

# LAW REPORTS

## 1. INTRODUCTION

- Law reports are narratives of the facts, legal discussions and judgments of individual cases.
- Because case law is a major source of law in English and Wales, significant cases decided by the courts are recorded in various series of law reports.
- Each series of law reports has its own abbreviation. To find the meaning of the abbreviations, use the online **Cardiff index to legal abbreviations** at: <http://www.legalabbrevs.cardiff.ac.uk/>
- Each case that is reported has its own unique reference or “case citation” (see section 9).
- Not all cases are reported. Of the 200,000 or so cases heard in the courts of England and Wales each year, only around 2,500 are reported. This amounts to 1.25% of cases appearing as law reports. The cases published as law reports are those deemed to be of *significant legal interest*, i.e. they are cases which create a new precedent, or which modify, or which clarify, an existing principle of law.

## 2. WHY ARE LAW REPORTS IMPORTANT?

- The English legal system is heavily dependent upon the doctrine of precedent. This determines that the courts, within certain limits, are bound to follow earlier decisions. Thus, in decided cases, principles of law laid down by higher courts must be followed by other courts in similar cases.
- A system of precedent can only operate where there is a well established system of law reporting; law reports are therefore extremely important for they enable decisions to be accessed by future courts.

## 3. FINDING LAW REPORTS IN PAPER COPY

The Law Library provides access to all the major series of law reports. The following series are held in paper copy in the Law Library:

## ***The Law Reports (1865 – onwards)***

- Published by the *Incorporated Council of Law Reporting for England & Wales (ICLR)*, founded 1865.
- These are the most authoritative “official” law reports; they are the preferred series for use in court and the most recent consist of the following sub-series:

Appeal Cases [**AC**]

Chancery Division [**Ch**]

Queen’s Bench [**QB**]

Family Division [**Fam**]

- *The Law Reports* can also be accessed online using either **Westlaw UK**, or **Lexis®Library** (see section 5).

## ***Weekly Law Reports [WLR] (1953 – onwards)***

- Also published by the *ICLR*.
- Issued in three annual volumes. The Law Library only takes Vol.1 because cases in Vols. 2 and 3 will be reported in ***The Law Reports***.
- Can also be accessed online using Westlaw UK (see section 5). The English Reports (ER) (13<sup>th</sup> century – 1873)
- *The English Reports* bring together re-prints of all important case reports from 1220 until 1873; these early cases played an important role in formulating the basis of the common law as we know it today.
- To find an individual case in *The English Reports* look up the name in the **Case Index** (Vols.177-178 of the series).
- *The English Reports* can also be accessed online using either *Westlaw UK* or *HeinOnline* (see section 5).

## ***All England Law Reports [All ER] (1936 – onwards)***

- The leading series of general law reports.
- Can also be accessed online using *Lexis®Library* (see section 5).

## ***Butterworths Human Right Cases [BHRC] (1996 – 2007)***

- A major reporting series which covers leading human rights decisions from national and international courts and tribunals.

- Designed along the same lines as the *All England Law Reports*.
- Can also be accessed online using *Lexis®Library* (see section 5).

### ***Family Law Reports [FLR] (1980 – 2007)***

- Authoritative law reports covering every important family and child law case from all levels of court. Topics covered include adoption, welfare of the child, divorce, and practice and procedure.
- Can also be accessed online using *Lexis®Library* (see section 5).

### ***Immigration Appeal Reports [Imm AR] (1972 – 2002)***

- Imprint London: HMSO. A major source of case law concerning immigration.
- You will find these in the J.B. Priestley Library, on main campus, in the British Government Collection on Floor 2. Go to the shelves labelled: BGP/Home Office/Immigration Appeals.

## **4. LAW REPORTS IN NEWSPAPERS**

- *The Times* and *The Independent* are often useful because short case reports appear under the heading “*Law Report*” a day or so after the judgement is heard.
- The Library holds archives of both titles: *The Times* – from 1944 onwards; *The Independent* – from 1986 onwards. The Law Library also subscribes to annual volumes of the *Times Law Reports* in paper copy (see below), and also online (see below).

### ***Times Law Reports [TLR] (2000 – onwards)***

- Law reports from *The Times* newspaper are issued in annual volumes.
- *Times Law Reports* 1988 – onwards can be accessed online using *Lexis®Library* (see section 5).

