






PRIMUS

WELCOME.

Welcome to **PRIMUS** the Electronic Law Journal of the Association of Regional Magistrates of Southern Africa.

THE NAME.

The name **PRIMUS** is derived from Latin meaning "The First." This Electronic Journal is a "first" in several regards:

-  It is the first law journal issued under the auspices of the Association of Regional Magistrates of Southern Africa.(ARMSA)
-  It is also the first Electronic Journal Issued by ARMSA.
-  It is also the first law journal for Regional Magistrates issued in South & Southern Africa.

CALL FOR SUBMISSIONS:

PRIMUS welcomes contributions of relevance dealing with South African law; Submissions taking an interdisciplinary and/or empirical approach are particularly encouraged. It is envisaged that **PRIMUS** will be published electronically twice annually.

All interested parties are requested to submit contributions on or before the **3rd April 2006** for publication in the first issue of **PRIMUS**. Contributions for the second edition must reach **PRIMUS** on or before **7th August 2006**.

TERMS & CONDITIONS

The submissions must be:

- in English,
- must be an original,
- Submissions must be in 12pts Arial and line spacing of 1.2.
- Manuscripts must be submitted in either Microsoft Word or Corel Word Perfect format
- unpublished work that is not simultaneously being considered for publication by another journal and should not,
- in general, not exceed 12 000 words. Submissions of less than 3000 words may be considered for the Cases and Comments sections, which may secure earlier publication.

- Manuscripts submitted for consideration must be accompanied by details of the author's institutional affiliation, physical address, telephone and fax numbers and e-mail address.
- Manuscripts will be accompanied of a summary not exceeding 400 words.
- Submissions should be sent by email as a file attachment to praetor@ananzi.co.za or lhc@tekomsa.net.
- Manuscripts are evaluated by the editors for conformity with the Journal's editorial policy and for formal suitability (length etc) and are then subjected to peer review by reviewers outside the Journal.
- The editors have the final discretion on the publishing of any submission received. The decisions of the Editors are final. The Editors will not enter into any correspondence or furnish any reasons for their decision to publish or refuse to publish any submission.
- The author of any submission will be informed whether his or her submission was accepted or rejected for publication.

Copyright

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An author furthermore agrees that the same manuscript may not be published elsewhere without express and comprehensive reference to its publication by **PRIMUS**. In appropriate cases it will also be indicated by ARMSA in which other publications, within the knowledge of the editor, a contribution has been published.

Anyone gaining access, electronically or otherwise, to a contribution to **PRIMUS**, may quote from such contribution, use the intellectual content thereof, discuss and multiply it, but subject to the following conditions:

The name(s) of the author(s), the full title and the bibliographical reference must be given fully and correctly where the material is quoted, used, discussed or multiplied; the copyright of the author(s) may not be infringed in any way.

Layout

- All headings (except for the title of an article, which can be placed centrally) should begin against the left-hand side of the page.
- One space is left open between consecutive paragraphs, and before and after quotations in the text.
- The text is justified, typed in 1½ - spacing and the font Arial 12 should be used.
- Footnotes are justified, typed in single spacing, and in font Arial 10. The footnote number is typed in the same font and not in superscript. The footnote text should begin 0,75 cm from the margin and is also justified left at that distance - thus a hanging indent of 0,75cm: see the footnotes of this document. No spaces should be left between footnotes.

Headings

- The title of the contribution is typed in capitals and bold.
- Only the first words of headings in the text are capitals, except where words are spelled with a capital according to normal rules of language.
- Main headings are **bolded**; secondary headings (with two-digit numbers, e.g. 1.2) are kept in normal font.
- All headings are numbered consecutively with arabic numerals.

Numbering

- All headings are numbered consecutively with arabic numerals. The numbering of headings numbered with single-digit numbers is not separated with a full-stop from the text of the heading. Subsidiary headings are numbered consecutively according to the metrical style with full-stops between the arabic numeral: where the third heading is indicated, for example, with a 3, subsidiary headings will be numbered 3.1, 3.2, 3.2.1, 3.2.2, 3.3 etc.
- Footnotes in the text are identified by means of consecutive arabic numerals without a full-stop. The numerals are given in superscript in 10pt. Superscript is not used in the footnotes.

Quotations

- Quotations shorter than one printed line are indicated in the text by means of quotation marks.
- Longer quotations are blocked on both sides, typed in single spacing and spaces left above and below, with no quotation marks.
- Single quotation marks are used for a quotation inside a quotation.
- Punctuation marks which form part of a quotation are placed within the quotation marks.

Spelling

- Abbreviations are written without full-stops.
- Abbreviations are never used in the text itself, but in the footnotes as much as possible.
- Constitution is spelled with a capital letter. The words appeal court, judge, state, act, et cetera is spelled in lower case, but the names of courts with a capital letter, for example, Supreme Court of Appeal, et cetera. This is also applicable to the abbreviation and spelling of section 6(1) or s 6(1)

in referring to acts. Abbreviations used at the beginning of sentences or footnotes, however, begin with capital letters.

