

Alastair Kerr Law Library Legal Resources Guide

FACULTY OF LAW, RHODES UNIVERSITY
February 2021

Table of Contents

1. Introduction	2
2. How to get to the Law Subject Guide.....	3
3. South Africa.....	4
Legislation	4
Case law	5
Journals	12
4. Books (South African & Foreign Materials).....	14
5. Books on Legal Research	16

1. Introduction

This guide is aimed at showing law students where and how to find legal resources and how to conduct legal research using library materials. This guide is also available electronically on the Law Faculty website. Also watch the video tutorials that complement this guide on our website:

<https://www.ru.ac.za/law/studying/undergraduate/studentbooklets/libraryguide/#d.en.266828>

The first thing you are taught in law is the historical foundations of law and the sources of law. Legal research entails the use of more than one information source. It is vital for students to understand the different categories of sources and to know where to find these sources in the law library. Sources of law are divided into primary and secondary sources. Primary sources are law generated governmental bodies such as the legislature and judiciary. Secondary sources contain commentary and scholarly views about the law. Primary sources are binding while secondary sources are persuasive.¹

The table below provides an overview of the databases that law students will mostly use to find primary and secondary sources:

<u>Primary</u>	<u>Secondary</u>
Case law: Jutastat, LexisNexis, SAFLII	Books, e-Books: ProQuest
Legislation & Constitution: Jutastat, LexisNexis and Sabinet Legal	Journals: Sabinet African Journals, Jutastat Online, HeinOnline
Treaties and Conventions: African Court on Human and People's Rights, African Union, Convention on the rights of the Child	Loose-leaf publications: Jutastat and LexisNexis

This guide mainly covers South African legal resources. At the end of the guide, there is a list of books that provide guidance on legal research. Students are encouraged to consult these books for purposes of completing assignments, research papers, essay competitions and postgraduate studies. Consult the faculty handbook for style and referencing guidelines.

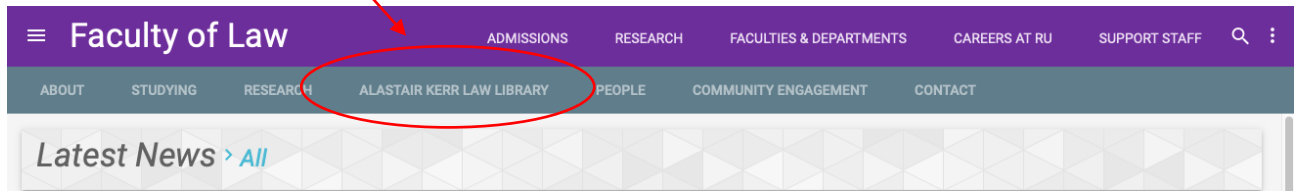
The first step to learn in order to use the online databases, is how to find the law subject guide on the Rhodes University Library website.

¹ D Kleyn *et al*, *Beginner's Guide for Law Students* 5 ed (2018) 56.

2. How to get to the Law Subject Guide

Step 1: Search for this address in your web browser: www.ru.ac.za/law or search for “rhodes law” and click on the Rhodes University Law link that appears as a result.

Step 2: Select “Alastair Kerr Law Library”



Step 3: Click on “Law Subject Guide”

Rhodes > Library > About > Find > Library > Alastair Kerr Law Library

Alastair Kerr Law Library

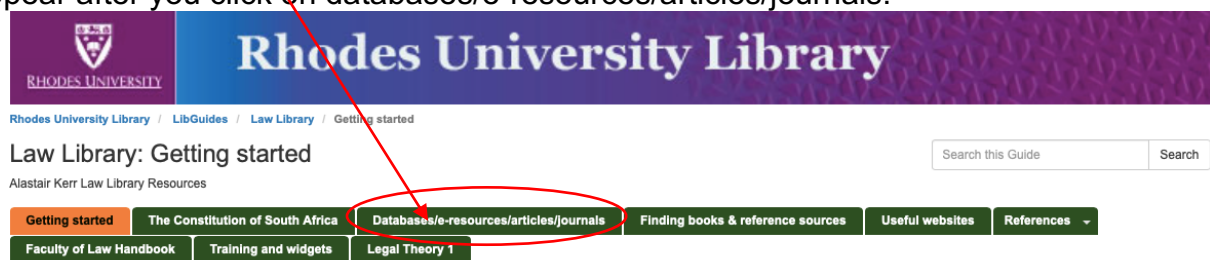
The Law Library, known as the Alastair Kerr Law Library, is named after a former Head of Department at the Law Faculty. It is mainly a reference library, but some items may be removed/borrowed from the library. Resources include law reports, legislation and other government publications, reference works, books and journals. The library has five photocopiers operating with students' printing credits.

The PPS Wing is an extension to the library that was added in 1999. This is mainly a study area, which includes three group study rooms. Primary sources like law reports, reference works and dictionaries are shelved here.

The Law Library has desk space for 88 students and has a computer lab with 30 computers and two printers.

The [Law Subject Guide](#) is designed to help you find and use legal resources available to you in or via the Rhodes Law Library.

Step 4: Click on Databases/e-resources/articles/journals. A list of databases will appear after you click on databases/e-resources/articles/journals.



Step 5: Click on the database you need to use (e.g LexisNexis and Juta)

3. South Africa

3.1 Legislation

Legislation refers to Acts, regulations, bills, provincial notices, government gazettes. The best databases to use for finding legislation are NetLaw and SAFLII. LexisNexis and Juta Online also keep up-to-date legislation.

