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**NATIONAL SCHOOLS MOOT COURT COMPETITION**

**2017 OFFICIAL RULES**

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**NATIONAL SCHOOLS**  
Moot Court Competition

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[www.schoolsmoot.co.za](http://www.schoolsmoot.co.za)

The Competition consists of 3 levels: (1) Essay Phase (2) Provincial Oral Rounds, and (3) the National Oral Rounds. Provincial Oral Rounds are held in each Province if more than 4 teams participate. The National Oral Rounds, represent the final level of the Competition, and includes Preliminary Rounds, Quarter-Final and Semi-final Rounds, and the Grand Final Oral Round in the Constitutional Court.

The National Rounds of the 7<sup>th</sup> National Schools Moot Court Competition (NSMCC) for will be held from **4<sup>th</sup> to 8<sup>th</sup> October 2017** in Pretoria and Johannesburg. The Preliminary Rounds will be hosted at the University of Pretoria, while the Grand Final Round will be hosted at the Constitutional Court.

## **1. Eligibility, Selection and Participation**

### **1.1. Eligibility**

- 1.1.1. Participation in the National Rounds of the NSMCC is open to a maximum of 4 teams from each province selected or determined by the Department of Basic Education and/or the Department of Justice.
- 1.1.2. Only grade 10 and 11 learners from all secondary schools in the nine provinces of South Africa are eligible participate.
- 1.1.3. Learners who have participated in a previous Schools Moot Court edition will not be allowed to participate in the National Rounds.

### **1.2. Team Composition**

- 1.2.1. A team consists of two members from a single school. A team member or members who cannot compete due to circumstances beyond their control may be substituted at the discretion of the Competition Organisers.

### **1.3. Team Selection Process**

- 1.3.1. Team Members may be chosen by any method approved by the responsible authority within the school.

## **2. Language**

2.1. The official language used for this event will be English.

## **3. Hypothetical problem to be argued**

3.1. The Official Hypothetical Case is the case posted on the schools moot website. Presentation or Essay based on any other version of this case will not be accepted.

## **4. Submission of Memorials and Registration of Teams**

4.1. Each Team participating in the Competition must collectively prepare one Applicant and one Respondent Essay. Each Team must submit its Applicant and Respondent Memorials to the University of Pretoria via email (schoolsmoot@up.ac.za).

4.2. Essays must be submitted on or before 5pm on the 28 July 2017. Essays submitted after this date and time will be subject to penalties or disqualification.

4.3. Submission of essays must occur in a single email message, addressed to the Tino Kakora, with both Applicant and Respondent Memorials attached as separate files titled "Applicant, Name of School" and "Respondent Name of School", respectively.

4.4. A completed Official Cover Page must accompany each essay. The Cover page will also function as a registration form. Essays without a completed cover page will not be accepted.

## **5. Team Number as Identification**

5.1. Once a Team has completed registration by submitting Essays, the National Steering Committee will assign the Team an official Team Number.

5.2. Once Team Members and Educators are registered, Teams may not make any changes, including to contact and mailing information, without permission from the National Steering Committee. Any request to make a change must be submitted to schoolsmoot@up.ac.za with an explanation of the reason for the proposed change.

5.3. Substitution of a new Team Member is not permitted after the registration of Teams or submission of Essays except in extenuating circumstances and only with the written permission of the National Steering Committee. The National

Steering Committee will record approved Team Member substitutions in the registration system. These registration obligations continue throughout the course of the Competition Year until the Team has been eliminated from the Competition.

### **1.3 Competition's Official Programme**

5.4. An official programme for the Competition will be issued by the Steering Committee at the start of the Competition, indicating the time and venue of each session.

## **6. Oral Rounds**

### **6.1. General Procedures**

6.1.1. Teams are judged on their oral presentation only. Both Team members must make oral presentations during the Round. Prior to the beginning of the Oral Round, each Team must indicate to the bailiff how it wishes to allocate its time among (a) its first oralist, (b) its second oralist, and (c) rebuttal (for Applicant).

