

SA Mercantile Law Journal (SAMLJ)

House style

I INTRODUCTION

The editors of the *SAMLJ* welcome the submission of manuscripts in English for consideration for publication, and provided that the topic under discussion has some relevance to South African mercantile law or would be of interest to the (largely South African) academic and professional readership of the journal.

The *SAMLJ* accepts manuscripts of three types:

1 Articles

Articles are the feature pieces of the journal. They provide a detailed, if not seminal, analysis of the topic under discussion. Articles should not exceed 12 000 words (this number *excludes* references). Special permission will have to be sought from the editors to consider pieces longer than this. All references in articles must be footnoted. Each article must be accompanied by an abstract of not more than 200 words. The abstract should summarise rather than introduce the argument of the article and should contain appropriate key words

2 Analyses and case notes

Analyses and case notes are shorter, more focused pieces. Traditionally, many notes are case notes that analyse a particular recent judgment (or judgments) of the courts, whereas analyses can discuss any specific issue of legal interest, and are not limited to judicial matters, but rather focus on analysing the status quo pertaining to a particular topic. Notes and analyses should be between 3 000 and 8 000 words long. Notes and analyses longer than this are seldom accepted. Notes and analyses do not require an abstract. All references in notes are to be placed in-text, and in brackets.

3 Book reviews

Book reviews are critical discussions of scholarly books on any topic related to law. These should be between 2 000 and 5 000 words long. References are in-text, in brackets.

A manuscript will be considered for publication

- only on the assurance that it has not in whole or in part or in substance been published or offered for publication elsewhere;
- on the understanding that it may be submitted in confidence to at least one but no more than two expert referees for evaluation; and
- on the understanding that the editors reserve the right to make what changes they consider desirable
 - to bring the manuscript into the house style of the *South African Mercantile Law Journal*;
 - to eliminate errors of typing, grammar, syntax, punctuation, spelling, idiom and the like;
 - to eliminate ambiguity, illogicality, tautology, circumlocution and redundancy;
 - to produce accuracy and coherence;
 - to improve the mode of expression and style of writing; and
 - to avoid possible criminal or civil liability.

Authors are requested to read their manuscripts very carefully to avoid the need for the editors to exercise these rights extensively. In particular, authors are asked to acquaint themselves with the house style of the *SAMLJ*, and to check their manuscripts carefully against the guidelines that follow.

Note: Regrettably, manuscripts that do not accord with the house style of the *SAMLJ* will be returned to authors immediately, with a request that the manuscript be placed, to the best of the authors' ability, in the house style. The quality of the piece will usually not be assessed before this has occurred.

Note: To promote diversity, *SAMLJ* has a policy of not publishing more than one article per author per year.

Note: An extract from a published *SAMLJ* article appears at the end of this document, together with an extract from a published *SAMLJ* note. Authors may find it useful to consult

these sources when preparing their manuscript.

II PRESENTATION AND LAYOUT

Please note the following definitions:

‘sentence case’/‘in sentence case’ – This means that only the first word of the title, proper nouns, and the first word of any sub-title are capitalised. Examples:

- ‘The role of society’s culture in the development of insolvency law’
- ‘Sale of land agreements entered into by companies under the Companies Act 71 of 2008’
- ‘Blowing the whistle? The future of affirmative action in South Africa (Part I)’

‘title case’/‘in title case’ – This means that every important word in the title is capitalised.

Examples:

- ‘Electricity Market Restructuring: Perspectives from Abroad’
- ‘An Alternative View of the Appraisal Remedy’
- ‘To Publish or Not To Publish: A Critical Consideration of the Role of the Music Publisher Today’

‘roman’/‘in roman’ – This means ‘plain text’ and denotes that the text should not be italicised.

(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.
- The text must be fully justified (aligned to both the left and right margins).
- All paragraphs (including those that come after long quotations) should be indented except the very first paragraph of a piece and any paragraph appearing immediately after a heading or subheading.
- Line spaces should *not* be left between paragraphs.

(b) Font

- Times New Roman font should be used.

- The font size for body text is 12 pt.
- The font size for isolated or indented quotations (that is, long quotations) is 11 pt.
- The font size for footnotes is 10 pt.