ASASIAN REIT LAW LIBRARY RESOURCES

Getting started	The Constitution of South Africa	Databases/e-resources/articles/journals	Finding books & reference sources	Useful websites	References
Faculty of Law Handbook	Training and widgets	Legal Theory 1			

<p>Multidisciplinary databases</p> <p>emerald insight Emerald Insight Accounting & Finance, Business, Economics, HR & Organizational Behaviour, Information Systems & Knowledge Management, Library & Information Science, Management Science & Operations, Marketing, Strategy, Tourism & Hospitality & more</p> <p>Google Scholar Multidisciplinary content. The academic content of Google. Use in conjunction with Scopus and ISI Web of Science</p> <p>Oxford Scholarship Online Full-text access to academic OUP monographs from key disciplines in the humanities, social sciences & science.</p> <p>ScienceDirect Leading full-text database offering journal articles from more than 2,500 peer-reviewed journals</p> <p>SCOPUS Find out. Scopus Highly recommended: Multidisciplinary journal articles</p> <p>Iress IRESS SA, previously known as INET BFA IRESS is the pre-eminent provider of stock market, fundamental research data and news to the Financial sector and the corporate world</p>	<p>Legal Databases</p> <ul style="list-style-type: none"> • Juta Online Local content from the followings sectors: South African Law reports, South African Criminal Law reports, Namibian, Zimbabwean, Tanzania, Zambia Law reports. NOTE: Rhodes Access on Campus Only • LexisNexis Local and international content from the followings sectors: legal, tax, accounting, financial services and health and safety and environment. • NetLaw via Sabinet Legal NetLaw includes all updated and consolidated South African principle Acts, rules and regulations as from 1910 to date. • Parliamentary Bills via Sabinet Legal Immediate access to the full text of South African Government and Provincial Gazettes and Parliamentary Bills with daily Government Gazette alerts. Government Gazettes are available from January 1994, Provincial Gazettes from September 1995 and Parliamentary Bills from January 1999. • Sabinet Legal South African Legal Information. • African Journals/SA ePublications via Sabinet Searchable collection of full-text South African journals • SA Media via Sabinet The SA Media database covers more than 120 South African periodicals and newspapers from 1977 onwards, and in addition to the full-text searching available, index terms are also assigned to news articles. A link takes the user directly to the PDF version of the original newspaper article. • Saflii The Southern African Legal Information Institute publishes legal information for free public access which comprises mainly of case law and legislation from South Africa. • WestlawNext WestlawNext covers thousands of publications, most of which are available in full text. It is especially useful for legal research, as well as for current news coverage and business. PLEASE NOTE, WestlawNext is ON CAMPUS ACCESS only. • Westlaw UK Westlaw UK Insight is an online legal encyclopaedia that aims to provide a comprehensive statement of the law in the United Kingdom, covering England, Wales, Scotland and Northern Ireland 	<p>Finding online journals</p> <p>regal scholarship and other journals academic disciplines.</p> <ul style="list-style-type: none"> • Speculum Juris Speculum Juris is an Open Access online law journal published by the Nelson R Mandela School of Law at the University of Fort Hare <p>The Journal of Commonwealth Law and Legal Education is an online, open access, peer-reviewed journal published once a year in collaboration with The Open University School of Law and is the official journal of the Commonwealth Legal Education Association (CLEA).</p>
		<p>Useful Multidisciplinary Databases & e-resources</p> <p>NEWSBANK: Access World News Explore news articles from 1972 - Current. A fully searchable online resource, Access World News features most major U.S. news sources circulation, plus many hard-to-find local and regional titles that are unavailable elsewhere. Additionally, Access World News offers more than 9,000 U.S. and international news sources from over 140 countries on six continents.</p> <p>Web of Science HIGHLY RECOMMENDED: Arts & Humanities Citation Index:1975+ Social Sciences Citation Index:1975+ Science Citation Index Expanded: 1975+</p>

3.2 Case law

Below is a short tutorial on to find case law on LexisNexis and Juta.
Note the following abbreviations for law reports and where to find each:

LexisNexis	Juta
All SA (All South African Law Reports)	SACR (South African Criminal Law Reports)
BALR (Butterworths Arbitration Law Report)	SA (South African Law Reports)
BCLR (Butterworths Constitutional Law Report)	
BLLR (Butterworths Labour Law Reports)	

[For more abbreviations, see pages 76-78 of the Faculty of Law Handbook.]

a. An overview of LexisNexis

On LexisNexis, you will find all the legal sources grouped under “content types”. This makes it easier to find sources, because you can immediately search for legislation under the “national legislation” tab, for example.

Look at the landing page shown below and make sure that you can see the same page on your screen once you have opened LexisNexis. Take a few minutes to open some of these content types, and familiarise yourself with the layout of the database (LexisNexis).

