

2011 University of Pretoria Internal Moot Court Competition

Rules of the Competition

Note: The Organising Committee will be comprised of the Chairperson, the Secretary, the members of the internal competitions portfolio and the staff representative of the Moot & Debating Society. Any decision made by the Organising Committee will be final and binding on all participants.

1. Eligibility for participation

- 1.1. Participants must be registered law students at the University of Pretoria, including B.Comm (Law) and B.A. (Law) students.
- 1.2. Participants may be in any year of study of their undergraduate degree.
- 1.3. All members of the Moot & Debating Society and any person, who has previously represented the University at a competition, as defined in the Constitution of the Moot and Debating Society, are automatically excluded from participation in this competition.

2. Team composition

- 2.1. Teams must consist of only two members.
- 2.2. Both members of the team need not necessarily be from the same year group.
- 2.3. Both members of the team must speak during every oral round.

3. Language

- 3.1. The competition will be hosted in both an English and Afrikaans.
- 3.2. Each team may choose to register for either the English or Afrikaans competitions. Teams will be expected to submit heads of argument and present oral rounds in the chosen language.
- 3.3. If there is a discrepancy in translation with the facts of the case or the rules of the competition, the English version will be held to be the authoritative one.

4. Preparation of argument

- 4.1. Each team must prepare argument for both the Applicant and the Respondent.
- 4.2. Teams will be required to submit heads of argument and argue in the oral rounds for both sides.
- 4.3. The hypothetical case presented are the agreed upon facts between the parties. No further facts may be created by teams; however, reasonable inferences may be drawn.
- 4.4. Should there be uncertainty regarding the hypothetical case, teams are allowed to request clarifications to upmoot@gmail.com by no later than 19 August 2011. If the Organising Committee deems it necessary, it will issue a clarified problem by no later than 25 August 2011.
- 4.5. Teams must rely only on the facts within the statement of facts however, reasonable inferences may be made.

5. Assistance

- 5.1. The Moot & Debating Society will provide training and guidance workshops to all the participants in the competition.
- 5.2. Members of the Moot and Debating Society Executive Committee (EXCO), may not be approached whatsoever to assist participants in their preparation for the competition, except if otherwise indicated. The *onus* is on participants to ascertain whether a person is a member of the EXCO or not.
- 5.3. Assistance will be limited to general guidelines and suggestions on style and structure.
- 5.4. Participants are not permitted to approach any Faculty members in assisting them in their preparation.
- 5.5. All queries may be emailed to upmoot@gmail.com and will be answered at the earliest convenience.

6. Scoring of the competition

- 6.1. Teams will be assessed on both the written heads of argument and the oral rounds.
- 6.2. The written component will count 35% of the overall final score and the oral component will count 65% of the overall final score.
- 6.3. The score sheet used for judging will be made available to participants prior to the due dates.

7. Team numbers and confidentiality of team identity

- 7.1. After the registration deadline, each team will be allocated a team number.
- 7.2. The team number will be used to identify teams during the competition and to determine which teams will face each other during the preliminary round.
- 7.3. For the duration of the competition the team shall only be identified by that number, to ensure judges do not know who will be appearing before them.
- 7.4. Teams have the responsibility not to divulge their identity.
- 7.5. These rules do not apply within a round, when participants must indicate their surnames to the bailiff, for the scoring sheet.

8. Heads of argument

8.1. Submission of heads of argument

- 8.1.1. Heads of argument must be submitted by each team on behalf of both the Applicant and the Respondent.
- 8.1.2. These must be emailed to upmoot@gmail.com by 24.00 on 5 September 2011. The heads of argument for the Applicant and the Respondent must be attached to the e-mail and the file name for each must read as follows: Applicant_HOA_Team number and Respondent_HOA_Team number. The team number must also appear on the top right-hand corner of the cover page of the heads of argument.
- 8.1.3. Participants must take special care to not leave any identifying marks on the memorials, apart from their team number.
- 8.1.4. Heads of argument must be submitted in electronic format.

8.2. Format and length of the heads of argument

- 8.2.1. The heads of argument must be typed; Arial, point 12; 1.5-spaced.
- 8.2.2. The heads of argument must contain a standard cover page, a table of contents, a list of abbreviations if desired, and a bibliography. These components are not included in the word count.
- 8.2.3. The heads of argument must further contain the following components:
 - 8.2.3.1. Summary of argument (maximum 1 page)
 - 8.2.3.2. Main argument
 - 8.2.3.3. Prayers and remedies
- 8.2.4. The components listed in 8.2.3. above must not exceed a total of 3000 words. Penalties will be applied if the word count exceeds the limit.
- 8.2.5. Footnotes may only be used to reference the facts, case law or legislation. No arguments may be made in the footnotes. Footnotes are included in the word limit.
- 8.2.6. Heads of argument must be submitted in the format provided during the workshop on drafting heads of argument. An example of the accepted format will also be made available on the website of Faculty of Law and will be e-mailed to all participants on request to upmoot@gmail.com.

