

PROBLEM QUESTION ANSWERS (6): CITING LEGISLATION

EN: Hi, welcome back. I'm Eric and this is the Quick Guide to Legal Writing. Today we'll focus on citing legislation, another major source of law in Hong Kong.

EN: In this episode, you'll learn how to cite legislation by using: reporting verbs like 'state' or 'provide'; prepositional phrases like 'according to'; parentheses or brackets. When answering problem questions, you'll sometimes need to provide authority for legal rules by referring to sections of a statute. Here's an example from our sample case, Susan and the blazing hairdryer:

SL: Section 16(2) of the Sale of Goods Ordinance states that "where the seller sells goods in the course of a business, there is an implied condition that the goods supplied under the contract are of merchantable quality".

EN: Here, the reporting verb 'state' is used to introduce a direct quote from the provision. This sort of direct quote allows you to precisely refer to the actual words of the statute. This, in turn, helps to state the legal principle as accurately as possible.

EN: It won't always be possible to quote the law like this. It might sometimes be necessary to paraphrase, as in this example:

SL: Section 16(2)(a) of the Sale of Goods Ordinance provides that the implied condition of merchantable quality does not apply to defects that are pointed out to the buyer before the contract is made.

EN: In this example, the reporting verb 'provide' is used. Also note that it is in simple present tense to show that the statute is currently in effect.

EN: In addition to using reporting verbs like 'state' and 'provide', you can use phrases like 'according to' or 'pursuant to'. Here's an example:

SL: According to section 16(2) of the Sale of Goods Ordinance, "where the seller sells goods in the

course of a business, there is an implied condition that the goods supplied under the contract are of merchantable quality”.

EN: As you can see here, the prepositional phrase ‘according to’ is used to introduce the provision.

EN: Finally, legislation can be cited in parentheses, following the statement of law, as here:

SL: The implied condition of merchantable quality does not apply to defects that are pointed out to the buyer before the contract is made (section 16(2)(a) Sale of Goods Ordinance).

EN: Okay, let’s review. Today we’ve looked at how to cite legislation by using: reporting verbs like ‘state’ or ‘provide’; prepositional phrases like ‘according to’, ‘pursuant to’; parentheses or brackets following the statement of law.

EN: Don’t forget to catch our next episode where we’ll be learning how to apply the law to the facts. See you soon!