(c) Italics, underlining and bold

- Italics are used for case names, names of journals and titles of books
- Italics may be used for emphasis.
- Italics are used to indicate paragraphs in legislation; for example, s 34(1)(a).
- Italics are not used for URLs or other electronic references.
- Italics are not used for foreign words.
- Italics in direct quotations are reproduced.
- Underlining or **bold type** should not be used under any circumstances.

(d) Title and author details (articles and analyses)

- The title is right-aligned, capitalised and italicised.
- Case names in the title appear in roman.
- The author's name is right-aligned, capitalised and in roman.
- A line space appears between the title and the author's name.
- The author's designation appears immediately under his or her name, in italics.
- An asterisk against the author's name indicates that his or her academic qualifications can be found at the bottom of the page, in the footnotes section. (A double asterisk (**)) or some other symbol (such as †) is used in the case of a second author.)

(e) Title and author details (case notes)

- The title is right-aligned, capitalised and in roman.
- Case names in the title are italicised.
- The author's name is right-aligned, capitalised and in roman.
- A line space appears between the title and the author's name.
- The author's designation appears immediately under his or her name, in italics.
- Academic qualifications are not given but acknowledgements may be made in a footnote to an asterisk appearing after the author's name.

(f) Headings

- All headings are left-aligned.
- Main headings are capitalised, in roman, and numbered using Roman numerals.
(Example: ‘II DUAL RESIDENCY AND THE TIE-BREAKER PROVISION’)
- Subheadings are in sentence case, italicised and listed in alphabetical order
(Example: ‘*(a) Electricity as a commodity*’)
- Sub-subheadings are in sentence case, italicised and listed in Roman numerical order
(Example: ‘*(i) The position of derivative instruments*’)
- Authors should wherever possible avoid going beyond sub-subheadings.

(g) Lists

- Bullet points may be used for any list, and should be used particularly where the list consists of phrases as opposed to full sentences.
- Full sentences should start with a capital letter and end with a full stop.
- Phrases should start with a lower-case letter and end with a semi-colon, except for the last phrase of the list, which takes a full stop.
- Numbered lists (using (a), (b), (c) ... or (i), (ii), (iii) ..., or whatever seems appropriate) may be used for lengthy items consisting of several lines of text. Such items always begin with a capital letter and end with a full stop.

III GRAMMAR AND RELATED MATTERS OF STYLE OR CONVENTION

(a) Use of capital letters

Capital letters are used only where essential; that is, for all proper nouns (South Africa, Constitutional Court) and by tradition for a few other things, such as Act (in the sense of a legislative enactment), President (of the country), Parliament, and the Constitution (in the sense of a particular document; otherwise lower case). The following words are not capitalised:

- court
- appeal court
- judge
- judge of appeal
- committee

- board
- council
- municipality
- province
- premier

Note: The above list is not exhaustive. When in doubt, use lower case.

(b) Spelling

- The ‘s’ form of English spelling is used: recognise, emphasise, analyse, realise, organisation (but assets are ‘realized’).
- ‘in so far as’ (not ‘insofar as’)
- ‘moneys’ (not ‘monies’)
- ‘first’ (not ‘firstly’); thereafter ‘secondly’, ‘thirdly’ ...

(c) Numbers

- Numbers between one and ten are written out.
- Use numerals for numbers 10 and above.
- Use numerals in tables and graphs.
- Ages (of individuals) are expressed in numerals.
- Numerals should be used where several numbers appear close together in a passage of text, even where some of these numbers are lower than ten, since a consistent style looks better and is easier to read.
- A space (not a comma) is used in large numbers (42 567; 433 202; 6 211 763).
- A sentence should *never* begin with a number; the sentence should be recast or the number expressed in word form.

(d) Dates

Dates should be written as 4 July 1978, for example (and *not* 4th July 1978; 4th July 1978; July 4, 1978; July 14th, 1978); ‘the 1980s’ (*not* the 1980’s); the twentieth century (*not* the 20th century; the 20th century).

(e) Percentages

The *SAMLJ* uses the words ‘per cent’ in the text (50 per cent); and uses the symbol ‘%’ in tables and graphs (50%) with no space between the numeral and the symbol.

(f) Currencies

Where a ‘rand and cents’ amount appears, a decimal point is used to separate the two values (R456.45). The same principle applies to other currencies (US\$777.53; £549.07; €9 098.30).

