



INFORMATION SOURCES in

law

SECOND EDITION

Guides to Information Sources

Edited by
Jules Winterton and
Elizabeth M. Moys

BOWKER
SAUR 

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Series editors' foreword

The second half of the 20th century has been characterized by the recognition that our style of life depends on acquiring and using information effectively. It has always been so, but only in the information society has the extent of the dependence been recognized and the development of technologies for handling information become a priority. These modern technologies enable us to store more information, to select and process parts of the store more skilfully and transmit the product more rapidly than we would have dreamt possible only 40 years ago. Yet the irony still exists that, while we are able to do all this and are assailed from all sides by great masses of information, ensuring that one has what one needs just when one wants it is frequently just as difficult as ever. Knowledge may, as Johnson said in the well known quotation, be of two kinds, but information, in contrast, is of many kinds and most of it is, for each individual, knowable only after much patient searching.

The aim of each Guide in this series is simple. It is to reduce the time which needs to be spent on that patient searching; to recommend the best starting point and sources mostly likely to yield the desired information. Like all subject guides, the sources discussed have had to be selected, and the criteria for selection will be given by the individual editors and will differ from subject to subject. However, the overall objective is constant; that of providing a way into a subject to those new to the field or to identify major new or possibly unexplored sources to those already familiar with it.

The great increase in new sources of information and the overwhelming input of new information from the media, advertising, meetings and conferences, letters, internal reports, office memoranda, magazines, junk mail, electronic mail, fax, bulletin boards etc. inevitably tend to make one reluctant to add to the load on the mind and memory by consulting

books and journals. Yet they, and the other traditional types of printed material, remain for many purposes the most reliable sources of information. Despite all the information that is instantly accessible via the new technologies one still has to look things up in databooks, monographs, journals, patent specifications, standards, reports both official and commercial, and on maps and in atlases. Permanent recording of facts, theories and opinions is still carried out primarily by publishing in printed form. Musicians still work from printed scores even though they are helped by sound recordings. Sailors still use printed charts and tide tables even though they have radar and sonar equipment.

However, thanks to computerized indexes, online and CD-ROM, searching the huge bulk of technical literature to draw up a list of references can be undertaken reasonably quickly. The result, all too often, can still be a formidably long list, of which a knowledge of the nature and structure of information sources in that field can be used to put in order of likely value.

It is rarely necessary to consult everything that has been published on the topic of a search. When attempting to prove that an invention is genuinely novel, a complete search may seem necessary, but even then it is common to search only obvious sources and leave it to anyone wishing to oppose the grant of a patent to bear the cost of hunting for a prior disclosure in some obscure journal. Usually, much proves to be irrelevant to the particular aspect of our interest and whatever is relevant may be unsound. Some publications are sadly lacking in important detail and present broad generalizations flimsily bridged with arches of waffle. In any academic field there is a 'pecking order' of journals so that articles in one journal may be assumed to be of a higher or lower calibre than those in another. Those experienced in the field know these things. The research scientist soon learns, as it is part of his training, the degree of reliance he can place on information from co-workers elsewhere, on reports of research by new and (to him) unknown researchers, on data compilations and on manufacturers of equipment. The information worker, particularly when working in a field other than his own, faces very serious problems as he tries to compile, probably from several sources, a report on which his client may base important actions. Even the librarian, faced only with recommending two or three books or journal articles, meets the same problem though less acutely.

In the Bowker-Saur Guides to Information Sources we aim to bring you the knowledge and experience of specialists in the field. Each author regularly uses the information sources and services described and any tricks of the trade that the author has learnt are passed on.

Nowadays, two major problems face those who are embarking upon research or who are in charge of collections of information of every kind. One is the increasingly specialized knowledge of the user and the concomitant ignorance of other potentially useful disciplines. The second

problem is the trend towards cross-disciplinary studies. This has led to a great mixing of academic programmes – and a number of imprecisely defined fields of study. Courses are offered in Environmental Studies, Women's Studies, Communication Studies or Area Studies, and these are the forcing ground for research. The editors are only too aware of the difficulties raised by those requiring information from such hybrid subject fields and this approach, too, is being handled in the series alongside the traditional 'hard disciplines'.

Guides to the literature have a long and honoured history. Marion Spicer of SRIS recently drew to our attention a guide written in 1891 for engineers. No doubt there are even earlier ones. Nowadays, with the information and even the publishing fields changing quite frequently, it is necessary to update guides every few years and this we do in this present Series.

