

## **Finding free legal information on the internet**

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This guide is based on a presentation given by Lydia Craemer at a workshop organised by the Organisation of South African Law Libraries (OSALL) in 2014. The guide has been compiled for new candidate attorneys who may find that the online resources that they accessed at university are not as comprehensive as those they now access at their employers. This guide is also for legal professionals who may not be aware of what has become available for free online over the past ten years. We also alert legal professionals to the hazards they may encounter when using the internet to find free legal information. Using Google and government websites is usually not a good idea unless you can definitely tell whether or not the information provided is up to date and authoritative.

## **Cases handed down in South African courts**

You can use Southern African Legal Information Institute (SAFLII) to find many of the post-1994 cases from the various courts. SAFLII is an online repository of legal information from South Africa (SA) that aims to promote the rule of law and judicial accountability by publishing legal material for open access in line with the objectives of the global free access to law movement.

- All Constitutional Court (CC) cases handed down from 1995 onwards are available on [www.constitutionalcourt.org.za](http://www.constitutionalcourt.org.za), as well as on [www.saflii.org](http://www.saflii.org). The CC website also provides access to *a quo* cases from the relevant High Court and Supreme Court of Appeal (SCA), court papers and pleadings for CC cases.
- Cases from the SCA are available on [www.supremecourtofappeal.gov.za](http://www.supremecourtofappeal.gov.za), as well as on [www.saflii.org](http://www.saflii.org) (from 1984 onwards). The SCA website itself is useful for finding out what cases are coming up for hearing and which ones have been refused appeal and struck off or dismissed – see the ‘Bulletin section’.
- A number of High Court cases from around SA are available on [www.saflii.org](http://www.saflii.org) – each collection has a different year range.

It is important to understand that SAFLII is dependent on the various registrars around the country to send them cases as they are handed down. Recent cases are usually uploaded within days of SAFLII receiving the case from the respective registrar. However, the case may not appear on SAFLII immediately because it is either being typed by the court's typing pool or it is being transcribed. It is important to note that court orders are not available on SAFLII.

If you find that a recent case is not on SAFLII, Juta or LexisNexis, you can ask for it to be retrieved from offsite storage and this may take up to two weeks. You will also need a case number – if you have the names of the parties, these can be retrieved from court rolls on [www.saflii.org](http://www.saflii.org) according to the relevant court.

Cases may also be retrieved from various websites belonging to statutory bodies such as –

- South African Revenue Service – [www.sars.gov.za](http://www.sars.gov.za).
- Pension Fund Adjudicator – [www.pfa.org.za](http://www.pfa.org.za).
- Competition Commission – [www.compcom.co.za](http://www.compcom.co.za).
- National Consumer Tribunal – [www.thenot.org.za](http://www.thenot.org.za).
- South Africa Human Rights Commission – [www.sahrc.org.za](http://www.sahrc.org.za).
- Public Protector – [www.pprotect.org](http://www.pprotect.org).

Links to the above bodies and other government-related bodies are available on [www.gov.za](http://www.gov.za).

If you have read about a case in a news article you can Google the name of the case, however, it is important to understand that newspaper articles may not always contain the precise parties' names. Also, SAFLII and other websites are likely to have redacted the exact party name if it is regarded as private, for example, cases involving the Road Accident Fund and family law cases. It will, therefore, be difficult to find the case unless you know all the other relevant information such as the date, the court or the judge. On occasion, the date might be vague or unspecified and no mention is made of the judge's name or the court in which the case was heard.

Websites of human rights non-governmental organisations may often upload the case if they represented one of the parties or even if they think the case might be of interest in general. For example, human rights cases such as those covering evictions and housing matters, refugees and environment may be found on the following websites:

- Centre for Environmental Rights, Cape Town – [www.cer.org.za](http://www.cer.org.za).
- Refugees Rights Law Clinic, UCT – [www.refugeerights.uct.ac.za](http://www.refugeerights.uct.ac.za).
- Section 27, Johannesburg – [www.section27.org.za](http://www.section27.org.za).
- Legal Resources Centre – regional offices [www.lrc.org.za](http://www.lrc.org.za).
- Lawyers for Human Rights – regional offices – [www.lhr.org.za](http://www.lhr.org.za).
- Socio Economic Rights Institute Johannesburg [www.seri-sa.org](http://www.seri-sa.org).