(g) Dashes and hyphens

(i) The long dash (‘em rule’)

The long dash (—) should be used when the author wishes to tack a word, phrase or clause onto the end of a sentence for emphasis. For example: ‘His expertise and loyalty are available — at a price.’ The long dash can also be used to mark off a ‘by the way’ comment in the middle of a sentence. For example: ‘A policy shift is necessary to protect third parties — possibly unsophisticated entrepreneurs — who enter into pre-incorporation contracts.’

(ii) The short dash (‘en rule’)

The short dash (–) should be used to indicate continuity in a sequence of figures; for example: ‘*Pollak on Jurisdiction* (1967) 45–52’. (The en rule is the standard mark used for all ‘from ... to ...’ page references.) The short dash is also used to join compounds; for example, ‘the blood–brain barrier’.

(iii) The hyphen

The hyphen (-) is used for compound words (father-in-law; editor-in-chief; one-fifth; Jean-Jacques); compound adjectives (fair-haired; law-abiding; accident-prone); and for ages (7-year-old boy).

Some publications (especially looseleaves) use a hyphenated form of page numbering; for example, ‘3-32’. The first number (‘3’) denotes the section of the publication and the second number (‘32’) denotes the page number within that section. The hyphen indicates that a specific page is being referred to, and not a sequence of numbers from, in this case, 1 to 32.

(h) Quotations

Quotations are reproduced exactly, including all original italics and original punctuation, even if the original forms do not comply with the rules of English grammar or the *SAMLJ* house style.

Quotations appear in single quotation marks. Quotations within quotations appear in double quotation marks.

Short quotations appear as part of the text. However, it is also permissible to isolate a shorter quotation for emphasis.

Long quotations (that is, quotations of more than three lines *or* more than one sentence) are isolated. This means that the quoted material is placed on a new line and indented from the margin on both sides (left and right). Single quotation marks are used for indented quotations. A single line space appears before and after the quotation.

‘This is how an indented quotation would appear in an article or a note in the *SAMLJ*. You can see that the text has been indented on both sides and set within single quotation marks. Note also the smaller font size (11pt instead of 12 pt).’

Whenever a quotation is introduced with a colon, the quotation itself should begin with a capital letter (using square brackets to indicate an alteration where necessary). If no colon is used, the quotation should start with a lower-case letter. Where the quotation begins with a capital letter, the closing full stop should be placed inside the closing quotation mark. But if the quotation forms part of a longer sentence, the full stop should be placed outside the closing quotation mark.

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. The *SAMLJ* use three dots for any missing word(s) and a fourth dot to show any missing full stop. (Note: 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.

IV REFERENCING (see also ‘V FOOTNOTING’)

(a) Referencing (articles)

- Referencing is in the form of footnotes.
- Footnotes are used to, among other things:
 - acknowledge the work of other writers
 - provide full case citations
 - refer the reader to other parts of the article or journal
 - offer support for points made in the text
 - provide details of other sources of relevant information.

(b) Referencing (analyses and case notes)

- In-text referencing is used for analyses and case notes.
- The referenced material is placed in round brackets () beside the relevant passage of text.

(c) How to reference cases

(Example: *Brisley v Drotsky* 2002 (4) SA 1 (SCA))

- The case title is italicised.
- The case name and citation should be given in full the first time it is mentioned.
- Subsequent references to the same case are abbreviated: only the first-named party is mentioned – *Brisley*.
- Additional parties should be included using lower-case letters and the ampersand – ‘& others’; ‘& another’. In Afrikaans the ampersand is not used, in which case such parties appear as ‘en ’n ander’; ‘en andere’.
- Paragraph references or page references (with marginal letters) may be given. The former are preferred and should appear as ‘para’ (plural: ‘paras’). The *SAMLJ* does not use ‘at’ with paragraph references.
- Double citations are neither required nor encouraged. The *SAMLJ* preferred law reports are the *SALR* and any other Juta law reports.