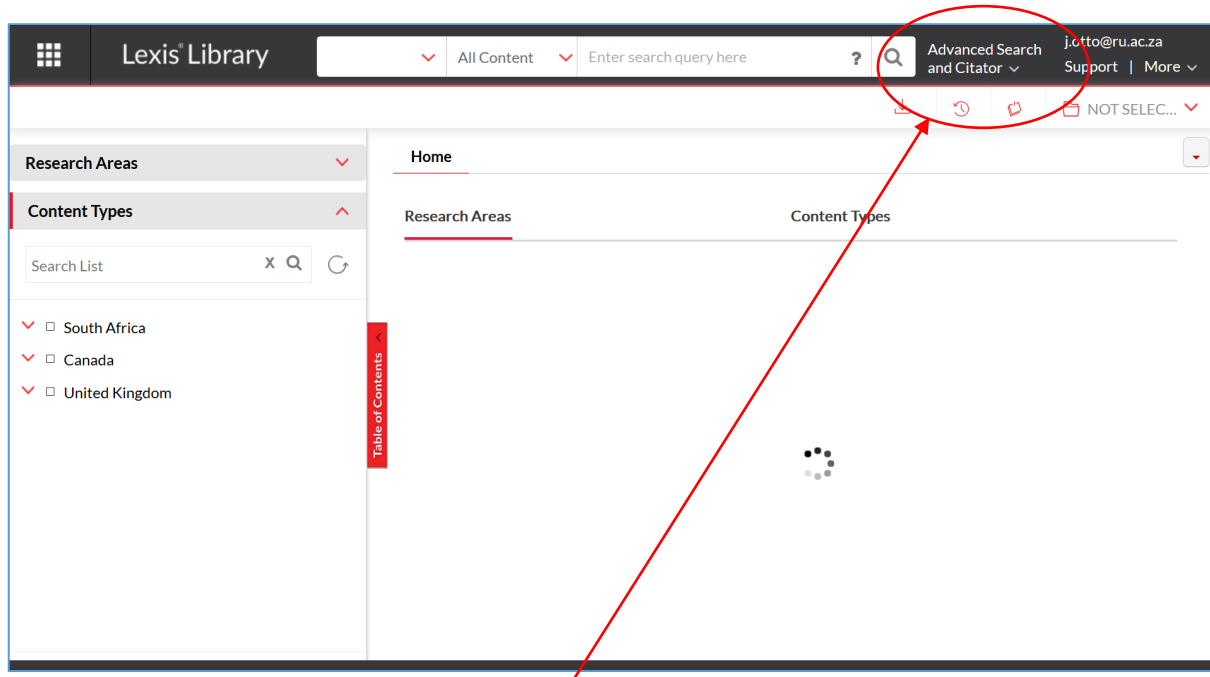
Search for content under “Content Types”.

b. Using the Subject Index from LexisNexis

There are a number of ways to find case reports on LexisNexis. Below are a few examples.

Using case citations

When you have the full citation, select **Advanced Search and Citator**.



Click on **Advanced Search** then click on **Cases**, and enter the case citation in the search boxes shown below.

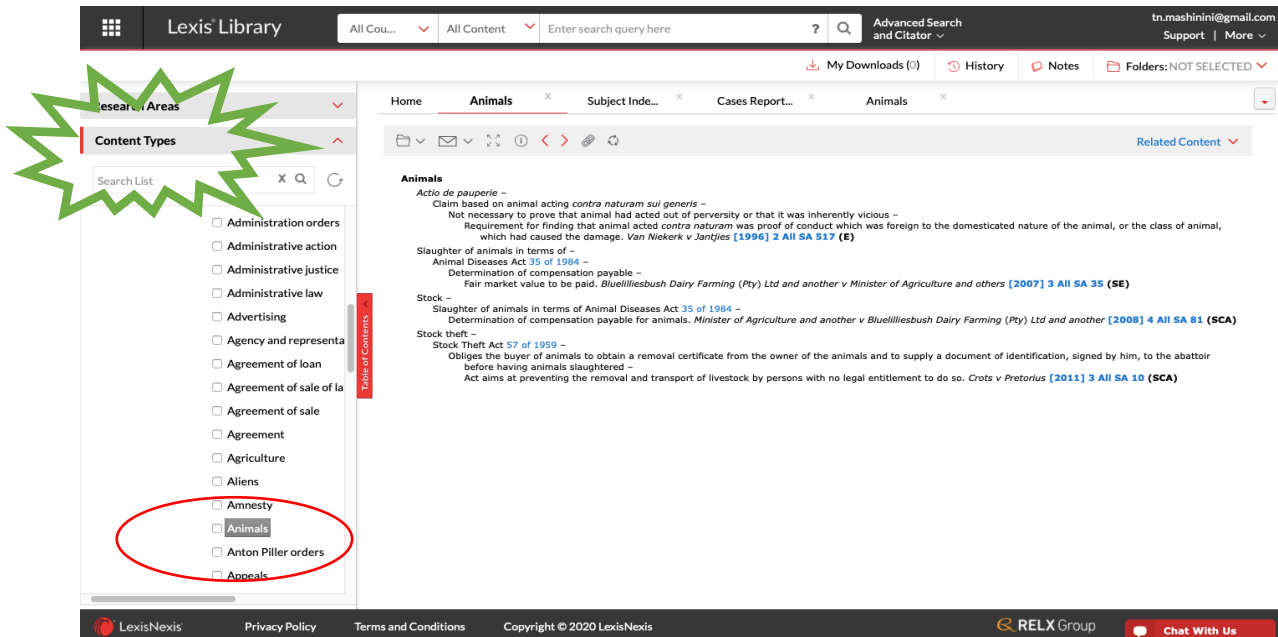
The image shows the 'Advanced Search' window. At the top, there are tabs for 'All Content', 'Cases', 'Legislation', and 'Gazettes'. The 'Cases' tab is selected and circled in red. Below the tabs, there are several input fields for search criteria: 'Case Name:', 'Citation:', 'Keyword/s:', 'Division:', 'Judge:', 'Case Year:', and 'Case Number:'. To the right of these fields is a section titled 'Select which Law Reports to search' with a list of checkboxes. All checkboxes are checked, including 'All of the following Law Reports', 'All England Law Reports', 'All South African Law Reports', 'All South African Law Reports 1828-1946', 'Arbitration Law Reports', 'Canadian Rights Reporter', 'Competition Law Reports', 'Constitutional Law Reports', 'Judgments Online', 'Labour Law Reports', 'Pension Law Reports', and 'South African Tax Cases Reports'. At the bottom, there are two more input fields: 'Containing all of these words:' and 'Not containing any of these words:'. A blue 'SEARCH' button is located at the bottom right of the window.

Using the Subject Index

- If you only have the subject of the case, you will have to check the **Subject Index** to the law reports.

