

McGill Style – Primary Sources

This document is intended to provide assistance on the citation of primary sources. For specific rules, consult the *Canadian Guide to Uniform Legal Citation, 5th edition (the Guide)*.

Proper citation is very important.

- In legal practice, the reader may be a judge or opposing counsel, and the cases and statutes cited may be intended to push the boundaries of the law.
- In law school, arguments must be proven with sources the reader can locate.

Many law students and law professionals find legal citation to be highly complex and often confusing. While it may be more difficult to learn or remember initially because of the wide variety of sources required for legal research, it eventually becomes easier to do.

General Points for All Sources

Footnotes are used to cite sources within the body of a work. They should be placed at the end of the sentence they reference after the punctuation, unless the footnote references a specific word or term. In-text references (parenthetical notation) are generally only used in facta and memoranda. Both footnotes and in-text references are identical to bibliographic entries.

Pinpoints are used to indicate the exact location of the excerpt cited. “At 21” means at page 21; “at para. 21” means at paragraph 21; “at s. 21” means at section 21.

Examples

Criminal Code, R.S.C. 1985, c. C-46 at s. 104.

Swiss Bank Corp. v. Air Canada, [1988] 1 F.C. 71 at para. 41.

If a source is obtained *electronically*, this must be indicated at the end of the footnote.

Examples

Criminal Code, R.S.C. 1985, c. C-46 (CanLII).

R. v. Macki (2001), 199 D.L.R. (4th) 178 (B.C.S.C.) (QL).

Legislation

It is important to cite legislation correctly to ensure that the reader will be able to locate the statute (federal/provincial, etc.). Citations use the following format:

Short Title	,	Statute Volume	Jurisdiction	Year	(Session/Supplement)	,	Chapter.
<i>Criminal Code</i>	,	R.S.	C.	1985	,	c. C-46.	
<i>Bees Act</i>	,	R.S.	Q.		,	c. A-1.	

Pinpoints are generally only used in footnotes but may be used in the bibliography for legislation if only one section of the statute is used, e.g.

Income Tax Act, R.S.C. 1985 (5th Supp.), c. 1, s. 18(1)(m)(iv)(c).

Short titles are found near the beginning of the statute. If a statute has an official short title it must be used; if not, one must be created and placed in brackets after the full title.

Example

An Act respecting Donations to Charities and Non-profit Organizations [Charities Act].

Regulations

Regulations are passed under the authority of a particular statute. They are useful for information on the current status of the legislation and actions performed under it.

Federal statutes are cited using SOR (Statutory Orders and Regulations) followed by the last two digits of the year in which the regulation was passed and the regulation number, e.g. Competition Tribunal Rules, SOR/87-373.

Ontario regulations are cited using the regulation number followed by the last two digits of the year in which the regulation was passed, e.g. O. Reg. 45/91. These citations do not include the name of the statute, so it is imperative to refer to the Act the regulation was made under, e.g. Regulation 45 under the *Ontario Drug Benefit Act*.

Jurisprudence

Cases must be cited properly to ensure that the reader knows where to look to find the case. They are cited in the following format:

Style of Cause	(Year of Decision)	,	[Year of Reporter]	Volume	Reporter	(Series)	Page	Jurisdiction and/or court (if required).
<i>R. v. Latimer</i>		,	[2001]	1	S.C.R.		3.	
<i>R. v. Macki</i>	(2001)	,		199	D.L.R.	(4 th)	178	(B.C.S.C.) .
<i>Griffiths v. Zambosco</i>	(2001)	,		54	O.R.	(3d)	397	(C.A.) .

Note 1

Both the years of decision and reporter should only be cited if they are different, e.g. *Joyal v. Hôpital du Christ-Roi* (1996), [1997] R.J.Q. 38 (C.A.).

Note 2

A short form must be established if the same reference will be used later, e.g.

¹ *Roncarelli v. Duplessis*, [1959] S.C.R. 1 [*Roncarelli*].

...

⁵ *Roncarelli*, *supra* note 1. (*Supra* signifies “above” or “earlier in the text”.)

Further Information of Interest

Parallel Citations

Parallel citations are multiple paths to the same case using citations to different reporters. While they are not generally used in law school, it is important to be aware of them because there is no way to be certain which reporter the reader will have access to.

Unreported Cases

An unreported case can be important if its fact pattern matches the case at bar. If it would be useful to cite an unpublished case, include the style of cause, date of decision, judicial district and docket number for the decision, followed by the jurisdiction and court level, e.g.

Stephenson v. Stephenson (6 December 1984), Nanaimo 5920/004143 (B.C.S.C.).

Bibliography

Canadian Guide to Uniform Legal Citation, 5th ed. (Toronto: Carswell, 2002).