

LAW REPORTS

This document explains how to access law reports

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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 England and Wales, significant cases decided by the courts are recorded in various series of law reports.

You might be surprised to learn that law reports are **NOT** published by the government via the Ministry of Justice (MoJ), or by its executive agency HM Courts and Tribunals Service (HMCTS). Instead, they are issued by commercial publishers who make them more user-friendly by adding features such as **catchwords**, **headnotes**, and **summaries** (see below, Section 2).

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*, for example they are cases which create a new precedent, modify or clarify an existing principle of law.

Each series of law reports has its own unique abbreviation. To find the meaning of these abbreviations, use the online **Cardiff index to legal abbreviations** at:

<http://www.legalabrevs.cardiff.ac.uk/>

Each case that is reported has its own unique reference or 'case citation'.

Examples:

[2001] 1 AC 27 refers to the case *Fitzpatrick v Sterling Housing Association Ltd*, reported in *The Law Reports, Appeal Cases*, 2001, vol. 1, starting at page 27.

[2002] 3 All ER 209 refers to the case *Kuwait Airways Corp v Iraqi Airways Co*, reported in *the All England Law Reports*, 2002, vol.3, starting at page 209.

For more details on case citation, see below in Section 10.

What is the difference between a law report and a case transcript?

As mentioned above, a law report is a narrative of the facts and the judgment of a case of significant legal interest. Law reports are edited to give 'additional value' such as:

- **Catchwords:** a list of key legal issues addressed by the case.

- **Headnotes:** a summary of the main legal themes of the case.
- **Case digest:** a summary, or 'abstract' of the main facts of the case and the judgement.
- **Tables of authority:** for example tables of cases and legislation cited by the present case.

A **case transcript** is very different to a law report. A case transcript is the official transcription of the proceedings of the court. It is, in effect, the 'raw', unedited version of a case and does **NOT** contain useful features such as catchwords, headnotes and summaries. Although case transcripts may appear on various websites, they technically remain 'unreported' unless they are published within a recognised law report series. Since 2001, transcripts of cases heard before the higher courts have each been given a neutral case citation to make them easier to find.

Examples:

[2003] EWHC 1274 (Ch) refers to case number 1274 heard in 2003 in the England & Wales High Court, Chancery Division.

[2013] UKSC 48 refers to case number 48 heard in 2013 in the United Kingdom Supreme Court.

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]

These may be accessed online either via Westlaw UK, or via Lexis®Library (see Section 7).

Weekly Law Reports [WLR] (1953 – onwards)

Also published by the *ICLR*, and 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***.

These may be accessed online via Westlaw UK (see Section 7).

The English Reports (ER) (13th 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).

These may be accessed online via Westlaw UK, or via HeinOnline (see Section 7).

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

This is the leading series of general law reports and may be accessed online via Lexis®Library (see Section 7).

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

The *BHRC* is a major reporting series which covers leading human rights decisions from national and international courts and tribunals. This series is designed along the same lines as the *All England Law Reports*.

The *BHRC* may be accessed online via Lexis®Library (see Section 7).

Family Law Reports [FLR] (1980 – 2007)

The *Family Law Reports* are an authoritative series 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.

These may be accessed online via Jordan Publishing / Family Law Online (see Section 7).

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

Imm AR is a major source of case law concerning immigration.

You will find *Immigration Appeal Reports* (1995-2001) in the Law Library, but a larger collection (1972-2002) is held in the J.B. Priestley Library, on the City 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.

These may be accessed online via Westlaw UK, or via Lexis®Library (see Section 7).

Times Law Reports [TLR]

Law reports from *The Times* newspaper are issued in paper copy in annual volumes. The Law Library holds from year 2000 – onwards.

You may access *Times Law Reports*, 1988 – onwards, online via Lexis®Library (see Section 7).

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.

Westlaw UK

Westlaw includes the full text of *The Law Reports* published by the Incorporated Council of Law Reporting for England & Wales (ICLR).

Reports **NOT** available via Lexis®Library, for example the *Weekly Law Reports [WLR]*, and other major series such as *Criminal Appeal Reports [Cr App R]*, and *Common Market Law Reports [CMLR]* are also included.

Westlaw offers the option to search for European cases (see Section 8).

The Cases option allows you to search by free text (for example keywords), party names, or case citation.

