UNIVEN LAW LIBRARY USER GUIDE

Compiled by

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1. Introduction

The Law library houses all law materials in one room for the convenience of the students. As a general rule, law materials do not circulate in the normal way as other material in the Library. Students can lend material on a two hourly basis to use inside the Library. Material can however, be borrowed overnight and over weekends.

Opening Hours

<table>
<thead>
<tr>
<th>DAY</th>
<th>SEMESTER HOURS</th>
<th>EXAMINATION HOURS</th>
<th>VACATION HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>MON – FRI</td>
<td>09H00 – 22H00</td>
<td>09H00 – 23H00</td>
<td>09H00 – 17h00</td>
</tr>
<tr>
<td>SAT</td>
<td>09H00 – 13H00</td>
<td>09H00 - 14H00</td>
<td>CLOSED</td>
</tr>
<tr>
<td>SUNDAY AND HOLIDAYS</td>
<td>CLOSED</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Services and Facilities available in the UNIVEN Law Library

- **Display Shelf** - Where you can find recent materials for your perusal.
- **Issue Desk** - check-in-checkout for all Law materials, ask for assistance, or make suggestions
- **2 x Self-Serve Photocopy Machines** – for photocopying Law Materials
- **Law Librarian Service** - ask for assistance with searches, training on how to use any of the resources.
- **Internet** - computers booked for two hours at a time
- **Study Area** - relax and study (respect other users; no noise)
- **Information Screen** - current and important information displayed by the Library or your department
- **Shelves** (Books, Journals and Reports) etc.

3. Finding the information that you need in the UNIVEN Law Library

The law collection is comprised of hard copies and electronic formats. The hard copies are found on the shelves and electronic resources are accessed through the Internet. In order to be able to locate all these materials you need to be shown how to find it. Training offered at the law library will cover general materials.
You will be taught in Class that the sources of South African law are:

- The Constitution;
- Legislation;
- Court decisions;
- Common law;
- Custom;
- Indigenous law and
- Works of modern authors.

However, when you are trying to find the legal information in the UNIVEN Law library, it is useful to think in terms of:

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

3.1. Books – How do I find books in the UNIVEN law library?

You are expected to buy your own prescribed books. The Library will have a few copies of the prescribed books for your use. Most of the recommended books are in the library. Books are classified and shelved according to Dewey Decimal numbers (call numbers) and this system arranges books of the same subject under the same number so that you will be able to browse through them in one area. In general, law book call numbers start with L 340..... For example, call no. 342.0968 LAW is the call number used for the books dealing with Constitutional Law of South Africa.

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

Where is this catalogue? You will find it on webpage:  http://univen9.univen.ac.za/search

<table>
<thead>
<tr>
<th>Training Exercise</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Select <em>Title</em> and look for <strong>General Principles of Commercial Law</strong></td>
</tr>
<tr>
<td>2. Under <em>author</em>, look for <strong>Havenga, Peter</strong></td>
</tr>
<tr>
<td>3. Under <em>keywords</em>, look for <strong>child</strong> and <strong>sentencing</strong></td>
</tr>
</tbody>
</table>
Identify the important Bibliographic details, like: Author, editor, title of the book, journal title, publisher, year published, Location, Call number and its status.

- All UNIVEN Law Books have green stickers
- Law Call Number Starts with L:
- Call numbers starting with L.R. are Law Reference books and are kept on the Reference Shelves. They can only be used inside the Library.

Example of Law Reference Materials available at UNIVEN Law Library

- Legal Dictionaries
- Manuals
- Handbooks
- Yearbooks
- Encyclopaedias (e.g. LAWSA. It is an encyclopaedia of South African law. This is very useful to locate any topic in law )
- Government Gazette
- Loose-leaf materials etc.

Take note – the Law library is a closed collection – no books may be removed from the library. Our books are to be used inside the library. The Loan period is 2 hours but we do issue some books for overnight or weekend. You may photocopy sections that you require for study purposes. In terms of copyright law you may not photocopy more than 10% of any one book.