Michael Hill
Ia McIlwaine
Nancy Williamson

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Introduction

This is a practical book for practical people, both for those in the commercial world and for other researchers. We also hope it will assist those developing services and collections relating to the law of European countries, wherever they are based. We have tried to ensure that there is never a dead end and always a further source of information whether printed, electronic or direct to an organization.

When first asked to compile this volume, we had to decide what limits should be set to its jurisdictional coverage. Clearly world coverage would be impossible within the time and space limits set by the Series Editors. On the other hand, restriction to the legal systems of the United Kingdom would have been too narrow, ignoring the steadily increasing influence of European legal systems on each other and the expansion of the European market. We decided that the most useful arrangement would be to include as many individual countries as possible in the geographical area of Europe, regardless of any regional groupings to which they might or might not belong, since sources in many of those countries were insufficiently documented in English. We had hoped to indicate the coverage of this book in the title by calling it 'Information sources in law in Europe' but this did not prove possible because of the requirements of the series to which it belongs.

We are very grateful to the authors from so many countries who have contributed chapters on their own and other national legal systems, helping to fill a serious gap in the literature in English. We should have liked to include chapters on several other European countries and in particular we expected a chapter on Hungary but, at a late stage, illness prevented the chapter being delivered.

We have included the European Union itself because its law becomes part of the law of its member states in a much more immediate way than is the case with other sources of law outside the jurisdictions themselves.

Otherwise we have not attempted to document sources of public international law such as international organizations based in Europe, except basic treaty sources, because this would require and deserve another volume.

The previous edition of this work was devoted almost entirely to English-speaking jurisdictions, including some in other continents. Since that book was written, further guides to legal research in those countries have appeared, so that it seemed to us that it would be invidious to attempt to improve on their excellent reference publications.

This volume covers selected sources of information for law both in the original language and in other languages, mainly in English. Of necessity sources specific to particular branches of law are not covered, although the most important codes, treatises and leading journals in the main areas of law are mentioned in many of the chapters; the book concentrates on general sources and the research tools which will provide further specialist sources if required.

This book differs considerably from some other volumes in the series because of the nature of law and legal information. First, law is usually tied to territory and is therefore highly jurisdictional, unlike some other subjects which are not likely to vary in their basics from country to country. Each legal jurisdiction has its own legal system and, although some systems may bear a family resemblance, each one is different in detail.

Second, the laws applying in any jurisdiction are in a continual state of flux. New legislation is constantly being produced, some existing laws are revoked and, at least in common law jurisdictions, decisions in the superior courts from day to day make varying degrees of change to the application of law. Therefore, a considerable proportion of legal information must be sought in serial publications: legislation, law reports, government gazettes, etc.

The text is up to date generally to December 1996 with some amendments at the proof stage in early 1997. In our attempt to make this volume of direct use, we have included information which can be more subject to change than bibliographic references, in particular telephone and fax numbers and notoriously Internet addresses. For any changes which affect you, we apologise, and we should be glad to receive new or corrected information (Elizabeth Moys was responsible for the European Union, Ireland, Malta and United Kingdom chapters and the index, Jules Winterton for the remaining chapters).

We should like to thank all the authors for their care and dedication and their colleagues who participated in whatever way in gathering the information. We should also like to thank our own friends and colleagues for their support and encouragement and tolerance, particularly the staff of the Institute of Advanced Legal Studies Library and Bowker-Saur.

*Jules Winterton
Elizabeth M. Moys*

Notes on the arrangement of materials

The author of each chapter has followed a general framework and order of presentation provided by the Editors and used a common but flexible set of sections which is described below. Each jurisdiction and its literature will of course have its own particular nature and features which its chapter reflects and so sections will differ in prominence in each chapter, being expanded or omitted as appropriate.

Chapters covering several jurisdictions may additionally contain a general section at the start which describes historical material or current general material relevant to all the jurisdictions. The first chapter is on general sources which may supplement the other chapters.

The general framework for each jurisdiction is as follows:

Introduction to the legal system with attention to the constitution, law-making bodies and the sources of law;

Introductory works on the legal system and legal research includes introductory works in English and works on the legal literature of the country and how to perform legal research.

Legislation mentions the up to date sources for legislation, often the official gazette, and any other major official or commercial series or collections of legislation. Notes on when legislation normally comes into force and the form of citation also appear here. Preparatory materials including draft legislation and parliamentary proceedings are mentioned here.

Codes and commentaries contains reference to the major codes with dates, plain and annotated editions and major commentaries, which in some jurisdictions include the major treatises for some areas of law.

Treaties mentions the source of treaty-making power, the publication of single treaties and compilations and any source of information on the current status of treaties.