6.1.2. The Team may not allocate more than 14 minutes, including rebuttal (if Applicant), to either oralist, although in extenuating circumstances, the Competition Organizer has discretion to permit a single oralist to argue beyond the 14-minute limit. Time allocated for but not used by one oralist may not be used by the other oralist or saved for rebuttal.

### **6.2. Sequence of arguments**

6.2.1. The applicant team will argue first, where after the respondent team will argue, and if time was reserved for this purpose, the applicant team may then reply to the respondent team's arguments. The respondent does not have an opportunity to reply to the Applicant's submissions.

6.2.2. Applicant 1 --> Applicant 2 --> Respondent 1 --> Respondent 2 --> Rebuttal (Applicant 1 or 2)

6.2.3. Once an oralist has completed his or her main pleading, that oralist may not make any additional argument except for rebuttal (if Applicant). This applies irrespective of whether the pleading Team uses all of the time it has allocated for its main pleadings. Time not used in the main pleading may not extend the time allocated to rebuttal (if Applicant).

6.2.4. In the Preliminary Rounds a team will argue the problem a maximum of four (4) times: twice (2) as applicants and twice (2) as respondents.

6.2.5. Any of the judges may at any time interrupt a team member with questions regarding his or her arguments. Teams are partly judged on how they respond to these questions.

6.2.6. A Team's oral pleadings are not in any way limited to the scope of the Team's Essay.

### **6.3. Time allocation and limits**

6.3.1. Each team is allowed to argue for a maximum of 20 minutes per team. For the applicant team, the 20 minutes includes the time they may wish to reserve for their reply. The reply may not exceed 3 minutes.

6.3.2. Both team members must argue. One oralist may not use more than 14 minutes.

6.3.3. Judges may, at their discretion, extend total Team oral argument time beyond the 40-minute allocation, and oralists asked by the judges to expand upon arguments may, in this instance, exceed the 13-minute individual limit.

### **6.4. Rebuttal**

6.4.1. Only the Applicant may rebut. The Respondent is not entitled to a Rebuttal. Each Applicant Team may reserve up to 3 minutes for rebuttal. The rebuttal shall immediately follow Respondent 2.

6.4.2. Only one of the two Applicant oralists may deliver the rebuttal, but the Team need not indicate in advance which of the pleading Team Members will do so.

6.4.3. Applicant Teams may waive their right to rebuttal.

6.4.4. As a courtesy to the judges, Applicant Teams should announce at the beginning of their oral argument whether they intend to reserve time for rebuttal and how much time they intend to reserve, although a failure to do so will not entail waiver of the right to rebuttal.

6.4.5. The scope of the rebuttal is limited to the subject matter of the Respondent's pleadings.

### **6.5. Ex Parte Procedure**

6.5.1. In extreme circumstances, such as when a Team fails to appear for a scheduled Oral Round, the Competition Organiser, after waiting 30 minutes, may allow the Oral Round to proceed ex parte. In an ex parte proceeding, the attending Team presents its oral pleadings, which are scored by the judges to the extent possible as if the absent Team had been present and arguing.

6.5.2. The Team that fails to appear for its scheduled round forfeits all of the Oral Round Points.

6.5.3. Team will be deemed to have failed to appear if only one Member from a given Team appears for the Oral Round. In such an event, the absent Team's single oralist shall be allowed to plead and receive an individual score for purposes of calculating individual oral pleading scores, even though his/her team forfeits all Oral Round points for that round.

### **6.6. Absence from the courtroom**

6.6.1. No team member shall be allowed to leave the courtroom for the duration of the proceedings of a specific case in which he or she is taking part.

### **6.7. Oral Courtroom Communication and Activity at Counsel Table**

6.7.1. To prevent disruption, communication at the counsel table between Team Members may be in writing only. Teams and team-affiliated spectators shall avoid all unnecessary noise, outbursts, or other inappropriate behavior that distracts from the argument in progress.

### **6.8. Dress Code**

6.8.1. Learners must wear their school uniforms for the duration of the event, unless informed otherwise by the Competition Organiser.

### **6.9. Written Courtroom Communication**

6.9.1. Written communication during the Oral Round shall be limited to written

communication among Team Members seated at the counsel table.