3.2. Statutes

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

- Government Gazettes
- Butterworths Statutes
- Juta’s Statutes
- Netlaw
- Bills

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

3.3. Government Gazettes.

Statutes (Acts) first appear in the Government Gazettes. Unless you know the exact number of the Government Gazette in which an Act has been published, you will find Government Gazettes difficult to use. However, you do need to know about them. Remember that the acts are often amended after they are first published and therefore the original Gazettes carry the unamended versions. Amendments to Acts are also published in the Government Gazette.

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

Note that full text access to the Government Gazette from 1910-1993 (Retrospective Gazettes) and also from 1994 onwards is available on-line:

- [http://www.greengazette.co.za/](http://www.greengazette.co.za/) (free website)
- Butterworths LexisNexis Online
- JutaOnline (Under Law Databases)
- SABINET Legal – Netlaw

**N.B.** Hard copies for Government Gazettes are also available in the UNIVEN Law Library.

*Butterworths Statutes of the Republic of South Africa*

Are found on Butterworths LexisNexis Online under Law Databases and are arranged by Subject matter e.g. Agriculture, Labour etc. Users must refer to the Index.
**Juta’s Statutes of South Africa**

*Juta* Law publishes a new seven-volume set of amended statutes every year. *Juta* Law has arranged the Acts into groups and subgroups according to their subject matter. Users must refer to the Index.

**NetLaw (a Sabinet Legal database)**

Very good source of online legislation and it is the most up-to-date database available. Go to UNIVEN Library website:

http://www.univen.ac.za/

Then Library ➔ About the Library ➔ Databases ➔ SAePublications

**3.4. Bills**

Before the Acts are passed in Parliament they will go through a stage where they are referred to as bills. The best places to get bills are:

- Government Online ([www.gov.za](http://www.gov.za)). Click on Documents and then Bills.
- SABINET Legal
- [www.polity.org.za](http://www.polity.org.za)
3.5. CASE LAW or LAW REPORTS

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

- How the cases are cited -

CIVIL CASES:

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

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

CRIMINAL CASES

*S v Sanderson 1968 (3) SA 334 (E)* Here the parties, as in all criminal cases, are the State (S) and the accused. Before SA became a republic the state in case law was referred to as “R” for Rex (refers to the British Monarchy) Criminal cases can be found in the South African Law Reports (SA) as well as the South African Criminal Law Reports (SACR).

- Cases explained. If you look at a reported case in the SA law reports – you should be able to recognise the following from the case (example used: *Ebrahim v Evans NO 1990 (4) SA 424 (D)*)
<table>
<thead>
<tr>
<th>Case name (parties)</th>
<th>Ebrahim v Evans NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court deciding the case</td>
<td>Durban and Coast local division</td>
</tr>
<tr>
<td>Judge – can be more than one</td>
<td>Broome J (the ‘J’ always stands for ‘Judge’)</td>
</tr>
<tr>
<td>All the dates of court sittings</td>
<td>1989 September 27; 1990 June 27</td>
</tr>
<tr>
<td>Catch phrases or Flynote</td>
<td>Company – winding up – dissolution of company in terms of s 419 of the Companies Act 61 of 1973……………..</td>
</tr>
<tr>
<td>Headnote</td>
<td>The applicant was the defendant in an action which had been brought against him by a company, F I (Pty)Ltd……etc.</td>
</tr>
<tr>
<td>Date of the judgment</td>
<td>Postea (27 June 1990)</td>
</tr>
<tr>
<td>Case information or under Annotations</td>
<td>Attorneys and advocates names</td>
</tr>
<tr>
<td>The order</td>
<td>Near the end of the case – in this example it starts with - &quot;To sum up then, I uphold the applicants contention and make an order………………etc.”</td>
</tr>
<tr>
<td>Order for costs</td>
<td>“2. That the respondent is ordered to pay the costs of this application, including the costs………………etc.”</td>
</tr>
</tbody>
</table>

**Judges:**

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

- **P** – President of the Constitutional Court or Appeal Court
- **DP/AP** - Deputy President of the Constitutional court or Appeal Court
- **AP** - Acting President
- **ADP** – Acting Deputy President
- **CJ/HR** - Chief Justice
- **DCJ** – Deputy Chief Justice
- **JA/AR** - Judge of Appeal
- **J / R** - Judge – in the Constitutional Court and the High court
- **JP / RP** - Judge President
- **DJP/ ARP** - Deputy JP
- **AJ / WnR** – Acting judge
- **AJA/ WnAR** – Acting judge of Appeal
- **JJA** - Judges of the Appeal Court
Decisions of the higher courts are a further primary source of law. The first South African law reports date from 1828, and these early series of law reports from the Cape bear the names of the Judges who compiled them (e.g. Menzies, Searle, Buchanan, etc.) Later after the Union in 1910, each division of the Supreme Court had its own law report series, named by Province as they were at that time. From 1910 onwards, decisions of the Appellate Division were also reported. For a useful table of older law reports series see the book by Hosten - *Introduction to South African law and legal theory*. This book is located at the call number: L 340.0968 INT.

