



KENYA LAW REVIEW STYLE GUIDE AND CITATION MANUAL

A Note about this Guide

The Kenya Law Review Journal Style and Citation Manual was composed to address two principal aims:

- 1) To bring the Kenya Law Review Journal into conformity with other law reviews and follow the established guidelines of the discipline.
- 2) To establish uniformity between the articles within individual issues of the Kenya Law Review Journal and to create a style precedent for future editions.

This style manual is the definitive authority for the Kenya Law Review Journal. If there are inconsistencies, or if you have questions during the editing process, please contact the Editor.

Submission Requirements

In all cases both the text and the footnotes/endnotes must be double spaced, with margins on both sides. A statement of the number of words should be included.

Articles should not normally exceed 12,000 words (excluding footnotes), Case Comments should not normally exceed 5,000 words (excluding footnotes) and Legislation and Reports comments should not normally exceed 10,000 words (excluding footnotes). In all cases footnotes should be used only to make necessary citations rather than to provide additional text. All submissions should be accompanied by a statement that the material is not under consideration elsewhere, and that it has not been published or is not pending publication elsewhere.

The author's name should appear under the title, and should be asterisked, with the author's designation just above the notes.

The selection committee, composed of the editorial board of the Journal, will review and consider all submissions for publication and the contributors will be given notification of the acceptance of their works for publication in the Journal.

Each submission should be written in English and submitted both in signed paper copy and in soft copy as an editable word - processed computer file. They should conform to academic citation standards, be no longer than 12,000 words, and include an abstract of up to 350 words.

The submissions should include:

- I. The author's full names and contacts;
- II. A declaration of originality;
- III. A statement of whether the work has been previously published or tendered for publication in any other publication and where this is the case, the name of the publisher and the date of publication;
- IV. A statement that the author consents to the publication of the work by the National Council for Law Reporting.

All submissions and enquiries should be addressed to:

The Editor
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Non-Discriminatory Language

The Kenya Law Review Journal is committed to the use of non-discriminatory language.

As a general guide, consider the following:

1. Use 'he or she' instead of just 'he'
2. Write in the plural; e.g. 'when they consider' not 'when he considers'
3. Select neutral words; e.g. 'drafter' not 'draftsman'
4. Avoid stereotyping individuals either in negative or positive terms, on their

racial or cultural origins; e.g. “All Irish are stupid” or “Black men jump higher”

Language

All manuscripts should principally be written in the English language. An author who presents work in other language may be required to seek authenticated translation into the English language, at a cost to be met by the author. Such translation shall not be a guarantee that the manuscript shall be accepted for publication.

Format

All manuscripts should be in the following format:

- Ms Word;
- Times New Roman, font 12;
- Double spaced;
- With endnotes (i.e. all notes appearing consecutively and collated at the bottom of the text);
- With margins of 2.5 cm at each side of the text and at the top and bottom of each page;
- With the total number of words of the text indicated at the top right hand corner of the front page, and

Typefaces

All material should appear in roman type except as otherwise specified below. Roman text is plain text—no underlining, italicization, bolding, special capitalization, or unusual positioning.

The following should be *italicized*:

Case names

[ex. *Muruiki & 2 others v Republic* [2005] KLR 443

Names of periodicals and journals

[ex. James Smith, “Elements of Liberty,” *Journal of Politics*]

Books and treatise titles

[ex. Charles Freeman, *The Greek Achievement*, Hackett]

Uncommon foreign words

[ex. The law school’s *raison d’etre* had vanished.]

Words to be emphasized in text or notes

[ex. Diana really, *really* wants to finish her paper tonight.]

NOTE: Common legal phrases, such as “ex parte” or “de facto,” need not be italicized.

NOTE: Articles or essays within periodicals or books should be placed in quotations, not italicized

[ex. “Tercets on Fortune,” *Machiavelli: The Major Works and Others.*]

Quotes. Use for works within a larger work (articles in a publication, sections of a document, chapters of a book, a poem in a collection)

[ex. “Lordship and Bondage,” *Phenomenology of Spirit* **not** *Lordship and Bondage*]

Underlines, not italics, when editing. When editing a manuscript, the material discussed above should be underlined, not italicized. The underlining will be changed to italics during the publishing process.

Double italics. Where material that should be italicized (like a case name or a foreign word) is contained in material that should be italicized (like a book title) the former material should not be italicized.

