



RESEARCH GUIDE TO NON-U.S. LAW

JANUARY 2010



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RESEARCH GUIDE TO NON-U.S. LAW

JANUARY 2010

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About This Guide

In this guide, the graphics and step-by-step instructions are based on accessing Westlaw via the Internet. Because of the evolving nature of Internet technology, there may be recent changes to the interface and functionality that are not reflected in this documentation.

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1 Introduction

This research guide provides an introduction to the international practice resources available on Westlaw. By modeling your own search requests on the examples in this guide, you can quickly retrieve the information you need. This guide will give you basic tips for retrieving materials in the following jurisdictions:

- Australia
- Canada
- European Union
- Hong Kong
- United Kingdom

For a complete list of international databases on Westlaw, access the Westlaw Directory at www.westlaw.com. For more information about researching international topics on Westlaw, visit west.thomson.com/westlaw/guides.

2 Retrieving a Document by Citation

Using the Find Service

To retrieve a document when you know its citation, use the Find service. The Find service is available for many types of documents, including case law, statutes, regulations, and articles from publications such as law reviews and treatises. You do not need to access a database to use Find. To retrieve a document when you know its citation, click **Find&Print** at the top of any Westlaw page. The Find a Document page is displayed. Type the citation in the *Find this document by citation* text box in the left frame, select a publication country, and click **Go**. The document is displayed in the right frame.

Selecting a Publication Country

The United States is the default country of publication for Find requests. When you want to use Find to retrieve information published in a country other than the United States (for example, an article from a legal journal published in the United Kingdom), you must specify the country of publication. To specify a country for a particular Find request or a series of Find requests, choose the appropriate country from the *Publication Country* drop-down list in the left frame of the Find a Document page. You can change your default country of publication by clicking **Preferences** at the top of any page, choosing a jurisdiction from the *Find Jurisdiction* drop-down list, and clicking **Save Changes**.

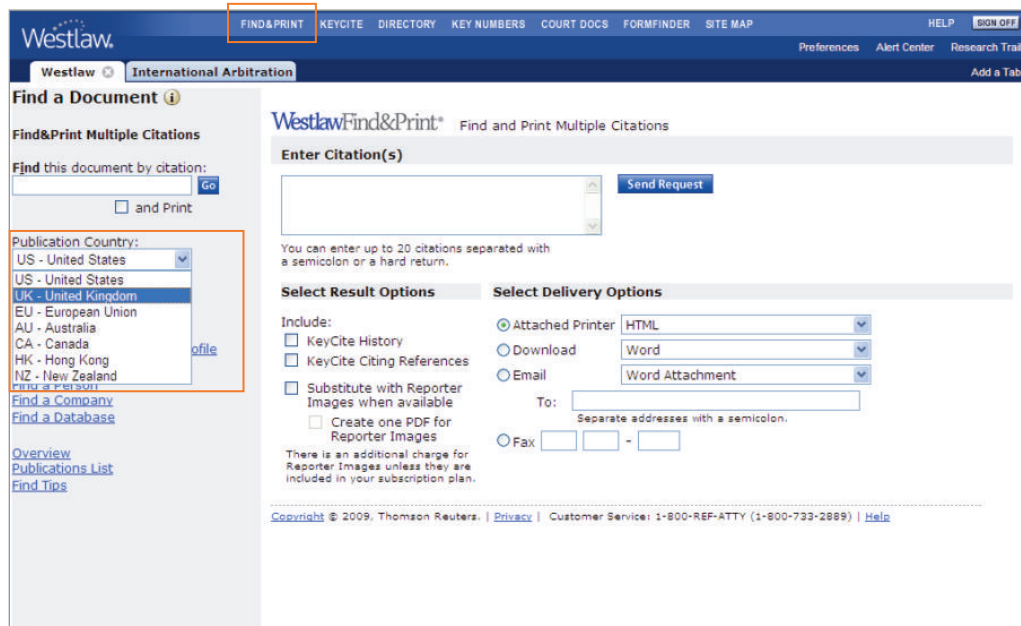


Figure 1. Selecting a publication country at the Find a Document page

Using the Publications List

The publications list is a complete list of publications and abbreviations that can be used with Find. To find a publication and its correct abbreviation, follow these steps:

1. At the Find a Document page, click **Publications List** in the left frame. The publications list is displayed.
2. Use the arrows at the top of the list to browse it, or use the Search feature to search the list for specific words or phrases. For example, to search for publications whose titles start with the phrase *European Union*, select **Starts with** and type **european union** in the text box. Then click **Search**. The first publication title that begins with the terms *European Union* is displayed at the top of the list.
3. When you have identified a publication that you want to use in a Find request, click the publication name or abbreviation. A Find template is displayed with the selected publication abbreviation automatically entered.