Lexis®Library

Lexis®Library includes the full text of *The Law Reports* published by the *Incorporated Council of Law Reporting for England & Wales (ICLR)*.

Reports **NOT** available via Westlaw UK, e.g. major series such as the *All England Law Reports [All ER]* and important series such as *All England Law Reports (European Cases) [All ER (EC)]*, *Butterworths Human Rights Cases [BHRC]*, plus the *Times Law Reports [TLR]* are also included.

The Cases option allows you to search by case name, keywords, or case citation.

Jordan Publishing online journals / Family Law Online

Jordan's titles contains the collection called *Family Law Online*, which includes **Family Law Reports [FLR]**, an authoritative series of law reports covering every important family and child law case from all levels of court.

Note: *Family Law Reports [FLR]* must **NOT** be confused with the series titled *Law Reports, Family Division [Fam]*, published by the ICLR.

Immigration Case Law Review

ICLR is a series of law reports and contemporary comment on immigration law from Amicus Curiae. Available online via the Library catalogue at:

<http://catalogue.brad.ac.uk/search/s?SEARCH=Immigration+Case+Law+Review&sortdropdown=>

Note: this series ceased publication in August 2013.

XpertHR / Employment law

XpertHR specialises in employment law reports.

To search, click on '**Tools**' tab, select '**Law Reports**' and then find case alphabetically or from the '**Law Reports**' drop down window select topic for example 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 the City Campus, in the

European Documentation Centre. Go to the shelves labelled Court of Justice. (Note: the J.B. Priestley Library is a designated European Documentation Centre and receives many EU official publications).

European Court Reports [ECR] (1954 – onwards)

The *European Court Reports* 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 titles 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 1st 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 may also be accessed online using EUR-Lex, the official legal database of the EU (see Section 8).

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)

The *CMLR* 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, therefore 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*.

These may be accessed online via Westlaw UK.

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

The *All ER (EC)* series includes the texts of selected cases only. Students will find them useful, because they give good summaries of all important EU cases heard since 1995.

These may be accessed online via 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

EU information on Westlaw is provided by EUR-Lex and is divided into Cases; Treaties; Legislation; Preparatory acts; Parliamentary questions, information and notices.

To search for EU cases, click on the ‘EU’ tab on the homepage.

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 grey ‘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

EUR-Lex is a part of the **Europa** website, the official legal database of the EU. It provides free access to EU law. Go to: <http://new.eur-lex.europa.eu/homepage.html?locale=en>

CURIA

CURIA is a part of the **Europa** website. It provides free access to EU 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 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

Current Law contains case summaries (called 'digests') from 1947 arranged under broad subject headings. These are issued monthly. At the end of each year the **Monthly Digests** are re-edited and published in an annual **Current Law Yearbook**. They also include summaries of major EU and Human Rights cases.

The Digest

The Digest provides useful summaries of UK, EU and Commonwealth cases, plus references to full reports, going as far back as the 11th century!

The service comprises of the **Main Volumes**, the **Consolidated Table of Cases** and the **Consolidated Index**. It 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.

Content is arranged by subject title, with sub-headings in each title.

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.

An example of a case citation:

Farley v Skinner [2001] 4 All ER 801

The case citation is 'de-coded' as follows:

Farley v Skinner¹ [2001]² 4³ All ER⁴ 801⁵

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, for example 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, or online via Lexis®Library.

More examples of case citations

Cases are cited as briefly as possible.

Examples: [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 by different court reporters in a various series of law reports.

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 lengthy citation such as the example given above, don't panic! All the abbreviations are easily de-coded, using the **Cardiff index to legal abbreviations** (<http://www.legalabrevs.cardiff.ac.uk/>) 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 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 databases, either Westlaw or 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, **NOT** to the title of a law report series.
- The number refers to the case number, **NOT** to a page number.

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

[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 2003 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:

Example: [2013] UKSC 55

This neutral citation refers to case number 55 heard in 2013 in the Supreme Court of the United Kingdom. To find if this case has been reported in one of the commercial series of law reports, use either Westlaw or Lexis®Library and simply type the neutral case citation into the Citation search-box.

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.

Example: *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, for example *Murphy v Brentwood District Council* may be referred to as the Murphy case.

Case citations do not include punctuation (no full stops or commas), for example:

- *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.

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.

Example: That was the opinion of Lord Mackay LC in *Pepper v Hart* [1993] 1 All ER 42 at 47.

Help

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