- Where a section of a sentence is in brackets, the full-stop comes at the end of the sentence, outside the brackets. If the sentence as such is wholly contained within the brackets, the full-stop comes inside the brackets.

Reference to sources

The general rule is applicable that the essential bibliographical information, that is, the information without which the source referred to in the text cannot be found easily, should be provided in a consistent style and according to the same pattern. Where useful additional information such as the place and date of publication of a book, the volume number of most journals or the division of the High Court where a case was decided, is provided, such information is placed between brackets.

Bibliography and references: books

Each contribution is supplied with its own bibliography.

- The basic form is Delport HJ en Olivier NJJ Sakereg Vonnisbundel 2nd ed (Juta Cape Town 1985). Where more than one place of publication is mentioned, only the first place name is given.
- In the case of sources with more than one author, a maximum of three authors is given fully, and where there are more authors, only the first author's name is given followed by et al.
- There is no comma between the author's surname and initials, but a comma is added after his initials in the case of more than one author, for example Hall CG, Thomas O and Hill A.
- Where a later edition of a source was rewritten by (a) new author(s), the author of the new edition is given, with reference to the original author's name in the title, where applicable, for example Scott TJ and Scott S Wile's Law of Mortgage and Pledge in South Africa 3rd ed (Juta Cape Town 1987).
- The title of the source is italicized. The first letter of each keyword of the title is written with a capital letter, while, for example, articles, conjunctions, prepositions and adverbs are written in lower case.
- The edition is given directly after the title in the form 2nd ed, 4th ed, etc., and (being essential information) not between brackets, for example, Van Zyl FJ and Van der Vyver JD Inleiding tot die Regswetenskap 2nd ed (Butterworths Durban 1982).
- The place of publication and all information apart from the title itself are given in the language in which the contribution is being submitted. If the article which is being submitted is in German, all details apart from the title will be in German, and should the article be in Dutch, all information will be in Dutch, et cetera.
- Where a work had been compiled by an editor or editors, it is given under the editor's name, with (ed) without a full-stop, in round brackets, always in English if the text is English, etc.

- Where reference is made to a section of a collected work or work compiled by an editor, there is reference only to the relevant section, unless the whole volume is used, for example Lawson FH "The Field of Comparative Law" in Zweigert K and Kötz H (eds) *Rechtsvergleichung* (Darmstädter Verlagsanstalt Darmstadt 1978) 186-204.
- Where the author who is being quoted is the author or editor of a collected volume, the name is not repeated, for example Zweigert K and Kötz H "Rechtsvergleichung" in *Rechtsvergleichung* (Darmstädter Verlagsanstalt Darmstadt 1978) 1-9.
- The list of references and/or bibliography should be arranged alphabetically according to the surnames of authors.
- The sources are arranged alphabetically according to the mode of quotation used for the footnotes: the full bibliographical details are indented below 0,75cm from the left-hand margin. One space is left open between sources. For each new letter of the alphabet to be used in the bibliography, the letter, for example a B, can be given for greater clarity.
- Where more than one source by the same author is quoted, the name is given each time - one should not simply continue with the next source. Van der Walt AJ *Sakereg Vonnisbundel vir Studente 3e uitg* (Juta Kenwyn 1997) Van der Walt AJ *The Constitutional Property Clause* (Juta Kenwyn 1997)
- Where more than one edition of the same source is used, the bibliography should indicate which editions were used. Van der Walt AJ and Pienaar GJ *Introduction to Property law* (Juta Kenwyn 1996) Van der Walt AJ and Pienaar GJ *Introduction to Property law 2nd ed* (Juta Kenwyn 1997)

The shortened form should also indicate this difference – see 3.1.6 below. For the guidelines as far as references to the old authorities are concerned, consult 2.2.

List of references and bibliography: old authorities

The old authorities' present unique difficulties as far as citation and reference are concerned. Historical sources antedating the nineteenth century are usually not quoted by referring to page numbers, but according to the numbering of the passage being cited.

Here are some examples:

Accursius Accursii glossa (on different sections of the Corpus Iuris Civilis) Republished in *Corpus Glossatorum Iuris Civilis* (curante Iuris Italici Historiae Instituto Taurinensis Universitatis) VII-XI (Universita di Torino Turin 1959-1969)

Codex Iustinianus ed P Krüger (*Corpus Iuris Civilis* vol II) (Weidemann Berlin 1915)

Codex Theodosianus Jacobi Gothofredi in sex tomos divisus Anstatic reprint of the 1736 edition (Olms Hildesheim 1975)

De Groot H *Inleidinge tot de Hollandsche Rechtsgeleerdheid* Reprint of the 1619-1621 edition by F Douving, HFWD Fischer and EM Meijers (Leyden Universitaire Pers 1952)

Huber U Hedensdaegse Rechts-geleertheyt 3rd edition (Visscher Amsterdam 1726)

Vinnius A Institutionum imperialium commentarius academicus et forensis (Elsevier Amsterdam 1665)

List of references and bibliography: journals

- The same general rules apply here as for books but the basic form changes to Stander AL "Die eienaar van die bates van die insolvente boedel" 1996 THRHR 388-399.1
- Volumes, numbers or months are only given where such information is essential to find the page, in other words, where they are numbered separately.
- The titles of journals are, wherever possible, abbreviated, with an explanatory list of abbreviations supplied. The abbreviation is italicized. Note that law journals mostly prescribe, on their editorial pages, how the journal title should be referred to in abbreviated form. Such prescriptions have to be complied with.
- Capital letters and lower-case in the title of the article should be supplied as they were published in the article.