[ex. John Q. Smith, *The Supreme Court: Brown v. Board of Education and the 1955 term.*]

Dashes.

Use a hyphen (-) to:

- separate numbers that are not inclusive, such as telephone numbers and social security numbers;
- separate the elements of a compound word that is ordinarily hyphenated in a dictionary or other authoritative source such as a word book;
- separate the elements of a compound word if confusion is likely without the hyphen;
- separate the elements of some compound words bearing prefixes or suffixes;
- separate the elements of some compound adjective. (A compound adjective is (combine adverb + adjective, put the hyphen unless ending in ‘ly’)

Em Dashes. Use an em dash (—) to:

- denote a sudden break in thought that causes an abrupt change in sentence structure.
- set off an element added to give emphasis or explanation by expanding a phrase occurring in the main clause
- Em dashes (or double hyphens) should neither be preceded nor followed by a space.

Ellipses

Omissions must be noted. Indicate the omission of a word or words within a quoted sentence by replacing the omitted text with an ellipsis. An “ellipsis” is a group of three consecutive dots separated from the text and each other by single spaces.

Ellipses should not be included at the end of quoted material unless it is important to show that the quote continues.

Indicate the omission of a complete sentence within quoted text by replacing the omitted text with an ellipsis between the final punctuation of the preceding sentence and the first word of the following sentence.

Brackets

When a letter in a quoted sentence must be changed from lower to upper case or vice versa, enclose it in brackets. Don’t modify quotes other than changing the case of a letter.

Parentheses

If the material within the parenthesis is a full sentence, the punctuation belongs inside, whereas incomplete sentences should have the punctuation outside of the parenthesis.

Capitalization

Capitalize nouns referring to people or groups only when they identify specific persons, officials, groups, or government offices. Similarly, capitalize such phrases as “the Act” only when the referent is unambiguously defined. “Circuit” should only be capitalized when it appears in the title of a particular court. Names or parts of a constitution or statute may be capitalized when used in an English sentence as proper nouns, such as “First Amendment.” When referring to the United States Congress, “Congress” is capitalized.

Other rules of style

Use “for example” in place of “e.g.” and “that is” in place of “i.e.”

When a single noun is made possessive, add an “apostrophe-s,” even if the noun ends in “s.” With a plural noun, only add an “apostrophe-s” to indicate possession.

The word “none” is singular, not plural.

If one were to use the subjunctive tense in a sentence, one would be wise to use that tense consistently across all verbs that one would wish to include in the sentence.

“That” should only be used to introduce a restrictive “defining clause,” which serves to identify the entity being talked about; in this use it should never be preceded by a comma.

“Which” is to be used with non-restrictive clauses, which give additional information about an entity that has already been identified; in this context, “which” is always preceded by a comma.

Include the first and last name of an individual referenced in the text or endnotes for the first time, using the last name only is acceptable for every additional reference.

Punctuation

Omit periods and apostrophes whenever possible.

[ex. “D.C. Circuit” is written as “DC Circuit.”]

Omit the periods in “Jr” and “Sr”

NOTE: Periods should appear in a case name if part of a party’s proper name.

Omit the period following the “v” in the case name, but retain periods in the names of the parties. [ex. *T.H.D. Co v Smith*]

People’s initials get periods, but no spaces for multiple initials. [ex. R.H. Coase, Franklin D. Roosevelt]

Use abbreviations sparingly. Abbreviations should be used only if they easily recognized, and then sparingly. Months of the year, geographic terms, and ordinal numbers should be spelled out.

Spell out acronyms before using them. For abbreviations not familiar or recognizable from context, spell out the word or phrase on first reference and not the chosen abbreviation in parentheses.

[ex. The Kenya Medical Practitioners and Dentists Union (KMPDU) is not corrupt.]

Omit periods from well-known acronyms.

When referring to an organization or other entity that is usually referred to by an acronym (“CID,” “KIA”), periods should be omitted, even in text or case name abbreviations.

[ex. The CID is investigating the matter.]

Abbreviations in case names are rarely used

Defer to the official name used by a legal authority.

Do not abbreviate directions

Capitalize directions only when referring to a proper noun. [ex. north, west, northern, North Eastern Province]

Do not abbreviate foreign country names

It is admissible to use common names of countries, provided that they are appropriate (use “The Netherlands instead of “Holland.”). [ex. France (not The Republic of France)]

Do not abbreviate state names

Do not use postal abbreviations. [ex. New York, New York (not New York, NY)]. Do not abbreviate counties, cities, and smaller subdivisions. Months of the year should not be abbreviated.