The screenshot shows the Westlaw International Arbitration interface. The top navigation bar includes links for FIND&PRINT, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, FORMFINDER, SITE MAP, HELP, and SIGN OFF. The main header displays 'Westlaw International Arbitration' with a search bar and a 'Search' button. Below the search bar, there are radio buttons for 'Contains' and 'Starts with', with 'Starts with' selected. The search results are displayed in a table with two columns: the full publication name and its abbreviation. The first row is 'European Union: Accession Treaty' with the abbreviation 'EU: Accession Treaty'. The left sidebar contains a 'Find a Document' section with a search box and a 'Go' button, and a 'Publications List' section with a red box around it. The bottom of the page shows the page number 'Items 7992 - 8091 of 27496'.

Figure 2. Publications list

3 Searching for Documents

Westlaw provides two search methods, Natural Language and Terms and Connectors, so you can search the way that is most effective for you. When you access a database, the Search page is displayed with your default search method selected. To select a different search method, click the appropriate tab.

Running a Natural Language Search

The Natural Language search method allows you to use plain English to retrieve relevant documents. Enter a description of your issue and Westlaw will display the documents that best match the concepts in your description. Westlaw identifies legal phrases in your description (such as *choice of law*), removes common terms (such as *is* and *for*), and generates variations of terms (such as *mediation* and *mediator* for *mediated*). Natural Language searching is available in most Westlaw databases.

To search for documents using Natural Language, follow these steps:

1. Formulate a description of your issue using terms that describe its main concepts.
2. Access a database.
3. At the database Search page, click the **Natural Language** tab if it is not already selected.
4. Type a description of your issue in the *Search* text box or choose a search from the *Recent Searches and Locates* drop-down list. Then click **Search Westlaw**.

Running a Terms and Connectors Search

When you search Westlaw using the Terms and Connectors search method, you enter a query consisting of key terms from your issue and connectors specifying the relationship between those terms. Terms and Connectors searching is available in all Westlaw databases.

To search for documents using Terms and Connectors, follow these steps:

1. Formulate your query by choosing search terms significant to your issue and deciding which connectors to place between your terms. To retrieve variations of terms, use the root expander (!) and the universal character (*). To retrieve a phrase, place quotation marks (" ") around the phrase.
2. Access a database.
3. At the database Search page, click the **Terms and Connectors** tab if it is not already selected.
4. Type your query in the *Search* text box, or choose a search from the *Recent Searches and Locates* drop-down list, and click **Search Westlaw**.

USING CONNECTORS

In Terms and Connectors searching, you must place connectors between your terms. Connectors specify the relationship that should exist between terms in your retrieved documents.

CONNECTOR	TYPE	TO SEARCH FOR DOCUMENTS THAT CONTAIN	EXAMPLE
AND	& (and)	both search terms	"bad faith" & misconduct
OR	a space (or)	either search term or both terms	attorney lawyer
Grammatical Connectors	/p	search terms in the same paragraph	dump! /p import!
	/s	search terms in the same sentence	contract /s breach
	+s	the first search term preceding the second in the same sentence	investment +s treaty
Numerical Connectors	/n	search terms within <i>n</i> terms of each other (where <i>n</i> is a number from 1 to 255)	franchise /5 agreement
	+n	the first search term preceding the second by <i>n</i> terms (where <i>n</i> is a number from 1 to 255)	tool +3 trade
Phrase	" "	search terms appearing in the same order as in the quotation marks	"choice of law"
CONNECTOR	TYPE	TO EXCLUDE DOCUMENTS THAT CONTAIN	EXAMPLE
BUT NOT	%	the terms following the percent symbol	r.i.c.o. % "puerto rico"

USING VARIATIONS OF WORD FORMS

When choosing search terms, consider the various forms they might take.

TO SEARCH FOR	TYPE	WESTLAW RETRIEVES DOCUMENTS THAT CONTAIN
compound words such as <i>goodwill</i>	good-will	<i>good will, good-will, goodwill</i>
abbreviations such as <i>ICSID</i>	i.c.s.i.d.	<i>I.C.S.I.D., I. C. S. I. D., ICSID, I C S I D</i>
words with variant endings such as <i>mediate</i> , use the root expander (!)	mediat!	<i>mediate, mediated, mediating, mediation, mediator</i>
words with variable characters such as <i>withdraw</i> , use the universal character (*)	withdr*w	<i>withdraw, withdrew</i>

Note Plurals and possessive forms of terms are automatically retrieved without a root expander (!) or universal character (*) when you enter the singular or nonpossessive form.

RESTRICTING YOUR SEARCH BY FIELD

Documents on Westlaw are composed of searchable components called *fields*. Each field contains a specific type of information. Rather than searching the entire document, you can restrict your search to one or more fields. Doing so saves searching and browsing time and makes your search more efficient. Many of the search examples in this guide include field restrictions.

