

## **STELLENBOSCH LAW REVIEW – EDITORIAL POLICY AND STYLE GUIDE**

The *Stellenbosch Law Review* is published tri-annually and contains contributions in English or Afrikaans. Potential contributors must please adhere to the following style guide, which has been published in the 2011 (1) *Stellenbosch Law Review* and on the internet at <http://www.sun.ac.za/stelllr>.

[Afrikaanse weergawe volg op bl 17.]

### **1 Contributions and editorial policy**

#### **1 1 Categories**

The following contributions will be subject to peer-review and are eligible for subsidy by the Department of Higher Education and Training. An English summary not exceeding 300 words must accompany these contributions:

- 1 1 1 full length articles of typically 6 000 – 12 000 words including footnotes;
- 1 1 2 review articles of typically 6 000 – 12 000 words including footnotes (a review article is an in-depth discussion of a subject or a series of subjects relating to a recent book or books);
- 1 1 3 notes of typically 4 000 – 6 000 words including footnotes (a note should be critical and not merely be descriptive);
- 1 1 4 case comments of typically 4 000 – 6 000 words including footnotes (case comments should critically draw out implications and likely repercussions of decisions and should not merely be descriptive).

The following types of contributions will be considered for publication, but are not peer-reviewed and are not eligible for subsidy by the Department of Higher Education and Training:

- 1 1 5 correspondence to the editor of a maximum length of approximately 2 000 words including footnotes;
- 1 1 6 book reviews of a maximum length of approximately 2 000 words including footnotes;
- 1 1 7 news articles and announcements of a maximum length of approximately 2 000 words including footnotes.
- 1 1 8 public lectures of up to 12 000 words.

#### **1 2 Submission of contributions**

- 1 2 1 All contributions must be sent via email to the address [stelllr@sun.ac.za](mailto:stelllr@sun.ac.za) in a file written in a recent version of Microsoft Word. It may be required that a hard copy of a contribution is sent to the following address: The Editor, Stellenbosch Law Review, Faculty of Law, Private Bag X1, Matieland, 7602.
- 1 2 2 Contributions will only be considered for publication if they comply with the style guide. If an author is uncertain of the correct style for the citation of a reference, the relevant reference should be highlighted in yellow. **Authors must please make use of the following checklist prior to submission:**
  - main heading contains title; author's name; qualifications; institutional qualifications
  - headings are consecutively numbered without automatic numbering, no headings are underlined, paragraphs are not separated by a full blank line, but only by an indent at the beginning of the new paragraph
  - footnotes are consecutively numbered by way of automatic numbering; footnotes are not separated by a full blank line; footnotes appear at the end of each page of the manuscript and not at the end of the manuscript
  - quotations have been checked for accuracy and references comply with the style requirements
- 1 2 3 Authors who provide their postal addresses to the Editor will receive off-prints of their articles as well as a copy or copies of the relevant journal.

### 1 3 Evaluation

In principle, contributions are submitted to at least two referees and the identities of the contributors and referees are kept confidential.

### 1 4 Uniform style

Unless otherwise specified, the house style applies uniformly to all categories of contributions referred to in 1 1 above.

### 1 5 Page charges

Page charges may be levied. Contributors will be contacted individually in this regard. The tariff is R65,00 per page with a minimum of R650,00 for full length and review articles and R450,00 for notes and case comments. These amounts are subject to change.

## 2 Title and author(s)

### 2 1 Title

2 1 All contributions must be provided with a short, descriptive title.

2 1 1 In the case of review articles (1 1 2) and case comments (1 1 4) the title must be followed by a subtitle in square brackets.

#### *Examples*

[Review article of *Law and Sacrifice: Towards a Post-Apartheid Theory of Law* by Johan van der Walt. Wits University Press Johannesburg 2005. xii and 305 pp. Price R190.00 (soft cover)]

[Discussion of *Steenkamp NO v Provincial Tender Board, Eastern Cape 2007 3 SA 121 (CC)*]

2 1 2 In the case of book reviews (1 1 6), the title is a description of the book in the following format:

*Administrative Law in South Africa* by Cora Hoexter. Juta & Co Cape Town 2007. xl and 560 pp. ISBN 9780702176715. Price R395.00 (soft cover)

### 2 2 Author(s)

The following should appear after the title of each contribution in categories 1 1 1 – 1 1 4:

- name of the author
- the author's academic qualifications (except in the case of members of the judiciary)
- an indication of the author's present position and institutional affiliation
- if persons are thanked for assistance, or institutional support is recognised, an asterisk must follow directly after the exposition of the institutional affiliation; the asterisk must then be linked to a footnote setting out these details; further footnotes must be automatically numbered and commence with footnote 1

#### *Examples*

Title heading:

John Jacobs [or J C Jacobs]  
BComm LLB LLM PhD  
Professor, University of South Africa\*

Pius Langa [or P Langa]

## Chief Justice of the Republic of South Africa

## Footnote:

\*I would like to thank the NRF for financial support to conduct this research. I am further grateful to Jane Smith for valuable comments.

**3 Literary style****3 1 Abbreviations and punctuation****3 1 1 Abbreviations**

Do not use abbreviations in the main text except if a proper name is used repeatedly. In such a case the first full citation of the proper name should be followed by the abbreviation in brackets, and the abbreviation should be consistently referred to thereafter. Use abbreviations as far as possible in the footnotes.

*Examples*

## Main text:

According to section 6 of the Constitution ... [not s 6]  
The Treatment Action Campaign (TAC) aims to influence government policy in various ways. The TAC has often stated that ...

3 1 2 Avoid using full stops and spaces in abbreviations.

3 1 3 Abbreviations which are commonly used in footnotes to legal articles include the following:

art – article (unless legislation customarily requires capital A)  
arts – articles (unless legislation customarily requires capital A)  
ch – chapter  
chs – chapters  
cl – clause  
cls – clauses  
ed – editor; edition ( second edition = 2 ed)  
eds – editors; editions  
*GG* – *Government Gazette*  
GN – government notice  
n – footnote; note  
nn – footnotes; notes  
no – number  
nos – numbers  
OS – original service  
para – paragraph  
paras – paragraphs  
Proc – proclamation  
reg – regulation  
regs – regulations  
RS – revision service  
s – section  
ss – sections  
sch – schedule  
schs – schedules  
subs – subsections  
subss – subsections  
vol – volume  
vols – volumes

3 1 4 Never use abbreviations such as *op cit*, *loc cit*, *ibid* and *idem* and “p” or “pp” for “page” or “pages”.

- 3 1 5 Where reference is made to a particular judge, the surname of the judge followed by his or her abbreviated official title (in capital letters) should be used in both the text and footnotes.

*Examples*

J – judge  
 JA – judge of appeal  
 CJ – chief justice  
 JP – judge president  
 DJP – deputy judge president  
 AJ – acting judge  
 AJA – acting judge of appeal  
 P – president

- 3 1 6 Where words appear in brackets, punctuation marks (full stops, commas, colons, etc) must always be placed after the final bracket. However, if a *complete sentence within a paragraph* appears in brackets, the full stop must be placed in front of the last bracket.

*Example*

... these factors are mistake (*error*), fraud (*dolus*), as well as ...

- 3 1 7 As a rule, references to footnotes should appear after punctuation and quotation marks.

*Examples*

. 1 , 2 , 3 ) 4 . 5 and not -1. 2 , 3 , 4) . 5"

## 3 2 Quotations and quotation marks

- 3 2 1 Quotations should be used sparingly (preferably only as a striking example) and should be as brief as possible.
- 3 2 2 When a complete sentence is quoted (or when a portion of a complete sentence is quoted as a separate sentence), the quotation should be preceded by a colon and must appear as a separate paragraph with a left indent.
- 3 2 3 Quotations *correspond exactly to the original* (ie as regards the use of capital letters, punctuation marks, etc). If a quotation contains a reference to a footnote, it is preferable to indicate that the footnote is omitted, or to insert the content of the footnote in square brackets in the main text.

*Examples*

Main text:

According to Harms JA:

"The effect of a non-variation clause has been the subject of two judgments of this Court, namely *Shifren* and, latterly, *Brisley v Drotsky*."<sup>123</sup>

Footnote:

123 *Telcordia Technologies Inc v Telkom SA Ltd* 2007 3 SA 266 (SCA) para 12 (footnotes omitted).

or

Main text:

According to Harms JA:

"The effect of a non-variation clause has been the subject of two judgments of this Court, namely *Shifren* [*SA Sentrale Ko-op Graanmaatskappy Bpk v Shifren* 1964 (4) SA 760 (A)] and, latterly, *Brisley v Drotsky* [2002 4 SA 1 (SCA)]".<sup>123</sup>

Footnote:

123 *Telcordia Technologies Inc v Telkom SA Ltd* 2007 3 SA 266 (SCA) para 12.

- 3 2 4 As far as possible, avoid additions to or omissions from quotations. Additions should be placed in square brackets and omissions should be indicated by an ellipse (...). Quotations should not start with an ellipse but may end with one. Upper and lower case letters may be adapted with the aid of square brackets.

*Examples*

According to Innes CJ:

“[T]here can be no ratification of a contract ... which is prohibited ... by statute. Counsel [for the appellants] did not argue this point ...”

- 3 2 5 Double quotation marks (“...”) should be used for all quotations and single quotation marks for a quote within a quotation (“...‘...’...”). As a rule, quotation marks at the end of a quotation should be placed *after* the last punctuation mark (full stop, comma, etc) within the quotation if the quotation consists of a full sentence. Where the quotation consists of part of a sentence only, the quotation marks should be placed *before* the last punctuation mark (full stop, comma, etc). As a rule, do not use straight quotation marks (“...”).

*Examples*

Nicholson J held:

“Of significance are the following comments in 1986 *TSAR* 232 by Van der Walt who states ‘In gevalle soos die wat hierbo vermeld is, herstel die Hof deur verlening van die gevraagde regshulp die versteuring van die *daadwerklike beheer* ...’.”<sup>124</sup>

Unwelcome conduct was defined in *Henson v City of Dundee*<sup>1</sup> to mean unwelcome

“in the sense that the employee did not solicit or incite it, and in the sense that the employee regarded the conduct as undesirable or offensive”.<sup>2</sup>

### 3 3 Underlining and Italics

- 3 3 1 Underlining is not allowed, especially not as an alternative to italics.
- 3 3 2 Quotations should not be typed in italics, except and in so far as the original quotation is italicised, and subject to 3 3 4 below.
- 3 3 3 Words from any language other than that in which the contribution is written should be typed in italics and should not be placed in quotation marks.
- 3 3 4 Italics may be used to emphasise words, clauses or sentences. If used for this purpose in quotations, the change must be clearly indicated at the end of the quotations by expressions such as “emphasis added” or “own italics”.