Example 1: Click on South Africa > Cases > All South African Law Reports > 1996 to 2020 > Consolidated Indexes > Subject Index > Animals

LEXISNEXIS: Subject Index: "Animals"



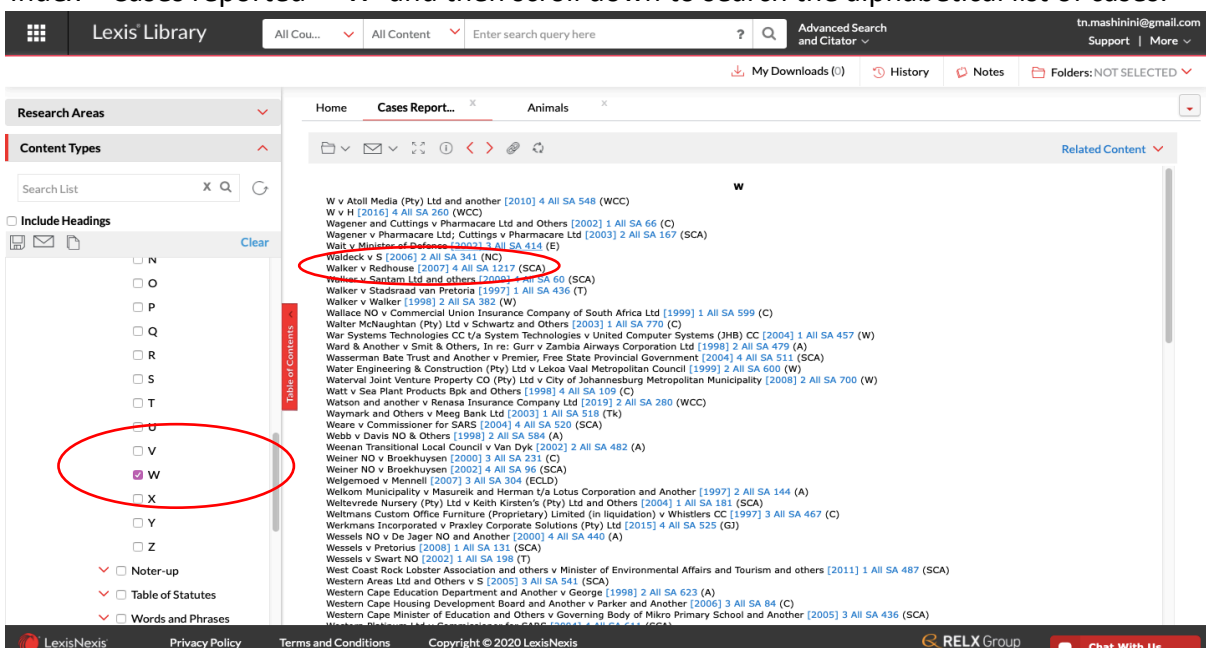
The screenshot shows the LexisLibrary interface. On the left, the 'Content Types' sidebar is expanded, and 'Animals' is selected under the 'Table of Contents' section. The main area displays the 'Animals' subject index, listing various legal topics and associated case law. Examples include 'Actio de pauperie', 'Slaughter of animals in terms of -', 'Stock -', and 'Stock Theft Act 57 of 1959'. The interface includes a search bar at the top, navigation tabs, and a footer with LexisNexis and RELX Group logos.

Cases Reported & Table of Cases

- If you only have the names of the parties (the applicant and the respondent) in a case, look it up in the section **"Cases Reported"** (LexisNexis) or the **"Table of Cases"** (Juta).

Example 2: Search for *Walker v Redhouse* [2007] 4 All SA 1217 (SCA)

LEXISNEXIS: Click on Cases > All South African Law Reports > 1996 to 2020 > Consolidated Index > Cases reported > 'W' and then scroll down to search the alphabetical list of cases.



The screenshot shows the LexisLibrary interface with the 'Cases Reported' section selected. The main area displays an alphabetical list of cases starting with 'W'. The case *Walker v Redhouse* [2007] 4 All SA 1217 (SCA) is highlighted. The interface includes a search bar at the top, navigation tabs, and a footer with LexisNexis and RELX Group logos.

Exercise 1:

Try to do the same exercise as above, on your own, using Juta. This database can only be accessed on campus.

JUTA: Subject index e.g. "Contract"

The screenshot shows the JUTA database interface. On the left, there is a sidebar with a hierarchical list of subjects. The 'Contract' subject is selected, and its sub-entries are visible. The main area displays a list of cases related to 'Contract'. A red box highlights a specific case: 'Breach - Breach induced by third party - Remedy of aggrieved party - Plaintiff seeking to recover delictual damages required to prove unlawful and culpable (in broad sense) interference - Not'. A red arrow points from this case to the search form below.

If you are searching for a case related to a specific topic under "Contract", look for the topic and click the cases cited thereunder. For example, if your specific search involves: "Breach – Breach induced by third party – remedy by aggrieved party..."

CLICK ON THE ON THE RELEVANT CASE: Lanco Engineering CC v Aris Box Manufacturers (Pty) Ltd 1993 (4) SA 378 (D)

Exercise 2: Try to find *Walker v Redhouse* 2007 (3) SA 514 (SCA) on Juta using the Advanced Search Form and fill in the case year, volume and page numbers in the search form.

The screenshot shows the JUTA Advanced Search Form. The 'Choose Advanced Search Form(s)' dropdown menu is open, showing options like 'Advanced Search', 'Boolean Search', 'Acts Search', 'Journals Search', 'Government Gazettes Search', 'Law Reports Search', and 'Provincial Legislation Search'. The 'Law Reports Search' option is selected. The search form fields are filled with: Case Name: Walker v Redhouse, Citation: Year 2007, Vol. 3, Page 514, Case Number: (empty), Court: (empty), Judge: (empty), Heard: Month (empty), Year (empty), Judgment: Month (empty), Year (empty), Counsel: (empty), Flynote: (empty).


c. Other useful search techniques available on LexisNexis

Judgment treatment

When you have a case open on your screen, click on 'judgment treatment' to check related cases. You will find cases cited/referred to/considered/applied in the selected judgment. You can also view the statutory provisions and court rules that were relevant in the matter.