8.3. Marking of the heads of argument

- 8.3.1. The heads of argument will be marked by at least 2 persons.
- 8.3.2. The average mark obtained for the heads of argument will comprise 35% of the overall total score.

9. Oral arguments

For example: Team A represent the Applicant and Team R represent the Respondent. Both members of Team A will present argument for the Applicant; thereafter both members of Team R will present argument for the Respondent. During their oral rounds judges will question both teams on their arguments, and teams will be expected to respond. Team A will then have the opportunity to present a short rebuttal, which is limited to the points which have been raised by the Respondent (i.e. no new arguments may be raised in rebuttal).

In a subsequent round, Team A will represent the Respondent and Team R will represent the Applicant against different opponents.

9.1. General

- 9.1.1. Teams must prepare arguments for both the Applicant and the Respondent.
- 9.1.2. The scope of the oral arguments is not limited to the arguments contained in the heads of argument.
- 9.1.3. Both speakers in the team must argue in every round.
- 9.1.4. During the oral rounds teams will be identified by a team number which will be allocated to each team.

9.2. Time allocation

- 9.2.1. Each team has a maximum of 20 minutes per round. No individual speaker may speak for less than 5 minutes.
- 9.2.2. The Applicant may choose to reserve a part of the allotted time for rebuttal. This time must be reserved before the oral rounds begin. Rebuttals cannot exceed 3 minutes.

9.3. Ex parte procedures

- 9.3.1. If a team fails to arrive within 5 minutes after the round was scheduled to begin, the team risks forfeiting the points for that round. In such an event, the opposing team will proceed, either being allocated a new opponent or as an *ex parte* proceeding. In the event of an Applicant *ex parte* proceeding, the Applicant will lose their right to rebuttal.
- 9.3.2. If a team is late for good reason, the Organising Committee will allow the team to argue before the same panel at the end of the preliminary rounds.

10. Structure of the competition

- 10.1. Each team will argue once on behalf of the Applicant and once on behalf of the Respondent during the preliminary rounds of the Competition.
- 10.2. Teams will then be ranked from highest to lowest, in terms of the scores they received for their heads of argument and the oral scores which they received during the preliminary rounds of the competition. The cumulative scores will be rounded to the second decimal.
- 10.3. Depending on the number of teams which have entered the competition, the Organising Committee will decide whether to have semi-final rounds as well as a final round, or only a final round. After the registration date, the Organising Committee will notify teams whether there will be a semi-final or not.
- 10.4. In the event that a semi-final round is held, the first ranked will go up against the fourth ranked team and the second ranked team will go up against the third ranked team from the preliminary rounds. A coin toss will be used to determine whether teams will represent the Applicant or the Respondent, with the highest ranking team from the preliminary rounds being allowed to call the coin toss.
- 10.5. The winner of each semi-final will contest the final round. A coin toss will be used to determine whether a team will represent the Applicant or the Respondent during the final round, with the highest ranking team from the preliminary rounds being allowed to call the coin toss.
- 10.6. In the event of a tie, a tie-break procedure will be applied. This procedure will be issued to participants prior to the Competition.

11. Prohibited conduct

- 11.1.** Insofar as the preliminary rounds are concerned, no team may have access to the heads of argument of the opposing side, until the round has started. Any team that contravenes this rule will be charged with 'scouting' and may be disqualified.
- 11.2.** Teams may not communicate with audience members during the round and communication between teams should not be distracting.
- 11.3.** Although the rounds are generally open to the public, no team member or a representative of a team member (such as friends or family) may attend a preliminary round, or view the heads of argument, of a team they will face later in the competition. Teams are also banned from sitting in a Court they themselves will be appearing in later, until they have appeared in that Court. Contravening this rule will result in a penalty or disqualification from the Organising Committee.

12. Penalties and disqualifications

The organisers may disqualify or penalise a team for late submission of heads of argument, failure to comply with the requirements for the heads of argument, engaging in poor sportsmanship, dishonesty, misconduct, or participating contrary to the spirit and aim of the competition. Infringing teams will be penalised by no more than 20 points of their overall score.

13. Interpretation of Rules

- 13.1.** Any dispute that arises prior or during the competition, which concerns interpreting the rules or applying the rules, shall be brought before the Organising Committee. Complaints by teams must be made in writing during or prior to the competition, and must be submitted within a reasonable time from the alleged violation.
- 13.2.** During the preliminary rounds the judges shall be the interpreters of the rules, and should a violation be noticed, must bring it to the Organising Committee's attention. A violation proposed by a judge will only be valid after being approved by the Committee.

For more information, please do not hesitate to contact us.

We look forward to seeing you at the training workshops and the competition.

Good luck!