## **5. FINDING LAW REPORTS ONLINE**

The Library subscribes to the various key legal databases, listed below. These provide online access to law reports from all the major series concerning the UK, plus many specialised law reports and transcripts of unreported cases.

### ***Lexis®Library***

- The *CaseSearch* option allows you to search by keywords, by case name, or by case citation.

- Includes full text of *The Law Reports*, the *All England Law Reports [All ER]*, and other major series such as *Butterworths Human Rights Cases [BHRC]*, *Family Law Reports [FLR]*, and the *Times Law Reports [TLR]*.

### **Westlaw UK**

- The **Cases** option allows you to search by free text (i.e. keywords), by party names, or by case citation.
- Includes full text of *The Law Reports*, the *Weekly Law Reports [WLR]*, and other major series such as *Criminal Appeal Reports [Cr App R]*, and *Common Market Law Reports [CMLR]*.
- Also includes the option to search for European cases (see section 7).

### **XpertHR / Employment law**

- Specialises in employment law reports. To search, click on **Employment Law** tab (at left-hand side of screen), and then on **Case reports** tab.
- Allows you to search employment law cases by topic, e.g. *Age discrimination; Contracts of employment; Health and safety; Redundancy*, etc.

## **6. EUROPEAN UNION LAW REPORTS**

- The importance of case law from the European Court of Justice (ECJ) cannot be underestimated because decisions made here have a bearing upon the law of England and Wales. It is therefore vital that all law students are equipped with a good understanding of the EU legal system.
- The official law reports of the ECJ are called the European Court Reports. You will find these in paper copy in the J.B. Priestley Library on main campus, in the *European Documentation Centre* on Floor 2. Go to the shelves labelled Court of Justice. (Note: the J.B. Priestley Library is a designated European Documentation Centre and receives all the official publications of the EU.)
- For more detailed information on finding EU law reports, see the following Library guide: ***Finding European Union legal information at the University of Bradford***.

### ***European Court Reports [ECR] (1954 – onwards)***

- These are the official and the most authoritative reports covering European Union case law. The *Court of Justice of the European Communities* was established in 1952 and quickly built up a heavy case load.
- To ease the workload of the *Court of Justice of the European Communities*, the *Court of First Instance* was established in 1989 to hear cases brought by private parties. It does not hear cases brought by institutions or member

states of the EU. Consequently, since 1990 the *European Court Reports* have been split into two parts: Part I contains reports of cases from the *Court of Justice of the European Communities*; Part II contains reports of cases from the *Court of First Instance*. The full title of the *European Court Reports* are: *Reports of Cases before the Court* (1954 – 1989) and *Reports of Cases before the Court of Justice and the Court of First Instance* (1990 – onwards).

- Please be aware that, following the Treaty of Lisbon coming into force on 1<sup>st</sup> December 2009, the official name of the *Court of Justice of the European Communities* was shortened to the *Court of Justice*, and the *Court of First Instance* was renamed the *General Court*.
- *European Court Reports* can also be accessed online using *EUR-Lex*, the official legal database of the EU (see Section 7).

Because judgements have to be accurately translated into each of the eleven official languages of the EU, a major problem with the *European Court Reports* concerns their delay in publication – there is often a time lapse of two years between the court hearing and publication of the official report. It is thus difficult to use the *European Court Reports* for very recent cases.

Consequently, you are advised to use the following series of EU law reports:

### ***Common Market Law Reports [CMLR] (1962 – onwards)***

- These are *not* the official law reports of the ECJ and the CFI, but a major series published commercially by Sweet & Maxwell. The series contains significant cases only, i.e. not all cases.
- The *Common Market Law Reports* are important and very useful because they are published much quicker than the official *European Court Reports*.
- They can also be accessed online using *Westlaw UK*.

### ***All England Law Reports (European Cases) [All ER (EC)] (1995 – onwards)***

- This series, published commercially by LexisNexis, includes the texts of selected cases only.
- Students will find them useful because they give good summaries of important EU cases heard since 1995.
- They can also be accessed online using *Lexis@Library*.

## **7. FINDING EU LAW REPORTS ONLINE**

For online access to various series of EU law reports, use either our subscription databases (*Westlaw UK* and *Lexis@Library*), or free websites (*EUR-Lex* and *Curia*).