To determine what fields are available for a database, check Scope for that database. To add a field restriction to your search, choose a field from the *Fields* drop-down list at a database Search page (Figure 3). For example, to search for Hong Kong ordinances that govern arbitration, access the Hong Kong International Commercial Arbitration–Legislation database (HKICA-LEG) and restrict your search to the prelim (pr) field:

pr(arbitrat!)

You can also type the field abbreviation followed by your search terms in parentheses in the *Search* text box.

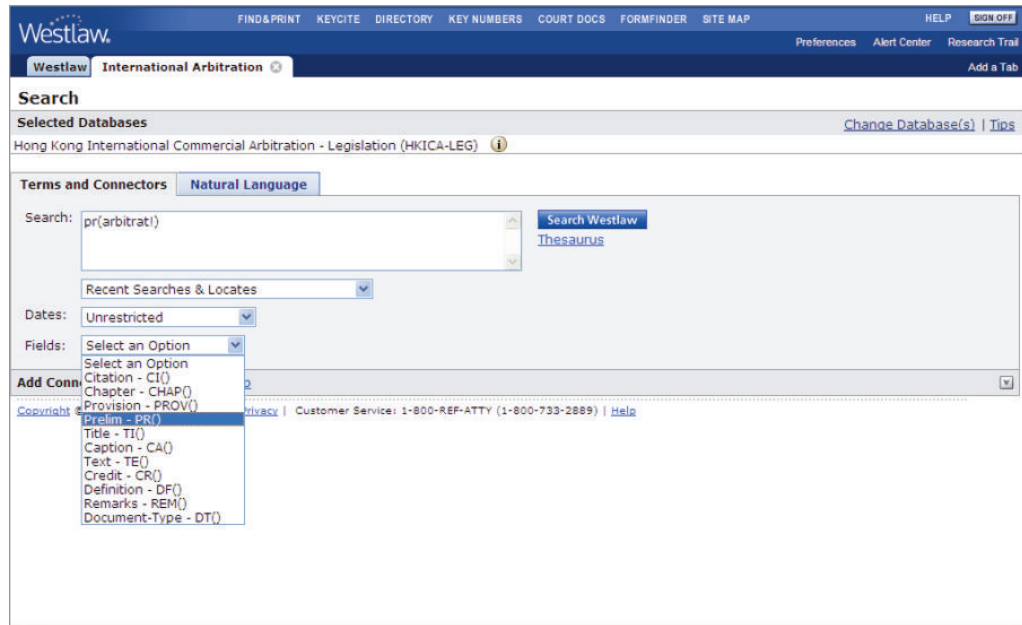


Figure 3. *Fields* drop-down list on HKICA-LEG Search page

Fields in Australian Cases

FIELD NAME	FIELD ABBREVIATION	DESCRIPTION
Background	bg	text of summaries of arguments of counsel, transcripts of prior hearings, reproductions of the pleadings, type of matter being heard, or opinions issued in other matters or in a nonbinding advisory capacity
Citation	ci	unique references for citing a specific case
Court	co	abbreviation for the court of decision
Docket-number	dn	docket number assigned to the case
Footnote	fn	footnotes in the case
Judge	ju	name of the judge, chair, or other author writing the lead opinion
Key-words	kw	summary of the legal issues addressed, prepared by the publisher
Nickname	nk	nickname or commonly used name of a case
Notes	no	editorial notes prepared by the publisher
Opinion	op	opinions and the names of the judges
Order	ord	text of the order for judgment
Origin-court	oc	lower court name, hearing dates, and summary of the case at the earlier hearing stage, when included by the court
Panel	pa	names of judges, chairs, rapporteurs, or others participating in the case, when provided by the court
Prelim	pr	docket number, year, court, and panel
References-cited	rc	cases, legislation, journals, and other references referred to in the document
Representation	rep	names of counsel, solicitors, and other parties' representatives
Short-title	sti	short title and informal name of the case
Synopsis	sy	summary of the facts, description of the issues, and holdings
Title	ti	formal name of the case, decision, or judgment
Words-phrases	wp	specific words defined or considered in this case, as determined by the editors
Year	ye	date information for the decision, including both hearing/argument dates and final judgment dates