Serial commas

In a series of three or more elements, separate the elements by commas. When a conjunction joins the last two elements in a series, a comma is used before the conjunction.

[ex. I like red, blue, and green.]

Numbers

Ordinal numbers

For ordinal numbers in citations, use 1st, 2nd, 3rd, 4th, etc. In text, follow the convention for whole numbers described below.

[ex. She finished in third place.]

[ex. He finished in 100th place.]

[ex. Taxes are due each year on April 15.]

[ex. The First Amendment is about freedom of speech.]

Note: Do not superscript ordinal numbers.

Write out percent

A percent should always be expressed as a numeral followed by “percent.”

[ex. 34 percent (not 34%, thirty-four percent)]

Whole numbers

Spell out whole numbers from one to ninety-nine. Spell out any such one to ninety-nine multiple of hundreds, thousands, millions, and so on.

[ex. twenty-six, forty thousand]

Numerals

Use numerals for numbers greater than ninety-nine, for numbers that incorporate decimal points, and for dates. Use numerals to be consistent with other numbers expressed as numerals.

[ex. Almost 300 million people live in the US as of April 30, 1975.]

Currency

Use numerals for dollar amounts.

[ex. The jury awarded \$27 million in damages.]

Starting sentences with numbers

Whenever a number starts a sentence, spell it out (as long as it is under 100).

[ex. Thirty-two percent of staffers attended the meeting.]

Citations

Cite at the case name. Place a pin cite after the case name.

[ex. In *Maathai V Kenya Times Media Trust Ltd*,¹ the court held...

Endnotes:

1) (1989) 1KLR (e&l).]

Multiple authorities. Multiple authorities following a single introductory phrase or sentence should be separated by semicolons. When a new phrase introduces another group of citations, a new citation sentence should begin.

[ex. “See, for example, *Davis v Kantner*; *Cohen v. CULR*; *Brown v Board*”]

Grammar and punctuation in explanatory parentheticals

An explanatory parenthetical may contain either a quoted full sentence (in which case the first letter is capitalized and the sentence should end with punctuation) or a fragment (in which case the first letter is lowercase and the fragment should not end with punctuation). Generally, if the parenthetical is a fragment, the first word of the parenthetical should be a present participle.

Articles such as “the” and “a” should not be omitted from parenthetical language.

Describing concurring, dissenting, majority, or plurality opinions

When citing to a dissenting or concurring opinion, so indicate using the last name of the justice or judge followed by the type of opinion issued. Do not include “J” or “CJ.” Also, do not include any commas.

Explaining internal citations

Indicate an internal citation or quotation in a “citing...” or “quoting...” phrase set off by a comma. Do not use a parenthetical (to avoid the mess of double parentheses).

Multiple explanatory parentheticals: order and spacing

Date parentheticals come first, followed by the authoring judge (if necessary). An explanatory parenthetical is always placed at the *very end* of a citation, after date, authoring judge, or cross-references.

Dates

These should be set out as follows: 13 February 1999, 23 March 2000.

Editor or translator

When referring to an edited collection of works by different authors, place the editor’s name in the author’s position, followed by “ed.” [ex. David Kairys, ed, *The Politics of Law...*]

A translator should be indicated in an explanatory parenthetical.
[ex. *On Truth and Lies* (Oxford 1957) (Edith Honeywell, trans.)]

Multiple authors

Separate two authors’ names with “and” rather than an ampersand (“&”). When there are three authors, separate the first and second with a comma, and the second and third with a comma and “and.” [ex. Richard Posner, Frank Easterbrook, and Richard Corn]

If there are more than three authors, list the first author and then “et al”.
[ex. Paul M. Bator, et al, *The Meaning of Judicial Review...*]

Using the same citation more than once

When citing an authority for the first time, give the full citation. Thereafter, make references to the same authority by “id” *only* if the authority is the *only* one cited in the immediately preceding sentence or endnote. “Id” cannot be used even if the additional authority is merely cited in a parenthetical subsequent history, or “quoting” or “citing” reference.

Using “Id.”

“Id should be capitalized only if it is the first word in a sentence. It should not be followed by a period unless it appears at the end of a sentence, and should never be italicized.

Case names.