## **Judgments and comments**

To find out how judgments have been dealt with, or commented on, or to see where journal articles have been cited, SAFLII also provides LawCite at [www.saflii.org.za/LawCite/](http://www.saflii.org.za/LawCite/). This is an automatically generated international legal case and journal article citator. LawCite will help you to locate and find a copy of a decision, see how a decision has been subsequently dealt with and find other materials such as journal articles about a decision. It will also help you to see how journal articles have been cited by other journal articles and cases.

## **Looking for legislation**

A new website [www.lawsofsouthafrica.up.ac.za](http://www.lawsofsouthafrica.up.ac.za) containing free online consolidated South African legislation – with ‘point-in-time’ or historical versions, was launched in 2013. The University of Pretoria’s Law Library, with start-up funding from the Constitutional Court Trust, undertook a project to consolidate the South African legislation (the Acts and Regulations from Parliament) and to supply this information free to the public. The service still receives some funding from the Constitutional Court Trust, and for the rest it is dependent on the legal profession for funding.

The Acts and regulations documents from the University of Pretoria’s website are also made available freely on the SAFLII website. In addition, the database includes point-in-time or historical versions of the Acts and by using this facility you can see what an Act contained at any point-in-time. At this stage the website is a work in progress and does not yet contain all the Acts, however, over 250 Acts have been completed and are available on the website.

## **Other sources of legislation**

- **Government websites**

Government websites containing legislation are mainly neither up-to-date nor consolidated. Although the legislation on these government websites may 'look' very similar and indeed be the legislation that is found on the legal publishers' websites such as Sabinet, Juta or LexisNexis and show some amendments, often the government department concerned has neglected to keep the legislative material up to date. As a result legislation on many government websites is not up-to-date. The website rarely states 'last amended by date.'

- **Government Gazettes**

Sometimes government websites only load the *Government Gazette* (GG) containing the original Act. Any GG is merely a snapshot of what the Act looked like on that date. The Act is very likely to have been amended subsequently, but there is no way of knowing that unless you search for all the GG relevant to that Act. Even then the Act may have been amended by an Act that has another title or more generic title like 'General Law Amendment'. This is why it is important to use consolidated legislation.

For GG see [www.gov.za](http://www.gov.za) – 'Documents section' and the Government Printing Works website ([www.gpwonline.co.za](http://www.gpwonline.co.za)). There is no charge for the service at the Government Printing Works but you will need to register. Usually the gazettes are published on the website within a day of their publication.

- **Bills**

To find out how a Bill becomes an Act see: <https://pmg.org.za/bills/explained/>. When you read a news article about new legislation, make sure that what the journalist is referring to is indeed an Act and not a Bill. While a Bill might have been passed in Parliament, it might still be awaiting signature by the president – this can take some time. For the status of Bills, see <https://pmg.org.za> or [www.parliament.gov.za](http://www.parliament.gov.za) under 'Legislation'.

- **By-laws**

By-laws found on a municipality's website are not always published with a date and often the website does not say whether the by-law has in fact commenced or not. In order for a by-law to commence, (as well as other legislation, be it provincial or national), the date of commencement must be gazetted – that is, it must be published in a *Government* or *Provincial Gazette* with a commencement date. Beware – even if a by-law is published on a municipality's website, it does not mean the by-law has commenced. When an Act states under the section 'Short title and commencement' '... This Act is called the ... Act and takes effect on a date determined by the President by proclamation in the *Gazette*', this means the date will be published in a GG at a later stage. Otherwise the Act is assumed to have started on the date of publication of the GG.

- **Green and white papers**

If you are looking for green and white papers see [www.gov.za](http://www.gov.za) – 'Documents section'.

### **Law journals**

There are three different websites you can search for law journal articles published in SA:

- South African Legal Periodicals Index – [www.constitutionalcourt.org.za/uhtbin/webcat](http://www.constitutionalcourt.org.za/uhtbin/webcat), then select iSalpi. This is a free database.
- Johannesburg Society of Advocates library – See 'Library Section' – [www.johannesburgbar.co.za](http://www.johannesburgbar.co.za). This is a free database.
- Sabinet – [www.journals.co.za](http://www.journals.co.za). This is a free database.