6.9.2. No other written communication may take place between any combination of the following parties: judges, the oralist, Team Members seated at the counsel table, or spectators.

#### **6.10. Audio and Videotaping**

6.10.1. No audiotaping or videotaping of oral pleadings is permitted without the advance permission of the entire panel of judges, the two participating Teams, and the Competition Organizer. In no circumstances may participating Teams view or listen to any video or audiotape of an Oral Round until after the completion of the Competition in which the taped Oral Round took place.

6.10.2. NSMCC reserves all rights to the audiotaping and videotaping, or any other form of audio or visual reproduction, of any Oral Round or part thereof.

6.10.3. All Teams participating in the Provincial or National Oral Round will be deemed to have consented to the taping and broadcasting of that Oral Round.

#### **6.11. Computers, Mobile Phones, and other Electronic Devices in Courtrooms**

6.11.1. During an Oral Round, Oralists at the podium and participants seated at counsel table may not operate, for any purpose, mobile phones, laptop computers, PDAs, or any other computing or electronic devices, including but not limited to those which are internet-enabled or data-capable, or have instant messaging capabilities.

6.11.2. All such devices must be turned off and removed from sight as soon as the bailiff first enters the courtroom, and must remain off and out of sight until the conclusion of the Oral Round. A Team that violates this Rule is subject to a Penalty.

#### **6.12. Recording of Oral Rounds**

6.12.1. No audio taping or videotaping of Oral Rounds is permitted without the advance express oral or written permission of the entire panel of judges, the two (2) participating Teams and the Competition Organisers.

6.12.2. In no circumstances are participating Teams permitted to view or listen to any video or audio tape until after the completion of the competition in which the taped Oral Round occurred. The Competition Organisers reserve all rights to the audiotaping and videotaping, or any other form of audio or visual reproduction, of any Oral Round or part thereof.

### **6.13. Timekeeping Devices in the Courtroom**

6.13.1. The bailiff shall indicate the official time of the match. No one other than the bailiff may display timecards or otherwise signal to the Oralist how much time is left.

6.13.2. Teams may use silent digital or analog watches at the podium or at counsel table. However, the use of any such device which, in addition to keeping time, is capable of either (a) sending or receiving data to another person or to the Internet, or (b) storing text data, shall be prohibited at counsel table and at the podium, even if such functionality is turned off.

### **6.14. Scouting**

6.14.1. Team Members or persons directly affiliated with any Team may attend only Preliminary Rounds in which that Team is competing. Team may not attend an Oral Round involving one or more Teams against which it will compete in a future Oral Round.

6.14.2. Violation of this Rule must be brought to the attention of the bailiff and/or Competition Organisers immediately, without disturbing the Oral Round, or immediately after the Oral Round has finished.

6.14.3. A Team that commits Scouting forfeits all Oral Round Points in each future Preliminary Round in which it competes against a Team it scouted.

### **6.15. Pairing in the Preliminary Rounds**

6.15.1. The pairing of Teams for Preliminary Rounds shall be done, in the first instance, by a random draw.

### **6.16. Pairing in the Quarterfinal Rounds**

6.16.1. The pairings shall be determined by “power-seeding” as follows:

#### **For Quintile 1, 2 & 3 schools:**

(1) The four highest ranking teams schools will compete against the 4 lowest scoring teams in the same Quintile category:



8th ranking Team versus the 1st-ranked Team, the 7th-ranked Team versus the 2nd-ranked Team, the 6th-ranked Team versus the 3rd-ranked Team, and the 5th-ranked Team versus the 4th-ranked Team.

**For Quintile 4 & 5 schools:**

(2) The four highest ranking teams will compete against the 4 lowest scoring teams in the same Quintile category:

8th ranking Team versus the 1st-ranked Team, the 7th-ranked Team versus the 2nd-ranked Team, the 6th-ranked Team versus the 3rd-ranked Team, and the 5th-ranked Team versus the 4th-ranked Team.