- 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.
- Unreported cases are referenced in the following manner:
Friend v Sendal (unreported case no 24425/2009 (GNP) 3 August 2012).
Standard Bank of SA Ltd v GH Loubser Boerdery CC (1062/2012) [2012] ZAFSHCA 182 (10 August 2012) SAFLII, available at
<http://www.saflii.org/za/cases/ZAFSHC/2012/182.html>

(d) How to reference books

(Example: Christie & Bradfield, *Christie's The Law of Contract in South Africa* 6 ed (LexisNexis 2011) 12)

- Only the surname of individual authors is required. No initials are required.
- For co-authored books, the ampersand – & – is used to join the two surnames (as shown in the above example). However, the ampersand is not used when referring to two authors in an ordinary sentence: ‘Christie and Bradfield believe that ...’.
- For multi-authored books, the first author’s surname is stated, followed by ‘et al’. For example, ‘Sharrock, Van der Linde & Smith, *Hockly's Insolvency Law* 8 ed (Juta 2006)’ would be referred to in the journal as ‘Sharrock et al, *Hockly's Insolvency Law* 8 ed (Juta 2006)’.
- If the named persons are the editors of the book, then the abbreviation ‘(ed)’ or ‘(eds)’ must appear after the final surname.
- Book titles are italicised and in title case. Example:
 - Lehman & Bradfield, *Principles of the Law of Sale and Lease* (Juta 2013)
 - Bhana et al, *Student's Guide to the Law of Contract* (Juta 2012)
 - Loubser, *Casebook on the Law of Partnership, Company Law and Insolvency Law* 2 ed (Juta 2005).
- If the cited book is an edition, the edition number appears *without* its ordinal indicator (‘2’ and not ‘2nd’ or ‘2nd’; ‘3’ and not ‘3rd’ or ‘3rd’; ‘4’ and not ‘4th’ or ‘4th’).
- The abbreviation ‘ed’ is used for ‘edition’.
- The publisher and the year of publication appear in brackets after the title.
- The precise page number where the authority was found (if given) follows the

publication details.

- The *SAMLJ* does not use ‘at’ with page referencing in books.
- The *SAMLJ* does not elide page numbers (thus: 13–16; 20–27; 225–229 ...).
- Subsequent references to the same book state the name(s) of the author(s), the publication details (in brackets) and, if relevant, a page reference number – Christie & Bradfield, (LexisNexis 2011) 60.

(e) How to reference chapters in books

(Example: Theron, ‘Co-operatives in South Africa: A movement (re)emerging’ in Develtere, Pollet & Wanyama (eds), *Cooperating out of Poverty: The Renaissance of the African Cooperative Movement* (ILO 2008) 306)

- Only the surname of individual authors is required. No initials are required.
- The title appears inside single quotation marks, uses sentence case, and is in roman.
- The surnames of the editors follow (preceded by the word ‘in’).
- The book title is in title case and italicised.
- The publisher and the year of publication appear in brackets after the title.
- The precise page number where the authority was found (if given) follows the publication details.
- The *SAMLJ* does not elide page numbers (thus: 13–16; 20–27; 225–229 ...).
- Subsequent references to the same chapter state the name of the author, the publication details (in brackets) and, if relevant, a page reference number – Theron, (ILO 2008) 312.

(f) How to reference journals

(Example: Oguz, ‘Competition by regulation in energy markets: The case of Turkey’ (2010) 30(1) *European Journal of Law & Economics* 41 at 44)

- Only the surname of the author is required. No initials are required.
- The article title appears inside single quotation marks, uses sentence case, and is in roman.
- The year of publication is placed in brackets where the reference is to a particular volume of that year. (Journals that appear once annually, and thus do not have volume numbers, are identified by the year only and brackets are not required.)
- The volume number follows the year of publication.
- The name of the journal (the abbreviated form is sufficient for well-known journals) is italicised

- The page number on which the article appears comes after the title.
- Further specific page numbers (if given) are preceded by the word ‘at’.
- The *SAMLJ* does not elide page numbers (thus: 13–16; 20–27; 225–229 ...).
- Subsequent references to the same journal article state the name of the author; the year of publication; the volume number (if any); the journal title; the page on which the article begins; and, if relevant, a page reference number – Oguz, (2010) 30(1) *European Journal of Law & Economics* 41 at 50.

(g) How to reference theses and dissertations

(Example: Barnard, *A Critical Legal Argument for Contractual Justice in the South African Law of Contract* (unpublished LLD thesis, University of Pretoria, 2005) 65–67)

- Only the surname of the author is required. No initials are required.
- The title of the thesis or dissertation is italicised and in title case (as for books).
- The type of doctorate degree, the academic institution, and the year of authorship appear in brackets after the title.
- The precise page number where the authority was found (if given) follows the publication details.
- The *SAMLJ* does not use ‘at’ with page referencing in theses or dissertations.
- The *SAMLJ* does not elide page numbers (thus: 13–16; 20–27; 225–229 ...).
- Subsequent references to the same thesis or dissertation state the name of the author, the year of authorship (in brackets) and, if relevant, a page reference number – Barnard, (2005) 74.