### 3 4 Capital letters

(Refer to the Afrikaans version of this guide for the use of capital letters in Afrikaans contributions.)

- 3 4 1 The use of capital letters should be limited to proper names, full titles or designations. Lower case letters are used in general designations.

*Examples*

Capitals:

Chief Justice Langa  
the Constitutional Court

the Supreme Court of Appeal  
 Parliament  
 the Department of Trade and Industry  
 the Minister of Justice  
 the South African Government  
 the Magistrates' Court Act

Lower case:

a judge or magistrate should decide  
 the president or a minister is entitled to  
 the parliaments of Europe  
 government control over

- 3 4 2 In headings, a capital letter should only be used for the first letter of the first word, except where the further use of capital letters in the heading is an orthographic requirement (for example for place-names and surnames).
- 3 4 3 All footnotes should begin with a capital letter and end with a full stop.

### 3 5 Headings, numbers and bullets

- 3 5 1 Contributions must be subdivided into logical units, each with its own numbered heading.
- 3 5 2 The following style should be used for numbering headings (omitting stops between numerals). **Please do NOT use automatic numbering in the headings.**

1  
 1 1  
 1 1 1  
 1 1 2  
 2  
 3  
 3 1  
 3 1 1  
 3 1 1 1  
 3 1 1 2  
 3 1 2  
 3 2

The following should be used as sparingly as possible: 1) (1) (i) (ii) (I) (II) (a) (d), etc. If the use of one of these styles is essential, lower case Roman numerals are preferable.

- 3 5 3 Bullets may be used to separate entries in non-numbered lists.

### 3 6 Numerals

Numbers below 20 should be written in full, except in the case of page-references or when used with a % sign; numbers of 20 or more should be expressed as numerals.

### 3 7 General

Avoid expressions like "the learned judge", "respectfully" and "with respect".

Gender-neutral language is encouraged. This can be promoted by using the plural or by avoiding use of a gender-specific pronoun. If this is not appropriate, use either "he" or "she", but then do not alternate within a single piece of text, or use "he or she". Do not use "he/she" or "(s)he".

## 4 References

## 4 1 Page-references – general comments

4 1 1 Page-references should be limited to footnotes whenever possible.

### Examples

the writer alleges<sup>1</sup> or according to the court<sup>2</sup>

### Footnote

1 519.  
2 846A.

Not: “the writer alleges on page 519” and “according to the court at 846A”.

4 1 2 Page-references in footnotes should only contain the number of the page. A “p” preceding the number should not be used. Similarly, “on 519” or “at 846A” should be avoided. The page-number is sufficient.

4 1 3 For references to consecutive pages, page numbers should be given in full. Note that there is no space before or after the short hyphen connecting the relevant page numbers.

### Example

325-334 or 325-329 (*and not* 325-34 or 325-9 or 325 - 334)

4 1 4 References in the text may be followed by the words “above” and “below”, but not *supra* or *infra*. The abridged titles of books (see 4 2), journals (see 4 3) and cases (see 4 4) must not be followed by “above” or *supra*.

4 1 5 Multiple references to sources in a footnote should be separated by semicolons.

4 1 6 Footnotes should appear at the end of each page of the manuscript and *not* at the end of the manuscript. Footnotes should be consecutively numbered in Arabic numerals.

## 4 2 Books, chapters in books, loose-leaf publications, theses, official publications, LAWSA, unpublished materials

### 4 2 1 Books

The following information should be furnished in the first reference:

- initials and surname(s) of author(s) (see 4 2 1 1)
- full title of book including volume number (see 4 2 1 2)
- second and further editions (if any) (see 4 2 1 3)
- year of publication in brackets (see 4 2 1 4)
- page to which reference is made

The following information should be furnished in subsequent references:

- surname(s) of authors without initials (see 4 2 1 1)
- abridged title of book (see 4 2 1 2)
- page(s) to which reference is made

### Examples

C Hoexter *Administrative Law in South Africa* (2007) 123 (full reference)  
Hoexter *Administrative Law* 127-131 (abridged reference)

S Eiselen & G Pienaar *Unjustified Enrichment A Casebook* (1999) 123 (full reference)  
Eiselen & Pienaar *Unjustified Enrichment* 234 (abridged reference)

S van der Merwe, LF van Huyssteen, MFB Reinecke & GF Lubbe *Contract - General Principles* 3 ed (2007) 123 (full reference)  
 Van der Merwe et al *Contract* 234 (abridged reference)

PQR Boberg *The Law of Delict I* (1984) 331 (full reference)  
 Boberg *Delict I* 331 (abridged reference)

#### 4 2 1 1 Surname(s) of authors with initials

If there are two authors, the names of both authors, linked by an ampersand (&), should appear in the first and subsequent citations.

If there are more than two authors, the names of all the authors, separated by commas and an ampersand before the last name, should appear in the first citation. Only the name of the first author, followed by “et al” (not italics) should appear in subsequent citations.

#### 4 2 1 2 Full or abridged title

The full title is cited where it is referred to for the first time. For subsequent references, an abridged title consisting of descriptive catchword(s) is used. Both full and abridged titles should be printed in italics. Capital letters are used for all nouns in the title as well as for adjectives which are conceptually linked to the nouns through professional or technical usage, eg *Civil Procedure*, *Civil Disobedience*, etc.

If a work consists of more than one volume, the number of the volume, in italicised Arabic or Roman numerals, depending on the numerals used in the publication, should be inserted after the title, without being preceded by vol or bk. This applies to both the full and abridged titles.

Where the same source, and only that source, is referred to in two or more consecutive footnotes, it is sufficient to cite only the page-number in the consecutive footnotes. It is then not necessary to use the abridged title.

#### Example

23	M Hogg <i>Obligations</i> 2 ed (2006) 207.
24	209.
25	135.

#### 4 2 1 3 Edition

The number of the edition only appears in the full title.

#### 4 2 1 4 Year of publication

The year of publication appears in brackets to prevent confusion with page-numbers. Abridged titles should not contain the year of publication.

### 4 2 2 Chapters in books

The following information should be furnished in the first reference:

- the initials and surnames of the author(s) of the chapter (see 4 2 1 1)
- title of the chapter in inverted commas followed by the word “in”
- the initials and surnames of the editor(s) (see 4 2 1 1) followed by “(ed)” or “(eds)”
- the title of the book in italics (see 4 2 1)
- the year of publication in brackets (see 4 2 1 4)
- the first page number of the chapter followed by the cited page number(s)

The following information should be furnished in subsequent references:

- the surname of the author of the chapter
- an abridged title of the chapter in inverted commas followed by the word “in”

- an abridged title of the book in italics
- the cited page number(s)

#### Examples

M Tushnet "Comparative Constitutional Law" in A Reimann & R Zimmermann (eds) *The Oxford Handbook of Comparative Law* (2006) 1225 1229-1230 (full reference)  
 Tushnet "Comparative Constitutional Law" in *Handbook of Comparative Law* 1231-1233 (abridged reference)  
 JG Lotz & FDJ Brand "Enrichment" in WA Joubert & JA Faris *LAWSA 9 2 ed* (2005) para 207 (full reference where Lotz is the original author and Brand the author of the update)  
 Lotz & Brand "Enrichment" in *LAWSA 9* para 207 (abridged reference)

### 4 2 3 Loose-leaf publications

If a particular section of a loose-leaf publication is attributed to a specific author or authors, the following information should be furnished in the first reference:

- the initials and surnames of the author(s) of the section (see 4 2 1 1)
- the title of the section in inverted commas followed by the word "in"
- the initials and surnames of the editor(s) followed by "(ed)" or "(eds)"
- the title of the loose-leaf publication in italics
- the second and further editions (if any) (see 4 2 1 3)
- the year of publication of the current update service of the loose-leaf (not the particular section/chapter) preceded by the abbreviations "OS" for original service or "RS" for revised service with service number (where indicated) in brackets
- the cited page reference

Subsequent citations use abridged references as with chapters in books (see 4 2 2).

#### Example

T Roux "Democracy" in S Woolman, T Roux, M Bishop (eds) *Constitutional Law of South Africa* 2 ed (RS 1 2009) 10-3-10-22 (full reference)  
 Roux "Democracy" in *CLOSA* 10-22 (abridged reference)

If a particular section of a loose-leaf publication is not attributed to a specific author, the following information should be furnished in the first reference:

- the initials and surnames of the author(s) or editor(s) followed by "(ed)" or "(eds)" (see 4 2 1 1)
- title of the loose-leaf publication in italics
- the second and further editions (if any) (see 4 2 1 3)
- the year of publication of the current update service of the loose-leaf (not the particular section/chapter) preceded by the abbreviations "OS" for original service or "RS" for revised service with service number (where indicated) in brackets
- the cited page reference

Subsequent citations use abridged references as with books (see 4 2 1).

#### Examples

E du Toit, F de Jager, AP Paizes, A St Q Skeen & SE van der Merwe *Commentary on the Criminal Procedure Act* (RS 44 2010) 5-34A (full reference)  
 Du Toit et al *Commentary on the CPA* 5-35 (abridged reference)

N Steytler & J de Visser *Local Government Law of South Africa* (RS 2 2008) 4-2 (full reference)  
 Steytler & De Visser *Local Government Law* 4-3 (abridged reference)

### 4 2 4 Theses

Theses follow the same conventions as with books with regard to author and title. This is followed by the name of the degree for which the thesis was presented, the name of university which conferred the degree, and the relevant year in brackets.

*Example*

S Scott *Unjust Enrichment by Transfer in South African Law: Unjust Factors or Absence of Legal Ground?* DPhil thesis Oxford (2005) 8-9 (full reference)  
Scott *Unjust Enrichment* 8-9 (abridged reference).

#### 4 2 5 Official publications, SA Law Reform Commission publications

Official publications and SA Law Reform Commission Reports as far as possible follow the conventions applying to books. If a report has a number, the number should be used instead of the date.

*Examples*

RSA *First Report of the Constitutional Committee of the President's Council* PC 3/1982 112-115 (full reference)  
RSA *First Report of Constitutional Committee* 112-115 (abridged reference)

SA Law Reform Commission *Domestic Partnerships Project 118 Report* (2006) 12 (full reference)  
SA Law Reform Commission *Domestic Partnerships Report* 14-30 (abridged reference)

#### 4 2 6 Unpublished materials

References to unpublished materials should preferably be avoided. Such references should as far as possible follow the conventions applying to books and contain an indication of where the relevant materials can be obtained.