Fields in Canadian Cases

FIELD NAME	FIELD ABBREVIATION	DESCRIPTION
Abridgment-class	abr	abridgment classification subject
Authorities-cited	ac	cases, legislation, and other authorities cited in the text of the opinion
Citation	ci	unique references for citing a specific case
Court	co	abbreviation for the court of decision
Counsel	csl	names of counsel, solicitors, attorneys, and other parties' representatives
Docket-number	dn	docket number assigned to the case
Judge	ju	name of the judge writing the lead opinion
Name	na	formal name of the case, decision, judgment, or ruling
Opinion	op	opinions and the names of the judges
Section-ref	srf	statutory section referenced in a Securities Commission ruling
Subject	su	one or more of 23 general subjects assigned to decisions by Carswell
Summary	su	summary of the facts and decision prepared by Carswell
Topic	to	topic information for a case, including the subject (su) and abridgment-class (abr) fields
Year	ye	date information for the decision, including both hearing/argument dates and final judgment dates

Fields in E.U. Cases

FIELD NAME	FIELD ABBREVIATION	DESCRIPTION
Authoring-inst	ai	originating institution, body, country, or court
Bibliographic-information	bib	miscellaneous publication references, including docket number, Celex number, authoring institution, legal instrument, and document type
Celex-number	clx	unique number identifying the document assigned by Celex, the inter-institutional documentation system for E.U. law
Citation	ci	unique references for citing a specific case
Concerns	cnc	acts quoted in the ruling part of a decision
Court	co	abbreviation for the court of decision
Document-number	dn	docket or document number assigned to the case
Document-type	dt	document type, e.g., appointment or judgment
Index	in	subject terms, register terms, descriptors, words, and phrases used to index the document
Key-words	kw	summary of the legal issues addressed, prepared by the publisher
Legal-instrument	lgi	legal form of the document
Parties	par	names or the organization, person, institution, or country that are parties in a case
Prelim	pr	publication heading preceding the title
References	re	cross-references and other citations related to the document, including documents that affect or are affected by the referencing document
Text	te	text of the document
Title	ti	official title of the document
Year	ye	date information for the decision, including both hearing/argument dates, date of publication, and final judgment dates

Fields in Hong Kong Cases

FIELD NAME	FIELD ABBREVIATION	DESCRIPTION
Citation	ci	unique references for citing a specific case
Court	co	abbreviation for the court of decision
Docket-number	dn	docket number assigned to the case
Judge	ju	name of the judge writing the lead opinion
Key-words	kw	summary of the legal issues addressed, prepared by the publisher
Opinion	op	opinions and the names of the judges
Panel	pa	judges participating in the case, when provided by the court
Prelim	pr	docket number, year, court, and panel
References-cited	rc	cases and legislation referred to in the document
Representation	rep	names of counsel, solicitors, and barristers
Summary	su	summary of the case prepared by Sweet & Maxwell, another publisher, or the court
Title	ti	formal name of the case, decision, or judgment
Year	ye	date information for the decision, including both hearing/argument dates and final judgment dates

Fields in U.K. Cases

FIELD NAME	FIELD ABBREVIATION	DESCRIPTION
Argument	arg	arguments of counsel, where included by the court
Advisory-opinion	adv	text of the advocate general opinion or other advisory opinion where included by the court
Background	bg	text of noneditorial, non-judgment material when it is included by the court, including the argument, prior/previous hearing, or advisory/advocate opinion
Citation	ci	unique references for citing a specific case
Court	co	abbreviation for the court of decision
Descriptive-text	dt	summary of the legal issues addressed, prepared by the publisher
Docket-number	dn	docket number assigned to the case
Judge	ju	name of the judge writing the lead opinion
Lead	le	text of lead opinions, which includes the majority opinion
Notes	no	editorial notes prepared by the publisher
Opinion	op	opinions and the names of the judges
Origin-court	oc	lower court name, hearing dates, and summary of the case at the earlier hearing stage, where included by the court
Panel	pa	list of judges participating in the case, when it is provided by the court
Prelim	pr	docket number, year, court, and panel
Prior-hearing	ph	opinion issued by the court below, where included by the reviewing court
References-cited	rc	all cases and legislation referred to in the document
Representation	rep	names of counsel
Short-title	sti	short title and informal name of the case
Separate-opinion	sop	text of separate concurrent opinions such as dissents and concurrences and the names of the judges who wrote the opinions
Summary	su	summary of the case prepared by Sweet & Maxwell, another publisher, or the court
Title	ti	formal name of the case, decision, or judgment
Year	ye	date information for the decision, including both hearing/argument dates and final judgment dates

Fields in Canadian Legislation

FIELD NAME	FIELD ABBREVIATION	DESCRIPTION
Citation	ci	unique references for citing a specific document
Credit	cr	list of amendments to the section or to the entire act
Name	na	name of the set of rules
Notes	no	text of pending legislation with corresponding notes and references to the amending legislation
Section	sec	section number and margin notes
Text	te	text of the section