## **Westlaw UK**

- To search for EU cases, click on the **EU** tab on the homepage.
- EU information on *Westlaw* is provided by *EUR-Lex* and is divided into Cases; Treaties; Legislation; Preparatory documents; Parliamentary questions, information and notices.
- *Westlaw* also enables access to the important series of EU law reports, the *Common Market Law Reports [CMLR]*. Click on the **Cases** tab; click on: **Law Reports and Transcripts**; click on **Common Market Law Reports**; you now have options to browse by year, or to search by keywords.

## **Lexis®Library**

- To search for EU cases, click on the red **Sources** tab on the homepage; under **Find Sources**, click on **E**, and choose **EU Cases**.
- To access the *All England Law Reports (European Cases) [All ER (EC)]*, click on the **Sources** tab. On the A-Z index bar, click on **A**, and choose **All England Law Reports European Cases**; you now have options to browse by year, or to search by keywords.

## **EUR-Lex**

- Part of the *Europa* website, the official legal database of the EU; provides free access to EU law.
- Go to: <http://eur-lex.europa.eu/en/index.htm>

## **CURIA**

- Part of the *Europa* website; provides free access to EU law case law after June 1997. Earlier case-law is available on *EUR-Lex*
- Go to: <http://curia.europa.eu/>

## **8. SUMMARIES OF CASES**

- Case reports in their original form are often long and very technical and understanding the key facts and arguments isn't always easy.
- The following publications can help. They provide summaries, or "digests", of case reports. A law report 50 pages long may be summarised to just three short paragraphs!

## **Current Law**

- Contains case summaries (called “*digests*”) from 1947 arranged under broad subject headings.
- Issued monthly. At the end of each year the **Monthly Digests** are re-edited and published in an annual **Current Law Yearbook**.
- Also includes summaries of major EU and Human Rights cases.

## **The Digest**

- Provides useful summaries of UK, EU and Commonwealth cases, plus references to full reports, going as far back as the 11<sup>th</sup> century!
- Arranged by subject title, with sub-headings in each title.
- The service comprises of the **Main Volumes**, the **Consolidated Table of Cases** and the **Consolidated Index**. The service is up-dated by the **Annual Cumulative Supplement** and **Continuation Volumes**. The **Main Volumes** are revised and re-issued at intervals as the need arises.

## **9. CASE CITATION**

Each reported case has its own unique case citation. At first sight a case citation might appear confusing. Don't worry – you will soon learn to “de-code” the various elements. Consider the examples below:

### ***An example of a case citation***

Look carefully at this example of a case citation:

- Farley v Skinner [2001] 4 All ER 801

The case citation is “de-coded” as follows:

- Farley v Skinner<sup>1</sup> [2001]<sup>2</sup> 4<sup>3</sup> All ER<sup>4</sup> 801<sup>5</sup>

1. Names of parties; the party initiating proceedings is placed first.
2. Year the case was reported.
3. Number of volume in which it was reported.
4. Abbreviation of the law report in which it was reported, i.e. the *All England Law Reports*.
5. Page number at which the case report begins.

You will find the full report of the above case in the appropriate volume of the *All England Law Reports* in the Law Library.

### **More examples of case citations**

Cases are cited as briefly as possible, for example:

- [2001] 1 AC 27
- [2002] 3 All ER 209
- (1866) 176 ER 865

These citations refer to the following cases:

- Fitzpatrick v Sterling Housing Association Ltd, reported in The Law Reports, **Appeal Cases**, 2001, vol. 1, starting at page 27.
- Kuwait Airways Corp v Iraqi Airways Co, reported in the **All England Law Reports**, 2002, vol.3, starting at page 209.
- Aldworth v Stewart, reported in the **English Reports**, 1866, vol.176, starting at page 865.

### **Square or round brackets?**

Most case citations enclose the date within square brackets [ ]. Note, however, how the Aldworth v Stewart citation uses round brackets ( ).

- Square brackets [ ] are used when the date is absolutely essential to finding the report.
- Round brackets ( ) are used when the date is not essential to finding the case (even though it gives an idea of when the case was reported). Thus, the AC and the All ER dates are absolutely crucial to finding the case reports, and hence have square brackets, but because the *English Reports* are published in an on-going sequence of volumes, then the date (in round brackets) is not essential to finding the Aldworth v Stewart report.