Cases involving the state should use the word Republic

[Ex. Republic v Jevan Mwanjau & Another]

Case names may be stated in the main text or footnotes as appropriate but MUST be stated in italics;

Abbreviation “v” should be used instead of “versus”. The “v” should also be in italics without a full-stop or other punctuation.

The citation of law report should always be placed in the footnotes, NOT in the main text.

The year of the law report should normally be enclosed in square brackets, for example, *Rylands v Fletcher* [1868] UKHL 1.

Court

Use a parenthetical to indicate the name of the court that decided the case, unless the court’s identity is clearly indicated

Articles in journals, newspapers, and services should be cited as follows:

{author}, {"title"}, {volume number} {periodical} {1st page}, {cited page}({date}). [ex. Herbert Wechsler, “Toward Neutral Principles of Constitutional Law,” 73 *Nature* 1, 9 (1959).]

Books and treatises

Books and treatises should be cited in the following form: {author}, {volume number} {title} {cited subdivision and/or page} ({publisher} {edition} {year}). [ex. James J. White and Robert S. Summers, *Handbook of the Law under the Uniform Commercial Code* § 14-6 at 563(West 2d ed 1980).]

Note: Each new volume of a multivolume work takes a new full cite when it is first introduced.

Title

Generally, use the title of the book as it appears on the title page. Never shorten the title. Secondary titles (subtitles) should be included in the cite after a colon. Book and treatise titles should be italicized.

Edition

Give the number of the edition cited unless citing to a first or single edition.

Constitution

The Constitution of Kenya should be cited as follows: Constitution of Kenya, 2010

Other founding legal documents

When citing to other founding legal documents, use the general form for constitutions as far as possible.

Name of act

Give the official name of the act or title.

Multiple sections or subsections

To indicate multiple sections or subsections, separate them by commas if they are not consecutive, or by an en dash (not a hyphen) if they are consecutive.

Section numbers

If section numbers are continued, follow the rules for multiple page numbers.

Treaties

Treaties and agreements to which Kenya is party should be cited with *both* the official and unofficial citation. {name of treaty}, {official citation}, {unofficial citation} ({year signed}).

[ex. Convention on the Rights of Persons with Disabilities (ICRPD), 2006).]

Foreign Materials

In general, foreign materials should be cited according to customary practice in the source country. The citation rules for a particular type of material's Kenyan equivalent may serve as a proxy.

Internet sources

Internet sources are transient in nature and often unreliable, so they should be cited with caution, and only if a paper source is not available. For only resources, provide the traditional citation for that type of document, followed by the "URL," which is the exact electronic address of that source. Also include the date the

source was last accessed, preceded by “visited.” Use the following form: {author}, {title}, {volume and publication} ({publisher and date}), online at {URL} (visited {date accessed}).

[ex. Raymond J. Kopp and Paul R. Portney, *Mock Referenda for Intergenerational Decisionmaking*, 5 Discussion Paper 97-48 (Resources for the Future 1997), online at http://www.rff.org/disc_papers/PDF_files/9748.pdf (visited Apr 15, 1998).]

Journal articles

At first mention, journal articles should be fully cited as follows: author, followed by the article title – in *italics*, then citation of the journal (by title – in plain text, volume, number, year) and the relevant page number(s). Abbreviations should be used only for familiar journals. Otherwise, the title should be fully given R Kerridge, *The Taxation of Trust Income* (1994) 110 L.Q.R. 84.

Statutes

Statutes should be fully identified in the main text or footnote and cited in the footnote as appropriate. Old statutes which have chapter numbers should be cited in the following form: Limitation of Actions Act, Chapter 22 of the Laws of Kenya. Modern statutes should be cited in the form: Children Act, 2001. Reference to a specific section(s) of the statute should use the word “section” in full before the statement of the title of the statute. Where the abbreviation „s” is preferred, the same should be placed in lower case at the after the citation of the statute or in parenthesis. For example, Section 29, Limitation of Actions Act, Chapter 22 of the Laws of Kenya OR Limitation of Actions Act, Chapter 22 of the Laws of Kenya, s 29.

Statutory Instruments

These should be fully identified in the main text or footnote and cited in the footnotes as appropriate. For example, Stamp Duty Regulations 1986, L.N. 1986/1711

International instruments

These should be fully identified in the main text or footnote and cited in the footnote as appropriate. The citation should normally include full title of the instrument, adopting body, place of adoption, year of adoption, year of coming into force, resolution number (where applicable), where the full text is published.

Citation of