**6.17. Semifinal Rounds**

6.17.1. The pairings shall be determined by “power-seeding” as follows:

**For Quintile 1, 2 & 3 schools:**

(1) The 2 highest ranking teams schools will compete against the 2 lowest scoring teams in the same Quintile category:

4th ranking Team versus the 1st-ranked Team, the 3th-ranked Team versus the 1st-ranked Team.

**For Quintile 4 & 5 schools:**

The 2 highest ranking teams schools will compete against the 2 lowest scoring teams in the same Quintile category:

4th ranking Team versus the 1st-ranked Team, the 3th-ranked Team versus the 1st-ranked Team.

**7. Grand Final Oral Round**

**7.1. Composition of Teams**

7.1.1. The four (4) highest scoring teams in the Semi-Final Rounds will proceed to the Final Round in the Constitutional Court.

7.1.2. Two (2) of these teams will be joined to argue the case for the applicant as a new combined team and the other two (2) teams will, as a new combined team, argue the case for the respondent in the Final Round.

7.1.3. The two joint teams will each be comprised of at least one (1) team from either a Quintile 1, 2 or 3 school.

7.1.4. Only two (2) members of each combined team, one from each constitutive team, will present arguments during the Final Round.

7.1.5. The two (2) teams comprising the combined team with the highest scores will be the co-winners of the competition.

7.1.6. Lots will be drawn to determine the composition of the combined teams in the final round, and who will argue the case for the applicant or respondent.

## **8. Qualifying for National Rounds**

8.1. The following teams from each Province will be selected to proceed to the National Round in Pretoria/Johannesburg:

8.1.1. In the event that a province has a Provincial Oral Rounds the following teams will proceed to the National Oral Rounds based on the Oral Presentation scores:

- The 2 highest scoring teams from Quintile 1, 2 or 3 schools
- The 2 highest scoring teams from Quintile 4 or 5 schools

8.1.2. In the event that a province does not have Provincial Oral Rounds, the following teams will proceed to the National Oral Rounds based on the essay scores:

- The 2 highest scoring teams from Quintile 1, 2 or 3 schools
- The 2 highest scoring teams from Quintile 4 or 5 schools

## **9. Competition Scoring**

### **9.1. Basis for Scores**

9.1.1. Judges are instructed to judge the Teams on the overall quality of their performances, not on the underlying merits of the case.

9.1.2. Scoring will be done in accordance with the “2017 official scoring sheet” available on the website and further annexed to these rules.

## **9.2. Preliminary Rounds**

9.2.1. In the Preliminary Rounds, each judge will score each Oralist on a scale of 50 to 100 points.

## **9.3. Calculation of Scoring Points**

9.3.1. In each Oral Round, a Team's Total Oral Score is the sum of the scores of all judges for each of its two Oralists.

9.3.2. If there are 5 or more judges adjudicating an Oral Round, the highest and the lowest score for each oralist will be excluded from calculating each oralist's score for that round.

## **9.4. Two-Judge Panels**

9.4.1. If only two judges score a given Memorial or a given Oral Round, the Administrator shall create a third score and score sheet by averaging the scores of the two judges.

## **10. Prizes**

### **10.1. Best Applicant Essay**

10.1.1. This prize is awarded to the team that wrote the highest scoring Respondent essay based on their total essay scores. This team is announced at the end of the competition during the prize-giving ceremony.

### **10.2. Best Respondent Essay**

10.2.1. This prize is awarded to the team that wrote the highest scoring Respondent essay based on their total essay scores. This team is announced at the end of the competition during the prize-giving ceremony.

### **10.3. Best oralists**

10.3.1. The prize is awarded to the highest scoring individual oralists in the preliminary rounds based on the points indicated for oral presentation. This oralist will be announced at the end of the competition during the prize-giving ceremony.

## **10.4. Winning Team**

10.4.1. The two (2) teams comprising the combined team (in terms of rule 6.1) with the highest scores in the Grand Final Round will be the co-winners of the competition.

## **11. Disqualification and Penalties and Interpretation**

### **11.1. Procedure**

11.1.1. The Competition Organisers have the power to impose penalties, in the form of subtractions from the marks awarded, not exceeding 20% for each separate violation of the rules or infringement on the spirit of the competition.

