

ACTA JURIDICA: STYLE GUIDE

I INTRODUCTION

What follows in this document are the stylistic requirements that most commonly require the attention of Juta authors and editors. While the intention in drafting it was to be as detailed as possible, it is impossible to cover every conceivable referencing and stylistic issue that may arise. Where this document does not provide assistance, those working with the manuscript are requested to consider the following:

- the *SALJ* and previous volumes of the *Acta* to see whether these sources provide guidance on the issue.
- the main *House Style for Juta Publications*. This document was drawn up largely by Professor Ellison Kahn in conjunction with members of the editorial team at Juta & Co, and contains 102 pages of information pertaining to referencing, language and style. If there is conflict between *SALJ* style and *House Style for Juta Publications*, the *SALJ* style should prevail.
- *Fowler's Modern English Usage* 3 ed (OUP) for guidance in the appropriate use of grammar and punctuation marks (eg hyphens).

If none of these sources provides satisfactory guidance, contact the publisher, Linda van de Vijver for advice.

II GENERAL

(1) *Matters of presentation and layout*

(a) *Page layout*

The page should have 1 inch (2.54 cm) margins all round (top, bottom, left, right). Line spacing should be 1.5.

Each article starts with an abstract in a smaller font. The abstract is indented in the style used for lengthy quotations (ie left margin indented one tab space and typed in 10 pt).

All paragraphs should be indented by 1.27 cm except the first paragraph of a piece. In addition, any paragraph appearing immediately after a heading, subheading or sub-subheading should not be indented.

Line spaces should not be left between paragraphs.

(b) *Font and type*

Times Roman 12 pt to be used for main text; 10 pt for long indented quotes and for footnotes.

Italics may be used for emphasis.

Italics must also be used for case names, names of journals, titles of books, names of ships, and the names of works of art etc. Websites and other electronic references should not be italicised.

URLs are long and unwieldy to read; the use of italics does not make reading them easier and may lead to a surfeit of italics.

Paragraphs in legislation must be in italics, as in s 34(1)(a).

Foreign words should be in italics unless they have, through frequent use, been adopted into the English language, eg *vis-à-vis*, *onus*, *inter alia*, *et al*, *lacunae*. The word ‘forum’ has been adopted into English, therefore its plural will be ‘forums’ and not ‘fora’.

Latin words, even if frequently used in legal and academic discourse, should be in italics, eg *mala fides*, *prima facie*, *sui generis*, *dictum*, *obiter dictum*, *ratio*, *ultra vires*, *de facto/de jure*, *a priori*. When in doubt, use italics and leave it to the publisher to decide.

Italics that appear in quotations should be reproduced verbatim. Quotations in which the author applies italics for emphasis should be followed at the end with the words ‘emphasis added’ in brackets.

(c) *Titles of articles and authors’ names*

For example—

*Is South African labour law fit for the global economy?**

BOB HEPPLÉ[†]

Is South African labour law fit for the global economy?

BOB HEPPLÉ*

Is South African labour law fit for the global economy?

ADRIAN SMITH* AND BOB HEPPLÉ[†]

The asterisk (*) placed at the end of an article’s title is used to refer to acknowledgements located at the beginning of the footnotes; the use of this footnote is optional. The author’s designation and degrees should be given in a second footnote, using the symbol † after his or her name. If there is more than one author, then the second footnote should be symbolized by ††. These footnotes will not be part of the footnote numbering system, which will follow thereafter, starting at ‘1’.

(d) Headings

All headings must be left-aligned (other than headings of sections of the journal) and (apart from main headings) typed in sentence case without full stops, either after the numbers or at the end of the headings.

Main headings should be in caps and numbered I, II, III in Roman numerals.

Subheadings should be in italics and numbered (1), (2), (3) (ie the numbering is not in italics but the subheading is). Sub-subheadings should also be in sentence case, in italics but numbered *(a)*, *(b)*, *(c)*.

Authors should avoid, wherever possible, going beyond sub-subheadings.

