

Referencing and Avoiding Plagiarism

Learning Objectives

- Define plagiarism, and understand the effects of inadvertent plagiarism
- Know when to provide references so as to avoid inadvertent plagiarism
- Reference sources using footnoting/OSCOLA

References

Finch, E and Fafinski, F, *Legal Skills* (4th edn, Oxford University Press, 2011)281-313

Holland, J and Webb, J *Learning Legal Rules* (8th edn, Oxford University Press 2011)
115 - 117

What is plagiarism?

Plagiarism is the act of stealing and passing off the ideas or words of another person as one's own, without crediting the source or the author of the idea or words. It should be avoided because it amounts to literary theft. Plagiarism may be avoided by ensuring that work is referenced properly and correctly.

When to Reference

The following sources of information must be referenced:

Statements of law

These should be attributed to the relevant case or statutory provision.

Examples

Referencing a statutory provision:

According to **Section 248A of The Penal Code**,¹ a person who is found guilty of committing assault or battery on a child may be sentenced to imprisonment for a minimum term of five years and a maximum term of fifteen years

Referencing a Case

In **Zambia National Holdings and UNIP v The Attorney General**,² it was held that the jurisdiction of the High Court is unlimited but not limitless; the court must exercise its jurisdiction in accordance with the law.

Direct Quotations

These should be attributed to their source in a book, article, case or other material

Examples

Article 1(1) of The Constitution³ provides thus, ‘this Constitution is the supreme law of the Republic of Zambia and any other written law, customary law and customary practice that is inconsistent with its provisions is void to the extent of the inconsistency.’

Definitions

Definitions of legal concepts or any other matter should be attributed to the appropriate source in a dictionary case statute article or other material.

Example

‘The jurisdiction of a court has been defined as the limits which are imposed on its power to hear and determine issues between persons seeking to avail themselves of its process by reference (i) to the subject-matter of the issue, or (ii) to the persons between

¹ Chapter 87 of The Laws of Zambia

² SCZ Judgment No. 3 of 1994

³ Act No 2 of 2016

whom the issue is joined, or (iii) to the kind of relief sought, or any combination of these factors'.⁴

Factual material

Factual material such as statistics or the findings of a research study should be attributed to their source.

Example

Zambia has an annual population growth rate of three percent.⁵

Incorporating the work of another

There are 3 main ways of doing this:

Summarising

The original words of the author are rewritten in a shortened form, but the key points that were made by the author are captured.

Paraphrasing

The author's original words are rewritten but the original meaning is retained

Direct quotation

The original words of an author are reproduced exactly as they appear in the text that is being read.

⁴ **Zambia National Holdings and UNIP v The Attorney General**(1992) ZR 15

⁵ <http://www.zamstats.gov.zm/phocadownload/Monthly/2018/Vol%20178%202018%20The%20Monthly%20February.pdf> accessed 13/03/18 at 17 10 hours

Referencing styles

Harvard referencing

Harvard referencing is also known as in text referencing. The works of an author are cited in the body of an essay by author and year only (with page references if appropriate). A bibliography or a list of references is given at the end of the work.

Example:

'A number of writers including (Flood, 1996) argues that the international law firms are extremely sensitive to "choice-of-law" problems that may arise when conflicts occur in their clients transnational business transactions'.

A **list of references** contains the details of all the materials that are cited in an assignment. It differs from a **bibliography** in the sense that, a bibliography also includes material that was read for preparatory purposes.

OSCOLA and footnotes

OSCOLA stands for Oxford Style of Citation of Legal Authorities. The reference details are provided at the bottom of the page, and their position in the text is denoted by a small raised number known as a superscript. References are provided at the end of the work. OSCOLA is the official house style or referencing guideline for The UNILUS School of Law.

