1. Introduction
These notes are compiled as a research reference tool for ENVIRONMENTAL LAW students. Please keep these notes for future use. For the online version of this document go to our website and then ‘Research Support’ (on the left) or go directly to: http://www.library.up.ac.za/law/research.htm

Research in law requires the student to use a great many information sources. Take notice of the many categories of sources in law:
Broadly speaking the primary sources are legislation (national and regional; statutes and regulations) and law reports (case law).
The secondary sources are encyclopedia, books and journal articles. In addition one deals with information from different countries and jurisdictions. Government Gazettes and policy documents may also be used.

REMEMBER : THESE TWO MAIN PLACES TO BEGIN YOUR RESEARCH

1. The Library webpage

2. CD Databases:
This is a collection of full-text legal material on CDs only available on campus. The CD databases link is available on all computers in the Main Library as well as the Law Library.
Select UP Tree from the CD Databases link and then Law Databases.

2. BOOKS - South African and other countries
Textbooks, monographs or books are a very good source for starting research on any topic and may be seen as your first port-of-call. However, do take care to use the latest editions. Follow up the footnotes to legislation, regulations, case law and other material. Books on the same subject are found together on the
shelves. Once you have found books on your topic do browse the shelves for more on the same topic.

**Loose-leaf books** are very useful tools. Once again make sure that they have been kept up-to-date. They are kept up-to-date by means of replacement pages. In South Africa there are a great many of these books published by Jutas and LexisNexis Butterworths and they cover many different subject areas. The Law Library subscribes to regular updates of loose-leaf books.

**Loose-leaf books on environmental law:** (enquire at the Information Desk)

Henderson P.G.W. *Environmental Laws of South Africa*

Badenhorst P.J. *Mineral and Petroleum Law of South Africa*

Dale M.O. *South African Mineral and Petroleum Law*

*Mineral Law Service* by Butterworths Lexis Nexis

• **To find books** one may start by searching our own catalogue at:
  
  http://explore.up.ac.za/screens/mainmenu.html

  Use keywords when searching for a topic.

• The second place to search is **Sabinet – SACat** (the catalogue of all the books in South African libraries combined). See
  
  http://www.library.up.ac.za/law/index.htm under “Quick links” in the middle of the page: “Sabinet”.

Or: Select Sabinet from the **A-Z list of databases from E-Resources:**
• Books from other libraries can be obtained through Inter-library loan – Contact the Interlibrary Office on Level 5. Your contact person is Mrs Hannetjie Boshoff or visit your inter-library-loan website: http://www.library.up.ac.za/natural/interlending.htm

3. ENCYCLOPEDIA

The Law of South Africa (LAWSA) is an encyclopedia of our laws. It is kept up-to-date by means of new volumes, cumulative supplements and a monthly publication called “Current Law”. Used together they are very helpful with regard to new developments in law. Locate any topic by using the index and then use the “Key” to find the latest cases, legislation and literature on a specific topic. Material is arranged by Volume and paragraph numbers. Follow up all footnotes. LAWSA is available in the Reference Collection of the Law Library. Environmental law is very well covered in LAWSA

4. LEGISLATION (South African)

Acts (Statutes of South Africa)

• The acts and their amendments are published in the Government Gazettes. However, although these are the authority for the statutes they are not generally used for the purposes of looking up legislation since it does not include amendments to an act.

• Instead one uses the hardcopy and online versions of the legislation from the publishers Jutas and LexisNexis Butterworths. These are updated regularly. Jutas and Butterworths are available from the CD Databases link and are only available on campus. Jutas and Butterworths are also available in hard copy in the Law Library.
• The acts on the Government websites do not include the amendments. You can therefore use them if it is a brand new act – but if not, it may be outdated.

• In addition to these, there is also the database **Netlaw from Sabinet**, which is the most up-to-date source of the acts. Select “**All legal products**” from Sabinet or visit the Law Library Legislation web page: http://www.library.up.ac.za/law/resources_legislation.htm

  Netlaw includes links to the regulations of an act as well as a list of decided cases.

  **NB:** You can access Sabinet Netlaw off-campus with your student number and library PIN number.

**Regional legislation**

  From Butterworths on the CD Databases select from LEGISLATION

  **Legislation - South Africa – Regional**

  ![Legislation - South Africa - Regional](image)

**Bills.**

• Bills and draft bills are mostly published in Government Gazettes.

• Probably the best source is still the databases from **Sabinet** - under “All Legal Products” – ‘Bill Tracker’ and ‘Policy Documents’. The latter contains Draft Bills as well as Government Policy documents. If you do not have access to these then you may use the free material from the internet.

• Memoranda of the objects of the bills are obtainable from the online Juta Statutes, and from the bills themselves.
• Bills are also available free from the following websites:

**Health Safety and Environmental Law Library**

From the CD Databases, South African Law, Law Databases select the

**Health Safety and Environmental Law Library.** This source contains the:

- Eagle Bulletin
- The Guide to Environmental Auditing in South Africa
- and the online version of the book: Environmental Law in South Africa.

**Training exercise**

Go to *CD Databases; UP Tree: Law databases*

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**Important tip: always make sure to select the HIT LIST in your search results**

1. Under SA Statutes (JUTAS database), Search, search for an act by title:
   - look for ""national environmental management act""
   - or select Search and Advanced query:
     - look for ""national environmental management act""
2. Under S A Statutes Search, search for act by no. and year look for 28, 2002
3. Under SA Statutes, Search, search for a section within an act, look for 10, 2004, 44 (Biodiversity management agreements)
4. For a subject search in SA Statutes: Search, Advanced query, look for “environmental impact assessments"
Printing from the law CD databases: file; print; and then tick what you wish to print. Use your 8 digit student number and 4-digit photocopy pin number.