The screenshot shows the LexisNexis web interface. The top navigation bar includes 'Library', 'Practical Guidance', 'History', 'Help', 'Feedback', and 'Mobi Site'. The main content area displays details for the case 'C and another v S [2007] 2 All SA 447 (SCA)'. On the right side, under the 'Legal Citator' section, the 'Judgment Treatment' link is highlighted with a red circle. Other links in the same section include 'Judgment Details', 'Subject Index', 'Judgment History', 'Judgments Cited by Court', 'Acts, Ordinances & By-Laws', 'Rules', and 'Regulations'. The left sidebar shows a search list with various categories like 'Regulatory Materials', 'Gazettes', 'Cases', and 'Consolidated Indexes'.

Rules of Courts considered
e.g. CONSTITUTIONAL COURT RULES

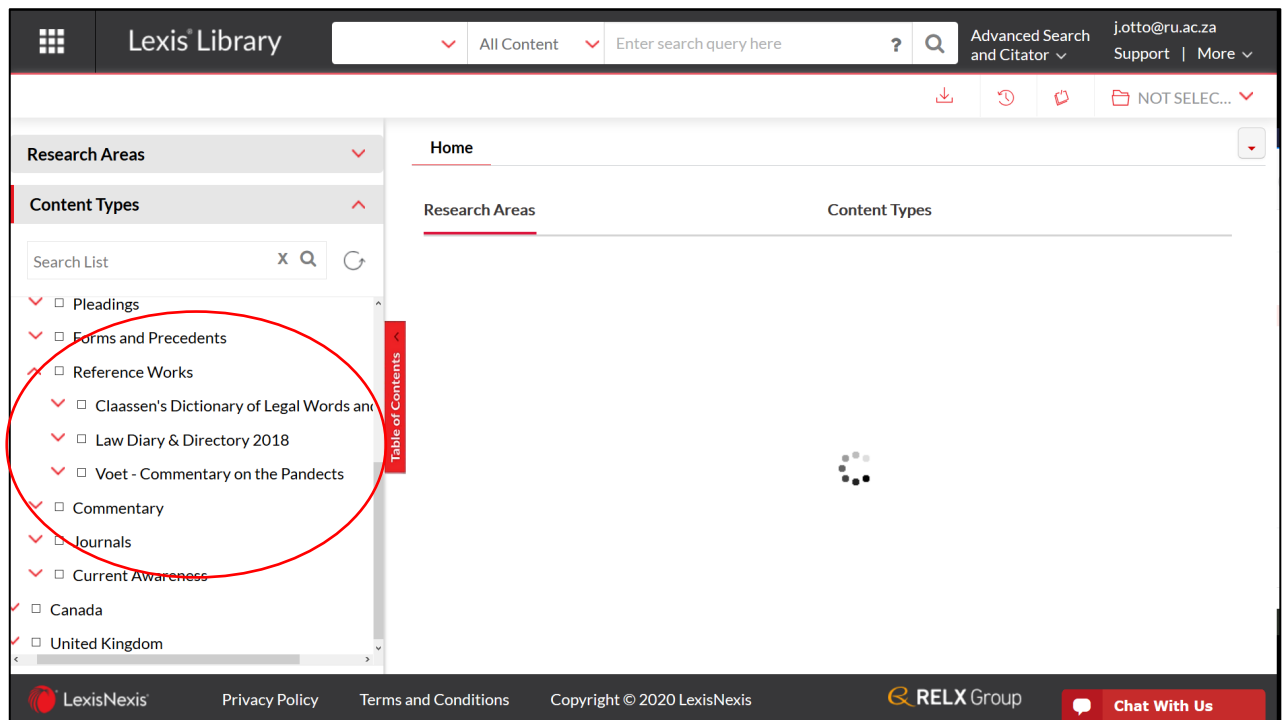
Click on  to see the rule that was applied.

The screenshot shows the LexisNexis web interface for the case 'C and Others v Department of Health and Social Development, Gauteng and Others 2012 (4) BCLR 329 (CC)'. The 'Legal Citator' section on the right has the 'Rules' link highlighted with a red circle. Below this link, the text 'Constitutional Court Rules to Constitutional Court Complementary Act, Act 13 of 1995' is visible, along with the 'Date of Commencement: 06/14/1995; Assented to Date: 06/08/1995' and 'Rule 16(4)'. The left sidebar shows a search list with categories like 'South Africa', 'National Legislation', 'Provincial Legislation', 'Local Government Legislation', 'Regulatory Materials', 'Gazettes', 'Cases', and 'Consolidated Indexes'.

