

HOUSE STYLE

As of the 2014 edition, the SAYIL adopted the house style of the Annual Survey of South African Law (ASSL), with slight amendments. As such, we would like to express our gratitude to the drafters of the house style of the ASSL. The style guideline was further updated for the 2016 volume.

General Formatting

Manuscripts should be submitted in 12 point Arial font for text and 10 point Arial font for footnotes, with 1.5 line spacing in the text and single line spacing in the footnotes. The page margins should be at least 2.54cm on each edge, and footnotes should be used for references throughout.

All paragraphs in a contribution to be submitted must start with an indentation. Please note that even after an indented quotation, the following paragraph also starts with an indentation. Paragraphs run on in the sense that they are not separated by line spaces.

Headings

A submission starts with its title in capitals in bold, black type and centered. This is followed by the name(s) of the author(s) in capitals and small capitals and centered (for example James Jones* - the asterisk refers to the biographical details in a footnote or footnotes which must include qualifications and/or affiliation of author(s)).

Authors should avoid using more than three levels of headings, and the following convention should be followed:

- First level should be numbered (1, 2, 3 etc.), 12 point font in bold, with the first letter of each word in capitals. The heading should be aligned to the left margin;
- Second level should be numbered 1.2, 2.1, 3.3 etc, 12 point with first letter of each word in capitals. The heading should be aligned to the left margin; and
- Third level should be number 1.2.1; 2.1.2; 3.2.1 etc., 12 point the first letter of each word in capitals, aligned to the left margin.

Example:

2. The Duty to Arrest in International Law

2.1 Does South Africa have a Duty to Arrest

2.1.1 Criminal Law Exceptions to the Duty to Arrest

Italics

Italics must be used in the following instances:

- For all foreign and Latin terms, EXCEPT:
 - Inter alia (avoid use where possible)
 - ratio
 - et seq/sqq
 - per se
 - vice versa
 - ibid/id
 - pro rata
 - viz (avoid where possible)
 - op cit (rather use above)
 - cf
 - et al
 - vis-à-vis
- For the name of a case, subject to the spelling in the law report, as exemplified below.
- For the names of ships.
- For the titles of books, newspapers, journals and periodicals.
- For emphasis (however, please be sparing in the use of italics in order to emphasise something).

Spelling

Please use South African/UK and not US spelling – this mostly affects words ending in -ise; thus authorise (not authorize); finalise (not finalize); etc. Rule of thumb: change z to s unless in a quote.

Capitals

Use for the opening letter(s) of proper nouns — words to designate individual persons, animals, places, etc. For example, Parliament, the Minister of Finance, the Chief Justice, the Cabinet, the Registrar of Companies.

But it is 'the State' only where it is a litigant, particularly so in criminal cases. In general, lower case is preferable: thus 'in the eyes of the court' 'the judge said' 'in rule 53 of the High Court Rules' (the same applies for section and article) 'government' and 'state'.

The names of ships cause problems both with italics and capitals. Here are some hints. In the text, use italics: Thus 'The plaintiff owned the MV *Atlantica*.' But with a report of a case, it is the reverse. Thus:

'The court held in *MV Atlantica v Owners of the MV Stella Pingas* 2003 (2) SA 473 (SCA) that ...'.

The word 'court' used by itself always takes lower case (as does magistrate's court). However, 'High Court', 'Constitutional Court', 'International Court of Justice', 'International Criminal Court', etc. should be capitalised. Please write out 'Supreme Court of Appeal' rather than abbreviating it as 'SCA'.

Please write section/article/rule, etc in full in the text, but use s, art, or r in references which appear in brackets. For example, in section

231 of the Constitution of the Republic of South Africa, 1996, ... but the conclusion of a treaty is governed by the Constitution of the Republic of South Africa, 1996 (s 231).

Interpolations and ellipses

An interpolation is the insertion or change in a quotation of a letter or letters or of a word or words. It must be between square brackets

-- [] -- not round brackets (parentheses). An ellipsis is the omission of a word or words, or of a passage, from a quotation. At the start or within a sentence it is shown by three unspaced full stops; at the end of a sentence there are three full stops, (and the closing of the inverted commas, if applicable), a space and then the final stop. This passage invoking a sentence from the judgment of Wessels JA in *Van Wezel v Van Wezel's Trustee* 1924 AD 409 418 illustrates these rules.

'Wessels JA said (418 - 19): " ... [I]t is clear that the windmill and tank ... never became the property of Leendert van Wezel [the lessee] ... [note the space] ".'

This example also illustrates the use of inverted commas (quotation marks). They start single, and become double only within the quotation itself.

Fractions

A hyphen is used in an adjectival expression such as: A one-third portion of the estate. But not otherwise: She inherited one third of the estate.

Apostrophes

Some writers prefer a simple s' if the last syllable is pronounced -iz. Thus: Dickens' novels; Evans' translation. Names from French ending in silent s or x must take 's: Du Plessis's glory, Le Roux's folly, Marais's book.

Time: a year's imprisonment, a week's grace.

Plurals

Nouns ending in y preceded by a consonant form the plural by changing y to ies: lady — ladies, body — bodies. Where the y is preceded by a vowel, simply add s: boy — boys, attorney — attorneys.

Sexism

Do not use 'he, 'him', 'his' and 'himself' to include 'she', 'her' and 'herself' — unless quoted matter does (or unless you have been discussing a case where the accused (or whoever) is clearly male eg one would hardly write, the accused, John Smith, claimed that thing she stole ...).