Saving from the law CD databases: highlight the document, select Export, select RTF format

Training Exercise: Still with Law Databases: -

1. Under Butterworths, choose Search Form: Focus search; National legislation, search by – Act Name: National Environmental Management Protected Areas Amendment

2. Under Butterworths, Focus search; National legislation, search by – Act Number: 39 of 2004

   (Remember to clear the previous search words)

3. Under Butterworths, Focus search; National legislation, search “Using a general text search” – enter “fauna and flora”

   Printing: use Butterworths ‘print’ and then ‘print current document’

   Saving: highlight document, copy and paste into a word document.

5. CASE LAW or LAW REPORTS (South African)

   Jutas and LexisNexis Butterworths on the CD Databases are once again your most important sources. Remember that there is considerable duplication between the 2 publishers.

   These cases refer to reported court cases.
HOW THE CASES ARE CITED

CIVIL CASES:

MEEPO v KOTZE AND OTHERS 2008 (1) SA 104 (NC). Meepo and Kotze are the 2 parties in a civil case, thereafter follows the year and volume number. “SA” refers to the South African Law reports; “1” gives the volume number and “104” gives the page number on which the judgment starts, NC stands for the Northern Cape Provincial Division.

CRIMINAL CASES

S v SMIT 2008 (1) SA 135 (T) Here the parties, as in all criminal cases, are the State (S) and the accused. Years ago the state was known as “R” for Rex (refers to the British monarchy – the King or Queen of British Isles or United Kingdom) Criminal cases can be found in the South African Law Reports (SA) as well as the South African Criminal Reports (SACR) in the CD Law Databases.

In Environmental Law most cases are civil cases.
**CASES EXPLAINED:**

<table>
<thead>
<tr>
<th>Case name</th>
<th>MEEPO v KOTZE AND OTHERS 2008 (1) SA 104 (NC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court deciding the case</td>
<td>Northern Cape</td>
</tr>
<tr>
<td>Judge – can be more than one</td>
<td>Lacock J and Olivier J (the ‘J’ always stands for ‘Judge’)</td>
</tr>
<tr>
<td>All the dates of court sittings (case heard)</td>
<td>1 May 16, 2007; May 22, 2007; June 23, 2007</td>
</tr>
<tr>
<td>Flynote (Catch phrases)</td>
<td>Mines and minerals - Prospecting rights - Nature and ambit</td>
</tr>
<tr>
<td>Headnote (summary of case)</td>
<td>In enacting the Mineral and Petroleum Resources Development Act 28 of 2002 the legislature did away with the traditional concept of mineral rights. The State is now the custodian of the mineral and petroleum resources of South Africa (s 3) ...</td>
</tr>
<tr>
<td>Date of the judgment</td>
<td>June 29, 2007</td>
</tr>
<tr>
<td>Counsel</td>
<td>Attorneys and advocates names</td>
</tr>
<tr>
<td>Annotations</td>
<td>Link to cases considered for this case</td>
</tr>
</tbody>
</table>
Training exercise on JUTA SA Law Reports

Using Law Databases; SA Law Reports 1976 to date
1. Under SA cases 1976-, Search, Advanced query, look for “MEEPO V KOTZE”
2. Under SA cases 1976-, Search, in Headnotes only - look for “mineral rights”
3. Under SA cases 1976-, Search, Find a case by year, volume and page number, look for 2008 (2) SA 184

Printing: file, print and then tick the sections you wish to print. Use student no and 4-digit photocopy pin code
Saving: highlight first; file; export; rich-text format; A drive or removable disk; save.

Training exercise on Butterworths
Under Butterworths, Focus search - Law Reports- under Case Name enter "sundays river irrigation board v parkes"

2. Under Butterworths, Law Reports, using a General Text Search look for cases on “mineral rights”
(REMEMBER TO CLEAR YOUR PREVIOUS SEARCH QUERY

Printing: use Butterworths ‘print’
Saving: Highlight the document, edit and copy, paste into a Word document and save
ACCESS TO FREE CASE LAW:
From the Law Library web follow the link to CASE LAW
http://www.library.up.ac.za/law/resources_case_law.htm

Look at all the options to South African resources on case law.
Highly recommended is SAFLII (Southern African Legal Information Institute)
These resources are all available off-campus.
It is better to access these resources directly off-campus and not via the library web page. Just remove the 0- and .innopac.up.ac.za from the main URL: for example:
http://0-www.saflii.org.za.innopac.up.ac.za/
Direct link off-campus: http://www.saflii.org.za

6. SEARCHING FOR ARTICLES FROM SOUTH AFRICAN JOURNALS

From the SABINET link the following two databases are available:
ISAP (Index to South African Periodicals)
SAePublications (Full text access to South African Journals)

Training exercises on Sabinet
For journal articles:
2. Go to NEW SEARCH and under ISAP, Advanced search, look for articles on “Vaal Augmentation Planning Study”
3. Go to NEW SEARCH and under SAePublications look for articles on “mineral rights”
7. SEARCHING FOR ARTICLES FROM INTERNATIONAL JOURNALS

From the Law Library web page:
http://www.library.up.ac.za/law/index.htm
WESTLAW and HEINONLINE

Also use your resources from your School of Biological Sciences web page for a list of databases:
http://www.library.up.ac.za/natural/eresources_biological.htm
Recommended database: SCOPUS. Scopus searches automatically include CAMBRIDGE SCIENTIFIC ABSTRACTS.

8. ELECTRONIC FULL TEXT JOURNALS

Should you have only an abstract to a journal article; our 63 000+ full text journals will most likely gives you access to the full text.
Follow the link from the JOURNALS on top of any library web page, choose E-Journal Titles A-Z and type in your journal title.

For access to all our library subscribed electronic resources off-campus please use only our UP library web pages.