For example—

I CUSTOMARY LAW AND RELIGIOUS NORMS

(1) *The restriction by Islamic law of testamentary capacity*

(a) Case study 1

(b) Case study 2

(e) Lists

There are different ways of making lists. One way is to make a bulleted list with each item on a separate line. The list is normally preceded by a general statement followed by a colon. Thereafter, full sentences should start with a cap and end with a full stop. Phrases should begin with lower case (l/c) and end with a semicolon (and a full stop right at the end of the list). For example:

There were a number of problems with the common-law derivative action, namely:

- the meaning of the term 'control' of the company by the majority is unclear;
- the member incurred legal costs in his personal capacity ...;
- the member is outside the company

The use of the colon, whether followed by a bulleted list such as the one above or not, is always necessary where there is a general statement which directs the reader to a list of one or more specifics.

The list may be numbered, rather than bulleted. Numbers are better if each item on the list is long, and more in the nature of a passage. For example:

There were a number of problems with the common-law derivative action, namely:

- (i) the meaning of the term 'control' of the company by the majority is unclear;
- (ii) the member incurred legal costs in his personal capacity ...;
- (iii) the member is outside the company

The use of a *semicolon* at the end of each item depends on whether semicolons would have been necessary if the items had not been separated line-by-line as bullet points. For instance, the following sentence does not have semicolons because it does not ordinarily require them:

The essential requirements for actionable misrepresentation are that the misrepresentation must be—

- false,
- material,
- misleading, and
- made in order to mislead.

This is one sentence, there is no colon and the use of semicolons would have been unnecessary if the sentence had been written without bullets. The use of em dash alerts the reader to the fact that the sentence continues below. Punctuation conventions should be maintained even though the layout format changes the way a sentence is presented.

A list may also occur within the body of the text and not separated by bullet points or numbered line-by-line. For such a list the author may use adverbs such as ‘firstly’, ‘secondly’, ‘thirdly’. The use of the adjective ‘first’ followed by adverbs ‘secondly’, ‘thirdly’ is common *SALJ* practice.

(f) Spelling

Acta Juridica uses UK spelling in preference to US spelling.

The following list of words includes words that should be spelt using the suffix ‘ise’:

advertise, advise, analyse, apprise, chastise, circumcise, comprise, compromise, demise, despise, devise, disfranchise, emphasise, enfranchise, enterprise, excise, exercise, improvise, incise, premise, realise, recognise, revise, supervise, surmise, surprise, televise.

In addition, the following UK spellings must be used: colour, labour, favourite, neighbourhood, programme; and ‘practising’, not ‘practicing’.

(g) Compound words versus hyphens

The use of too many hyphens should be avoided. It is neater to form one compound word such as ‘landowner’, rather than a hyphenated word such as ‘land-owner’—which is not as easy on the eye. Therefore, ‘word processor’ is preferable to ‘word-processor’ or ‘wordprocessor’—in spite of the fact that ‘typewriter’ is one word.

Other examples are ‘cellphone’—while ‘mobile phone’ remains separate. The longer the word the more the eye has to grasp and the more difficult it is to read. Compounds made from short words are neater than compounds made from long words, eg nevertheless, nonetheless, tearoom, website, workplace, backpay, logjam, cornerstone, lifelong, caseload, workload, breadline.

Words that have apparently not been joined, and some of which have recently been added to everyday language, are: motor car, zero tolerance.

Some compounds that are commonly linked by a hyphen are: decision-makers, lock-outs, cross-examination, pre-reconciliation, mini-trial, con-arb, picket-line, wake-up call.

There are, however, circumstances in which a hyphen may be essential, for example, in the case of modifying words: common-law principle. However, adverbs ending in ‘ly’ do not take a hyphen: highly paid workers.

Some of the examples below come from the *Penguin Guide*:

- This book token is worth ten pounds
- This is a *ten-pound* book token.

- The plaintiff is a *40-year-old* man.
- The plaintiff is 40 years old.

