THE USER EDUCATION PROGRAMME:
OLIVER R. TAMBO LAW LIBRARY.
UNIVERSITY OF PRETORIA

1. INTRODUCTION
2. FINDING THE INFORMATION THAT YOU NEED IN THE LIBRARY
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1. INTRODUCTION

1. Welcome to Oliver R. Tambo Law Library.
2. Please use the floorplan attached to these notes as well as the floorplans in the library – to orientate yourself within the library. The collection is housed on levels 1 and 2, whereas levels 3 and 4 are study areas.

Library Hours:

Note that the Library is closed on Sundays, Public holidays and from Christmas to New Year.

<table>
<thead>
<tr>
<th>Semester hours</th>
<th>Vacation hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, Wed to Thurs</td>
<td>07:30 – 21:00</td>
</tr>
<tr>
<td>Tuesday</td>
<td>08:30 – 21:00</td>
</tr>
<tr>
<td>Friday</td>
<td>07:30 – 20:00</td>
</tr>
<tr>
<td>Saturday</td>
<td>08:30 – 13:00</td>
</tr>
<tr>
<td>July recess – open until 18:00 only</td>
<td></td>
</tr>
<tr>
<td>December open until 16:00 only</td>
<td></td>
</tr>
<tr>
<td>January open until 18:00 only</td>
<td></td>
</tr>
</tbody>
</table>

2. FINDING THE INFORMATION THAT YOU NEED IN THE LIBRARY

Part of our collection of law material is found on the shelves and part of it is online material. You need to know how to find all of it.

REMEMBER THESE TWO MAIN PLACES TO BEGIN YOUR SEARCH

1. Our own webpage at [http://www.library.up.ac.za/law/index.htm](http://www.library.up.ac.za/law/index.htm)
2. CD Databases – UP Tree - Law Databases – a collection of full-text legal material on CDs

You will be taught that the sources of South African law are: The Constitution; legislation; court decisions; common law; custom; indigenous law and works of modern authors. However, when you are trying to find the legal information in the library it is useful to think in terms of:

- Textbooks (prescribed and recommended) and other books
- Legislation
- Case law
- Journals

3. BOOKS – How do I find books in the law library?

Prescribed textbooks and other books. You are expected to buy your prescribed books. The Library will have a few copies of the prescribed books for your use. Most of the recommended books are in the library.
Books are classified and shelved according to Dewey Decimal numbers (call numbers) and this system arranges books of the same subject under the same number so that you will be able to browse through them in one area. In general, law book call numbers start with 34….. For example, call no. 342.0968 is the call number used for the books dealing with Constitutional Law of South Africa.

To find textbooks and other books one must know how to search on the library catalogue. The catalogue is a database of the entire collection in the University library.

Where is this catalogue? You will find it on our home page on all the computers in this library. Go to our webpage http://www.library.up.ac.za/law/index.htm

- Under Quick Links, select *Library Catalogue*;

<table>
<thead>
<tr>
<th>Training Exercise</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Select Title and look for law of persons</td>
</tr>
<tr>
<td>2. Under title, look for corporate law</td>
</tr>
<tr>
<td>3. Under author, look for Frans Viljoen</td>
</tr>
<tr>
<td>4. Under author, look for viljoen frans</td>
</tr>
<tr>
<td>5. Under keywords, look for insolvency law</td>
</tr>
<tr>
<td>6. Under keywords, look for child and sentencing</td>
</tr>
<tr>
<td>7. Under journal title, look for South African law journal</td>
</tr>
</tbody>
</table>

**Identify** the important Bibliographic details, like: Author, editor, title of the book, journal title, publisher, year published, Location, **Call number** and its status.

Call numbers starting with N. are Reference books and are kept in the Reference section on level 1. At N349.69 LAW find LAWSA (Law of South Africa) - an encyclopedia of South African law. This is very useful to look up any topic in law. The Dictionaries are found at the beginning of the Reference section. (Please note, if you come upon a hit which is for a “Human Rights Reference Article” – this refers to a journal article, not to a book. We shall do journals at a later stage.)

**Take note** – the Law library is a closed collection – no books may be removed from the library. Our books are to be used in the library itself and you may photocopy sections that you require for study purposes. In terms of copyright law you may not photocopy more than 10% of any one book.

## 4. STATUTES

Statutes are also called Acts, Legislation or Statutory material. Where are the statutes found?