Fields in E.U. Legislation

FIELD NAME	FIELD ABBREVIATION	DESCRIPTION
Authoring-inst	ai	originating institution, body, country, or person
Bibliographic-information	bib	miscellaneous publication references, including docket number, Celex number, authoring institution, legal instrument, and document type
Celex-number	clx	unique number identifying the document assigned by Celex, the inter-institutional documentation system for E.U. law
Citation	ci	unique references for citing a specific document
Country	ctr	National implementing measures from the international nation states that make up the European Union
Court-decisions	cd	citations to case law that affects the document
Document-number	dn	legislation number in standard citation format
Document-type	dt	document type
Index	in	subject terms, register terms, descriptors, words, and phrases used to index the document
Legal-base	lb	legal base of the document (e.g., treaty)
Legal-instrument	lgi	legal form of the document
Modifications	mod	modifications affecting the document
Prelim	pr	publication heading preceding the title
References	re	cross-references and other citations related to the document, including documents that affect or are affected by the referencing document
Text	te	text of the section
Title	ti	official title of the document
Year	ye	date information for the document, including date of publication, date of legislation, date of entry into force, and end of validity date

Fields in Hong Kong Legislation

FIELD NAME	FIELD ABBREVIATION	DESCRIPTION
Caption	ca	provision number and heading
Chapter	chap	ordinance or subsidiary legislation chapter number
Citation	ci	unique references for citing a specific document
Credit	cr	commencement date of the most recent amendments
Date	da	version of the section
Definition	df	terms defined in the provision
Document-type	dt	document type, e.g., ordinance or subsidiary legislation
Prelim	pr	publication name and short title of ordinance or subsidiary legislation
Provision	prov	ordinance or subsidiary legislation provision number
Remarks	rem	remarks as provided by the Hong Kong Special Administrative Region Department of Justice
Text	te	text of the section
Title	ti	short title of the ordinance or subsidiary legislation

Fields in U.K. Legislation

FIELD NAME	FIELD ABBREVIATION	DESCRIPTION
Caption	ca	paragraph, section, or subsection heading of a statute or statutory instrument
Citation	ci	unique references for citing a specific document
Legislative-footnote	lfn	credit, reference, annotation, note, or secondary jurisdiction variation
Prelim	pr	superior headings that precede the caption
Text	te	text of the section
Title	ti	superior headings that precede the caption
Year	ye	assent date

4 Canada

Canada is a federation of 10 provinces and three territories. Its primary sources of law are the Canadian Constitution, federal and provincial statutes, regulations, and judicial decisions.

The Canadian Legislative System

The Canadian Constitution empowers the federal and provincial legislatures. Statutes passed by the legislatures must be consistent with the constitution.

The federal legislative branch is Parliament, which is composed of the House of Commons and the Senate. The House of Commons debates legislation, while the Senate acts as an adviser to the House. The prime minister of Canada is usually the leader of the political party with the most seats in the House.

Canadian provinces receive power directly from the Constitution Act (1867, United Kingdom), while territories receive limited power from the federal government. Therefore, the federal government has more direct control over the three territories (Nunavut, Yukon, and the Northwest Territories).

Provincial and territorial legislatures are unicameral. In most provinces, the legislature is known as the Legislative Assembly. In Nova Scotia and Labrador, it is known as the House of Assembly, and in Quebec, the National Assembly. The head of government of each province (usually the head of the party with the most seats) is called the premier. The queen's representative to each province is known as the lieutenant governor.

The Canadian Judicial System

The Canadian judicial system is a common-law system that employs decisions of both federal and provincial courts. Administrative agencies also resolve disputes within their area of expertise.

Since 1949, the Supreme Court of Canada has been the final court of appeal, though English law is considered persuasive. Prior to 1949, Canadian courts could appeal to, and were bound by the decisions of, the higher English court.

Retrieving Canadian Legal Materials

RETRIEVING DOCUMENTS BY CITATION

DOCUMENT	CITATION	FORMAT
Supreme Court of Canada case	[2009] 1 S.C.R. 339	1 scr 339
Federal Court case	[2009] F.C. 367	2009 fc 367
Tax Court of Canada case	2009 C.C.I. 263	2009 cci 263
Federal statute	R.S.C. 1985, c. B-6, s. 35	rsc 1985 c b-6 s 35
Federal regulation	C.R.C. 1978, c. 388, s. 103	crc 1978 c 368 s 103

KEY DATABASES

Canada All Cases (CAN-ALLCASES)

All Canadian Legislation (CANST-RULES-ALL)

Canadian Federal Statutes (CANFED-ST)

Canadian Law Reviews, Texts, and Journals (TP-CANADA)

RESEARCHING CANADIAN LAW

WHEN YOU NEED

ACCESS THIS DATABASE

THEN TYPE

CASES

Krawchenko (Trustee of) v. Minister of National Revenue

Canadian Insolvency Case Law (CANINSOLV-CS) and restrict your search to the name field (na)

na(krawchenko)

Cases from the province of Quebec addressing revocation of firearms licenses

Quebec Case Law (QUE-CS)

fire-arm gun rifle /s license /p revok! revoc!

