

“Although most laws are enacted by Parliament in the form of legislation, in a common law system...the courts can also develop the law. By deciding a disputed point of law a senior court (known as a court of record) can change or clarify the law, thereby setting a precedent which other courts are bound to follow or apply in later cases” (Incorporated Council of Law Reporting [ICLR], n.d.)

Incorporated Council of Law Reporting [ICLR]. (n.d.). Case Law – ICLR. Retrieved June 18, 2018, from <http://www.iclr.co.uk/knowledge/case-law/>





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Case law and law reports: background

- A transcript is a verbatim record of a court judgment. A law report summarises what the court said as well as including the text of the judgment (ICLR, 2015).
- Only a small proportion of court cases are published (or reported) as law reports. You can find law reports on Lexis Library and Westlaw UK. Increasingly, court judgments are also freely available on the [British and Irish Legal information Institution \[BAILII\] website](http://www.bailii.org/) (<http://www.bailii.org/>).
- The most authoritative law reports are generally considered to be the Law Report series published by The Incorporated Council of Law Reporting. They bring together Appeal Cases (AC) heard in the UK Supreme Courts as well as cases from the Queen's Bench (QB), Chancery (Ch) and Family (Fam).
- Before 1865 cases were reported by private reporters, and were known by the reporter's name e.g. Croke's Reports. They have been reprinted in two series, the English Reports 1220-1865, and the Revised Reports 1875-1866 and some of these reports continue to be significant as precedents. The English Reports are included in Westlaw UK.

Case law: citation

A typical case reference, or citation, might look something like this:

Radmacher v Granatino [2010] UKSC 42, [2011] 1 AC 534

- **Radmacher v Granatino** – are the names of the parties contesting the trial, always written in italics
- **[2010] UKSC 42** – This is the neutral citation, the 42nd Supreme Court Judgment in 2010. Neutral citations were introduced in 2001 so may not be present in older case citations.
- **[2011] 1 AC 534** – This is the Law Report citation, which includes the year that the case was reported (2011), the volume number (1), the series abbreviation (AC = Appeal Cases) and the page reference (534).
- Before neutral citations were introduced, the court abbreviation was included at the end of citation, e.g. *James vs Eastleigh BC* [1990] 2 AC 751 (HL)
- If you need to know what a legal abbreviation means, use the [Index to Legal Abbreviations](#) produced by the University of Cardiff.

Case law: citation quiz

Drag and drop the elements below into the correct order

- *Liversidge v Anderson*
- [1942]
- AC
- 206
- (HL)

Correct – You have put all elements of the case law citation in the correct order! Move on to the next slide to discover secondary sources.





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Incorrect – Guess again. The order of a case law citation is party names, year, abbreviation for series of report, number of the first page, the court the case was heard in.

Secondary sources: legal journals

Journal articles are a good way of finding out about the latest legal research developments. If you need to find journal articles on a particular topic, use [Lexis Library](https://www.sheffield.ac.uk/library/cdfiles/halslaws) (<https://www.sheffield.ac.uk/library/cdfiles/halslaws>), [Westlaw UK](https://www.sheffield.ac.uk/library/cdfiles/westlaw) (<https://www.sheffield.ac.uk/library/cdfiles/westlaw>), or [HeinOnline Law Journal Library](https://www.sheffield.ac.uk/library/cdfiles/heinlaw) (<https://www.sheffield.ac.uk/library/cdfiles/heinlaw>).

Journal abbreviations and references

You might see a reference that looks something like this:

(2003) 62 CLJ 13

References to Legal Journals often include abbreviations, and if you don't know what an abbreviation means you can look it up in the [Index to Legal Abbreviations](#).

- **(2003) 62** - is a reference to volume 62 which was published in 2003
- **CLJ** – is the Cambridge Law Journals
- **134** – The article starts on page 134. Usually the reference would also include author name and article title, but this isn't always the case

Use the library catalogue, [StarPlus](http://find.shef.ac.uk) (<http://find.shef.ac.uk>), to check availability and get access to a particular journal.