### **Multiple case citations**

Some case citations can appear quite daunting. This is because the same case has been reported in a number of different series of law reports. For example:

- OBG Ltd v Allan [2005] EWCA Civ 106; [2005] QB 762; [2005] 2 WLR 1174; [2005] 2 All ER 602; [2005] 1 BCLC 711; [2005] BLR 245; [2005] BPIR 928; (2005) 102(14) LSG 27; Times, Feb., 24, 2005.

When you see a citation such as the example above, don't panic! All the abbreviations are de-coded as follows:

- EWCA Civ Court of Appeal (Civil Division)
- QB Law Reports, Queen's Bench
- WLR Weekly Law Reports
- All ER All England Law Reports
- BCLC Butterworths Company Law Cases
- BLR Business Law Reports
- BPIR Bankruptcy and Personal Insolvency Reports
- LSG Law Society's Gazette
- Times Times Law Reports

As indicated above in Sections 3, 4 and 5, the Law Library provides access to all the major series of law reports, both in paper format and online, so you should be able to track down all of the reports cited above.

### ***Neutral case citations***

In the *OBG Ltd v Allan* example given above, the first citation, [2005] EWCA Civ 106, is called a **neutral case citation**. Neutral case citations were introduced in 2001 to make it easier to identify judgments published on the internet. They look very similar to law report citations, but a neutral case citation is **not** a reference to a commercial law report. Instead, it is a unique identifier assigned to the transcript of a case heard before one of the higher courts, i.e. the Supreme Court, the House of Lords, the Court of Appeal (Civil and Criminal Divisions), and all divisions of the High Court (Queen's Bench; Chancery; Family). Where a case has a neutral citation, this will appear before the usual law report citation.

- To find transcripts of cases that have neutral citations, use the online database, *Lexis@Library*. Simply type the neutral case citation into the Citation search-box to find the transcript you require.

Neutral case citations have two main differences to case citations:

- The abbreviation refers to the court where the case was heard, and not to a law report series.
- The number refers to the case number, not to a page number.

Thus, in our example:

- [2005] EWCA Civ 106 shows the case was heard in 2005 in the England and Wales Court of Appeal, Civil Division, and that it is case number 106.

### ***Examples of neutral case citations***

Given below are two examples of neutral case citations:

- [2008] UKHL 10 means the case was heard in 2008 in the United Kingdom House of Lords, case number 10.
- [2003] EWHC 1274 (Ch) means the case was heard in 2005 in the England & Wales High Court, Chancery Division, case number 1274.

### ***Supreme Court case citations***

The Supreme Court, located in the Middlesex Guildhall, London, (opposite the Houses of Parliament) is now the ultimate court for England and Wales. It replaces the former Appellate Committee of the House of Lords (located within the upper House of Parliament) as the final court of appeal on points of law in civil and criminal cases for the whole of England and Wales.

Each case heard in the Supreme Court is given a neutral citation, for example:

- [2010] UKSC 32

This citation refers to case number 32 heard in 2010 in the Supreme Court of the United Kingdom.

### ***Writing case citations in an essay***

When writing an essay, the names of parties should be in italics, but not the abbreviation to law report. Thus:

- ***Murphy v Brentwood District Council* [1990] 2 All ER 908**
- When referring to a case for the first time in your essay, give its full name (exactly as it appears in the report). In subsequent references, a case can be referred to by a shortened name, e.g. *Murphy v Brentwood District Council* may be referred to as the *Murphy case*.
- Case citations do not include punctuation (no full stops or commas), e.g.

*All ER* not *All. E.R.*

*Fam LR* not *Fam. L.R.*

- Only cite the full title of a law reports series if it is an obscure series.

## ***Specific page references***

When you quote or refer to a particular passage in your essay, the specific page reference must be included, for example:

- *Jones v Tower Boot Co Ltd* [1997] 2 All ER 406 at 411.
- When the judge's name is being quoted or referred to in a particular passage, the judge's name should be provided as part of the citation, for example:
  - That was the opinion of Lord Mackay LC in *Pepper v Hart* [1993] 1 All ER 42 at 47.

## ***Citation of European Union cases***

- EU cases are cited differently from those of England and Wales. For information on citing EU law reports, please see the following Library guide:  
***Finding European Union legal information at the University of Bradford.***

For further help, please contact:

**Neil Carter**

**University of Bradford Management & Law Librarian**

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