Numbers and Dates

In general:

- Write out numbers under 21;
- Spell out a number if it is at the beginning of the sentence;
- Currencies are written as follows: US\$5 million; R10 million.
- Use Arabic figures for numbers 21 and greater, for example, 58
- Use the decimal comma [,] not the decimal point [.] – so 23,54 not 23.54
- Insert a space after every third figure, for example, 7 272; 3 252 921 (this does not apply to dates (years) or page numbers)

Law Reports

In referencing the jurisprudence of the International Court of Justice the official citation as designated in the judgment itself should be used. The conventions relevant to the various international tribunals should be used where relevant.

In as far as South African case law is concerned, the preferred law reports, in general, are the South African Law Reports. In certain instances, however, it is necessary also to cite an additional law report or even additional law reports, as follows:

Constitutional Court cases

Two references (and in criminal law and criminal procedure cases three) references are to be given:

- Minister of Education v Harris 2001 (4) SA 1297 (CC), 2001 (11) BCLR 1157
- S v Niemand 2002 (1) SA 21 (CC), 2001 (2) SACR 654, 2001 (11) BCLR 1181
- Only the first reference is followed by (CC).

Unreported decisions

Provide the case name followed in brackets by the court in which the case was decided, the date, and the case number again in brackets.

- ABSA Bank Ltd v Lombard (SCA) 30 March 2005 (case 178/04).

Citing Cases

When giving the name of a case, include further parties, but write 'and' another' and 'and others'.

Cite paragraph numbers rather than a page reference if it is possible. The abbreviations are 'para' and 'paras'. Avoid 'at'. Simply say 'para 34';

'paras 36–39'; and so on.

When using page references, normally it will be necessary to give marginal letters, such as '376B-D'. The 'B-D' will indicate the area within which the relevant passage falls.

When referring to the parties in an appeal case, please refer to the 'appellant' and 'respondent' (both lower case) rather than to the designation of the parties in the court a quo.

Treaties

For treaties, simply provide the year of adoption of the treaty, the full name of the treaty.

Example: 1992 United Nations Framework of Convention on Climate Change, art 3 or Art 3 of the 1992 United Nations Framework Convention on Climate Change.

Legislative Acts

Please note that in terms of the Citation of Constitution Laws Act 5 of 2005, the Constitution must now simply be referred to as 'Constitution of the Republic of South Africa, 1996'. The 'Act 108 of 1996' thus falls away. When referring to an Act for the first time, give its full name, number and year. So too if an amending Act is mentioned. Thus:

- The Mental Health Act 18 of 1973 was amended by the Mental Health Amendment Act 16 of 1985.

Abbreviations

They are used only when a number follows the abbreviation and in only in the footnote:

- chapter = chap (chaps in the plural)
- paragraph = para (paras in the plural)
- section = s (ss in the plural)

- subparagraph = subpara (subparas in the plural)
- subsection = subsec (subsecs in the plural)

If referring to a number of subsections within a section (eg s 43(1), (2) and (5)), use a single 's' as only one section is being referred to. Use a double

'ss' if more than one section is being referred to; eg ss 4(3) and 5(2).

Books

Give (in the following order) author's initials and last name, full title in italics, edition, year, page reference, thus:

- F Viljoen *International Human Rights Law in Africa* 2 ed (2012) 187;
- H Lauterpacht *International Law and Human Rights* (1950) 356

The correct information of all these matters should be obtained from the title page and not the cover.

In book titles we still use capitals (as in the examples above)

In the case of four authors or more, use et al from the first mention.

Articles (and Essays in Collections)

For articles, give in the following order: author's name (initials and last name), title of article in single quotations, year of journal in parentheses, volume of journal, title of journal in italics, page on which the article begins and the page being referred to.

Example: Sam Spider 'International Law' (2050) 2 *Southern African Yearbook of International Law* 10 25.

.For essays in collections, give the following order: author's name (initials and last name), title of essay in single quotation marks, name of editors,

with ed or eds in parentheses, name of the book in italics, year and page being referred to.

Example: Sam Spider 'International Law in South Africa' in Niaga Feeler (ed) *International Law for the Commoner* (2050) 630

Note that the title of the article / essay appears in single quotation marks, while the title of the journal / book is in italics. In the titles of articles / essays we use capital letters.

Where the periodical carries no volume number, the year is not placed in brackets:

- KD Molo 'Elections in Uganda' 2000 *Political Review* 30

Quotations

Quoted passages (ie more than 40 words) that are not to be inside a paragraph in a contribution written by a contributor to the SAYIL are to be typed indented and in smaller type, with a line space above and below the quotation and are not introduced by either [:] or [--]. When

such a quotation begins with a new paragraph, indicate this by an extra indentation.

Where a quotation is within the contributors text (in other words not indented) follow the general rule – if the quote begins with a capital, it is introduced by a colon [:]. Where the quote doesn't begin with a capital, it has no [:].

Please note that where quotations are indented they do not have quotation marks (inverted commas). If the quote contains a quote or quotation marks, they are retained but follow the general rule (start with single, go to double, end with single).

Please ensure that all direct quotations are an exact replication of the original. Ensure that no words are left out. If the quoted passage has emphasised words in italics write (emphasis in original) at the end of the quotation. If you have emphasised words in the quotation, write (own emphasis) at the end of the quotation.

Miscellaneous

Lastly, authors must take note of the following:

- Where there are cross references in the footnotes to the original citation, they are indicated as: (note 23 above) 423;
- Never start a sentence with an abbreviation or an acronym;
- Try to avoid the following expressions:
 - per, as in 'per Smith J at 43D' (simply say 'Smith J 43D' or 'in the judgment of Smith J 43D');
 - the learned judge;
 - his lordship;
 - with respect, with the greatest respect, (and the like); and
 - it is submitted that;
 - like (use 'such as' instead, for example organisations, such as the UN).