1. INTRODUCTION

1. Welcome to Oliver R. Tambo Memorial Law Library.
2. Please use the floorplan attached to these notes as well as those 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>July recess – open until 18:00 only</td>
</tr>
<tr>
<td>Tuesday</td>
<td>December open until 16:00 only</td>
</tr>
<tr>
<td>Friday</td>
<td>January open until 18:00 only</td>
</tr>
<tr>
<td>Saturday</td>
<td>April open until 18:00 only</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 COMPUTER SEARCH

1. Our own webpage at 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 nos.)—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 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. 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>
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</thead>
<tbody>
<tr>
<td>1. Select “Title” and look for <strong>cyberlaw</strong></td>
</tr>
<tr>
<td>2. Under title, look for <strong>corporate law</strong></td>
</tr>
<tr>
<td>3. Under author, look for <strong>heaton j</strong></td>
</tr>
<tr>
<td>4. Under author, look for <strong>Frans Viljoen</strong></td>
</tr>
<tr>
<td>4. Under author, look for <strong>viljoen frans</strong></td>
</tr>
<tr>
<td>5. Under keywords, look for <strong>insolvency law</strong></td>
</tr>
<tr>
<td>6. Under journal title, look for <strong>de jure</strong></td>
</tr>
<tr>
<td>7. Under journal title, look for <strong>south african law journal</strong></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 “Judicial Matters Amendment Act 66 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 1994 onwards is available on-line – see under “Law Databases” ; “South African Law”.

Butterworths Statutes of the Republic of South Africa
- are Classified and Annotated from 1910.

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 (books).

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.

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 repeal of an Act (see the column on the right hand side of the page for details of the repealing legislation).

Juta’s Statutes of South Africa
Juta Law publishes a new seven-volume set of amended statutes every year, and the previous year’s set becomes redundant. 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; from Sabinet Legal Products select Netlaw. 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 Portal Access; All Legal Products; from Sabinet Legal Products select “Bill Tracker”

The bills, in paper format, are kept 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”.
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. 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)*.

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

Judges:

In “Broome J” in the above case – “J” refers to “judge”. Other abbreviations are:

- P – President of the Constitutional Court
- DP/ AP – Deputy President of the Constitutional court / Adjunk-President
- CJ/HR – Chief J ustice / Hoofregter
- 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 J P / Adjunk RP
- Aj/ WnR – Acting judge /waarnemende regter

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. Prior to Union in 1910, law reports were published for each of the Supreme and High Courts in the Cape Colony; and for the Natal, Free State and Transvaal High Courts. 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 349.68 INTRODUCTION, in the library.

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 Report (SACR)
The South African Criminal 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.

All South African Law Reports (All SA)
This series of reports began in 1996 and is modelled on the All England Law Reports. It reports noteworthy judgments from all the South African higher courts and replaces the Prentice Hall Weekly Law Reports which were published until 1995.
Butterworths Constitutional Law Reports (BCLR)
These reports include the full text of all Constitutional Court judgments as well as selected judgments from the Supreme Court of Appeal and the High Courts, including cases from Namibia, Zimbabwe and Lesotho. A cumulative table of cases and an index is published annually. The BCLRs began publication in 1995.

Butterworths Law Reports: Labour Law (BLLR)
These reports include the full text of Labour Appeal Court and Industrial Court judgments together with selected High Court judgments. Each judgment is preceded by a summary compiled by the editors. An editorial at the beginning of each issue provides an overview of the cases reported there. A cumulative table of cases and index are published annually. The BLLRs were first published in 1994.

Judgments Online (JOL)
Also a LexisNexis Butterworths publication, but it is only online. Has “Hot off the bench” cases, which are unedited. They are judgments that are recently handed down.

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>
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<tbody>
<tr>
<td>Access free.</td>
</tr>
<tr>
<td>The following websites with South African cases are free on the Web:</td>
</tr>
<tr>
<td>Cape High Court Judgements</td>
</tr>
<tr>
<td>Competition Tribunal of SA</td>
</tr>
<tr>
<td>Constitutional Court of South Africa</td>
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<tr>
<td>High Court, Free State</td>
</tr>
<tr>
<td>Supreme Court of Appeal (UFS)</td>
</tr>
<tr>
<td>Supreme Ct of Appeal of SA</td>
</tr>
<tr>
<td>SAFLII South African Legal Info Inst</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  (fulltext of the Constitutional Court cases only)
2. Supreme Court of Appeal (UFS) – http://www.ufs.ac.za/apps/law/appeal/  (Appeal cases heard in the Appeal Court in Bloemfontein)
3. SAFLII (South African Legal Information Institute.) – http://www.saflii.org.za/  (Cases from many courts)

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 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 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 journals published in other countries. Often the universities publish their own journals – the title of the UP journal is "*De Jure*" and another example is the "*Stellenbosch Law Review*". All the South African journals are found on the shelves – arranged alphabetically by title. Many are now also available online – see Sabine and then SAePublications, and also the Heinonline database (for these see on our webpage under 'Quick Links'). The journals are usually referred to by volume, year and page number. The articles within the journals have a title and author. A reference to a journal article would look like this:


You will need to find journal articles covering a specific topic. To do this you start your search on a database called Sabine – *ISAP* (Index to South African Periodicals). On Sabine you are searching a combined database of all the South African library catalogues. 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, and then 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 **Sabine**

- You will be requested to enter your student number and a pin number (which you choose for yourself).
From “Select a database to search” – from the drop down menu – select *ISAP (Index to South African Periodicals)

Print copies 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, select “Journals” from the list on the left. Use the box that says “Find electronic Journal”.

<table>
<thead>
<tr>
<th>Training exercises on Sabinet</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>For journal articles:</strong></td>
</tr>
<tr>
<td>1. Under ISAP, Advanced search, look for <strong>defamation</strong> in article title</td>
</tr>
<tr>
<td>2. Under ISAP, Advanced search, look for <strong>gender equality</strong> and <strong>law</strong> in all</td>
</tr>
<tr>
<td>3. Under ISAP, Advanced search, look for <strong>van eck</strong>s in author</td>
</tr>
<tr>
<td><strong>For books:</strong></td>
</tr>
<tr>
<td>4. Under SACAT, Advanced search, look for <strong>contract law</strong> in keywords</td>
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<tr>
<td>5. Under SACAT, Basic search, look for <strong>van eck</strong>s in author</td>
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<tr>
<td><strong>For SA ePublications:</strong></td>
</tr>
<tr>
<td>6. Go to 'Portal Access’, select SA ePublications; select ‘Author’; search for <strong>van Eck</strong> and then <strong>law</strong> 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’</td>
</tr>
</tbody>
</table>

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 Reference Articles”. These are not books but journal articles. Please ensure that you find the full citation and journal name in the entry.

**6.2 International and Foreign Journals:**

(It is recommended that before you begin a search for these journals please ask for assistance from the law librarians.)

There are of course also many journals published in other countries. Some of these titles can be found on our shelves (see floorplan). We also have legal databases (in particular Westlaw and HeinOnline) carrying many more titles and the full-text journal articles.

The printed version of foreign journals that are kept on our shelves can be found in the catalogue – Go to our webpage http://www.library.up.ac.za/law/index.htm

- select *Library Catalogue*
- search by using **Journal title**, e.g. “Yale Law Journal” You will note that the library has a complete collection of this title from 1891–

For electronic journals go to the legal databases Westlaw and HeinOnline. Also our webpage and then choose “Journals” form the list on the left. Search for the journal title at “Find electronic journal”.

(Compiled by the staff of the UP Law Library – January 2010)