Cases that discuss wire transfers

Canada All Cases (CAN-ALLCASES) and restrict your search to the summary field (su)

su(wire /3 transfer!)

STATUTES

Ontario statutes that discuss the liability of limited partners

All Canadian Statutes (CANST-ALL) and add a prelim field (pr) restriction to your query

pr(ontario) & liab! /s limited /3 partner!

Federal statutes that govern seizure of funds related to money laundering

Canadian Federal Statutes (CANFED-ST) and restrict your search to the prelim (pr) and caption (ca) fields

pr,ca(money /2 launder! & seiz!)

COURT RULES

Nova Scotia rules of civil procedure concerning discovery

All Canadian Legislation (CANST-RULES-ALL) and restrict your search to the prelim (pr) and caption (ca) fields

pr,ca("nova scotia" & "civil procedure" & discovery)

5 The European Union

As of January 2010, the European Union (E.U.) is composed of 27 member countries (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom).

The E.U. arose from the Treaty of Paris in 1951, the Treaties of Rome in 1957, the Treaty of Brussels in 1965, and the Maastricht Treaty (Treaty on the European Union) in 1992. Its goal is to engage member states in a common market and harmonious economic policy throughout Europe.

The E.U. Legislative System

E.U. law is the result of actions take by three main institutions:

- The Council of the European Union (representing the member states)
- The European Parliament (representing the citizens)
- The European Commission (a politically independent body that upholds the collective European interest)

THE COUNCIL OF THE EUROPEAN UNION

The Council of the European Union is the E.U.'s main decision-making institution. Every Council meeting is attended by one minister from each of the member states, depending on the subject addressed at the meeting. For example, foreign policy meetings are attended by each country's foreign affairs minister. On important matters, such as amending treaties or admitting new member states, the Council must agree unanimously. For other matters, only a qualified majority of votes is needed. In this case, the number of votes assigned to a country is roughly based on its population.

THE EUROPEAN PARLIAMENT

The European Parliament is an elected body that represents the citizens of the E.U. Members are elected every five years. Parliament shares power with the Council by giving opinions, drafting directives, assenting to Council actions, or making decisions jointly with the Council.

THE EUROPEAN COMMISSION

The European Commission has 27 members, one per country. Its job is to uphold the interests of the E.U. as a whole. It may propose legislation to the Council or the Parliament, and carries out policy enacted by the Council as the E.U.'s executive branch. The Commission is answerable to Parliament, and must resign if Parliament passes a motion of censure against it.

The E.U. Judicial System

The Court of Justice of the European Communities consists of one judge from each member state, assisted by eight advocates-general. They are appointed by joint agreement by the governments of the member states. The court ensures that E.U. law is followed and that treaties are correctly interpreted and applied. It also makes certain that E.U. legislation respects the rights and freedoms of E.U. citizens. The court hears appeals from the Court of First Instance, which also consists of one judge from each of the 27 member states. The European Court of Justice may also rule on the application of E.U. law at the request of a member state's national court.

Retrieving E.U. Legal Materials

RETRIEVING DOCUMENTS BY CITATION

DOCUMENT	CITATION	FORMAT
Court of Justice of the European Communities case	Case C-294/02	eu case c-294/02
E.U. legislation	O.J. 1994 L1/204	oj 1994 l1/204
E.U. parliamentary question	question E-0959/94	eu epq e-0959/94
Commission directive	Commission Directive 2009/137/EC	eu directive 2009/137/ec

KEY DATABASES

All European Union Materials (EU-ALL)
European Union Cases All (EU-CS-ALL)
European Union Legislation (EU-LEG)
Legal Journals Index (LJI)

RESEARCHING E.U. LAW

WHEN YOU NEED	ACCESS THIS DATABASE	THEN TYPE
CASES Cases that cite Council Directive 89/592/EEC	European Union Cases All (EU-CS-ALL)	89/592!
STATUTES E.U. regulations providing protection against dumped imports by non-E.U. members	European Union Legislation (EU-LEG) and add a document-type (dt) restriction to your query	dt(regulation) & dump! /s import! /s member
All E.U. legislation regarding company law from 2009	European Union Legislation (EU-LEG) and restrict your search to the title (ti) and citation (ci) fields	ti("company law") & ci(2009)

6 Hong Kong

Once a British colony, Hong Kong has been a Special Administrative Region of the People's Republic of China since 1997. Hong Kong is constitutionally entitled to a higher degree of autonomy than Chinese provinces but is less than completely independent. The central government in Beijing controls matters of defense and diplomatic relations; Hong Kong retains its own legal system, currency, and customs and immigration laws. The Basic Law of the Hong Kong Special Administrative Region (HKSAR) serves as the constitutional document of Hong Kong.