d. Reference Works

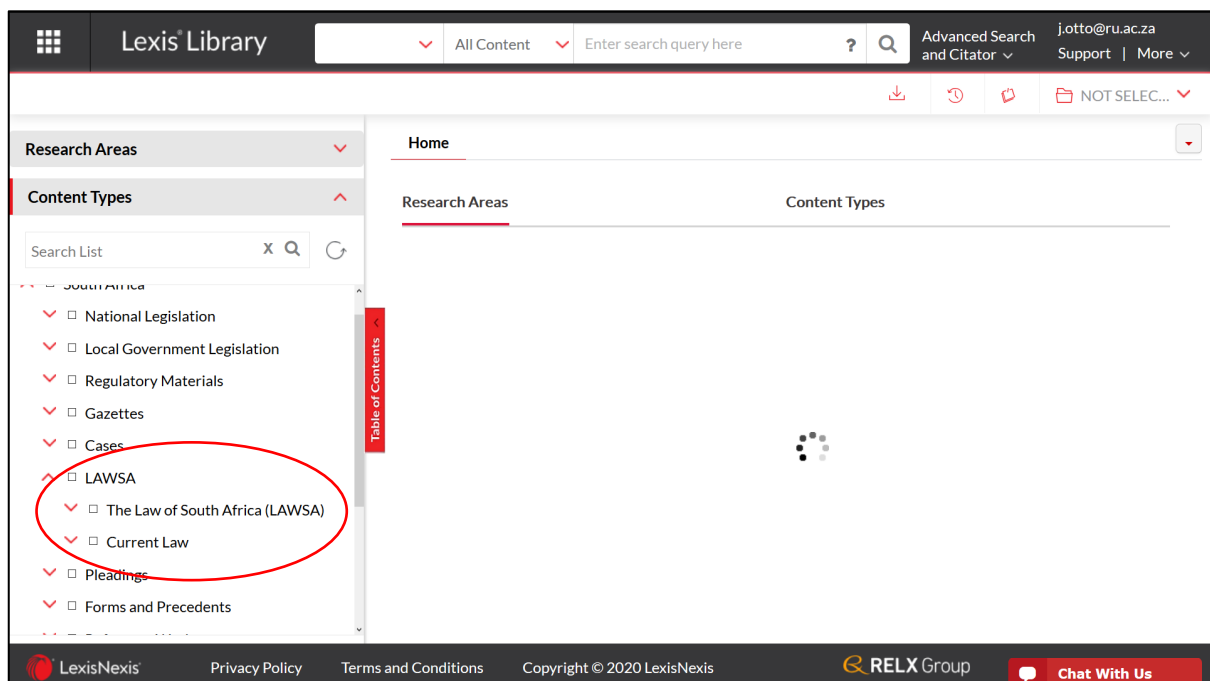
Reference works such as legal dictionaries and encyclopaedias are available under **Content Types** LexisNexis.

Legal dictionaries on LexisNexis



e. LAWSA Consolidated Index (LexisNexis)

Search for the foundational principles of particular topics and case law in LAWSA (*The Law of South Africa*). See under Content Types.



f. Finding cases on SAFLII

Enter the names of the parties in the search query box and choose the find option to select what the database should specifically search for. For example: "this case name" (if you entered the case name only) and the specific court that heard this matter.

e.g *Botha v Road Accident Fund* (463/2015) [2016] ZASCA 97; 2017 (2) SA 50 (SCA) (2 June 2016)

The screenshot shows the SAFLII (Southern African Legal Information Institute) search page. A red arrow points from the example case name in the text above to the search query input field. The 'Search' link in the top navigation bar is circled in red. In the search options section, the 'this case name' radio button is selected and circled in red. The dropdown menu for selecting the database is open, and 'South Africa: Supreme Court of Appeal' is selected and circled in red. The 'Search' button is also visible.

SAFLII Southern African Legal Information Institute

Home About SAFLII Databases **Search** Terms of Use RSS Feeds

Search SAFLII Databases

Select the SAFLII Database(s) to search:

Enter search query:
botha v road accident fund
[Help][Boolean operators]

Find:

- ☐ using autosearch
- ☐ this Boolean query
- ☐ any of these words
- ☐ all of these words
- ☐ this phrase
- ☒ this case name
- ☐ this legislation title
- ☐ this judge

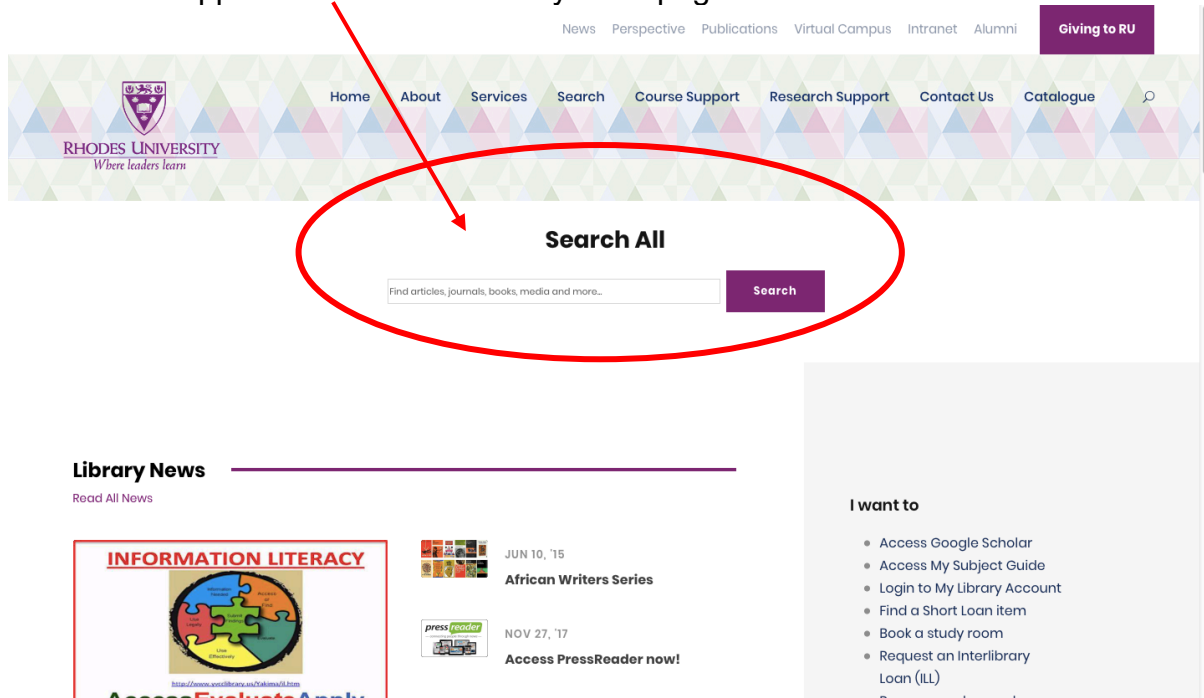
South Africa: Limpopo High Court, Thohoyandou
South Africa: Northern Cape High Court, Kimberley
South Africa: North Gauteng High Court, Pretoria
South Africa: North West High Court, Mafikeng
South Africa: Numbered Acts
South Africa: Rules and Practice Notes of Superior Courts
South Africa: Rules Of Magistrates' Court
South Africa: South Gauteng High Court, Johannesburg
South Africa: Supreme Court of Appeal
South Africa: Tax Court