11.1.2. Judges may propose disqualification or penalties, but these measures will only take effect once they are endorsed by the Competition Organisers.

11.1.3. Complaints pertaining to alleged violations of the rules or infringements on the spirit of the Competition must be submitted to the Competition Organisers within 15 minutes of the completion of the Round in which the alleged violation occurred.

### **11.2. Grounds**

11.2.1. The Steering Committee may disqualify or impose a penalty against a team for behaviour which substantially prejudices the competition, including, but not limited to the following:

- 1) Any of the Official Rules
- 2) scouting
- 3) late submission of Essays, or failure to submit Essays;
- 4) failure to meet memorial length and form requirements;
- 5) communication between counsel table and any person (other than judges) during the oral pleadings;
- 6) engaging in poor sportsmanship;
- 7) submitting petty, frivolous and verbose complaints;
- 8) revealing the identity of a team to the judges of a round before (or during) that round has taken place;
- 9) insufficient attendance of any of the prescribed items in the official programme;
- 10) dishonesty or other serious breaches of the spirit of the competition.

### **11.3. Interpretation and Amendment of the Rules**

11.3.1. Any dispute that arises during any of the Rounds that concerns interpretation and application of these rules, or the general administration of the competition, will be resolved by the Steering Committee.

11.3.2. All decisions of the Steering Committee concerning questions of rules, interpretation and application are final.

11.3.3. Should circumstances so require, the Competition Organisers may, in consultation with the National Steering Committee, make amendments to the rules.

11.3.4. The Competition Organisers, in consultation with Steering Committee may promulgate any other measures for the orderly conduct of the Competition or to correct deficiencies in the Competition.

### **12. Moot website**

All the Moot official documentation and other practical information necessary for the teams' preparation ahead of the Competition are available from the Moot website: [www.schoolsmoot.co.za](http://www.schoolsmoot.co.za)

All correspondence should be addressed to:

**National Steering Committee  
Institute for International and Comparative Law in Africa  
Faculty of Law  
University of Pretoria  
PRETORIA 0002, South Africa**

**Tel: +27(12) 420 5883  
Email: [schoolsmoot@up.ac.za](mailto:schoolsmoot@up.ac.za)  
Website: [www.schoolsmoot.co.za](http://www.schoolsmoot.co.za)**

**ANNEXURE 'A'**  
**7TH NATIONAL SCHOOLS MOOT COURT COMPETITION**  
**4 - 8 OCTOBER 2017**

**APPLICANT'S/RESPONDENT'S SCORING SHEET**  
**PRELIMINARY ROUNDS**

(Applicant) \_\_\_\_\_ V \_\_\_\_\_ (Respondent)

ORALIST 1 - SURNAME		ROUND	SESSION	ORALIST 2 - SURNAME	
Highest possible score	Score given	INDICATORS		Score given	Highest possible score
25		<ul style="list-style-type: none"> <li>• Knowledge of the facts</li> <li>• Correct and articulate analysis of the issues</li> </ul>			25
25		<ul style="list-style-type: none"> <li>• Familiarity with international authorities (preference should be given to the use of African sources)</li> <li>• General knowledge of substance and process of international law</li> <li>• Knowledge of legal principles directly applicable to the facts</li> </ul>			25
25		<ul style="list-style-type: none"> <li>• Organisation</li> <li>• Clarity</li> </ul>			25
25		<ul style="list-style-type: none"> <li>• Response to questions</li> <li>• Ingenuity</li> <li>• Persuasiveness</li> </ul>			25
<b>100%</b>		<b>TOTAL</b>			<b>100%</b>

**I found the presentation of Oralist 1 to be:**

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**I found the presentation of Oralist 2 to be:**

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**Name of Judge:**

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**Signature of Judge:**

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**SCORING GUIDE**

Outstanding	90% - 100%	Average	50% - 59%
Excellent	80% - 89%	Poor	40% - 49%
Very good	70% - 79%	Below minimum standard expected	0% - 39%
Good	60% - 69%		