*Example*

LM du Plessis *The Courts, the Legal Profession and the Legal Process in a Future South Africa* (1989) unpublished paper presented at conference on *A New Jurisprudence for a Future South Africa* hosted by the Centre for Human Rights Studies at the University of Pretoria, 26-10-1990 (copy on file with author) (full reference)  
Du Plessis *Courts, Legal Profession and Legal Process* (abridged reference).

#### 4 3 Journal articles or essays, reviews, case comments, articles in printed media, websites

##### 4 3 1 Journal articles or essays

The first reference should contain the following information:

- initial(s) and surname(s) of author(s) (see 4 2 1 1)
- title of the article in double quotation marks in Roman type (not italics)
- year of publication in brackets (see 4 3 1 1)
- volume number
- name of the journal in italics, preferably abbreviated (see 4 3 1 4)
- first page of the article followed by specific page to which reference is made

Further references should be abridged and should contain the following information:

- surname of author
- year of publication in brackets
- name of the journal in italics, preferably abbreviated
- specific page to which reference is made

*Examples*

D Simamba "The International Labour Organisation and the Right to Collective Bargaining: An African Perspective" (1989) 110 *SALJ* 515 517-523 (full reference)  
 Simamba (1989) *SALJ* 521-523 (abridged reference)

#### 4 3 1 1 Year of publication

If an article is published in instalments, the specific instalment to which reference is made should be identified in the same way as the volume number of a book (see 4 2 1 2). The Roman numeral follows directly after the title of the article, inside the quotation marks. It is not necessary to identify the instalment in an abridged reference to an article.

#### 4 3 1 2 The name of the journal, in italics

Recognised abbreviations should be used as far as possible.

### 4 3 2 Reviews and case comments

4 3 2 1 Reviews and case comments as far as possible follow the conventions applying to articles (see 4 3 1 above).

4 3 2 2 The first reference to a review or case comment should contain the full title under which it originally appeared. Thereafter an abridged reference is used.

#### *Case comments*

LM du Plessis & M Olivier "*Ngqumba v Staatspresident, Damons NO v Staatspresident, Jooste v Staatspresident* 1988 4 SA 224 (A)" (1989) 4 *SA Public Law* 134 136-137 (full reference)  
 Du Plessis & Olivier (1989) *SA Public Law* 136-137 (abridged reference).

#### *Book review*

T Roux "*Constitutional Property Law* by A J van der Walt" (2007) 18 *Stell LR* 207 208 (full reference)  
 Roux (2007) *Stell LR* 208 (abridged reference)

### 4 3 3 Articles in printed media

Articles in printed media, eg newspaper and magazine articles, as far as possible follow the conventions applying to journal articles (see 4 3 1 above). The names of newspapers and popular magazines are not abbreviated.

#### *Example*

LM du Plessis "SA Howe - Grammfone of Politieke Kanaalgrawers?" *Rapport* (1986-05-18) 23 (full reference)  
 Du Plessis *Rapport* (18-05-1986) 23 (abridged reference).

When a statement in the text must be supported by data from a newspaper report, only the following particulars should be furnished in the footnote: *Die Burger* (09-07-2007) 6.

### 4 3 4 Websites

The format below for electronic sources is only permitted where the source is exclusively available electronically. Thus, official documents and articles which are published in print form, but also available electronically on, for instance, government websites, HeinOnline or other databases, are cited according to the format in 4 2 5 and 4 3.

Provide a comprehensive descriptive reference when citing a website. Where relevant, apply the rules for referencing authors and titles in 4 2 and 4 3. The title must be followed by the website address and the date, in brackets, when the webpage was last accessed, using the format below. When proofs are sent to authors it is suggested that they access the sites again to establish whether they are operative; the date when the site was last accessed must then be changed accordingly.

#### 4 3 4 1 Electronic journals

Electronic journals are cited like ordinary journals (see 4 3) with the addition of the URL and the date when the webpage was last accessed.

*Example:*

N Kornet "Contracting in China: Comparative Observations on Freedom of Contract, Contract Formation, Battle of Forms and Standard Form Contracts" (2010) 14 *Electronic Journal of Comparative Law* 1 3-4 <<http://www.ejcl.org/141/art141-1.pdf>> (accessed 7-12-2010) (full reference)  
Kornet 2010 *Electronic Journal of Comparative Law* 4 (abridged reference)

#### 4 3 4 2 Judgments

For an example of the citation of judgments only available electronically see 4 4 8 below.

#### 4 3 4 3 Other internet sources

The first reference to an electronic source should contain the following information:

- initials and surname(s) of author(s) or editor(s), or the name of the institutional author, editor or compiler; where no author is indicated, insert "Anonymous"
- full title of the document or text on the particular webpage (in double quotation marks)
- the date of electronic publication, of the latest update of the website or webpage, or of posting (on a blog, for instance)
- the title of the website upon which the document appears (in italics), usually the main title indicated on the homepage
- the URL of the particular webpage, to which is referred, in angle brackets (< >); remove the hyperlink from the text of the article
- the date when the author last accessed the particular webpage (in the form dd-mm-yyyy) preceded by the word "accessed" in brackets

Insert the particular page(s) or paragraph number(s) to which is referred directly before the URL.

The URL that is provided should lead directly to the cited document or text. Therefore, if the document or text does not appear on the homepage of the website itself, merely citing the URL of the homepage is inappropriate even though the document or text is available elsewhere on the website.

*For instance, the following citation is incorrect because the URL does not lead directly to the text to which is referred:*

OECD "Tax Reforms to improve Economic Performance" (8-12-2010) *OECD* <<http://www.oecd.org/home>> (accessed 7-12-2010)

*The following citation, for the same text, is correct:*

OECD "Tax Reforms to improve Economic Performance" (8-12-2010) *OECD* <[http://www.oecd.org/document/45/0,3343,en\\_21571361\\_44315115\\_46639597\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/45/0,3343,en_21571361_44315115_46639597_1_1_1_1,00.html)> (accessed 7-12-2010)

*Examples:*

P de Vos "Fifa World Cup: Bad for Human Rights?" (29-01-2010) *Constitutionally Speaking* <<http://constitutionallyspeaking.co.za/fifa-world-cup-bad-for-human-rights/>> (accessed 7-12-2010)

E McArdle "FutureEd 2: A Major Conference explores how Legal Education will change amidst Rapid Globalization (Video)" (2-12-2010) *Harvard Law School* <<http://www.law.harvard.edu/news/spotlight/classroom/futureed-conference.html>> (accessed 7-12-2010)

JurisPedia contributors "Netherlands" (17-10-2007) *JurisPedia, The Shared Law*

<<http://en.jurispedia.org/index.php/Netherlands>> (accessed 7-12-2010)

Anonymous "These Issues are not just Black and White" (7-12-2010) *University of Oxford* <[http://www.ox.ac.uk/media/behind\\_the\\_headlines/101307.html](http://www.ox.ac.uk/media/behind_the_headlines/101307.html)> (accessed 7-12-2010)

The following information should be furnished in subsequent references:

- the surname of the author or editor, or the name of the institutional author, editor or compiler; where no author is indicated, insert "Anonymous"
- full title of the document or text on the particular webpage (in double quotation marks)
- the title of the website upon which the document appears (in italics), usually the main title indicated on the homepage

#### Example

##### Full citation:

E McArdle "FutureEd 2: A Major Conference explores how Legal Education will change amidst Rapid Globalization (Video)" (2-12-2010) *Harvard Law School* <<http://www.law.harvard.edu/news/spotlight/classroom/futureed-conference.html>> (accessed 7-12-2010) (full reference)

E McArdle "FutureEd 2: A Major Conference explores how Legal Education will change amidst Rapid Globalization (Video)" *Harvard Law School* (abridged reference)

Where all of the information required for the abridged reference is not available, the full citation (including the URL) must be provided for all references to that source.

## 4 4 Cases

- 4 4 1 Cases should be cited in accordance with the conventions applicable to the jurisdictions from which they originate. Punctuation marks and brackets should be omitted in all South African cases, except in post-1946 references where the jurisdiction reference in capital letters should be placed in round brackets. Note that Supreme Court of Appeal decisions are abbreviated (SCA) or (HHA), whereas decisions of the former Appellate Division are abbreviated (A).

#### Examples:

*Smith v Smith* 1946 AD 201 203

*Alton Coach Africa CC v Datcentre Motors (Pty) Ltd t/a CMH Commercial* 2007 6 SA 154 (D&CLD)

*Sonap Petroleum (SA) (Pty) Ltd v Pappadogianis* 1992 3 SA 234 (A)

*Constantia Insurance Co Ltd v Compusource (Pty) Ltd* 2005 4 SA 345 (SCA)

*Move On Up 254 (Pty) Ltd v Martin Kruger Associates CC* 2010 2 All SA 369 (WCC)

*Minister for Justice and Constitutional Development v Nyathi* 2010 4 BCLR 293 (CC)

- 4 4 2 Only the name of the case is cited in the main text. The further particulars of the case reference (eg year, reporter, volume, page number and court) should be set out in an accompanying footnote. Where a footnote refers to a case which is also referred to in the preceding footnote, only the relevant page or paragraph of the case is cited in the following footnote. Where a contribution regularly refers to the same case (eg in a case note), the full case reference only has to appear in the first citation; thereafter only the relevant page number or paragraph of the case is cited.

#### Examples

##### Main text

In *Tao Ying Metal Industry Pty Ltd v Pooe NO*<sup>12</sup> it was held that an arbitrator has to ensure at the outset that the ambit of the dispute has been properly circumscribed. According to Nugent JA, an award may also not be founded on matters that occur to the arbitrator but that the parties have had no opportunity to address.<sup>13</sup>

##### Footnote

12 2007 5 SA 146 (SCA) para 5.

## 13 Para 6.

It is permissible to use an abbreviated version of the case name in the main text, eg “the *Tao Ying* case”. However, abbreviated case names are not used in footnotes where full case references must be provided every time a case is referenced.

- 4 4 3 Designations such as “and Another/Others” or “en ‘n Ander/Andere” should be omitted but not “NO” or “NNO”. Where, however, “NNO” is preceded by “and Another/Others” or “en ‘n Ander/Andere”, the latter designations are also retained.
- 4 4 4 Words like “on” or “at” preceding a page reference are unnecessary. Only the relevant page number(s) should be mentioned. Where paragraphs are also numbered, eg A, B, C, etc (as in the SA Law Reports), paragraph references should preferably be included.

*Examples*

846A, 223B-D or 331C-332D

- 4 4 5 Multiple case references in a footnote should be separated by semicolons.
- 4 4 6 When citing South African reports prior to 1910, follow the guidelines laid down in Hahlo & Kahn *The South African Legal System and its Background* (1973) 293-301, but omit punctuation marks.