Note: You can search multiple databases at once by holding down the **Ctrl** key on your keyboard (on an Apple computer, use the **Apple** key instead) and then click the database name for each database you want to include in your search. (**Unix users beware:** multiple selections occur by default).

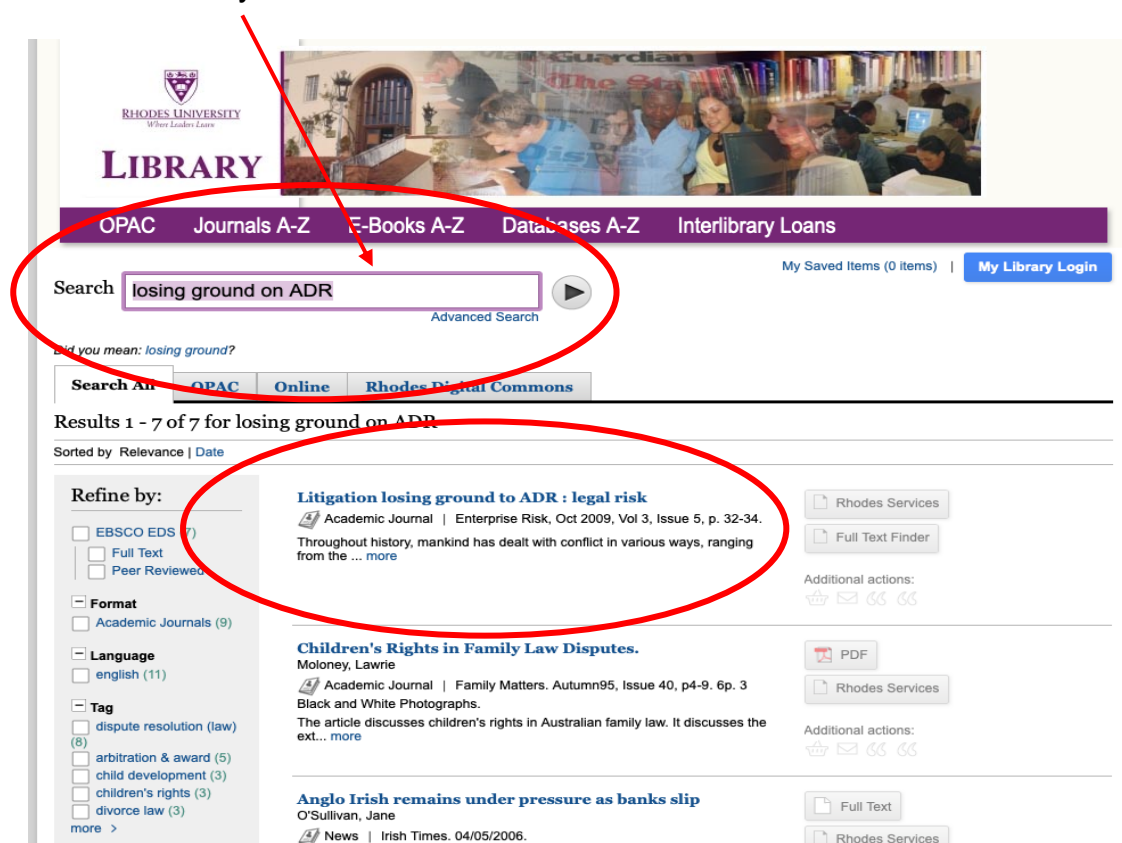
Search Reset

3.3 Journals

The best way to find articles (and books) on the library webpage is to use the **Search All** box that appears on the main library homepage.



The example below shows results for the search "losing ground to ADR". The actual title of the article is "Litigation losing ground to ADR", but the system can find it using the relevant keywords as shown below.



The following table shows you where to find law journals online. This is an adaptation of the journal index used by the OR Tambo Law Library at the University of Pretoria. It is arranged according to databases and also shows whether a hardcopy version is available in the library or not. **Please note:** This is not a closed list and subscriptions tend to change.

Journal Title	Sabinet African Journals	HeinOnline	LexisNexis	SAFLII (free)	Jutastat	Hardcopy
Acta Juridica	*	*				*
Acta Criminologica	*					*
African Disability Rights Yearbook (Open access)				*		
African Human Rights Law Journal (Open access)	*	*		*		
Annual Survey of South African Law	*	*				*
Constitutional Court Review (Open Access)	*			*		*
CILSA – Comparative and International Law Journal of South Africa	*					*
De Jure (Open access)			*	*		*
Fundamina – a Journal of Legal History	*					
Industrial Law Journal	*	*			*	*
Journal of Estate Planning Law	*					
Journal of Juridical Science (Tydskrif vir Regwetenskap)	*					*
Juta's Quarterly Review of SA Law						
South Africa: Law, Democracy and Development (Open access)	*			*		
Mercantile Law Journal	*	*				*
Obiter	*					*
Potchefstroom Electronic Law Journal (Open access)	*	*		*		
Responsa Meridiana						*
SADC Law Journal (Open access)				*		
South African Journal of Criminal Justice	*	*				*
South African Journal of Environmental Law & Policy						*
South African Journal on Human Rights	*	*				*
South African Law Journal	*	*				*
South African Mercantile Law Journal	*	*				*
South African Public Law – SA Publiekreg						*
South African Yearbook of International Law	*					*
Speculum Juris				*		*
Stellenbosch Law Review	*	*				*
Tydskrif vir die Suid-Afrikaanse Reg – Journal of South African Law	*	*				*
Tydskrif vir die Hedendaagse Romaniese- Hollandse Reg – Journal for Contemporary Roman Dutch Law			*			*
Without Prejudice						*

4. Books (South African & Foreign Materials)

How to find material

Library items are divided into specific categories or collections and shelved together. Determine in which collection the item is held, and then locate the collection.