Take note that the first two databases only contain references, and not the full text of articles in journals and only covers journal issues that were published from 1980 onwards.

However, more and more journals are providing free access online and besides using the websites listed below you can also use the Sabinet website ([www.journals.co.za](http://www.journals.co.za)) to search most of the law journals published in SA all at once (articles published from 2000 onwards). In order to view the list of the law journals that Sabinet includes in their SA ePublications database, click on the tab 'Law collection' (this collection of law journals published in SA includes both subscription-based and open access journals, but not all of them).

You can search by author, keyword, year, title of the journal article, journal title amongst other fields when you use the Sabinet website. If you are interested in a certain journal you can then view the article and if it is an open access journal you will be able to download the content at no cost. If the journal is subscription-based, your institution or law firm will have to pay a Sabinet subscription in order to view the article.

To access older law journals (published in South Africa) there is also an archive of older journal articles available at The African Journal Archive ([www.ajarchive.org](http://www.ajarchive.org)) is a Sabinet Gateway project in conjunction with the Carnegie Corporation. There are some law journals on the platform that can be accessed free of charge.

### **Open access legal journals in SA**

- *African Public Procurement Law Journal* is published by the Faculty of Law, Stellenbosch University <http://applj.journals.ac.za/pub> (from 2014, volume 1 onwards).
- *African Human Rights Law Journal* is published by the Centre for Human Rights, University of Pretoria [www.ahrlj.up.ac.za/](http://www.ahrlj.up.ac.za/) (from 2001 onwards).
- *De Jure* is published by the School of Law, University of Pretoria: [www.dejure.up.ac.za/](http://www.dejure.up.ac.za/) (since 2011).
- *Journal for Juridical Science* is published by the Faculty of Law, University of the Free State: <https://africansunmedia.snapplify.com/product/journal-for-juridical-science-382>.
- *Law, Democracy & Development* is published by the Faculty of Law at the University of the Western Cape: [www.idd.org.za/current-volume.html](http://www.idd.org.za/current-volume.html) (from the first issue in 1997).
- *LitNet Akademies* (Regte) – [www.litnet.co.za](http://www.litnet.co.za).
- Potchefstroom Electronic Law Journal is published by the School of Law, North West University [www.nwu.ac.za/p-per/volumesarchivehtml](http://www.nwu.ac.za/p-per/volumesarchivehtml) (from 1998 volume 1 onwards).
- *Speculum Juris* is published by the Nelson R Mandela School of Law, University of Fort Hare [www.speculumjuris.co.za/articles](http://www.speculumjuris.co.za/articles) (from 2005 onwards).

The full text of an academic article may also be found on institutional repository of a university if the author worked at the university at the time of publication. More and more universities in SA are publishing dissertations, journal articles and research papers online on their respective websites. For a comprehensive list see [www.openoar.org/countrylist.php#South%20Africa](http://www.openoar.org/countrylist.php#South%20Africa).

## How to keep abreast of legal developments in SA

- **Contents pages of SA journals**

Sabinet Reference allows you to set up e-mail alerts or RSS feeds on the SA ePublications. These alerts will inform you when a new issue is loaded on the platform. For more information on this service, which is free, visit <http://reference.sabinet.co.za>.

- **Legal policy and legislative developments**

There is also a service called Sabinet Law ([www.sabinetlaw.co.za/](http://www.sabinetlaw.co.za/)) that is available free of charge and that provides legislation and policy related information in the main gathered from Parliament and government websites.

## Further reading

You can also access the following free guides on how to find and use legal information in SA:

- Shirley Ann Gilmore. *PULP GUIDE: Finding legal information in South Africa* (3rd ed) (Pretoria: University Law Press: 2014) [www.pulp.up.ac.za/pdf/2014\\_07/2014\\_07.pdf](http://www.pulp.up.ac.za/pdf/2014_07/2014_07.pdf).
- Amanda Barratt and Pamela Snyman. *Researching South African Law*. This was updated by Redson Edward Kapindu in March 2010 and is available on [www.nyulawglobal.org](http://www.nyulawglobal.org)
- SAFLII guide – [www.lawlibrary.co.za](http://www.lawlibrary.co.za)
- A guide on how to search SA ePublications <http://reference.sabinet.co.za>

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