- Government gazettes
- Butterworths statutes
- Juta’s statutes
- Netlaw
- Bills

The laws passed in Parliament are the Statutes or Acts. All Acts (“Wette”) have a title, a number and a year – example - the “Criminal Procedure Act 51 of 1977”. Within the Act there are sections (Afrikaans “artikel”), subsections, etc., and sometimes Chapters and Schedules. This particular Act has been amended many times – more recently by the “Child Justice Act 75 of 2008”. Remember that amendments to the Acts are periodically passed. Be sure that the version you use is the amended version. There are several places where these amended Acts can be found – see Jutas and Butterworths below

**Government gazettes.**

Statutes (Acts) first appear in the Government Gazettes. These are not user-friendly and we do not recommend that you use this as your usual source of legislative material. However, you do need to know
about them. Remember that the acts are often amended after they are published and therefore the Gazettes carry the unamended versions.

The weekly Government Gazette is essential for obtaining the very latest legislative and administrative information. The Gazettes includes: Acts, proclamations, regulations, notices, commencement dates of statutes or sections of statutes, price regulation measures, and industrial regulations.

Note full text access to the Government Gazette from 1910-1993 (Retrospective Gazettes) and also from 1994 onwards is available on-line – see under (1) “Law Databases”; “South African Law”; and also under (2) http://www.library.up.ac.za/law/index.htm – select Sabinet; Portal Access; All Legal Products;

HOWEVER - The best places for you to find the statutory material will be Butterworths (LexisNexis) as well as Juta. These are South Africa’s two leading legal publishers. Butterworths and Juta Law, republish the statutes commercially in a user-friendly format. You will find both of these publications online under the “Law Databases” as well as in print form (books).

**Butterworths Statutes of the Republic of South Africa**
-are Classified and Annotated from 1910. Butterworths (LexisNexis) have devised their own system of legal classification, arranging acts by their subject matter into ‘titles’ (e.g. agriculture, labour, water, etc.) Within each ‘title’ the acts are arranged chronologically. The index volume - Vol.1 contains alphabetical and chronological tables of statutes. It is essential to use the index to locate an Act, because it is not always self-evident in which ‘title’ volume the Act appears. It is also important to note that only the chronological index provides information about the repealing of an Act (see the column on the right hand side of the page for details of the repealing legislation).

Print versions: The statutes are published in a set of large maroon-coloured binders (level 1 of the library), and are updated every 6 months. The acts appear in a ‘consolidated’ (‘as amended’) form.

**Juta’s Statutes of South Africa**
Juta Law publishes a new seven-volume set of amended statutes every year. Juta Law has arranged the Acts into groups and subgroups according to their subject matter. As far as possible, Acts dealing with related fields of law have been grouped together in one volume. The inside front cover of each volume lists all the groups and subgroups and the volumes in which these appear. On the back covers; the subgroups are listed in alphabetical order, again indicating the relevant volume numbers. The index volume contains alphabetical and chronological tables of statutes; an alphabetical index to the groups and subgroups; and a table of provincial legislation.

**NetLaw (a Sabinet database)**
Very good source of online legislation and it is the most up-to-date database available. From the Law Library website (homepage for these computers) http://www.library.up.ac.za/law/index.htm – select Sabinet; Portal Access; All Legal Products; Netlaw. Note that it includes regulations with the acts.

**Bills**
Before the Acts are passed in Parliament they will go through a stage where they are referred to as bills. The best place for bills is found as follows: Go to http://www.library.up.ac.za/law/index.htm – select Sabinet; Portal Access; All Legal Products; Bill Tracker.

The bills, in paper form, are kept in files in the library collection on level 1 (Statutes) – but are also available online – see our webpage at http://www.library.up.ac.za/law/index.htm then go to *Legislation and then Polity.org.za, scroll down the page until you find Legislation and select “Bills; or South African Government online www.gov.za, then documents and then bills.

**Online versions**
As indicated before you can also locate the above Statutes (Jutas and Butterworths) in online version under “CD Databases” select UP Tree and then “Law Databases”.  