- The girl wore a light, green dress—meaning the dress was light (not heavy) and it was green.
- The girl wore a light-green dress—hyphen necessary to show that the dress was a light green colour.

Other examples of compound modifiers that are commonly found in legal texts are: long-term, short-term, fixed-term contracts; risk-taking strategy; shareholder-oriented approach, low-paid worker, user-friendly, open-ended.

As a general rule, prefixes such as ‘re-’, ‘de-’, ‘pre-’ should be linked to their stems except if the insertion of a hyphen is necessary to avoid confusion and promote clarity, eg re-cover (to distinguish it from to ‘recover’), re-cast, re-emerge, re-endorse, re-establish, re-evaluate, re-examine, pre-empt, pre-existing, co-operation, co-ordinate, de-legitimising (rather than delegitimising). Although a hyphen is often used to separate two vowels, that is not always the case, and common practice leads to: ‘reinstatement’, ‘deregulation’, coerce, overstated, preoccupied, reinforce, reassessment.

Prefixes often linked by hyphens are non-negotiable, non-payment, anti-poaching, anti-discrimination, socio-economic, Anglo-American, self-worth, self-esteem, far-reaching, well-developed, under-valued, under-sourced, rights-based, neo-liberalism, full-time.

(h) The use of an en dash or an em dash

Authors use the em dash when they wish to tack a word, phrase or clause onto the end of a sentence for emphasis; or secondly, to mark off a ‘by the way’ remark in much the same way as a parenthesis, but generally to give it greater emphasis.

Examples:

His expertise and loyalty are available — at a price.

A policy shift is necessary to protect third parties — possibly unsophisticated entrepreneurs — who enter into pre-incorporation contracts.

Where the author wishes to refer to sequences of figures to indicate continuity then a shorter en rule must be used, eg ss 125–6.

Examples:

Pollak on Jurisdiction (1967) 45–52.

Some books (especially looseleaves) have double-jointed page numbering. In such cases, the short hyphen is used to indicate the section of the looseleaf with its page number, ie 3-32, or ‘A-4’. The distinction between the use of hyphens to indicate section and page versus a sequence of pages must be carefully indicated otherwise it will cause confusion. For example:

Blackman et al *Commentaries on the Companies Act* vol 1 6–3–6–8–6.

To avoid the confusion created by this reference authors should use hyphens and words such as ‘at’ and ‘to’ to indicate location and continuity, thus: vol 1 at 6-3 to 6-8-6.

(i) *Numbers, dates, percentages, currencies*

All approximations should be in words, eg ‘about two hundred years’, ‘a thousand ways’.

Numbers from one to ten must be written in words; and numbers above ten must be in figures. All numbers in tables and graphs must be in figures. In a passage containing many numbers of which a few are below ten, the author should use figures throughout for the sake of consistency, ie even numbers below ten should be in figures in a passage full of numbers above ten.

Percentages (even below ten) should be in figures with the words ‘per cent’ in full unless they appear in a table (when % must be used).

All measures, even below ten, must be in figures, eg 6 cm, 40 km, R5 million.

A space (not a comma) is used in large numbers, eg 42 567. Where a ‘rands and cents’ figure is used, the cents should be connoted by a full stop (R456.45). For other currencies, use US\$, £, €.

A comma denotes a decimal in numbers such as 456,45.

A sentence should *never* begin with figures; therefore, redraft the sentence to avoid starting with a number, a date, etc.

Dates and centuries: on 4 July 1978; in the 1980s (*not* 1980’s – there is no apostrophe); in the twentieth century.

(j) *Quotations*

Quoted passages shorter than three lines of main body text should preferably remain part of the main body text. But quoted passages of three lines and longer (measured by the size of the text in the main body) are preferably set in a smaller font (in this case, 10 pt Times Roman) and indented by 1.27 cm from the left margin only.

In the case of a long quotation, the sentence preceding the quoted passage should end with a colon or em dash (—). (See below.)