References to sources: legislation

- The basic form is the Constitution of the Republic of South Africa 108 of 1996. The first time where reference is made to an act, the full reference is given in the text or in a footnote. After that an abbreviated form can be used, such as the "1996 Constitution", if it is indicated in the footnote that the shortened form will henceforth be used. If there are references in the text to only one specific act, the later references – after the first full reference to the specific act – are to "the Act" or to an abbreviated form, for example the "Matrimonial Property Act", if it is indicated in the footnote that the shortened form will henceforth be used. If reference should be made to a whole series of different acts, a list of the acts should be supplied in the bibliography.
- No commas or repetitions of the word "act" should be used in a reference.
- Other legislation should be quoted mutatis mutandis according to the same principles, except where special conventions exist, as in the case of most foreign (non-South African) legislation.
- In subordinate legislation and other material in the Government Gazette and similar official publications, the following is applicable:

Abbreviations

GG for Government Gazette

procl for proclamation

GN for government notice

reg for regulation

S for section (at the beginning of a sentence or footnote)

s for section (when not at the beginning of a sentence or footnote)

Identification

When reference is made to the Government Gazette and the abbreviation (GG) is not used, it should be italicized. It is not necessary to add the words "of the Republic of South Africa", except where it is necessary to avoid confusion with the gazette of another government.

A Government Gazette is identified by way of different numbers on the first page. Some editions are regulation gazettes, some are extraordinary government gazettes, and some are ordinary editions. Regulation gazettes and extraordinary gazettes are numbered independently and apart from the successive numbering. For the purposes of quotation, these numbers, as well as the volume number given on the left-hand side under the title block of the first page of each Government Gazette, should be ignored.

A specific Government Gazette is effectively identified with the aid of the date of publication and the ongoing numbering. These details are found on the first page of the relevant gazette right under the title block in the middle (date) and right-hand side (number). The complete form of reference is as follows, for example:

In the Bibliography: Procl R138 Government Gazette 8331 6 August 1982 In a Footnote: Procl R138 of 1982.

For the purposes of quotation of proclamations and regulations (usually promulgated in government notices) it is not necessary to make use of abbreviated titles, although such subordinate legislation usually has short titles.

References: register of cases

- The basic form for South African references is *Corris v Corris* 1997(2) SA 930 (W).
- In the register of cases the name of the case is given fully. In the text and footnotes all non-essential information should be left out, for example NO, NNO, and others, et cetera.
- With regard to the year and the volume the guidelines of Hahlo HR and Kahn E *The South African Legal System and its Background* (Juta Cape Town 1968) 293-301 are followed. Brackets are used only for non-essential information, for example before 1947 for some series such as (1881) 3 BAC; but 1879 OFS, and 1979 1 SA 42 (E). Full-stops, however, are not used as indicated in Hahlo and Kahn, and the reference is always in capital letters, for example BUCH, ROSCOE and SA.

Where specific sections are referred to, only the sections of pages are referred to (263H) where it is indicated in the reported volume. Paragraphs of judgments of the Constitutional Court can be identified by way of square brackets (for example [137]).

Since 4 February 1997 the Appellate Division of the Supreme Court is known as the Supreme Court of Appeal, and the other divisions (provincial or local) of the High Court. In references to judgments before and after 4 February 1997 this distinction has to be observed.

References: internet ("world wide web")

The basic form is Author Year Title/Heading/Topic Found on Internet: address [date on which information was found]. No full-stop should be put after the address, as this might cause confusion. (Cf. 3.12 below.)

Footnotes

- All page references should be given in the form 222-224, and not 222-4 or 222-24.
- If an article is contribution of other written work contains a complete bibliography, books and journal articles can, throughout, be quoted in the abbreviated form. Contributions exceeding 5000 words must include a bibliography. However, if a complete bibliography is not provided, the first reference to a book or journal article must be in full.
- Books are referred in an abbreviated format, that is, the surname(s) of the author(s), an abbreviated title (which should be the same throughout) and the specific page number, for example Van Zyl and Van der Vyver Inleiding 33. The number at the end (33 in the example) is the page referred to.
- Journal articles are referred to as follows: Stander 1996 THRHR 390. "390" is the specific page in the article being referred to.
- Cases are quoted as above.
- Legislation is quoted as above.
- A semi-colon is used between a series of sources, while between two references from the same source only a comma is used.
- Where possible conventionalized abbreviations should be used.
- Full-stops should be placed after all footnotes.

Consistency

Where alternatives are allowed, it is essential to use the chosen form throughout a contribution.

Kind Regards



LOUIS CLAASSEN
EDITOR – ARMSA ELECTRONIC PUBLICATIONS
15 JANUARY 2006