*Examples*

*Muter’s Executors v Jones* 1860 3 Searle 356 359  
*Barker v Barker* 1829 1 Menz 265 268  
*Tradesmen’s Benefit Society v Du Preez* 1887 5 SC 269 272

- 4 4 7 Unreported judgments should be cited as follows: the name of the case; a reference to the jurisdiction abbreviated in the language in which the contribution is written; the date on which the judgment was given (in the form dd-mm-yyyy) and the case number.

*Example*

*Waks v Jacobs en die Stadsraad van Carletonville* TPD 30-10-1989 case no 5971/89

- 4 4 8 Judgments only available electronically

Where a judgment is only accessible electronically and appears in a well-known source which reports judgments, it is cited, as far as possible, in accordance with above guidelines.

*Example*

*Strydom v Liebenberg* 2007 JOL 20689 (SCA)

Other judgments only available electronically must be cited in the format generally used for electronic material, and must include the date of the judgment and the relevant court (see 4 3 4)

*Example*

*Esau v Minister van Veiligheid en Sekuriteit* (100/2008) 2009 ZANHC 24 (4 May 2009) SAFLII <<http://www.saflii.org/za/cases/ZANHC/2009/24.html>> (accessed 10-12-2010)

**4 5 Legislation**

- 4 5 1 Legislation should not be italicised and no punctuation marks should be used. The first reference should contain the full reference in the main text (ie name and further particulars, such as number and year) and thereafter only the name is cited.

*Examples*

National Credit Act 34 of 2005 (first reference)  
 National Credit Act (subsequent references)

- 4 5 2 In terms of the Citation of Constitutional Laws Act 5 of 2005 the 1996 South African Constitution should not be numbered like other Acts of Parliament (eg as Act 108 of 1996), but only be cited as the Constitution of the Republic of South Africa, 1996.
- 4 5 3 For acceptable abbreviations in respect of references to legislation see 3 1 3 above.
- 4 5 4 References to subordinate legislation should preferably also identify the *Government Gazette* in which it appears.

*Examples*

Proc R138 in GG 8331 of 06-08-1982;  
GN R 3 in GG 7356 of 02-01-1981 (for regulations).

- 4 5 5 References to Bills must include the bill number for the final version or the *Government Gazette* information for draft versions.

*Examples*

The Sectional Titles Schemes Management Bill B20-2010  
The Sectional Titles Schemes Management Bill (draft) in GN R1447 GG 32666 of 30-10-2009

## 4 6 Old Authorities

Accepted usages should be followed whenever possible. Where no fixed conventions exist, older authorities are to be cited like any modern book.

*Examples*

*D* 9 2 5 3, *D* 9 2 27 *pr* *I* 2 1 31 *C* 10 15 *Nov* 134 9  
*De Groot Inl* 3 32 7 *De Groot De Jure Belli ac Pacis* 2 10 2 1  
*Voet* 47 1 2  
*Groenewegen De Leg Abr* 4 10  
*Van Leeuwen CF* 1 2 4 5 *Van Leeuwen RHR* 2 5 1  
*Van der Linden Koopmans Handboek* 1 7 2  
*Van der Keessel Th* 323 *Van der Keessel Praelectiones ad Gr* 2 4 38  
*Schorer ad Gr* 3 27 6  
*Van Bynkershoek Obs Tum* 303  
*Pauw Obs Tum Nov* 128  
*Vinnius ad I* 2 1 39

## 5 Copyright

Copyright in material submitted to the *Stellenbosch Law Review* shall remain with the author(s). By accepting an offer to publish material in the *Stellenbosch Law Review* authors shall grant to the editors and publishers a perpetual, exclusive, irrevocable, free and royalty free licence to publish, reproduce and distribute the material, in substantially the form submitted, in the *Stellenbosch Law Review*, however disseminated (including on the internet), and to use the material in whole or in part for the purposes of advertising and promoting the *Stellenbosch Law Review*. By accepting an offer to publish, authors agree not to publish the material elsewhere without prior written permission from the publishers. The author(s) may use an abstract or introductory paragraph of the published article on a non-commercial website (ie a website providing free information only, by way of promotion of the author's research, practice or business). Any reproduction of material published in the *Stellenbosch Law Review* shall be attributed to it as follows: (issue year) volume number *Stell LR* page number, © Juta & Co.

## 6 Defamation

Whilst the publisher and editors will never knowingly publish any material they consider to be defamatory or potentially defamatory, they shall not be responsible for advising the authors of any potentially defamatory content. By accepting an offer to publish in the *Stellenbosch Law Review*, authors

agree to indemnify the publisher and the editors against any claim based on defamation or similar claim made against them.

01-01-2011

---

## **STELLENBOSSE REGSTYDSKRIF– STYLVOORSKRIFTE**

Die *Stellenbosse Regstydskrif* verskyn drie maal per jaar en bevat bydraes in Engels sowel as Afrikaans. Potensiële bydraers word versoek om aan die meegaande stylvoorskrifte te voldoen. Hierdie stylvoorskrifte is gepubliseer in die 2011 (1) uitgawe van die *Stellenbosse Regstydskrif* en op die internet by <http://www.sun.ac.za/stellr>.

### **1 Bydraes en redaksionele beleid**

#### **1 1 Kategorieë**

Die volgende bydraes sal onderhewig wees aan keuring en sal kwalifiseer vir 'n subsidie van die Departement van Onderwys. 'n Engelse opsomming van hoogstens 300 woorde moet sodanige bydraes vergesel:

- 1 1 1 vollengte artikels wat normaalweg 6 000 – 12 000 woorde beslaan, voetnote ingesluit;
- 1 1 2 resensie-artikels wat normaalweg 6 000 – 12 000 woorde beslaan, voetnote ingesluit ('n resensie-artikel is 'n diepgaande bespreking van 'n onderwerp of 'n reeks onderwerpe wat verband hou met 'n onlangs-gepubliseerde boek of boeke);
- 1 1 3 aantekeninge wat normaalweg 4 000 – 6 000 woorde beslaan, voetnote ingesluit ('n aantekening moet krities van aard wees en nie bloot beskrywend nie);
- 1 1 4 vonnisbesprekings wat normaalweg 4 000 – 6 000 woorde beslaan, voetnote ingesluit ('n vonnisbespreking moet die kritiese gevolge en implikasies van beslissings uitlig en moet nie bloot beskrywend wees nie).

Die volgende bydraes sal oorweeg word vir publikasie, maar is nie onderhewig aan keuring nie en kwalifiseer nie vir 'n subsidie van die Departement van Onderwys nie:

- 1 1 5 korrespondensie aan die redakteur van hoogstens ongeveer 2 000 woorde, voetnote ingesluit;
- 1 1 6 boekresensies van maksimum ongeveer 2 000 woorde, voetnote ingesluit;
- 1 1 7 nuusartikels en aankondigings van hoogstens ongeveer 2 000 woorde, voetnote ingesluit.
- 1 1 8 openbare lesings van tot 12 000 woorde

#### **1 2 Voorlegging van bydraes**

- 1 2 1 Alle bydraes moet vervat wees in 'n lêer wat geskep is met 'n onlangse weergawe van Microsoft Word en moet via e-pos gestuur word na die adres [stellr@sun.ac.za](mailto:stellr@sun.ac.za). Indien nodig, mag dit vereis word dat 'n harde kopie van die bydraes na die volgende adres gestuur word: Die Redakteur, Stellenbosse Regstydskrif, Fakulteit Regsgeleerdheid, Privaatsak X1, Matieland, 7602.
- 1 2 2 Slegs bydraes wat aan die stylvereistes voldoen word oorweeg vir publikasie. Waar twyfel bestaan oor die toepassing van die stylvereistes moet die betrokke teks geel geligstreep word. **Outeurs moet asseblief die volgende kontrolelyns gebruik voor die bydrae ingedien word:**
  - die hoofopskrif bevat die titel, die outeur se naam, kwalifikasies, en institusionele affiliasie
  - alle opskrifte is opeenvolgend genommer sonder outomatiese numering; opskrifte is nie onderstreep nie; paragrawe is geskei deur inkeping aan die begin van elke nuwe paragraaf, en nie deur 'n spasie nie
  - voetnote is deur middel van outomatiese numering opeenvolgend genommer; voetnote is nie geskei deur 'n oop lyn nie; voetnote verskyn aan die einde van elke bladsy van die bydrae en nie heel aan die einde van die bydrae nie
  - die akkuraatheid van aanhalings is gekontroleer en verwysings voldoen aan die stylvoorskrifte
- 1 2 3 Outeurs wat hul posadres aan die redakteur verskaf, sal kopieë van hul bydraes ontvang, sowel as 'n kopie of kopieë van die relevante uitgawe(s) van die tydskrif.

### 1 3 Keuring

In beginsel word alle bydraes voorgelê vir publikasie deur ten minste twee keurders gekeur en word die identiteit van die outeur en die keurders vertroulik gehou.

### 1 4 Eenvormige styl

Tensy anders vermeld, geld die stylvereistes vir alle kategorieë van bydraes genoem in 1 1 hierbo.

### 1 5 Bladgelde

Bladgelde kan gehef word. Daar sal met individuele outeurs hieroor in verbinding getree word. Die tarief is R65,00 per bladsy met 'n minimum van R650,00 vir volledige- en resensie artikels en R450,00 vir aantekeninge en vonnisbesprekings. Hierdie bedrae is onderhewig aan verandering.

## 2 Titel en outeur(s)

### 2 1 Titel

2 1 Alle bydraes moet van 'n kort, beskrywende titel voorsien word.

2 1 1 In die geval van resensie-artikels (1 1 2) en vonnisbesprekings (1 1 4), moet die titel gevolg word deur die volgende beskrywing in vierkantige hakies.

*Voorbeelde*

[Resensie-artikel van *Law and Sacrifice: Towards a Post-Apartheid Theory of Law* deur Johan van der Walt. Wits University Press Johannesburg 2005. xii en 305bll. Prys R190.00 (sagteband)]

[Bespreking van *Steenkamp NO v Provincial Tender Board, Eastern Cape 2007 3 SA 121 (CC)*]

2 1 2 In die geval van boekresensies (1 1 6) moet die titel beskrywend van die boek wees en in die volgende formaat uiteengesit word:

*Administrative Law in South Africa* deur Cora Hoexter. Juta & Kie Kaapstad 2007. xl en 560 bll. ISBN 9780702176715. Prys R395.00 (sagteband)]

### 2 2 Outeur(s)

Die volgende besonderhede verskyn na die titel van elke bydrae in kategorieë 1 1 1 – 1 1 4:

- naam van die outeur
- die outeur se akademiese kwalifikasies (tensy die outeur 'n lid van die regterlike gesag is)
- 'n aanduiding van die outeur se huidige posisie en institusionele affiliasie
- indien persone vir hulp bedank word, of institusionele bystand erken word, moet die uiteensetting van die institusionele affiliasie gevolg word deur 'n asterisk (\*); die asterisk moet dan gekoppel word aan 'n voetnoot waar die volledige besonderhede uiteengesit word; verdere voetnote moet outomaties genommer word, beginnende by voetnoot 1.