Quotations are reproduced exactly, including all original italics and original punctuation, notwithstanding that the original form may not comply with any Juta house style, may be ungrammatical, or misspelt. Even the full stop in the original should be copied. Therefore, if the extracted passage ends with a full stop, the full stop should be *inside* the last inverted comma. If the extracted passage does not end with a full stop, then the author's full stop should be *outside* the last inverted comma. For example:

Such private rights do not cease on a change of sovereignty: 'Even those who contest the existence in international law of a general principle of state succession do not go so far as to maintain that private rights are invalid against a successor in sovereignty.'

Long quotations are not enclosed in inverted commas, but shorter quotations within the body of the text are enclosed in single quotation marks. Quotations within quotations appear in double quotation marks. (Back to single for the rare quotation within a quotation within a quotation.)

It is permissible to isolate a shorter quotation for emphasis.

Ellipses need not be used at the start of a quotation but must be used in the middle and at the end of a quotation to indicate missing words. Three dots indicate one or more missing words and a fourth dot indicates a missing full stop. (The placement of the dots indicates where the full stop appeared, so it will be or)

Square brackets are used for all editorial changes and interpolations.

(k) Abbreviations

The abbreviations 'ie' and 'eg' (short for, 'that is' and 'for example') should be closed up. There is no need for commas before and after 'eg' etc.

Abbreviations for Latin words such as 'viz' and 'vs' should not be italicised. All these abbreviations occur so often in written text that they have become 'words' in their own right. However, they should never be placed at the beginning of a sentence — except in footnotes.

A name should appear in full before any acronym is used for it. However, this does not apply to acronyms that are very well known, such as NGO and UN and US. (Having used 'United States' once, it is acceptable to start calling it 'the US' without announcing this in advance.) If at all possible, avoid starting a sentence with an acronym.

Various forms of abbreviation occur in footnotes to reference a work. These abbreviations are discussed under the paragraphs on *Abbreviations in legislation*; and (3) *The use of footnotes in articles* below.

(l) The use of capital letters

The use of capital letters is to be avoided except in the following:

in all proper names (South Africa, Constitutional Court, Supreme Court of Appeal, Labour Appeal Court) and by tradition for a few other important institutions, officials, etc such as Act,

President (of the country), Parliament and the Constitution (in the sense of a particular document; otherwise lower case).

Please note: caps are *not* used for court, judge, judge of appeal, committee, board, council, municipality, province, premier, etc. (When in doubt, use lower case.)

(2) *Requirements for referencing standard legal sources*

(a) *Cases*

All case titles are to appear in italics as follows:

Broad (Pty) Ltd v Thin 2008 (4) SA 456 (SCA).

The first time a case is cited, its name and citation should be reproduced in full and exactly as they appear in the relevant law report. In the case of e-books, or publications that will be available online, these details provide links to websites where the cases are published in full. If there are even slight discrepancies, the links will not be effective. Therefore, if a case name includes, say, ‘and Another’, or ‘& others’ these details must be reproduced exactly using the plural versus singular, or ‘and’ versus ampersand.

Double citations are neither required nor encouraged. Juta’s preferred law reports are the *SALR* and any other Juta reports.

Paragraph references or page references (with marginal letters) may be given. The former are preferred. The preposition ‘at’ should only be used when it is necessary to avoid doubt.

If the case is not reported in a published set of law reports (either at all, or has not as yet been published in this manner due to the decision being very recent) the author should provide some form of citation for the purposes of reference. This could be a JOL or JDR citation, or a neutral citation used by the courts and SAFLII.

With the proliferation of electronic databases and neutral citations, there is less and less call for an author to refer to a case as being unreported. However, where it is necessary to do so, the following style should be followed:

Dlamini v Jacobs (NPD) unreported case no 98/05 (3 August 2006).

In addition, the placement of the word ‘unreported’ may be varied in accordance with the structure of the sentence, eg ‘in the unreported case of *Dlamini v Jacobs* (NPD) case no 98/05 of 3 August 2006...’

A full set of standard case abbreviations and citations may be found in the *House Style for Juta Publications*.

