



# 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+ and VLex Justis.

## 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 via the catalogue link on the Library website

Details for Frustration and force majeure



**Frustration and force majeure** Select an Action

**Personal author:** PEEL, Edwin

**Edition:** 4th ed. ← current edition

**Imprint:** London : Sweet & Maxwell, 2022

**Collation:** lxxvii, 632p.

**General note:** Variation in authorship - 1st-3rd editions by G.H. Treitel

**Contents:** Chapters: 1. Introduction -- 2. Development -- 3. Impossibility in general: destruction of subject matter -- 4. Other types of impossibility -- 5. Partial and temporary impossibility -- 6. Impracticability -- 7. Frustration of purpose -- 8. Illegality -- 9. Prospective frustration -- 10. Alternatives -- 11. Leases of land -- 12. Contractual provisions for supervening events -- 13. Foreseen and foreseeable events -- 14. Self-induced frustration -- 15. Effects of frustration -- 16. Nature of the doctrine

**Local note:** Previous eds in Basement Store: 1994; 2nd, 2004; 3rd, 2014 - shelved as TREITEL ← note about old editions

**Subject Term:** FORCE MAJEURE  
FRUSTRATION

**Added author:** TREITEL, G. H.

**ISBN:** 9780414098558

Available:

Editions Available	Location	Collection
2022 (4TH ED)	Room A	Textbook - England & Wales

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+ - the **Overview** document for each case has a **Case History** option.

### 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.

Overview Judgment Law Reports

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◆ **Phelps v London Borough of Hillingdon, Anderton v Clwyd County Council, Jarvis v Hampshire County Council, Re G (a minor)**

[Copy Citation](#)

[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,(2000) Times, 28 July,[2000] Lexis Citation 3160,144 Sol Jo LB 241,[2000] All ER (D) 1076

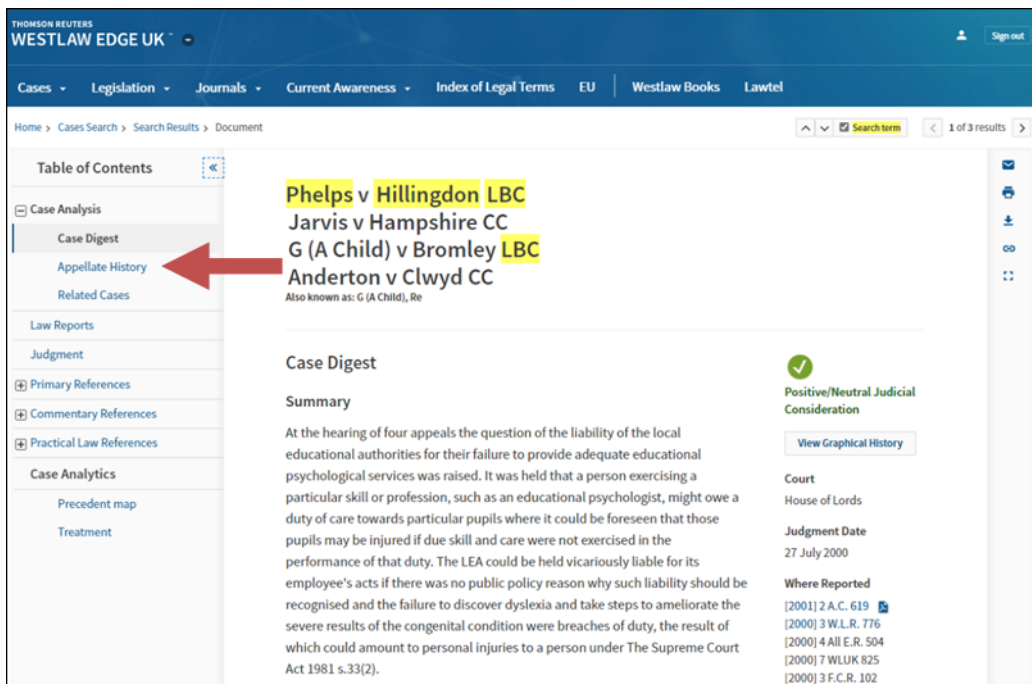
**Court:** House of Lords  
**Judgment Date:** 27/07/2000

In this document:

- [Catchwords & Digest](#)
- [Case History](#)
- [Cases referring to this case](#)
- [Cases considered by this case](#)



**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 document title is 'Phelps v Hillingdon LBC', followed by 'Jarvis v Hampshire CC', 'G (A Child) v Bromley LBC', and 'Anderton v Clwyd CC'. A red arrow points to the 'Appellate History' option in the left-hand navigation menu. The main content area shows a 'Case Digest' section with 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.

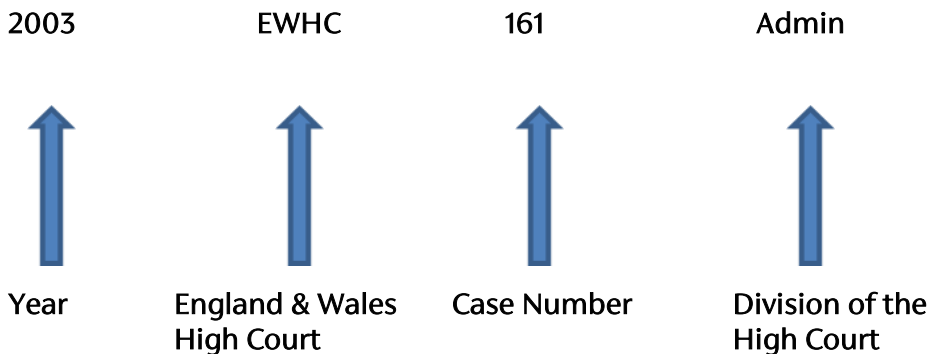
Where there is no full report, use the official transcript instead (but not the handed-down text of the judgment). See Lord Chief Justice's Practice Direction: Citation of Authorities 2012, [2012] 1 W.L.R. 780, and Practice Direction (Criminal Proceedings), [2013] 1 W.L.R. 3164.