To quickly remind the Users about the Hierarchy of South African Courts (from the Lowest to the Highest):

- Small Claims Courts
- Magistrate Courts
- High Courts
- Supreme Court of Appeal
- Constitutional Court

1. Law Report series published by **Juta:**

*The South African Law Reports (SA)*

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

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

Industrial Law Journal (ILJ)
Contains Labour Law Reports.

2. Law reports series published by LexisNexis Butterworths:

All South African Law Reports - All SA.

Butterworths Constitutional Law Reports - BCLR

Butterworths Labour Law Reports – BLLR

South African Tax Reports

Law Report Research Indexes

• To research reported cases to find information contained in reported cases

• Both Juta and Butterworths publishing companies have research indexes


2. Butterworths Index and Noter-up to the South African Law Reports
   – From 1947 to date

3. Juta’s Index and Annotations to the South African Law Reports
   – From 1947 to date
ALL OF THE ABOVE LAW REPORTS, AS WELL AS OTHER SERIES, CAN BE FOUND FULLTEXT ONLINE.

Freely available cases on the internet:

- Cape High Court Judgements
- Competition Tribunal of SA
- Constitutional Court of South Africa
- Supreme Court of Appeal of SA
- SAFLII Southern African Legal Info Institute

We have highlighted three of the free websites because these are very useful for finding free case law.

2. Supreme Court of Appeal (UFS) - [http://law.ufs.ac.za/content.aspx?id=42](http://law.ufs.ac.za/content.aspx?id=42) (Appeal cases heard in the Appeal Court in Bloemfontein)

**NOTE:** The SAFLII website contains a great deal of information, not only South African but Southern African case law. There are cases from many courts and all are freely available.

**TRAINING EXERCISE.**

- Locate *S v Makwanyane* case from both Print and Online and also get the full citation of the case.

**4. JOURNALS**

4.1 South African journals:

What is a journal?
In the Law Faculty research is done by postgraduate students and by lecturing staff. The results of this research are often published as in the law journals. Note that journals are also referred to as serials or periodicals. Attorneys and other members of the legal profession also publish in the journals. There are South African law journals and there are journals published in other countries such as Zimbabwe Law Review, Namibian Law Reports, All England Law Reports etc. Often the universities publish their own journals – e.g. the title of the UP law journal is “De Jure”. Another example is the “Stellenbosch Law Review”. Most of the South African journals are found on the shelves in the UNIVEN Law Library – arranged alphabetically by title. Many are now also available online – see Sabinet and then SAePublications. The journals are usually referred to by year, volume, issue and page. The articles within the journals have a title and author. A reference to a journal article would look like this:


You will need to find journal articles when doing assignments. To do this you start your search on a database called Sabinet. Go to our UNIVEN webpage, as shown above. Searching for journal articles can be done by using the author, title, keywords, etc. Hardcopy versions of the South African journals are kept in our collection. They are arranged alphabetically by journal title – e.g. De Jure, De Rebus, *South African Law Journal* and so on.

Electronic full-text versions of some journals can be found in Sabinet in their database titled: *SA ePublications*; as well as in the E-journal titles: A-Z list. This is found under: [http://journals.sabinet.co.za/](http://journals.sabinet.co.za/)

select “Journals” from the list on the left. Use the box that says “Find electronic Journal”. ALSO Note that the UNIVEN Law Library has a Special Collection of the *Constitution of the Countries of the World* available on the shelves.

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**Training exercises on Sabinet**

For SA ePublications:
Go to UNIVEN Website Then Library - About the Library - Databases - SAePublications – Products and Services and search for *losses and unfair conduct*.

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