*Voorbeelde*

Titelkopskrif:

John Jacobs [of J C Jacobs]  
BComm LLB LLM PhD  
Professor, Universiteit van Suid-Afrika\*

Pius Langa [of P Langa]  
Hoofregter van die Republiek van Suid-Afrika

Voetnoot:

\*Ek wil graag die NNS bedank vir die finansiële ondersteuning van hierdie navorsing. Ek is verder dank verskuldig aan Jane Smith vir haar waardevolle kommentaar.

### 3 Skryfstyl

#### 3 1 Afkortings en leestekens

##### 3 1 1 Afkortings

In die hoofteks word geen afkortings gebruik nie, tensy 'n eienaam herhaaldelik gebruik word. In so 'n geval word die eerste verwysing na die eienaam gevolg deur 'n afkorting in hakies, en word die afkorting daarna deurlopend gebruik. In die voetnote word afkortings soveel moontlik gebruik.

*Voorbeelde*

Hoofteks:

Volgens artikel 6 van die Grondwet ... [nie art 6]  
Die funksies van die Suid-Afrikaanse Nasionale Kunsmuseum (SANK) is velerlei. Eerstens moet die SANK sorg dat .....

3 1 2 Vermy die gebruik van punte en spasies by afkortings.

3 1 3 Afkortings wat gereeld in die voetnote van regsartikels gebruik word, sluit die volgende in:

a - artikel; artikels  
cf – vergelyk  
GK – Goewermentskennisgewing  
hfst – hoofstuk; hoofstukke  
nr – nommer; nommers  
par – paragraaf; paragrawe  
prokl – proklamasie  
red – redakteur; reds - redakteurs  
reg – regulasie  
SK – *Staatskoerant*  
uitg – uitgawe  
vn – voetnoot; voetnotes  
vol – volume; volumes

3 1 4 Die afkortings “bl” of “p” vir “bladsy”, *op cit*, *loc cit*, *ibid* en *idem* word nooit gebruik nie.

3 1 5 'n Verwysing na 'n spesifieke regter bestaan uit die regter se van, gevolg deur afgekorte ampstitel in hoofletters.

*Voorbeelde*

R – Regter; RR - Regters  
AR – Appélregter; ARR - Appélregters  
HR – Hoofregter  
RP – Regterpresident  
AdjRP – Adjunkregterpresident  
WnR – Waarnemende regter  
WnAR – Waarnemende appélregter  
P - President

3 1 6 Waar tussen hakies geskryf word, word leestekens (punte, kommas, dubbelpunte ens) altyd na die laaste hakie geplaas. Waar 'n volsin binne 'n paragraaf egter tussen hakies voorkom, word die punt voor die laaste hakie geplaas.

*Voorbeeld*

Die faktore is dwaling (*error*), bedrog (*dolus*) en vreesaanjaging (*metus*).

### 3 1 7 Voetnoot verwysings volg na leestekens en aanhalingstekens

*Voorbeelde*

. 1 , 2 ; 3 ) 4 . 5 en nie 1 . 2 , 3 ; 4 ) . 5” nie.

### 3 2 Aanhalings en aanhalingstekens

3 2 1 Aanhalings moet spaarsamig en verkieslik slegs as treffende illustrasies gebruik word. Aanhalings moet ook so kort moontlik wees.

3 2 2 Wanneer ‘n volsin (of ‘n gedeelte van ‘n volsin as ‘n selfstandige sin) aangehaal word, moet die aanhaling in ‘n aparte paragraaf vervat word, wat ingekeep is aan die linkerkant en voorafgegaan word deur ‘n dubbelpunt.

3 2 3 Aanhalings moet *presies in ooreenstemming met die oorspronklike teks* wees (dws met leestekens, hoofletters ens). Waar ‘n aanhaling ‘n verwysing na ‘n voetnoot bevat, moet verkieslik aangedui word dat die voetnoot uitgelaat is. Andersins moet die voetnoot in vierkantige hakies in die hoofteks geplaas word.

*Voorbeelde*

Hoofteks:

Volgens Harms AR:

“The effect of a non-variation clause has been the subject of two judgments of this Court, namely *Shifren* and, latterly, *Brisley v Drotsky*.”<sup>123</sup>

Voetnoot:

123 *Telcordia Technologies Inc v Telkom SA Ltd* 2007 3 SA 266 (SCA) para12 (voetnote uitgelaat).

of

Hoofteks:

Volgens Harms AR:

“The effect of a non-variation clause has been the subject of two judgments of this Court, namely *Shifren* [SA *Sentrale Ko-op Graanmaatskappy Bpk v Shifren* 1964 (4) SA 760 (A)] and, latterly, *Brisley v Drotsky* [2002 4 SA 1 (SCA)]”.<sup>123</sup>

Voetnoot:

123 *Telcordia Technologies Inc v Telkom SA Ltd* 2007 3 SA 266 (SCA) para 12.

3 2 4 Byvoegings tot en weglatings uit aanhalings moet so ver moontlik vermy word. Byvoegings moet geplaas word tussen vierkantige hakies en weglatings moet aangedui word deur ‘n ellips (...). Aanhalings moet nie met ‘n ellips begin nie, maar kan daarmee eindig. Hoofletters en kleinletters kan aangepas word met behulp van vierkantige hakies.

*Voorbeelde*

Volgens Innes HR:

“[T]here can be no ratification of a contract ... which is prohibited ... by statute. Counsel [for the appellants] did not argue this point ...”

3 2 5 Dubbelaanhalingstekens (“...”) moet gebruik word vir aanhalings en enkelaanhalingstekens vir ‘n aanhaling binne ‘n aanhaling (“...‘...’...”). Indien die aanhaling uit ‘n volledige sin bestaan moet aanhalingstekens aan die einde van die aanhaling geplaas word *na* die laaste leesteken (punt, komma ens) in die aanhaling. Indien die aanhaling egter uit slegs ‘n gedeelte van ‘n sin

bestaan, moet die aanhalingstekens voor die laaste leesteken (punt, komma ens) geplaas word. Die gebruik van blok aanhalingstekens is nie toelaatbaar nie ("...").

#### *Voorbeelde*

Volgens Nicholson R:

"Of significance are the following comments in 1986 TSAR 232 by Van der Walt who states 'In gevalle soos die wat hierbo vermeld is, herstel die Hof deur verlening van die gevraagde regshulp die versteuring van die *daadwerklike beheer* ...'."<sup>124</sup>

In *Henson v City of Dundee*<sup>1</sup> was 'n onwelkome handeling gedefinieer as, onwelkom

"in the sense that the employee did not solicit or incite it, and in the sense that the employee regarded the conduct as undesirable or offensive".<sup>2</sup>

### **3 3 Onderstreping en kursivering**

- 3 3 1 Onderstreping word nie toegelaat nie, veral nie as 'n alternatief tot kursivering nie.
- 3 3 2 Aanhalinge word nie gekursiveer nie, behalwe indien en vir sover die oorspronklike of gedeeltes daarvan self kursief is en onderhewig aan 3 3 4 hieronder.
- 3 3 3 Woorde uit enige taal anders as die taal waarin die bydrae geskryf is, word gekursiveer en nie in aanhalingstekens geplaas nie.
- 3 3 4 Kursivering word gebruik om woorde, sinsnedes of sinne te beklemtoon. Indien dit vir hierdie doel in 'n aanhaling gebruik word, moet dit duidelik so aangedui word aan die einde van die aanhaling deur frases soos "eie beklemtoning" of "eie kursivering".

### **3 4 Hoofletters**

(Let daarop dat die gebruik van hoofletters in Engels verskil. Sien die Engelse weergawe van die Outeursinligting.)

- 3 4 1 Hoofletters word so min as moontlik in Afrikaanse bydraes gebruik. Gevalle waar dit wel gebruik word, sluit in eiename, voorname en vanne en 'n ampsbenaming wat na 'n bepaalde individu verwys.

#### *Voorbeelde*

Die Minister van Verdediging, Mnr Lekota, ....  
daar word van 'n minister verwag om ...  
die hooggeregshof

- 3 4 2 In opskrifte word 'n hoofletter slegs vir die eerste letter van die eerste woord gebruik, behalwe waar spelreëls vereis dat hoofletters in die opskrif self gebruik word (bv vir plek- of eiename).
- 3 4 3 'n Voetnoot begin met 'n hoofletter en eindig met 'n punt.

### **3 5 Opskrifte, nommers en bullets**

- 3 5 1 Bydraes moet onderverdeel wees in logiese eenhede, elk met 'n genummerde opskrif.
- 3 5 2 Genummerde opskrifte moet in die volgende formaat wees (laat punte tussen syfers weg).  
**Moet asseblief NIE outomatiese numering by opskrifte gebruik nie.**

1  
1 1  
1 1 1  
1 1 2  
1 2  
2  
3

- 3 1
- 3 1 1
- 3 1 1 1
- 3 1 1 2
- 3 1 2
- 3 2

Die volgende moet so min moontlik gebruik word: 1) (1) (i) (l) (III) (a) (d) ens. Indien dit wel gebruik móét word, is klein Romeinse syfers verkieslik.

3 5 3 *Bullets* mag gebruik word om inskrywings in ongenommerde lyste te skei .

### 3 6 Syfers

Getalle onder 20 word voluit in woorde geskryf, behalwe waar na bladsye verwys word of 'n %-teken gebruik word; 20 en getalle bo 20 word in syfers uitgedruk.

### 3 7 Algemeen

Vermý die gebruik van uitdrukkings soos “die geleerde regter”, “met eerbied”, “respekvol” ens.

Geslagsneutrale taal word aangemoedig. Dit word byvoorbeeld bevorder deur die gebruik van meervoudsvorme of die vermy van geslagspesifieke persoonlike voornaamwoorde. Indien dit nie moontlik is nie, gebruik òf “hy” òf “sy”, maar moet dan nie afwissel tussen die twee in `n spesifieke deel van die teks nie. Moet ook nie “hy/sy” gebruik nie.

## 4 Verwysings

### 4 1 Bladsyverwysings – algemeen

4 1 1 Bladsyverwysings word sover moontlik tot voetnote beperk.