(h) How to reference newspaper articles

(Example: Jones, ‘Nuclear reactor in trouble’ *The Star* 24 May 2005 at 2)

- Only the surname of the author is required. No initials are required.
- The title of the newspaper article is in roman and placed inside single quotation marks.
- The use of capitals in newspaper articles generally follows the formatting used in the original.
- The name of the newspaper is italicised.
- The date of publication follows in day/month/year order
- The precise page number where the authority was found (if given) follows, preceded by the word ‘at’.

- Subsequent references to the same article state the name of the author, the name of the newspaper, the publication date and, if relevant, a page reference number – Jones, *The Star* 24 May 2005 at 3.

(i) *How to reference internet material*

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.

Examples:

- Traxler & Behrens, ‘Collective bargaining coverage and extension procedures’, available at <http://www.eurofound.europa.eu/eiro/2002/12/study>, accessed on 5 July 2014
- Payne, ‘Shotgun approach hurts co-ops’ *Mail and Guardian* 30 August 2013, available at <http://www.mg.co.za/article/2013-08-30-00-shotgun-approach-hurts-co-ops>
- The Advertising Standards Authority of South Africa, ‘Advertising Code of Practice’, available at <http://www.asasa.org.za/codes/advertising-code-of-practice>, accessed on 20 March 2015
- International Labour Conference, 95th Session, 2006 ‘Report V(1) The employment relationship’ para 104, available at <http://www.ilo.org/public/english/standards/relm/ilc/ilc95/pdf/rep-v-1.pdf>

Note: The URL is not italicised or underlined.

(i) *How to reference Acts of Parliament*

- Acts of Parliament are written out in full upon first mention. The short title, Act number and year are stated without the use of any punctuation – the Judicial Service Commission Act 9 of 1994.
- Subsequent references to the same Act may take an abbreviated form: ‘the Act’, ‘Act 9 of 1994’, ‘the Judicial Service Commission Act’.
- The following abbreviations are used (but never at the start of a sentence or the beginning of a footnote):
 - article = art (plural = arts)

- chapter = chap or ch (plural = chaps or chs)
 - paragraph = para (plural = paras)
 - section = s (plural = ss)
 - subsection = sub-s (plural = sub-ss)
 - subparagraph = subpara (plural = subparas).
- Schedules: ‘in terms of Schedule 4 to the Act’ (capital ‘S’), but ‘according to the schedule’ (lower-case ‘s’).

V FOOTNOTING

The *SAMLJ* house style for footnotes follows the guidelines given above. Thus the source is written out in full on first mention and in an abbreviated form thereafter:

Reference source	Full reference	Abbreviated reference
case	<i>Ikea Trading und Design Ag v BOE Bank Ltd</i> 2005 (2) SA 7 (SCA)	<i>Ikea Trading</i> para 19
book	Atiyah, <i>The Rise and Fall of Freedom of Contract</i> (OUP 1979)	Atiyah, (OUP 1979) 294–310
chapter in book	Lubbe, ‘Mortgage and Pledge’ (revised by TJ Scott) in Joubert & Faris (eds), <i>The Law of South Africa</i> part 2, 2 ed (LexisNexis 2008) para 430	Lubbe, (LexisNexis 2008) para 444
journal	MacMahon, ‘Economic substance, purposive activity and corporate tax shelters’ (2002) 94(8) <i>Tax Notes</i> 1017 at 1019	MacMahon, (2002) 94(8) <i>Tax Notes</i> 1017 at 1022
thesis or dissertation	Stoop, <i>The Concept ‘Fairness’ in the Regulation of Contracts Under the Consumer Protection Act 68 of 2008</i> (unpublished LLD thesis, University of South Africa, 2012) 35	Stoop, (2012) 77
newspaper article	McKaiser, ‘The face-off’ <i>Financial Mail</i> 4 April 2008	McKaiser, <i>Financial Mail</i> 4 April 2008
Act of Parliament	Security by Means of Movable Property Act 57 of 1993	SMPA