The Hong Kong Legislative System

Under the Basic Law, laws previously in force in Hong Kong—such as common law, rules of equity, and ordinances—are maintained. Basic Law also provides for personal rights and freedoms such as freedom of speech, freedom from unlawful arrest or detention, and property ownership.

The Legislative Council of Hong Kong is the unicameral legislature of the HKSAR. Its members are elected in three ways—directly by the people, by special interest or political groups, or by the Election Committee (which also elects the chief executive, head of the HKSAR).

The Hong Kong Judicial System

The HKSAR continues to follow the common law tradition established by British colonial rule. The Basic Law allows Hong Kong courts to refer to decisions by foreign courts and to invite foreign judges to participate in proceedings of the highest court, the Court of Final Appeal. In areas not expressly excluded by the Basic Law, the Court of Final Appeal remains the ultimate authority.

Retrieving Hong Kong Legal Materials

RETRIEVING DOCUMENTS BY CITATION

DOCUMENT	CITATION	FORMAT
<i>Hong Kong Law Reports and Digest</i>	[2009] 5 H.K.L.R.D. 487	2009 5 hklrd 487
Hong Kong electronic citation	[2009] H.K.E.C. 1824	2009 hkec 1824
Hong Kong ordinance	H.K.O. Cap.341 s. 2A	hko cap 341 s 2a

KEY DATABASES

Hong Kong–All Materials (HK-ALL)

All Cases from Hong Kong (HK-CS-ALL)

Hong Kong Legislation (HK-LEG)

Hong Kong Civil Procedure (Hong Kong White Book) (HKCP)

RESEARCHING HONG KONG LAW

WHEN YOU NEED	ACCESS THIS DATABASE	THEN TYPE
CASES		
Cases in which the Panel on Takeovers and Mergers is a party	Hong Kong Securities Cases (HK-SEC-CS) and restrict your search to the title field (ti)	ti("panel on takeovers and mergers")
Cases discussing whether a restrictive covenant or covenant not to compete is in restraint of trade	Hong Kong Global Competition and Antitrust–Case Law (HKGCA-CS) and choose the Natural Language search method	is a restrictive covenant (covenant not to compete) a restraint of trade
Cases that involve the trading of foreign currency	All Cases from Hong Kong (HK-CS-ALL) and restrict your search to the summary (su) and key-words (kw) fields	su,kw(trad! /10 currency)
STATUTES		
All Hong Kong bankruptcy ordinances	Hong Kong Insolvency Legislation (HK-INSOLV-LEG) and restrict your search to the prelim field (pr)	pr("bankruptcy ordinance")
Legislation regarding the registration of a prospectus	Hong Kong Securities Legislation (HK-SEC-LEG) and restrict your search to the prelim (pr) and caption (ca) fields	pr,ca(register! & prospectus)
Legislation concerning registration of insurers and agents	Hong Kong Insurance Legislation (HK-INSUR-LEG) and restrict your search to the prelim (pr) and caption (ca) fields	pr,ca(insur! & register!)

7 The United Kingdom

The United Kingdom consists of England, Wales, Scotland, and Northern Ireland. The historical legislative power of the monarchy has given way to that of Parliament, and Parliament is the supreme law-making authority. The Acts of Parliament are binding throughout the United Kingdom, except for those limited to or expressly excepting Scotland and Northern Ireland.

The United Kingdom has no written constitution. Most functions of government are guided by constitutional conventions, which are informal and uncodified procedural agreements. The common law applies in all jurisdictions, and consists of statutes, regulations, and case law. Treaties and legislation of the E.U. are also binding, and courts must follow precedent of the Court of Justice of the European Communities when questions of E.U. law are at issue.

The U.K. Legislative System

Parliament consists of the British monarch as the head of state, the House of Lords, and the House of Commons. The House of Commons is the chamber of debate when passing new legislation, and in modern times, real power is vested in the democratically elected House of Commons, while the powers of the House of Lords are greatly limited.

Acts of Parliament (statutes) require full parliamentary debate to become law. Statutory instruments (or delegated or secondary legislation) are brought before Parliament by a government minister and may become law without debate, or without express action by Parliament. The most common use of statutory instruments is to incorporate E.U. directives into U.K. law. Statutory instruments have the same force of law as acts of Parliament, and are much more numerous.