How to reference using footnotes (OSCOLA)

- a) Position the foot marker in the text
- b) Provide the content of the footnote at the foot of the page
- c) Compile a list of references

The content of a footnote

Statutes

Statutes must be typed in bold italic letters. Only the title of a statute must appear in an essay as shown below:

Section 16 of the Penal Code⁶
Article 1(1) of the Constitution⁷

Cases

Reported Cases

Reported cases must be written in format below;

First Party/ v /Second Party/ (year)/ report abbreviation/first page

Example

Kaniki v Jairus (1967) ZR 71

Case names must be typed in bold italic letters. Only the case name must appear in an essay as shown below:

Thomas Mumba v The People⁸

Unreported Cases with neutral citations

Unreported cases must be written in format below;

First Party/ v /Second Party/neutral citation

Example

⁶ Chapter 87 of The Laws of Zambia

⁷ Act No 2 of 2016

⁸ (1984) ZR 38

Banda and Phiri v Siliya [2012]ZMHC3

Unreported Cases without neutral citations

Unreported cases that do not have a neutral citation must be written in format below;

First Party/ v /Second Party/Court Serial Number

Example

The People and Keith Akakelwa Mukata HP 180/2017

Books

Author/***Title***/ (edition/publisher/year) pin point page reference

Example

E Finch and S Fafinski, ***Legal Skills*** (4th edn, Oxford University Press 2011)299

Chapter in an Edited Collection

Author of Chapter/***Chapter Title***/In Editor/**Title of**

Edition/Collection/(edition/publisher/year)pin point page reference

Example

M Ndulo (ed), ***Law in Zambia*** (UNZA Press 1974)65

Journal articles

Author/***Title***/date/volume number/journal title/start page

Example

K Mwenda, '*Securities in Zambia*' (1993)18 *Zambia Law Reports* 35

Internet sources

Author/Title/ (Type of Resource/date) accessed date and time

Example

W Mwenda, **Mediation in Zambia**<http://www.hg.org/mediationdefinition.html>>accessed 2nd March 2018 at 13 hours

Newspapers

Author/Year/Title./**Newspaper**/Day and Month/Page

Example

M Ndulo (2017) Independence of The Judiciary. *The Times of Zambia* 8 October, p.5.

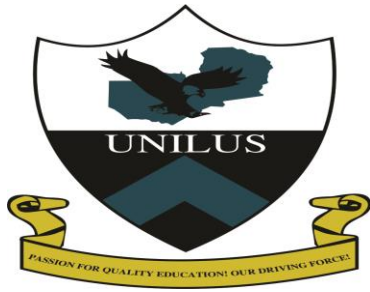
Online newspapers may be cited as shown below;

Author/Year/Title./**Newspaper**/[online]/Day and Month/Available at:URL/[Accessed date]

M Ndulo (2017) Independence of The Judiciary. *Zambian Watchdog* [online] 8 June Available at: <http://www.zambianwatchdog.com/professor-muna-ndulo-on-judicial-independence-and-supreme-courts-decision-in-matter-of-three-judges/> [accessed 19/03/2017]

Cover page and List of references

A sample cover page and reference list is attached to these notes



UNIVERSITY OF LUSAKA

SCHOOL OF LAW

NAME : SPONGEBOB MWABA

S.I.N : LLB190191

MODE OF STUDY: FULL TIME

COURSE CODE : L101

COURSE : LEGAL AND ACADEMIC WRITING

LECTURER : MRS N NYIRONGO

TASK : ASSIGNMENT

DUE DATE : 19TH MARCH 2018

REFERENCES

STATUTES

The Constitution(Amendment) Act No 2 of 2016

The High Court Act, Chapter 28 of the Laws of Zambia

The Penal Code, Chapter 87 of the Laws of Zambia

CASES

Kaniki v Jairus(1971) ZR 66

Woolmington v The Director of Public Prosecutions [1935] UKHL 1

BOOKS

Finch, E and Fafinski, F, *Legal Skills* (4th edn, Oxford University Press, 2011)

Holland, J and Webb, J *Learning Legal Rules* (8th edn, Oxford University Press 2011)

ARTICLES

K Mwenda, '*Securities in Zambia*' (1993)18 *Zambia Law Reports*

INTERNET SOURCES

M Ndulo (2017) Independence of The Judiciary. *Zambian Watchdog* [online] 8 June
Available at: <http://www.zambianwatchdog.com/professor-muna-ndulo-on-judicial-independence-and-supreme-courts-decision-in-matter-of-three-judges/> [accessed 19/03/2017]