Legal databases

The legal databases Lexis Library and Westlaw UK provide access to primary and secondary legal materials, and tools to help you keep up to date with and research particular areas of the law.

Although there is some duplication, each one also has some unique content and both are used extensively in practice, so it's a good idea for law students to be familiar with both.

Training materials and certification schemes are available for both Lexis Library and Westlaw UK.

For a list of other databases and resources, see the [library subject guide](https://sheffield.libguides.com/guidelaw/databases) (<https://sheffield.libguides.com/guidelaw/databases>).

Visit [Lexis Library](https://www.sheffield.ac.uk/library/cdfiles/halslaws) (<https://www.sheffield.ac.uk/library/cdfiles/halslaws>)

Visit [Westlaw UK](https://www.sheffield.ac.uk/library/cdfiles/westlaw) (<https://www.sheffield.ac.uk/library/cdfiles/westlaw>)





Primary or secondary sources of information?

- **Human Rights Act 1998 – Act of Parliament**
 - **Drop correct (Primary Legal Materials)** – Acts of Parliament are a primary source of information! Once an Act of Parliament receives Royal Assent it becomes law, although it may not come into force immediately.
 - **Drop incorrect (Secondary Legal Materials)** – Acts of Parliament are a primary source of information. Once an Act of Parliament receives Royal Assent it becomes law, although it may not come into force immediately.
- **Holland J and Webb J, *Learning Legal Rules* (9th edn, OUP 2016) – Book**
 - **Drop correct (Secondary Legal Materials)** – Books are a secondary source of information! Textbooks provide a good overview of a subject, but can take a few years to publish so the information may not be the most up to date.
 - **Drop incorrect (Primary Legal Materials)** – Books are a secondary source of information. They provide a good overview of a subject, but can take a few years to publish so the information may not be the most up to date.
- **Bjorge E, 'Common Law Rights: Balancing Domestic and International Exigencies' (2016) 75 CLJ 220 – Journal Article**
 - **Drop correct (Secondary Legal Materials)** – Journal articles are a secondary source of information! They are a good way of finding out about the latest legal research and developments.
 - **Drop incorrect (Primary Legal Materials)** – Journal articles are a secondary source of information. Journal articles are a good way of finding out about the latest legal research and developments.
- ***Derbyshire CC v Times Newspapers Ltd* [1993] AC 534 (HL) – Case report**
 - **Drop correct (Primary Legal Materials)** – Case reports are a primary source of information! They are a verbatim record of a court judgment.
 - **Drop incorrect (Secondary Legal Materials)** – Case reports are a primary source of information and are a verbatim record of a court judgment.
- **Hervey T and McHale J, *European Union health law: themes and implications* (CUP 2015) – Book**
 - **Drop correct (Secondary Legal Materials)** – Books are a secondary source of information! Textbooks provide a good overview of a subject, but can take a few years to publish so the information may not be the most up to date.
 - **Drop incorrect (Primary Legal Materials)** – Books are a secondary source of information. They provide a good overview of a subject, but can take a few years to publish so the information may not be the most up to date.
- **Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, SI 2002/2034 – Statutory Instrument**
 - **Drop correct (Primary Legal Materials)** - Statutory Instruments are a primary source of information. They are statute law and represent the law itself.



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- **Drop incorrect (Secondary Legal Materials)** – Statutory Instruments are a primary source of information. They are statute law and represent the law itself.
- **Armes V Nottinghamshire CC [2017] UKSC 60, [2018] AC 355 – Case report**
 - **Drop correct (Primary Legal Materials)** – Case reports are a primary source of information! They are a verbatim record of a court judgment.
 - **Drop incorrect (Secondary Legal Materials)** - Case reports are a primary source of information and are a verbatim record of a court judgment.
- **‘Case Comment: Burglary – entry into a building as a trespasser’ (1996) CrimLR 320 – Journal article – case comment**
 - **Drop correct (Secondary Legal Materials)** – Journal case comments are not considered primary legal materials, as they do not include the judgment text.
 - **Drop incorrect (Primary Legal Materials)** – Journal article case comments are a secondary source of information as they do not include the judgment text.