## 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, vLexJustis (Judgments databases), Lexis+ 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 e.g. Pa\*n!

### 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).

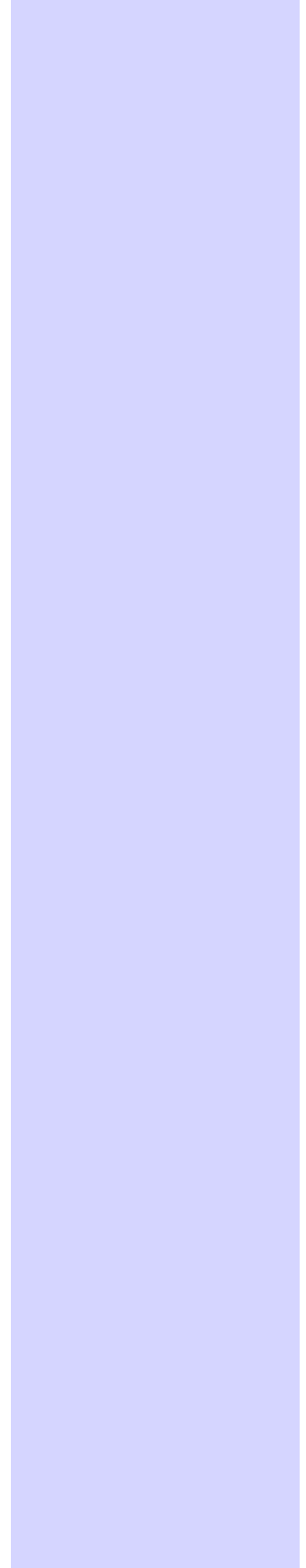
**Sections** - each Act is divided into parts called sections, e.g. Protection of Badgers Act 1992 s. 6.

**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.

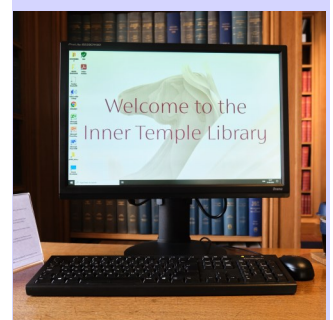
## How to find commencement information for Acts/SIs

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+** - the **Notes** to each section of an Act/SI contain commencement information.

**17 Periodic review of designated reservations**

(1) The appropriate Minister must review the designated reservation referred to in section 15(1)(a)—

- (a) before the end of the period of five years beginning with the date on which section 1(2) came into force; and
- (b) if that designation is still in force, before the end of the period of five years beginning with the date on which the last report relating to it was laid under subsection (3).

(2) The appropriate Minister must review each of the other designated reservations (if any)—

- (a) before the end of the period of five years beginning with the date on which the order designating the reservation first came into force; and
- (b) if the designation is still in force, before the end of the period of five years beginning with the date on which the last report relating to it was laid under subsection (3).

(3) The Minister conducting a review under this section must prepare a report on the result of the review and lay a copy of it before each House of Parliament.

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**NOTES**

**Initial Commencement**

*To be appointed*

To be appointed: see s 22(3).

**Appointment**

Appointment: 2 October 2000: see [SI 2000/1851, art 2](#).

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

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 'Data Protection Act 2018 c. 12 s. 4 Processing to which this Part applies'. A red arrow points to the 'Provision Details' link in the left-hand navigation menu. The main text of the provision is visible, along with a 'Law In Force' status indicator and a version history table.

Version	To	From
Version 2	To: Present	From: 31 December 2020
Version 1	To: 30 December 2020	From: 23 May 2018

## REMEMBER

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

## How to find legislation as amended/consolidated

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

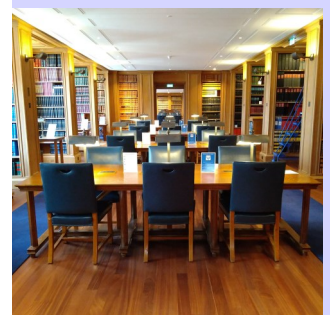
**Westlaw** - the text of Acts and SIs is **displayed as amended** with a **table of amendments** to explain what caused the amendments.

**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+ - contains Words & Phrases legally defined.

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.

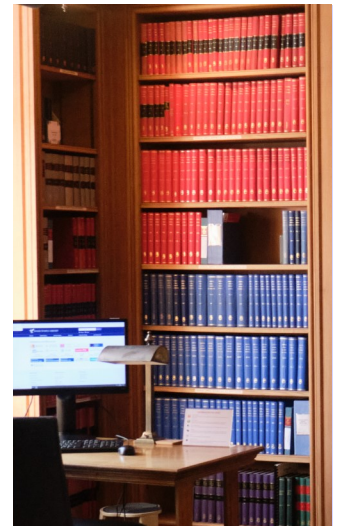
*Encyclopaedia of forms & precedents* - contains forms and precedents used in legal business (other than litigation) carried on outside the courts.

Both of the above are also on Lexis+.

Some specialist practitioners' texts contain forms or precedents.

Practical Law - this database contains precedent documents.

Practical Guidance within Lexis+ - 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 via an RSS feed.

## CONTACTS

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