Using the United Kingdom Case Law and Legislation Locators

The United Kingdom Case Law Locator (UK-CASELOC) and United Kingdom Legislation Locator (UK-LEGISLOC) databases provide unique citator services. UK-CASELOC provides a summary of each decision, a table of authorities, a history of the case, and a list of citing references. UK-LEGISLOC provides links to current, historical, and future versions of U.K. statutes and statutory instruments, along with corresponding references to citing case law and secondary sources.

The U.K. Judicial System

Three judicial systems have developed in the United Kingdom: England and Wales form one jurisdiction, with local and national courts, and Scotland and Northern Ireland have their own systems of law and courts, similar to that of England and Wales. There are some exceptions; for instance, the Asylum and Immigration Tribunal includes all of the United Kingdom.

The most common subordinate courts in the United Kingdom are magistrates' courts and county courts. They hear minor criminal and civil cases, as well as matters involving licensing applications. There are numerous other special courts, also known as tribunals (e.g., the Employment Tribunal). The Crown Court can act as a civil or criminal court of first instance and also hears appeals from magistrates' courts. The High Court is both a criminal appellate court and a civil court of first instance and consists of three divisions: the Queen's Bench, Chancery, and Family divisions. The Court of Appeals has two divisions, Civil and Criminal, which hear appeals in their respective jurisdictions. Previously, the House of Lords (or Law Lords) had a judicial function as the court of last resort in the United Kingdom. Effective April 2006, the Supreme Court of the United Kingdom, created by the Constitutional Reform Act 2005, is the final court of appeal in all matters of English, Welsh, and Northern Ireland law.

Scotland has its own court system. Scotland has, in essence, two supreme courts, one for civil matters (the Court of Session) and one for criminal matters (the High Court of Justiciary). The Court of Session is divided into two houses and is both a court of first instance and a court of appeal. The Outer House, consisting of 24 judges, hears cases of first instance on a wide variety of topics, with special judges assigned to intellectual property disputes. The Inner House, which consists of 10 judges (separated into two equal divisions), most often hears appeals but occasionally hears cases of first instance.

The High Court of Justiciary is Scotland's supreme criminal court. It hears cases of first instance (serious crimes) and also acts as an appellate court, hearing appeals from district courts, sheriff courts, and the High Court.

Northern Ireland's court structure is similar to the court structure of England and Wales. County courts, Crown Court (for criminal matters), and courts of summary jurisdiction (for domestic proceedings) hear cases of first instance. The High Court of Northern Ireland, which hears both appeals and cases of first instance, is divided into the same divisions as in England and Wales: the Queen's Bench, Family, and Chancery divisions. The Court of Appeal hears appeals from any of the subordinate courts. Effective April 2006, the Supreme Court of the United Kingdom is the final court of appeal in Northern Ireland.

Retrieving U.K. Legal Materials

RETRIEVING DOCUMENTS BY CITATION

DOCUMENT	CITATION	FORMAT
<i>Civil Procedure Reports</i>	[2009] C.P. Rep. 28	2009 cp rep 28
<i>Lloyd's Law Reports</i>	[2009] 1 Lloyd's Rep. 586	2009 1 lloyd's rep 586
High Court of England and Wales (Queen's Bench Division)	[2007] EWHC 2702 (QB)	2007 ewhc 2702 (qb)
High Court of England and Wales (Chancery Division)	[2009] EWHC 1839 (Ch)	2009 ewhc 1839 (ch)
U.K. statute	Insolvency Act, 1986, c. 45 pt IX c. IV § 323	uk st 1986 c 45 pt ix c iv s 323
U.K. statutory instrument	S.I. 2001/766 Art. 2	uk si 2001/766 art 2

KEY DATABASES

United Kingdom Reports All (UK-RPTS-ALL)

United Kingdom–Law in Force (UK-LIF)

United Kingdom–Statutes (UK-ST)

United Kingdom–Statutory Instruments (UK-SI)

United Kingdom Case Law Locator (UK-CASELOC)

United Kingdom Legislation Locator (UK-LEGISLOC)

RESEARCHING U.K. LAW

WHEN YOU NEED

CASES

Cases concerning a reinsurer's obligation to indemnify a reinsured

Cases discussing a bank's liability with regard to forged checks

STATUTES

Statutes and statutory instruments regarding professional liability insurance

Statutes and statutory materials about the Asylum and Immigration Act 1996

ACCESS THIS DATABASE

United Kingdom Insurance—Cases (UK-INSUR-CS) and restrict your search to the descriptive-text field (dt)

United Kingdom Reports All (UK-RPTS-ALL) and choose the Natural Language search method

United Kingdom Insurance—Law in Force (UK-INSUR-LIF)

United Kingdom Legislation Locator (UK-LEGISLOC) and restrict your search to the title field (ti)

THEN TYPE

dt(reinsure! & indemni!)

bank liability for forged checks

professional /5 indemnity liability /5 insurance

ti("asylum and immigration")

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