(b) *Books*

Use initials for authors’ names: JD Smith (note: no space between initials)

The co-authors of any work (book, article, chapter, whatever) take an ampersand: JD Smith & S Dlamini. We cite up to three authors: Smith, Dlamini & Pillay. Thereafter use 'et al'. When referring to authors in an ordinary sentence the ampersand is not used: 'Smith and Dlamini believe that ...'.

If the named persons are the authors of the book, then no more need be said. But if these are the editors, then the abbreviation (ed) or (eds) must appear after the names.

Book titles take the title case and appear in italics.

If the book is in an edition after the first, the number of the edition must appear after the title: 2 ed, 3 ed, 4 ed – but not 2nd or 3rd ed. If it is the first edition of the book, then no edition need be referred to; it will be assumed that it is the first edition.

The year of publication must appear in brackets after the title (first editions) or after the edition.

The precise page number where the authority was found comes next, if necessary. If the book operates by paragraphs or sections (which may be connoted either by 'para' or by '§'), then this will be a sufficient reference. Where the reference is generally to a chapter in the book, this should be indicated by the abbreviation 'ch'.

Examples of when a book is first cited in a chapter:

JD Smith & S Dlamini *Hand's Law of Arbitration* 5 ed (2006) 123.
PQR Boberg *The Law of Delict: Aquilian Liability* (1984) 73–98.

Later references in same chapter (but see alternative below):

Smith & Dlamini *Hand's Law of Arbitration* 146–53.
Boberg *The Law of Delict: Aquilian Liability* 189.

(c) *Chapters in books*

The titles of chapters in collections are always in sentence case and roman. The book is to be cited as above.

Example:

M Bear & D Bear 'Too hot, too cold, just right?' in M Goldilocks (ed) *The Politics of Cookery* 3 ed (2004) 23–7.

Later reference in same chapter (but see alternative below):

Bear & Bear 'Too hot, to cold, just right?' 33

Some works (especially *LAWSA* and looseleaf books) can give problems. Try to follow this style:

AJ Kerr 'Lease' in WA Joubert (founding ed) *The Law of South Africa* vol 14 First Reissue (1999) para 164.

J Bloggs 'Executive government' in S Woolman et al (eds) *Constitutional Law of South Africa* 2 ed (Service 12) 6-18 to 6-22.

(d) *Journal articles*

The title of the article must appear in sentence case, in roman, and within single inverted commas.

The year (in brackets) the volume (where relevant) and the title of the journal must be supplied. The title of the journal must be in italics.

The names of well-known journals (such as *SALJ*) should be abbreviated. Otherwise *LJ*, *LR* and other abbreviations may be used.

Examples:

J Dube 'The new Consumer Protection Act: An introduction' (2002) 119 *SALJ* 700.

SP Moyo 'The decline and fall of constitutionalism' (1998) 23 *SAJHR* 456.

Where the periodical carries no volume number, the year is not placed in brackets: 2006 *Acta Juridica* 43; 2003 *TSAR* 89; 2004 *Annual Survey of South African Law* 776.

(e) *Theses*

M Brown *South African Theories of Justice* (unpublished LLM thesis, Rhodes University, 2001) 334.

(f) *Newspapers*

Angela Jones 'Nuclear reactor in trouble' *The Star* 24 May 2005 at 2.

(g) *White papers, etc*

The *White Paper on Energy Policy* (GN 3007 in *GG* 19606 of 17 December 1998).

The 'National Policy on HIV/AIDS for Learners and Educators' (published in *GG* 20372 of 10 May 1999).

(h) *Law Commission papers*

South African Law Commission Issue Paper 20 (Project 123) *Protected Disclosures* (2002) para 3.

South African Law Commission Discussion Paper 107 (Project 123) *Protected Disclosures* (2004) para 56.

South African Law Commission (Project 123) *Report on Protected Disclosures* (2007).

