

Constitution of the Moot & Debating Society

(as adopted on 3 March 2011 and amended on 19 May 2011 and 18 October 2011)

1. Interpretation

- 1.1. Unless the context indicates otherwise, the following terms and expressions shall bear the meaning assigned to them in this clause.
- 1.2. **“Head Coach”** means a person who has been assigned by the Dean of the Faculty of Law and acts as the Dean’s representative on the Exco.
- 1.3. **“Society”** means the Moot & Debating Society.
- 1.4. **“Exco”** means the Moot & Debating Society Executive Committee.
- 1.5. **“UP”** means the University of Pretoria.
- 1.6. **“International competition”** means:
 - 1.6.1. The Philip C. Jessup International Law Moot Court Competition;
 - 1.6.2. The African Human Rights Moot Court Competition;
 - 1.6.3. The John Marshall Law School International Moot Court Competition in Information Technology and Privacy Law;
 - 1.6.4. The International Criminal Court Trial Competition;
 - 1.6.5. The Commonwealth Moot Court Competition; and
 - 1.6.6. Any other credit-bearing competition for the purposes of SKH (Moot Court) 420.
- 1.7. **“Competition”** means international competition as well as the following:
 - 1.7.1. The Child Law Moot Court Competition;
 - 1.7.2. The Kovies First Year Moot Court Competition;
 - 1.7.3. The Lexisnexis Mock Trial Competition;
 - 1.7.4. The Trade Moot Court Competition.
- 1.8. **“Dean”** means the Dean of the Faculty of Law, Deputy Dean or their delegated representative.
- 1.9. **“Quorum”** means the presence of 60% of the members of the Exco when any vote takes place.

2. Structure

- 2.1. This Constitution governs the Society and the Exco.
- 2.2. The Head Coach will be the strategic head of the Exco and with the Dean, must decide which competitions UP will participate in, subject to receiving input from the Exco on the matter.
- 2.3. The Head Coach will also be responsible for overseeing the coaching of all UP teams.
- 2.4. The Chairperson will be the administrative head of the Exco and must fulfil the duties as set out in Annexure 1 to this Constitution.
- 2.5. The Exco will be responsible for the administration and organisation of mooting and debating events within the Faculty of Law, including all internal moot and debating competitions and all tryouts held to select teams for competitions as defined in clause 1.
- 2.6. The Exco will exercise its responsibilities through the duties allocated to each portfolio and Exco members elected to a portfolio will be known as the portfolio heads.
- 2.7. Society members will as far as possible be incorporated into the various portfolios to assist the portfolio heads in fulfilling their duties, as the need arises.

3. Membership

- 3.1. Every person having represented UP at a competition will be entitled to become a member of the Society.
- 3.2. Every person who has represented UP in an international competition, shall automatically become a member of the Exco, except in the case of the Jessup International Law Moot Court Competition, where a person will acquire provisional membership upon selection to the team and which will become final after that person has represented UP at the competition.
- 3.3. If the Exco decides to increase the number of persons on the Exco, subject to the proviso in clause 3.4, it shall invite all members of the Society to apply for a position on the Exco, in accordance with the procedure as set out in an Annexure to this Constitution.
- 3.4. The Exco will consist of a maximum of 10 persons and a minimum of 7 persons, excluding the Head Coach.
- 3.5. If there is an insufficient number of persons on the Exco after clause 3.2. has been applied, the Exco shall invite all members of the Society to apply for a position on the Exco, in accordance with the procedure as set out in Annexure C to this Constitution.

- 3.6. The term of the Exco will officially start once the procedure in clause 3.5 has taken place, or if there is no need for the procedure, after the selection of the team which will participate in the Jessup International Law Moot Court Competition. The term of the Exco will end just prior to the selection of the team for the Jessup International Law Moot Court Competition in the following year.
- 3.7. Any person who wishes not to become a member of the Exco in terms of clause 3.2, shall notify the Chairperson of the Society in writing or by e-mail.
- 3.8. If a person wishes to terminate their membership to the Society and/or Exco, that person must notify the Chairperson of the Society in writing or by e-mail.

4. Portfolios

- 4.1. The Exco shall consist of at least the following portfolios:
 - 4.1.1. Chairperson;
 - 4.1.2. Secretary;
 - 4.1.3. Archives;
 - 4.1.4. Marketing;
 - 4.1.5. Internal competitions;
 - 4.1.6. Head Coach; and
 - 4.1.7. Fundraising.
- 4.2. The election to each of the portfolios shall take place as follows:
 - 4.2.1. The Head Coach shall conduct the election process.
 - 4.2.2. The Chairperson will be elected first.
 - 4.2.3. If a person wishes to stand for Chairperson, he/she must be nominated by himself/herself or by another Exco member.
 - 4.2.4. Once the Head Coach has received all the nominations, the nominees shall leave the room where the meeting is taking place. The members of the Exco not standing for the position of Chairperson, will then vote by way of a show of hands, provided that each Exco member may only vote for one of the nominees.
 - 4.2.5. The nominee who has received the most votes will be the Chairperson of of the Society.

- 4.2.6. Election to the remaining portfolios can take place in any order, in terms of the same procedure used for electing the Chairperson, provided that any person who has already been elected to a portfolio, may not stand for election to another portfolio. Alternatively, the members of the Exco can agree to elect persons to the remaining portfolios by way of agreement, provided that all the members of the Exco are in favour of the election taking place by agreement.
- 4.3. No person may serve as the Chairperson or the Secretary of the Exco if he/she is already a member of the Executive Committee of the Pretoria Student Law Review or Law House.
- 4.4. Except for the Chairperson, Secretary and Head Coach portfolios, more than one person may be elected to a portfolio.
- 4.4. The duties of each portfolio shall be set out in an annexure to this Constitution, as agreed upon by a majority of the Exco constituting a quorum.
- 4.5. The Exco can create more portfolios as it sees fit by way of a majority vote and providing that there is a quorum when such a decision is made.

5. Decisions

- 5.1. In the event that any decision needs to be taken by the Exco, the Exco shall vote on the decision and the voting procedure shall be conducted by the Chairperson.
- 5.2. A decision will be binding if a majority of the Exco, constituting a quorum, vote in favour of such a decision being taken.

6. Commencement

- 6.1. This Constitution, or any part thereof, shall come into effect as soon as a majority of the Exco, as elected in terms any pre-existing document, votes in favour of its adoption.
- 6.2. Any annexures to this Constitution, or any part thereof, shall come into effect when a majority of the Exco votes in favour of the adoption of such an annexure, subject to the approval of the Dean.

7. Emergency decisions

- 7.1. If a situation arises which necessitates that a decision be made quickly and it is not possible for the Exco to meet and make recommendations on the matter, the Dean of the Faculty of the Law has the power to make that decision.
- 7.2. The Dean should, where possible, consult the Head Coach and the coach of the team to which the situation relates, before taking such a decision.
- 7.3. The coach of any team will have the emergency powers as set out in an Annexure to this Constitution.

8. Amendments

Once this Constitution or any of its annexures have come into effect, they may only be amended if at least two thirds of the members of the Exco are in favour of such an amendment, provided that there is a quorum when voting takes place.