*Voorbeelde*

Hoofteks

“die skrywer beweer<sup>1</sup>” of “volgens die hof<sup>2</sup>”

Voetnoot

- 1 519.
- 2 846A.

*en nie*: “die skrywer beweer op bladsy 519” of “volgens die hof te 846A” nie.

4 1 2 `n Bladsyverwysing in `n voetnoot bevat bloot die nommer van die bladsy en word nie voorafgegaan deur “p” of “bl” of “op” of “te” nie.

4 1 3 Verwysings na opeenvolgende bladsye vermeld die bladsynommers volledig. Daar is geen spasie voor of na die kort koppelteken wat die relevante bladsynommers verbind nie.

*Voorbeelde*

325-334 of 325-329 (*en nie* 325-34 of 325-9 of 325 – 334 *nie*).

4 1 4 Verwysings in die teks mag deur die woorde “hierbo” and “hieronder” gevolg word, maar nie deur *supra* of *infra* nie. Die afgekorte titels van boeke (sien 4 2), tydskrifte (sien 4 3) en name van vonnisse (sien 4 4) moet nie deur “hierbo” gevolg word nie.

4 1 5 Indien daar meer as een bron in `n voetnoot is, moet die bronne met behulp van kommapunte geskei word.

4 1 6 Voetnote verskyn aan die einde van elke bladsy en nie aan die einde van die manuskrip nie. Voetnote moet opeenvolgend genommer wees in Arabiese syfers.

## 4 2 Boeke, hoofstukke in boeke, losbladpublikasies, proefskrifte, amptelike publikasies, LAWSA, ongepubliseerde materiaal

### 4 2 1 Boeke

Die eerste verwysing na 'n boek bevat die volgende besonderhede:

- voorletter(s) en van(ne) van outeur(s) (sien 4 2 1 1 )
- volledige titel van die boek met die volume (of bandnommer) (sien 4 2 1 2)
- tweede en verdere uitgawes (indien enige) (sien 4 2 1 3)
- jaar van publikasie in hakies (sien 4 2 1 4)
- bepaalde bladsy(e) na verwys

Daaropvolgende verwysings na boeke bevat die volgende besonderhede:

- van(ne) van outeur(s) sonder voorletters (sien 4 2 1 1)
- afgekorte titel van die boek (sien 4 2 1 2)
- bepaalde bladsy(e) na verwys

#### Voorbeelde

C Hoexter *Administrative Law in South Africa* (2007) 123 (volledige titel)  
Hoexter *Administrative Law* 127-131 (verkorte titel)

S Eiselen & G Pienaar *Unjustified Enrichment A Casebook* (1999) 123 (volledige titel)  
Eiselen & Pienaar *Unjustified Enrichment* 234 (verkorte titel)

S van der Merwe, LF van Huyssteen, MFB Reinecke & GF Lubbe *Contract – General Principles* 3 ed (2007) 123 (volledige titel)  
Van der Merwe et al *Contract* 234 (verkorte titel)

PQR Boberg *The Law of Delict I* (1984) 331 (volledige titel)  
Boberg *Delict I* 331 (verkorte titel)

#### 4 2 1 1 Van(ne) van outeurs met voorletters

Indien daar twee outeurs is, moet die name van beide outeurs, verbind deur 'n ampersand (&), in die eerste en daaropvolgende voetnote verskyn.

Indien daar meer as twee outeurs is, moet alle outeurs se name, geskei deur kommas en 'n ampersand voor die laaste outeur se naam, in die eerste verwysing verskyn. In daaropvolgende verwysings moet net die eerste outeur se naam gevolg deur "et al" (nie gekursiveer nie) verskyn. Indien die betrokke werk hersien is deur verskillende outeurs, word die name van die oorspronklike outeurs uitgelaat in die verkorte titel.

#### 4 2 1 2 Volledige of verkorte titel

Die eerste verwysing haal die volledige titel aan. Daaropvolgende verwysings bevat 'n verkorte titel, bestaande uit 'n beskrywende trefwoord of trefwoorde. Beide volledige en verkorte titels word gekursiveer. Hoofletters word vir alle selfstandige naamwoorde in die titel gebruik, asook vir byvoeglike naamwoorde wat in die professionele of vaktaalgebruik konseptueel nou met die selfstandige naamwoorde gekoppel is, byvoorbeeld *Burgerlike Proseses*, *Burgerlike Ongehoorsaamheid* ens.

In die geval van meerdere bandnommers volg die nommer van die betrokke band in gekursiveerde Romeinse of Arabiese syfers na die titel, afhangende van watter tipe syfers in die publikasie gebruik word, sonder "vol" of "bk" vooraf. Dit geld vir sowel die volledige as die verkorte titel

Waar twee of meer keer in *opeenvolgende* voetnote na dieselfde bron verwys word, en slegs na daardie bron, hoef bloot 'n bladsynommer in die verdere voetnote vermeld te word.

*Voorbeeld*

23	M Hogg <i>Obligations 2</i> uitg (2006) 207.
24	209.
25	135.

**4 2 1 3** Uitgawe

In die geval van 'n tweede of latere uitgawe van 'n boek word die nommer van die uitgawe slegs saam met die volledige titel vermeld.

**4 2 1 4** Jaar van publikasie

Die jaar van publikasie verskyn tussen hakies om verwarring met bladsynommers te vermy. Verkorte titels bevat nie die jaar van publikasie nie.

**4 2 2** Hoofstukke in boeke

Die eerste verwysing na 'n hoofstuk in 'n boek bevat die volgende besonderhede:

- voorletter(s) en van(ne) van die outeru(s) van die hoofstuk (sien 4 2 1 1)
- titel van die hoofstuk in dubbelaanhalingstekens gevolg deur die woord "in"
- die voorletter(s) en van(ne) van die redakteur(s) (sien 4 2 1 1) gevolg deur "(red)" of "(reds)"
- die titel van die boek gekursiveer (sien 4 2 1)
- die eerste bladsy van die hoofstuk en die bladsy(e) nommer waarna verwys word

Daaropvolgende verwysings na hoofstukke bevat die volgende besonderhede:

- die van(ne) van die outeur(s) van die hoofstuk
- 'n verkorte titel van die hoofstuk in dubbelaanhalingstekens, gevolg deur die woord "in"
- 'n verkorte titel van die boek gekursiveer
- die bladsy(e) waarna verwys word

*Voorbeelde*

M Tushnet "Comparative Constitutional Law" in Reimann & Zimmermann (reds) *The Oxford Handbook of Comparative Law* (2006) 1225 1229-1230 (volledige titel)  
Tushnet "Comparative Constitutional Law" in *Handbook of Comparative Law* 1231-1233 (verkorte titel)

JG Lotz & FDJ Brand "Enrichment" in WA Joubert & JA Faris *LAWSA 9 2* uitg (2005) para 207 (volledige titel met Lotz as oorspronklike outeur en Brand as outeur van die opgedateerde weergawe)  
Lotz & Brand "Enrichment" in *LAWSA 9* para 207 (verkorte titel)

**4 2 3** Losbladpublikasies

Indien 'n spesifieke outeur of outeurs verantwoordelik is vir 'n spesifieke afdeling van 'n losbladpublikasie, moet 'n verwysing na sulke losbladpublikasie die volgende besonderhede bevat:

- voorletter(s) en van(ne) van die outeur(s) van die afdeling (sien 4 2 1 1)
- die titel van die afdeling in dubbelaanhalingstekens, gevolg deur die woord "in"
- die voorletter(s) en van(ne) van die redakteur(s) en die woord "(red)" of "(reds)"
- die titel van die losbladpublikasie in kursief
- tweede en daaropvolgende uitgawes (indien enige) (sien 4 2 1 3)
- die afkorting "OD" vir oorspronklike diens of "HD" vir hersieningsdiens, tesame met die hersieningsnommer (waar dit aangedui word), gevolg deur die jaar van publikasie van die huidige opgedateerde uitgawe van

die losbladpublikasie (nie die betrokke afdeling of hoofstuk nie) (alles in hakies)

- die bladsyverwysing(s)

Verdere verwysings na losbladpublikasies moet hanteer word soos verkorte verwysings na hoofstukke in boeke (sien 4 2 2).

#### *Voorbeeld*

T Roux "Democracy" in S Woolman, T Roux & M Bishop (reds) *Constitutional Law of South Africa* 2 uitg (HD 1 2009) 10-3 – 10-22 (volledige verwysing)  
Roux "Democracy" in *CLOSA* 10-22 (verkorte verwysing)

Indien daar geen aanduiding is dat 'n spesifieke outeur of outeurs verantwoordelik is vir 'n spesifieke afdeling van 'n losbladpublikasie nie, moet 'n verwysing na sulke losbladpublikasies die volgende besonderhede bevat:

- die voorletter(s) en van(ne) van die outeur(s) of redakteur(s) met ("red") of ("reds") (sien 4 2 1 1)
- titel van die losbladpublikasie in kursief
- tweede of verdere uitgawes (indien enige) (sien 4 2 1 3)
- die afkorting "OD" vir oorspronklike diens of "HD" vir hersieningsdiens, tesame met die hersieningsnommer (waar dit aangedui word), gevolg deur die jaar van publikasie van die huidige opgedateerde uitgawe van die losbladpublikasie (nie die betrokke afdeling of hoofstuk nie) (alles in hakies)
- bladsyverwysing(s)

Verdere verwysings moet hanteer word soos verkorte verwysings na boeke (sien 4 2 1).

#### *Voorbeelde*

E du Toit, F de Jager, AP Paizes, A St Q Skeen & SE van der Merwe *Commentary on the Criminal Procedure Act* (HD 44 2010) 5-34A (volledige verwysing)  
Du Toit et al *Commentary on the CPA* 5-35 (verkorte verwysing)

N Steytler & J de Visser *Local Government Law of South Africa* (HD 2 2008) 4-2 (volledige verwysing)  
Steytler & De Visser *Local Government Law* 4-3 (verkorte verwysing)

#### **4 2 4 Proefskrifte**

Proefskrifte volg dieselfde stylvoorskrifte as boeke wat die naam van die outeur en die titel van die boek betref. Dit word gevolg deur die naam van die graad waarvoor die proefskrif ingedien is, sowel as die naam van die universiteit wat die graad toegeken het, en die relevante jaar tussen hakies.