(i) *The Constitution*

The new long citation (used when referring to the Constitution for the first time) is simply: Constitution of the Republic of South Africa, 1996. The interim Constitution remains the Constitution of the Republic of South Africa, Act 200 of 1993.

(j) *Legislation*

In the first reference give the short title, number and year of a statute without any punctuation: the Judicial Service Commission Act 9 of 1994. Thereafter variants may be used: the Judicial Service Commission Act, the Act, Act 9 of 1994.

Use abbreviations for sections, subsections, paragraphs and subparagraphs, but never at the start of a sentence: chapter = chap, section = s, sections = ss, subsection = sub-s, paragraph = para, subparagraph = subpara, article = art (Plurals: sub-ss, paras, subparas, arts)

Use italics as shown to avoid confusion: s 45(2)(b)(i)(aa).

NB: In the following example, there is only ONE section, even if one is referring to two subsections: s 45(2) and (3). Therefore, ss 45(2) and (3) is INCORRECT. Some further examples:

s 2(1), (2) and (4)

s 36(8) to (10)

s 42(1)(c) to (e)

ss 42 and 43

Schedules: ‘in terms of Schedule 4 to the Act’ (cap), but ‘according to the schedule’ (l/c).

(k) *Delegated legislation*

A proclamation is cited as follows: Proc R46 GG 24567 of 31 January 2003.

Regulations are cited by referring to the notice in which they appear, eg the Road Accident Fund regulations in GN 232 GG 24568 of 1 February 2003. A regulation is abbreviated to reg, as in reg 5(1) (but not at the start of a sentence).

Some pieces of delegated legislation should be abbreviated, others not:

Government Notice = GN

General Notice = GenN

Proclamation = Proc

Provincial Notice = PN

regulation = reg

If unsure whether you are dealing with a proclamation, a government notice or a general notice, consult the list of contents on the back page of the *Government Gazette* in question or check Juta's annual index to the *Government Gazette*.

(1) *Internet references*

Wherever possible, a published or authoritative source should form the basis of a reference. However, it is true that more and more frequently authors are referring to websites. This may be done, provided that the author considers carefully how authoritative the source of the information is before using it.

Where an internet reference is to be used, it must appear as follows:

John Bringardner 'IP's brave new world' available at <http://www.law.com> (accessed on 12 May 2008).

J Smith 'Time to bring back the death penalty?' *The Star* 24 May 2005 at 2, available at <http://www.thestar.com/arts/wed> (accessed on 23 February 2009).

NB: the URL must appear in roman, in black, and must NOT be underlined.

Where an author has accessed a published source on the internet (eg a journal article accessed through WestLaw) then the original citation should be given, and there is no need to refer to the URL.

The exceptions to the above rule are newspaper articles accessed from the internet, or resources such as law commission reports etc from other countries, which may not be obviously or easily accessible to interested readers. For convenience, a URL reference may be given to assist the reader.

(3) *The use of footnotes in articles*

The following approach must be adopted. When referring to a case, article, book, or statute for the first time the full citation must be given. However, after that simply refer to the author and the footnote number where the full citation appeared for the first time and insert the page number.

1. J Smith *The Use of Force* 5 ed (2006) 124.
2. *Broad v Thin* 1999 (3) SA 123 (WCC) 125. But see Smith (n 1) 126 and P Jones *International Law* (2008) 542.
3. Jones (n 2) 563.
4. *Broad v Thin* (n 2) 127.

(4) *Miscellaneous*

A name should appear in full before any acronym is used for it. However, this does not apply to acronyms that are very well known, such as NGO and UN and US. (Having used 'United States' once, it is acceptable to start calling it 'the US' without announcing this in advance.)

If at all possible, avoid starting a sentence with an acronym or any other kind of abbreviation.

Where an entire sentence appears in parentheses, the full stop is placed *inside* the second bracket. (Here an entire sentence is bracketed.)

Page numbers and paragraph numbers should be elided: thus 34–5 and not 34–35. Care must be taken with teens: it is 514–15 not 514–5. However, with 1s it is correct to say 20–1, 400–1 and so on.