Well done! You have correctly identified primary and secondary sources of information for your studies. Click the next button below to move on to European Union law.

European Union legal materials

The European Union (EU) is based on a number of founding treaties, which have been amended over the years. These are the primary legislation of the EU.

The different institutions of the EU make and issue Regulations, Directives, Decisions and Recommendations, and these are known as secondary legislation. The official published source for all these materials is the Official Journal of the European Union.

[EUR-Lex \(https://eur-lex.europa.eu/homepage.html\)](https://eur-lex.europa.eu/homepage.html) is the official online portal for EU law, and includes full-text access to treaties and legislations, and the Official Journal from 1952.

Official Journal of the European Union

The Official Journal of the European Union is published in two parts, The L series (Legislation) and the C series (Information and Notices).

A typical Official Journal citation might look something like this:

[2018] OJ L131/16

- **[2018]** is the year of publication.
- **OJ L131** is the Official Journal of the European Union, the part number for that year is L131.
- **/16** is the first page of the document – page 16

An alternate form of citation that you might see is:

[2018] OJ L131 29.5.2018, p. 16-22.





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In this form the full date a page range are given.

The Court of Justice of the European Union

The Court of Justice of the European Union was created in 1952. It has its seat in Luxembourg, and consists of three courts:

- The **Court of Justice**
- The **General Court** (Created in 1988)
- The **Civil Service Tribunal** (Created in 2004)

All judgments and other information about the court are available from the Court's website, [Curia](https://curia.europa.eu/jcms/jcms/index.html) (<https://curia.europa.eu/jcms/jcms/index.html>).

Judgments are also available on [EUR-Lex](https://eur-lex.europa.eu/homepage.html) (<https://eur-lex.europa.eu/homepage.html>).

The case law of the Court of Justice

A typical case reference might look like this:

C-541/16 *Commission v Denmark*

- **C-541/16** is the registration number and year of registration. Cases before the European Court of Justice are prefixed C, and cases before the General Court are prefixed T, cases before the Civil Service Tribunal are prefixed F. This is case number 541, filed before the Court of Justice in 2016.
- ***Commission v Denmark*** are the parties in the case.

The judgment of the Court for this case was given in 2018, and information and full text documents are available on EUR-Lex and Curia.

Judgments and other documents are issued with an ECLI [European Case Law Identifier], in this case ECLI: EU:C: 2018:251

The Council of Europe & the European Court of Human Rights

The [Council of Europe](https://www.coe.int/en/web/about-us/who-we-are) (<https://www.coe.int/en/web/about-us/who-we-are>) is an international organisation based in Strasbourg, set up to promote democracy and protect human rights and the rule of law in Europe. It has 47 member states and all (including the UK) have signed the [European Convention on Human Rights](https://www.echr.coe.int/Pages/home.aspx?p=basictexts/convention) (<https://www.echr.coe.int/Pages/home.aspx?p=basictexts/convention>). The [European Court of Human Rights](https://www.echr.coe.int/Pages/home.aspx?p=home) (<https://www.echr.coe.int/Pages/home.aspx?p=home>) oversees the implementation of the Convention.

Case law of the European Court of Human Rights is available from the Court's website, via the [HUDOC](#) database.

A typical reference includes the party names, the application number, the Court abbreviation and the date of judgment, e.g.



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British Gurkha Welfare Society v United Kingdom App no 44818/11 (ECtHR 15 September 2016)

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Take an online tutorial

Resource last reviewed: August 2018

Review due: August 2019

This PDF complements the tutorial *Discovering & Understanding Legal Materials*



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