3
### Training exercise

Know the difference between the long title and the short title of an Act. Note the commencement dates. There are sections and subsections (and sometimes chapters). Go to **CD Databases** icon on the desktop; **UP Tree; Law databases, South African Law** - select SA Statutes:

1. Search, Title, look for “companies act”
2. Search, then search for act by number and year, look for 61, 1973
3. Search for a section within an act, look for 65, 1996, 10
4. Advanced query, a topic such as “mineral rights”. (NB- for a phrase always use “ “)

**Printing and saving:** Select: file; print; and then tick √ what you wish to print. Use student number (no ‘s’ and first 7 digits only) and 4-digit photocopy pin number. To save on the hard drive or a flash disk:- as for print – but cancel before you print, then go to file, ‘export’, choose type ‘Rich Text format’, select from ‘Save in’: flash disk drive or memory stick, and name your file.

Still with **Law Databases** – select Butterworths (LexisNexis):

1. Focus search; National legislation, search by – Act Name : Insolvency Act
2. Focus search; National legislation, search by – Act Number : 4 of 2000
   (remember to clear the previous search words)
3. Focus search; National legislation, search with More Search Options and then exact phrase – enter- mineral rights

**Printing and saving:** use Butterworths ‘print’ and then ‘print current document’. Can also copy and paste to a Word document for saving on a flash disk or attaching to an email.

**Netlaw:**

Go to [http://www.library.up.ac.za/law/index.htm](http://www.library.up.ac.za/law/index.htm) – select Sabinet; from ‘Portal Access’ All Legal Products; and then Netlaw. Can email the entire act and regulations.

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### 5. CASE LAW or LAW REPORTS

These cases refer to reported court cases. For some of your courses there are casebooks that you should purchase. The library will keep a limited number of copies for your use in the study collection. For those courses that do not have casebooks – you will need to know how to find the prescribed cases in the library. Not all court cases are reported – but those that are selected for reporting appear in the Law Reports. They are usually very easy to find and are available in hardcopy and online.

- **How the cases are cited**

  **CIVIL CASES:**

  **Jones v Krok** 1995 (1) SA 677 (A). Jones and Krok are the 2 parties in a civil case, thereafter follows the year and volume number. “SA” refers to the South African Law reports; “677” gives the page number on which the judgment starts, (A) stands for the court – Appellate Division.

  **ABSA Bank v Human** [1998] 6 All SA 123 (C). In this case “All SA” refers to the All South African reports. (C) is for the Cape Provincial Division of the High Court.

- **CRIMINAL CASES**

  **S v Sanderson** 1968 (3) SA 334 (E) Here the parties, as in all criminal cases, are the State (S) and the accused. Before SA became a republic the state in case law was referred to as “R” for Rex (refers to the British Monarchy) Criminal cases can be found in the South African Law Reports (SA) as well as the South African Criminal Reports (SACR).
Cases explained. If you look at a reported case in the SA law reports – you should be able to recognise the following from the case (example used: Ebrahim v Evans NO 1990 (4) SA 424 (D))

<table>
<thead>
<tr>
<th>Case name (parties)</th>
<th>Ebrahim v Evans NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court deciding the case</td>
<td>Durban and Coast local division</td>
</tr>
<tr>
<td>Judge – can be more than one</td>
<td>Broome J (the ‘J’ always stands for ‘Judge’)</td>
</tr>
<tr>
<td>All the dates of court sittings</td>
<td>1989 September 27; 1990 June 27</td>
</tr>
<tr>
<td>Catch phrases or Flynote</td>
<td>Company – winding up – dissolution of company in terms of s 419 of the Companies Act 61 of 1973……………….</td>
</tr>
<tr>
<td>Headnote</td>
<td>The applicant was the defendant in an action which had been brought against him by a company, F I (Pty)Ltd……etc.</td>
</tr>
<tr>
<td>Date of the judgment</td>
<td>Postea (27 June 1990)</td>
</tr>
<tr>
<td>Case information or under Annotations</td>
<td>Attorneys and advocates names</td>
</tr>
<tr>
<td>The order</td>
<td>Near the end of the case – in this example it starts with - &quot; To sum up then, I uphold the applicants contention and make an order…………………etc.”</td>
</tr>
<tr>
<td>Order for costs</td>
<td>“2. That the respondent is ordered to pay the costs of this application, including the costs…………………etc.”</td>
</tr>
</tbody>
</table>

Judges:

In “Broome J” in the above case – “J” refers to “judge”. Other abbreviations are:
- P – President of the Constitutional Court or Appeal Court
- DP/AP - Deputy President of the Constitutional court or Appeal Court / Adjunk-President
- AP - Acting President
- ADP – Acting Deputy President
- CJ/HR - Chief Justice / Hoofregter
- DCJ – Deputy Chief Justice
- JA/AR - Judge of Appeal / Appelregter
- J / R - Judge / Regter – in the Constitutional Court and the High court
- JP / RP - Judge President / Regter-president
- DJP/ ARP - Deputy JP / Adjunk RP
- AJ / WnR – Acting judge / waarnemende regter
- AJA/ WnAR – Acting judge of Appeal / Waarnemende appelregters.
- JJA - Judges of the Appeal Court

Decisions of the higher courts are a further primary source of law. The first South African law reports date from 1828, and these early series of law reports from the Cape bear the names of the Judges who compiled them (e.g. Menzies, Searle, Buchanan, etc.) Later after the Union in 1910, each division of the Supreme Court had its own law report series, named by Province as they were at that time. From 1910 onwards, decisions of the Appellate Division were also reported. For a useful table of older law reports series see the book by Hosten - Introduction to South African law and legal theory. This book is located at the call number - 349.68 INTRODUCTION - in the law library.

1. Law Report series published by Jutas:

The South African Law Reports (SA)

The South African Law Reports (SA) is our most important collection of case law. This series began publication in 1947. These reports include noteworthy judgments from all the South African higher courts, thus doing away with separate sets of reports for the different divisions (as was the case before 1947). They are published monthly and are bound into volumes. [1947-2001, 4 volumes per year. 2002 onwards, 6 volumes per year.]. Most judgments are reported in English, but a few were recorded in Afrikaans only. Translations from Afrikaans into English exist for the period 1969-1980 only.
The South African Criminal Law Reports (SACR)

The South African Law Reports reported civil and criminal cases up to 1990. In 1990 Juta Law launched the South African Criminal Law Reports in order to provide more in-depth coverage of criminal law and criminal procedure cases. The most important criminal law cases are also duplicated in the South African Law Reports.

Industrial Law Journal (ILJ)

Contains labour law reports.

2. Law reports series published by Butterworths LexisNexis:

All South African Law Reports - All SA.

Butterworths Constitutional Law Reports - BCLR

Butterworths Labour Law Reports - BLLR

Butterworths Pension Law Reports - BPLR

Butterworths Arbitration Law Reports - BALR

Butterworths Competition Law Reports - CPLR

Judgments Online - JOL

ALL OF THE ABOVE LAW REPORTS, AS WELL AS OTHER SERIES, CAN BE FOUND FULLTEXT ONLINE see “Law Databases”

Freely available cases on the internet:

<table>
<thead>
<tr>
<th>Internet</th>
<th>Access free.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following websites with South African cases are free on the Web:</td>
<td></td>
</tr>
<tr>
<td>Cape High Court Judgements</td>
<td>Competition Tribunal of SA</td>
</tr>
<tr>
<td>Constitutional Court of South Africa</td>
<td>High Court, Free State</td>
</tr>
<tr>
<td>Supreme Court of Appeal (UFS)</td>
<td>Supreme Ct of Appeal of SA</td>
</tr>
<tr>
<td>SAFLII South African Legal Info Inst</td>
<td></td>
</tr>
</tbody>
</table>

We have highlighted three of the free websites because these are very useful for finding free case law. To find these go to the Law Library website and select Case Law on the left of the screen.

1. Constitutional Court of South Africa - [http://www.constitutionalcourt.org.za/site/home.htm](http://www.constitutionalcourt.org.za/site/home.htm) (fulltext of the Constitutional Court cases only)
2. Supreme Court of Appeal (UFS) - [http://law.ufs.ac.za/content.aspx?id=42](http://law.ufs.ac.za/content.aspx?id=42) (Appeal cases heard in the Appeal Court in Bloemfontein)

The SAFLII website contains a great deal of information. There are cases from many courts and all are freely available. Take note that the judgments only are given, without a headnote, summary or keywords.
6. JOURNALS

6.1 South African journals:

What is a journal?
In the Law Faculty research is done by postgraduate students and by lecturing staff. The results of this research are often published as in the law journals. Note that journals are also referred to as serials or periodicals. Attorneys and other members of the legal profession also publish in the journals. There are South African law journals and there are journals published in other countries. Often the universities publish their own journals – the title of the UP journal is "De Jure". Another example is the "Stellenbosch Law Review". All the South African journals are found on the shelves in the Law Library – arranged alphabetically by title. Many are now also available online – see Sabinet and then SAePublishations, and also the Heinonline database (for these see on our webpage under ‘Quick Links’). The journals are usually referred to by year, volume, issue and page. The articles within the journals have a title and author. A reference to a journal article would look like this:

1. Go to SA LawRep 1977-Date, Search, Advanced query, look for “jooste v botha”
2. Go to SA LawRep 1977-Date, Search, Find a case by year, volume and page number, look for 2000 (2) SA 199
3. Got to SA LawRep 1977-Date, Search, in Headnotes only - look for “servitude”
5. Go to SA Criminal Law Reports, Search, Advanced Query, look for “S v Moses” (the 1996 case)

Printing and saving: Select: file; print; and then tick √ what you wish to print. Use student number (no ‘s’ and only first 7 digits) and 4-digit photocopy pin number. To save on the hard drive or a flash disk: as for print – but cancel before you print, then go to file, ‘export’, choose type ‘Rich Text format’, select from ‘Save in’: flash disk drive or any

Butterworths (LexisNexis) case law

1. Go to Butterworths(LexisNexis), Focus search - Law Reports- under Case Name enter Robinson v Rossi.
2. From the list on the left of the page, select Law Reports; All South African Law Reports 1996-2010, Consolidated indexes, Cases reported, look for S v Naidoo and another

Printing and saving: use Butterworths own ‘print’ function and then ‘print current document’. Can also copy and paste to a Word document for saving on a flash disk or attaching to an email.

NB – when searching for a topic use keywords or phrases, e.g. servitude; compensation; “minimum sentencing” or “specific performance”. Do not use an entire sentence such as “losses because of unfair conduct”, rather break it down to 2 keywords or phrases – losses and “unfair conduct”}

Training exercises
Using CD Databases: Law Databases; South African Law; (for SA and SACR)

1. Go to SA LawRep 1977-Date, Search, Advanced query, look for “jooste v botha”
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You will need to find journal articles when doing assignments. To do this you start your search on a database called Sabinet. Go to our webpage on Explorer, choose Sabinet, and then from the drop-down menu – ISAP = Index to South African Periodicals. (You will need to put in your student number and a pin number, which you get from the front desk of the Law Library) Another database that will give very good
results for law journal articles is **iSALPI** (Index to South African Law Periodicals index) - see our webpage, then **Journals** on the left, select **iSALPI**. **iSALPI** is an index to Law Journals in South Africa.

Searching for journal articles can be done by using the author, title, keywords, etc.

Go to our webpage [http://www.library.up.ac.za/law/index.htm](http://www.library.up.ac.za/law/index.htm)

**Under Quick Links**, select **Sabinet**
- You will be requested to enter you student number and a pin number (which you choose for yourself or get from the front desk in the law library).
- From “Select a database to search” - from the drop down menu – select **“ISAP (Index to South African Periodicals)”**

**Hardcopy** versions of the South African journals are kept in one collection – see the floorplan. They are arranged alphabetically by journal title – e.g. *De Rebus; De Jure, South African Law Journal* and so on.

**Electronic** full-text versions of some journals can be found in **Sabinet** in their database titled: **SA ePublications**; as well as in the E-journal titles: A-Z list. This is found under [http://www.library.up.ac.za/law/index.htm](http://www.library.up.ac.za/law/index.htm), select “Journals” from the list on the left. Use the box that says “Find electronic Journal”.

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### Training exercises on Sabinet

**For journal articles** Under **ISAP**, Advanced search:
1. Select “article title” and look for **defamation**
2. Select “All” and look for **gender equality** and **law**
3. Select “author” and look for **van eck s** in author

**For books** Under **SACAT**, Advanced search:
4. Select “keywords” and look for **contract law**
5. Select “author” and look for **van eck s**

**For SA ePublications:**
6. Go to “Portal Access”, select SA ePublications; select ‘Author’; search for **van Eck** and then **law** in ‘All fields’. Note the full text access. Try the other options. Note the list of journal titles at ‘All full-text journals in this collection’

**NB** – when searching for a **topic** use keywords or phrases, e.g. **servitude; compensation; “minimum sentencing” or “specific performance”**. **Do not** use an entire sentence such as “losses because of unfair conduct”, rather break it down to 2 keywords or phrases – **losses** and “unfair conduct”

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Note that whilst looking for books in the **catalogue** you may find that some of your hits received from a subject search are to “**Human Rights Ref Articles**”. These are not books but rather **journal articles**. Please ensure that you find the full reference and journal name in the entry.