#### *Voorbeeld*

S Scott *Unjust Enrichment by Transfer in South African Law: Unjust Factors or Absence of Legal Ground?* DPhil thesis Oxford (2005) 8-9 (volledige titel)  
Scott *Unjust Enrichment* 8-9 (verkorte titel)

#### **4 2 5 Amptelike publikasies, SA Regshervormingskommissie-publikasies**

Amptelike publikasies en SA Regshervormingskommissie-publikasies volg sover moontlik dieselfde stylvoorskrifte wat geld ten opsigte van boeke. Indien 'n verslag 'n nommer het, moet die nommer eerder as die datum daarvan gebruik word.

#### *Voorbeelde*

RSA *First Report of the Constitutional Committee of the President's Council* PC 3/1982 112-115 (volledige titel)  
RSA *First Report of the Constitutional Committee* 112-115 (verkorte titel)

SA Law Reform Commission *Domestic Partnerships Project 118 Report* (2006) 12 (volledige titel)  
SA Law Reform Commission *Domestic Partnerships Report 14-30* (verkorte titel)

#### 4 2 6 Ongepubliseerde materiaal

Vermy verwysings na ongepubliseerde werke so ver moontlik. Sodanige verwysings volg sover moontlik dieselfde stylvoorskrifte wat geld ten opsigte van boeke en moet aandui hoe die betrokke werk geraadpleeg kan word.

*Voorbeeld*

JE du Plessis *Enkele Opmerkings oor Restituisie, Remedies, Gemengde Regstelsels en die Europese Privaatreg* (2002) referaat gelewer by die kongres *Ius Commune: Suid-Afrikaanse en Europese Perspektiewe* gehou op Stellenbosch, 15-01-2002 (kopie op rekord by outeur) (volledige titel)  
Du Plessis *Restituisie, Remedies, Gemengde Regstelsels en die Europese Privaatreg* (verkorte titel).

#### 4 3 Tydskrifartikels- of essays, resensies, vonnisbesprekings, koerantartikels en webwerwe

##### 4 3 1 Tydskrifartikels- of essays

Die eerste verwysing moet die volgende besonderhede bevat:

- voorletter(s) en van(ne) van die outeur(s) (sien 4 2 1 1)
- titel van die artikel in dubbelaanhalingstekens (nie gekursiveer nie)
- jaar van uitgawe in hakies (sien 4 3 1 1)
- volume nommer
- naam van die tydskrif (gekursiveer) en verkieslik afgekort (sien 4 3 1 2)
- eerste bladsy van die artikel gevolg deur die spesifieke bladsy(e) waarna verwys word

Verdere verwysings moet verkort wees en die volgende besonderhede bevat:

- van(ne) van die outeur(s)
- jaar van uitgawe in hakies
- naam van die tydskrif gekursiveer en verkieslik afgekort
- spesifieke bladsy(e) waarna verwys word

*Voorbeelde*

D Simamba "The International Labour Organisation and the Right to Collective Bargaining: An African Perspective" (1989) 110 *SALJ* 515 517-523 (volledige verwysing)  
Simamba (1989) *SALJ* 521-523 (verkorte verwysing)

##### 4 3 1 1 Jaar van publikasie en volume-nommer

In die geval van vervolgartikels word die spesifieke artikel waarna verwys word soos 'n bandnommer van 'n boek aangedui (sien 4 2 1 2). Die Romeinse syfer volg direk na die artikeltitel binne die aanhalingstekens. Dit is egter nie nodig om in afgekorte artikelverwysings die spesifieke aflewering van 'n vervolgartikel te identifiseer nie.

##### 4 3 1 2 Naam van die tydskrif gekursiveer

Erkende afkortings moet so ver moontlik gebruik word met verwysing na tydskrifte.

#### 4 3 2 Resensie-artikels en vonnisbesprekings

##### 4 3 2 1 Resensie-artikels en vonnisbesprekings moet sover moontlik voldoen aan die voorskrifte wat geld by essays (sien 4 3 1).

- 4 3 2 2 'n Verwysing na 'n vonnisbespreking of boekresensie moet die volledige titel bevat waaronder dit oorspronklik verskyn het.

*Vonnisbesprekings*

LM du Plessis & M Olivier “*Ngqumba v Staatspresident, Damons NO v Staatspresident, Jooste v Staatspresident* 1988 4 SA 224 (A)” (1989) *SA Publikereg* 134 136-137 (volledige verwysing)  
 Du Plessis & Olivier (1989) *SA Publikereg* 136-137 (verkorte verwysing)

*Boekresensie*

C Lewis “*Unjustified Enrichment* by Daniel Visser” (2008) 125 *SALJ* 462 464 (volledige verwysing)  
 Lewis (2008) *SALJ* 464 (verkorte verwysing)

**4 3 3 Tydskrif- en koerantartikels**

Tydskrif- en koerantartikels moet sover moontlik voldoen aan dieselfde voorskrifte as dié wat geld by artikels (sien 4 3 1). Die name van bekende koerante en tydskrifte word nie afgekort nie.

*Voorbeeld*

LM du Plessis “SA Howe - Grammfone of Politieke Kanaalgrawers?” *Rapport* (18-05-1986) 23 (volledige verwysing) of  
 Du Plessis *Rapport* (18-05-1986) 23 (verkorte verwysing).

**4 3 4 Webwerwe**

Die formaat vir elektroniese bronne hieronder is slegs toepaslik indien die relevante bron uitsluitlik in elektroniese formaat beskikbaar is. Die voorskrifte in 4 2 5 en 4 3 moet dus gevolg word wanneer verwys word na amptelike publikasies of artikels wat beskikbaar is in gedrukte formaat, alhoewel sulke publikasies en artikels ook beskikbaar is in elektroniese formaat, byvoorbeeld op die regering se webtuiste, HeinOnline of ander databasisse.

In 'n verwysing na 'n webwerf moet 'n omvattende en omskrywende verwysing verskaf word. Indien moontlik moet die voorskrifte wat verband hou met outeurs en titels in 4 2 en 4 3 toegepas word. Die titel moet gevolg word deur die adres van die webwerf en die datum wanneer die webwerf besoek is, in hakies. Dit word voorgestel dat die outeurs die webwerwe weer besoek wanneer bladproewe aan hulle gestuur word en die meer onlangse datum gevolglik ingevoeg word.

4 3 4 1 Elektroniese tydskrifte of joernale

Die voorskrifte wat verband hou met tydskrifte en joernale (sien 4 3) vind ook toepassing wanneer verwys word na elektroniese tydskrifte of joernale. Die URL en die datum wanneer die webwerf besoek is moet ook voorsien word.

*Voorbeeld:*

N Kornet “Contracting in China: Comparative Observations on Freedom of Contract, Contract Formation, Battle of Forms and Standard Form Contracts” (2010) 14 *Electronic Journal of Comparative Law* 1 3-4 <<http://www.ejcl.org/141/art141-1.pdf>> (besoek 7-12-2010) (volledige verwysing)  
 Kornet (2010) *Electronic Journal of Comparative Law* 4 (verkorte verwysing)

4 3 4 2 Regspraak

Vir 'n voorbeeld van 'n regspraak wat slegs in elektroniese formaat beskikbaar is, sien 4 4 8 hieronder.

4 3 4 3 Ander elektroniese bronne

Die eerste verwysing na 'n elektroniese bron moet die volgende besonderhede bevat:

- voorletter(s) en van(ne) van outeur(s) of redakteur(s) (met "(red)" of "(reds)", of die instelling wat as outeur, redakteur of samesteller dien. Wanneer geen outeur aangedui is nie, moet daar aangemeld word dat die outeur "Anoniem" is.
- volle titel van die dokument of teks op die webwerf, in dubbelaanhalingstekens
- die datum van elektroniese publikasie, of die nuutste opdatering van die webwerf
- die titel van die webwerf gekursiveer, hierdie is gewoonlik die hoof titel soos aangedui op die tuisblad
- die URL adres van die spesifieke webwerf, in hakies (< >); verwyder die hiperskakel uit die teks of artikel
- die datum wanneer die outeur die spesifieke webwerf besoek het, in hakies, en in die formaat dd-mm-jjjj)

Die bladsy- of paragraafverwysing (indien enige) moet net voor die URL adres verskyn.

Die URL wat voorsien word behoort direk te lei na die dokument of teks waarna verwys word. Dus, indien die dokument of teks waarna verwys word nie op die tuisblad van die webwerf verskyn nie, is 'n URL wat na die tuisblad van die webwerf lei onvoldoende.

*Byvoorbeeld, die verwysing hieronder is nie korrek nie, aangesien die URL nie direk lei na die teks waarna verwysing gemaak was nie:*

OECD "Tax Reforms to improve Economic Performance" (08-12-2010) *OECD*  
<<http://www.oecd.org/home>> (besoek 07-12-2010)

*Die verwysing hieronder, vir dieselfde teks, is korrek:*

OECD "Tax Reforms to improve Economic Performance" (08-12-2010) *OECD*  
<[http://www.oecd.org/document/45/0,3343,en\\_21571361\\_44315115\\_46639597\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/45/0,3343,en_21571361_44315115_46639597_1_1_1_1,00.html)> (besoek 07-12-2010)

*Voorbeelde:*

P de Vos "Fifa World Cup: Bad for Human Rights?" (29-01-2010) *Constitutionally Speaking* <<http://constitutionallyspeaking.co.za/fifa-world-cup-bad-for-human-rights/>> (besoek 07-12-2010)

E McArdle "FutureEd 2: A Major Conference explores how Legal Education will change amidst Rapid Globalization (Video)" (02-12-2010) *Harvard Law School* <<http://www.law.harvard.edu/news/spotlight/classroom/futureed-conference.html>> (besoek 07-12-2010)

JurisPedia contributors "Netherlands" (17-10-2007) *JurisPedia, The Shared Law* <<http://en.jurispedia.org/index.php/Netherlands>> (besoek 07-12-2010)

Anoniem "These Issues are not just Black and White" (07-12-2010) *University of Oxford* <[http://www.ox.ac.uk/media/behind\\_the\\_headlines/101307.html](http://www.ox.ac.uk/media/behind_the_headlines/101307.html)> (besoek 07-12-2010)

Verdere verwysings na elektroniese bronne bevat die volgende besonderhede:

- die van(ne) van die outeur(s) of redakteur(s), of die instelling wat as outeur, redakteur of samesteller dien. Wanneer geen outeur aangedui is nie, gebruik "Anoniem".
- volle titel van die dokument of teks op die spesifieke webwerf, in dubbelaanhalingstekens.
- die titel van die webwerf gekursiveer, gewoonlik die hoof titel soos aangedui op die tuisblad

*Voorbeeld*

E McArdle “FutureEd 2: A Major Conference explores how Legal Education will change amidst Rapid Globalization (Video)” (02-12-2010) *Harvard Law School* <<http://www.law.harvard.edu/news/spotlight/classroom/futureed-conference.html>> (besoek 07-12-2010) (volledige verwysing)  
 McArdle “FutureEd 2: A Major Conference explores how Legal Education will change amidst Rapid Globalization (Video)” *Harvard Law School* (verkorte verwysing)

Indien al die besonderhede wat benodig is vir verdere verwysings nie beskikbaar is nie, moet 'n volle verwysing (insluitend die URL) verskaf word elke keer wat verwys word na daardie elektroniese bron.