Short Loan Collection

Short loan is a reserved collection of books, journals and notes set aside by the lecturers, and housed in the office behind the loans desk. This ensures that essential reading is available to all students. The main texts are also kept on short loan in the Main Library. Students should check the OPAC for the Call number and ask the Library Assistant to fetch the item for you. Only two items may be taken at a time for one hour only. Students may take Short Loan books out on overnight loan EXCEPT those students registered for first year LLB/Legal Theory 1 and Commercial Law 1. Fines for late returns are R2.00 per hour or part of an hour. Anyone who owes an unpaid fine will not be able to make use of the Short Loan facilities. Short Loan items can be reserved at the loans desk.

Short loan procedure on overdue books:

1. Automated notices are sent daily to all students with overdue books.
2. A fine of R2 per hour will be incurred on the library information system.
3. If the book is not returned on time, the library staff member on duty will phone the student and also send the student an email to follow up on the overdue book.
4. If the library does not get a response from the student, the student will be removed from the library information system until the overdue book is returned.
5. A fine of R50 per day is manually entered into the system if there is no response from the student.
6. The manual fine cannot exceed R100.
7. The last resolution is to back the student from borrowing books overnight for the current term.

These rules will be strictly adhered applied by the library staff. Students are requested to comply with these rules in order to ensure that everyone gets a fair opportunity to use short loan books.

Book Collection

Books on law and related subjects are housed in the law library. The books are arranged in disciplines/subjects according to the Dewey Classification System. All books from 1985 are catalogued according to author/title on the Rhodes OPAC System, which can be accessed online. The student needs to search the OPAC to see if the book is available, make a note of the Call (Dewey) number, and then locate it on the shelves. Books on the open shelves may not be taken out by first year students. Other students may take books out by prior arrangement with the librarian.

[The information on this page is also available on page 18 of the Faculty of Law Handbook].

Example: 349.68 KLE

Make sure you note the whole call number including the letters that form part of the call number.

The screenshot shows the Rhodes University Library OPAC interface. The search bar contains 'introduction to law'. Below the search bar, there are tabs for 'Search All', 'OPAC', 'Online', and 'Rhodes Digital Commons'. The results are sorted by 'Relevance' and show 'Results 1 - 8 of 8 for introduction to law'. The first result is 'Introduction to law and legal skills in South Africa : jurisprudence / edited by Tracy Humby, Louis Kotzé, Anél du Plessis ; [authors] Willemien du Plessis [and others]'. The call number '340.023 INT' is circled in red. The second result is 'Beginner's guide for law students / Duard Kleyn, Frans Viljoen, E. Zitzke, P. Madi'. The call number '349.68 KLE' is circled in red. The left sidebar shows 'Current refinements' and 'Refine by' options.

Useful tip:


Try and refine your search using the menu on the left side of the screen. This menu will allow you to search for books that relate to a specific lecturer or course.


This screenshot shows the same search results as the previous one, but with refined search criteria. The left sidebar shows 'Current refinements' and 'Refine by' options. The 'Refine by' section is expanded, showing 'Location' (RU Law Library), 'Collection' (Nelson Mandela University Library), 'Language' (English), and 'Course' (Foundations of Law, Roman Law, Sources of Law Rhodes). The search results are filtered accordingly. The first result is 'Introduction to law and legal skills in South Africa : jurisprudence / edited by Tracy Humby, Louis Kotzé, Anél du Plessis ; [authors] Willemien du Plessis [and others]'. The call number '340 INT' is circled in red. The second result is 'Beginner's guide for law students / Duard Kleyn, Frans Viljoen, E. Zitzke, P. Madi'. The call number '346.68 KLE 4th Ed. Disc' is circled in red. The third result is 'Introduction to South African law : fresh perspectives / L. Meintjes-van der Walt [and others]'. The call number '349.68 INT Disc' is circled in red. The fourth result is 'Beginner's guide for law students / Duard Kleyn, Frans Viljoen'. The call number '349.68 KLE 4th ed. Disc' is circled in red. The fifth result is 'Introduction to South African law : fresh perspectives / Liriek Meintjes-van der Walt [and others]'. The call number '349.68 INT' is circled in red.


5. Books on Legal Writing

The following are recommended for research purposes. Whether you need to complete an assignment, research paper or thesis, these books will provide adequate guidance:

 Law Faculty Handbook pages 61-85.

 M Potgieter & A van Wyk, *Academic literacy for law students: a content-based approach* (2017) Durban: Juta.

 C van der Walt & AG Nienaber, *English for law students 3rd ed* (2009) Durban: Juta.

 KRG Pryal, *A short guide to writing about law* (2010) Durban: Pearson Education.

 E Hofstee, *Constructing a good dissertation: a practical guide to finishing Masters, MBA or PhD on schedule* (2006) Pretoria: Exatica.

 Articles on Legal Writing by Judge Pillay
<https://www.lawsoc.co.za/default.asp?id=1802>

If you would like to recommend any improvements or additions to this guide, please contact the relevant librarians: Ms Sindiswa Gule (s.gule@ru.ac.za).

Whenever you are in doubt, consult a librarian!