#### 4 4 Regspraak

- 4 4 1 Die algemeen-gangbare verwysingstyl van toepassing op die jurisdiksie van oorsprong word gebruik. In die geval van Suid-Afrikaanse regspraak word leestekens en hakies weggelaat behalwe in verwysings na 1946, waar jurisdiksieverwysings in hoofletters tussen ronde hakies geplaas word. Let daarop dat beslissings deur die Hoogste Hof van Appél (HHA) afgekort word, terwyl beslissings deur die voormalige Appélhof (A) afgekort word.

Voorbeelde:

*Smith v Smith* 1946 AD 201 203  
*Alton Coach Africa CC v Datcentre Motors (Pty) Ltd t/a CMH Commercial* 2007 6 SA 154 (D&CLD)  
*Sonap Petroleum (SA) (Pty) Ltd v Pappadogianis* 1992 3 SA 234 (A)  
*Constantia Insurance Co Ltd v Compusource (Pty) Ltd* 2005 4 SA 345 (SCA)  
*Move On Up 254 (Pty) Ltd v Martin Kruger Associates CC* 2010 2 All SA 369 (WCC)  
*Minister for Justice and Constitutional Development v Nyathi* 2010 4 BCLR 293 (CC)

- 4 4 2 Slegs die naam van die saak word in die hoofteks aangehaal. Verdere besonderhedere aangaande die saakverwysing (bv jaar, afkorting(s) wat die hofverslag aandui waarin die vonnis opneem is, volume, bladsynommer en hof waaruit die beslissing afkomstig is) moet in 'n bygaande voetnoot uiteengesit word.

Indien 'n voetnoot verwys na 'n saak waarna in die voorafgaande voetnoot verwys word, hoef slegs die toepaslike bladsy of paragraaf van die saak in die daaropvolgende voetnoot aangedui te word. Waar 'n bydrae gereeld na dieselfde saak verwys (bv in 'n vonnisbespreking), hoef die volledige aanhaling slegs in die eerste verwysing te verskyn; daarna hoef slegs na die toepaslike bladsynommer of paragraaf verwys te word.

Voorbeelde

Hoofteks

In *Tao Ying Metal Industry Pty Ltd v Pooe NO*<sup>12</sup> it was held that an arbitrator has to ensure at the outset that the ambit of the dispute has been properly circumscribed. According to Nugent JA, an award may also not be founded on matters that occur to the arbitrator but that the parties have had no opportunity to address.<sup>13</sup>

Voetnoot

<sup>12</sup> 2007 5 SA 146 (SCA) para 5  
<sup>13</sup> Para 6.

Dit is toelaatbaar om 'n verkorte weergawe van die saak se naam in die hoofteks te gebruik, bv “die *Tao Ying*-saak”; maar, verkorte weergawes van saakname mag nie in voetnotes verskyn nie. In die voetnotes moet volle saakverwysings elke keer verskaf word.

- 4 4 3 Aanduidings soos “en 'n ander/andere” of “and another/others” word weggelaat *maar nie* “NO” of “NNO” nie. Waar “NNO” deur “en 'n ander/andere” of “and another/others” voorafgegaan word, word die laasgenoemde aanduidings egter ook behou.
- 4 4 4 Woorde soos “op” of “te” voor 'n bladsyverwysing is onnodig. Slegs die tersake bladsynommer(s) word vermeld. Waar paragrawe ook bv A, B, C ens genommer is (soos in die SA Hofverslae), word paragraafverwysings verkieslik ingesluit.

*Voorbeelde*

846A, 223B-D of 331C-332D

- 4 4 5 Waar 'n reeks vonnisse in 'n voetnoot vermeld word, word hulle met kommapunte van mekaar geskei.
- 4 4 6 Verwysings na Suid-Afrikaanse beslissings voor 1910 moet die riglyne neergelê in Hahlo & Kahn *The South African Legal System and its Background* (1973) 293-301 nakom, maar verwysings na leestekens weglaat.

*Voorbeelde*

*Muter's Executors v Jones* 1860 3 Searle 356 359  
*Barker v Barker* 1829 1 Menz 265 268.  
*Tradesmen's Benefit Society v Du Preez* 1887 5 SC 269 272.

- 4 4 7 Ongerapporteerde uitsprake moet die volgende inligting bevat: die naam van die saak; 'n jurisdiksieverwysing afgekort in die taal waarin die bydrae geskryf word; die datum waarop uitspraak gegee is (in die vorm dd-mm-jjjj) en die saaknommer.

*Voorbeeld*

*Waks v Jacobs en die Stadsraad van Carletonville* TPA 30-10-1989 saak nr 5971/89

- 4 4 8 Uitsprake wat slegs elektronies toeganklik is en in 'n bekende bron verskyn wat uitsprake rapporteer, word aangehaal volgens die gevestigde gebruik vir daardie bron.

*Voorbeeld*

*Strydom v Liebenberg* [2007] JOL 20689 (SCA)

Ander uitsprake wat slegs elektronies beskikbaar is, moet aangehaal word volgens die riglyne wat algemeen by elektroniese materiaal geld, en moet die datum van die uitspraak en die bepaalde hof insluit (sien 4 3 4).

*Voorbeeld*

*Esau v Minister van Veiligheid en Sekuriteit* (100/2008) 2009 ZANCHC 24 (4 Mei 2009) SAFLII <<http://www.saflii.org/za/cases/ZANCHC/2009/24.html>> (besoek 10-12-2010)

**4 5 Wetgewing**

- 4 5 1 Die kort titels van wette word nie gekursiveer nie, en geen leestekens word gebruik nie. Die eerste verwysing moet die volledige verwysing bevat in die hoofteks (naam en verdere besonderhede, soos bv die nommer en jaar) en daarna word slegs die naam aangehaal.

*Voorbeelde*

Nasionale Kredietwet 34 van 2005 (eerste verwysing)  
 Nasionale Kredietwet (daaropvolgende verwysings)

- 4 5 2 In terme van die Wet op die Verwysing na Konstitusionele Wet 5 van 2005 moet die 1996 Grondwet van Suid-Afrika nie soos parlamentswette genommer word nie (maw nie as Wet 108 van 1996 nie), maar slegs as die Grondwet van die Republiek van Suid-Afrika, 1996.
- 4 5 3 sien 3 1 3 hierbo in verband met aanvaarbare afkortings met betrekking tot verwysings na wetgewing.
- 4 5 4 Verwysings na ondergeskikte wetgewing moet verkieslik ook die *Staatskoerant* identifiseer waarin dit voorkom.

*Voorbeelde*

Prokl R138 in SK 8331 van 06-08-1982

GK R3 in SK 7356 van 02-01-1981 (vir regulasies)

- 4 5 5 Verwysings na wetsontwerpe moet die nommer van die finale weergawe van die wetsontwerp insluit of die *Staatskoerant* identifiseer vir konsep wetsontwerpe.

*Voorbeeld*

The Sectional Titles Schemes Management Bill B20-2010  
The Sectional Titles Schemes Management Bill (konsep) in GK R1447 SK 32666 van 30-10-2009

**4 6 Ou Bronne**

Waar vaste konvensies bestaan, word dié gevolg. Waar vaste konvensies nie bestaan nie, word 'n ou bron soos enige moderne werk aangehaal

*Voorbeelde*

*D 9 2 5 3, D 9 2 27 pr*  
*I 2 1 31*  
*C 10 15*  
*Nov 134 9*  
*De Groot Inl 3 32 7 De Groot De Jure Belli ac Pacis 2 10 2 1*  
*Voet 47 1 2*  
*Groenewegen De Leg Abr 4 10*  
*Van Leeuwen CF 1 2 4 5 Van Leeuwen RHR 2 5 1*  
*Van der Linden Koopmans Handboek 1 7 2*  
*Van der Keessel Th 323 Van der Keessel Praelectiones ad Gr 2 4 38*  
*Schorer ad Gr 3 27 6*  
*Van Bynkershoek Obs Tum 303*  
*Pauw Obs Tum Nov 128*  
*Vinnius ad I 2 1 39*

**5 Outeursreg**

Outeursreg in materiaal wat vir publikasie in die *Stellenbosse Regstydskrif* voorgelê word, word deur die outeurs voorbehou. Deur aanname van 'n aanbod om materiaal in die *Stellenbosse Regstydskrif* te publiseer, verleen outeurs 'n ewigdurende, eksklusiewe, onherroeplike, onbelemmerde en outeursaandeel-vrye lisensie aan die redakteurs en uitgewers om die materiaal te publiseer, te reproduseer en te versprei in die *Stellenbosse Regstydskrif*, in wesenlik dieselfde vorm as waarin dit ingedien is, ongeag hoe dit versprei word (insluitend op die internet), en om die materiaal in die geheel of gedeeltelik te gebruik met die doel om die *Stellenbosse Regstydskrif* te adverteer of te bevorder. Deur aanname van 'n aanbod om te publiseer stem outeurs in om nie die materiaal elders te publiseer sonder dat voorafgaande, geskrewe toestemming deur die uitgewers verleen is nie. Outeurs mag 'n samevatting of inleidende paragraaf oor die gepubliseerde artikel plaas op 'n nie-kommersiële webwerf (dws 'n webwerf wat slegs gratis inligting verskaf om daardeur die outeur se navorsing, praktyk of besigheid te bevorder). Enige reproduksie van die materiaal wat in die *Stellenbosse Regstydskrif* gepubliseer is, moet soos volg aan die *Stellenbosse Regstydskrif* toegeskryf word: (jaar van uitgawe) bandnommer *Stell LR* bladsynommer, © Juta & Kie.

**6 Laster**

Alhoewel die uitgewers en redakteurs nooit opsetlik enige materiaal wat hulle as lasterlik of potensieel lasterlik beskou, sal publiseer nie, sal hulle nie daarvoor verantwoordelik wees om outeurs oor enige potensieël-lasterlike inhoud te adviseer nie. Deur aanname van 'n aanbod om in die *Stellenbosse Regstydskrif* te publiseer, stem outeurs in om die uitgewer en redakteurs skadeloos te stel ten aansien van enige eis voortspuitend uit laster, of enige gelyksoortige eis wat teen hulle ingestel mag word.

01-01-2011