

COMMONWEALTH MOOT COMPETITION

OFFICIAL RULES

1. Organisation

The Commonwealth Moot Competition (the Competition) will be held during the Commonwealth Law Conference at the venue thereof. It will be organised jointly by the Commonwealth Lawyers Association (CLA), the Commonwealth Moot Coordinator (nominated by the Commonwealth Legal Education Association [CLEA]) and a Mooting Committee appointed by the organising body of the host nation (the Mooting Committee).

2. Eligibility

The regions in the Commonwealth those are eligible to send a team to the Commonwealth Moot are Australia, New Zealand, South East Asia (Hong Kong, Malaysia and Singapore), India, South Asia (Bangladesh, Pakistan and Sri Lanka), Southern Africa, East Africa, West Africa, the Caribbean, Canada, the South Pacific and the United Kingdom. Regional organisers will select regional teams in a manner the regional organisers decide after consultation with the Moot Coordinator. Generally, one team from each region may participate in the competition. If appropriate, additional teams who are appropriately qualified may be invited at the Moot Coordinator's discretion.

3. Membership of Team

Each team will consist of two counsel and, if the participating region so wishes, a reserve, each of whom –

- a) On the date of selection of the team, is a law student at an institution in the region that he or she represents; and
- b) On the date of the start of the Competition has not been admitted to the unrestricted practice of law in any jurisdiction.
- c) Each team must complete the Commonwealth Moot registration form and emailed to the Commonwealth Moot Coordinator at cleamootcompetition17@gmail.co no later than end of January in the year of the competition.

4. Assistance

Teams may not have any outside assistance in the preparation or presentation of their cases other than general guidance on the issues involved and research sources.

5. The Problem

- a) The problem will deal with the issues of International Commonwealth interest and will be concerned solely with points of law.
- b) It will be set under the guidance of the Moot Coordinator and must be approved by the Executive Committee of CLEA.
- c) A copy of the problem will be posted on the CLEA website. The same problem will be used throughout the Competition.
- d) Any ambiguities arising out of the problem must be pointed out to the Commonwealth Moot Coordinator and requests for clarifications made, at least one month before the Competition begins. If necessary, the Mooting Coordinator may then resolve the ambiguities at his/her absolute discretion. Clarifications will be posted to the Commonwealth Moot website as they are made and notified to all the participating teams.
- e) Teams will prepare arguments for both the Applicant and the Respondent.

6. The Competition

- a) Each team will moot twice in the first round (the General Round), once as Applicant and once as Respondent. Teams will be awarded individual and team marks at the end of each moot.
- b) The first four teams who have scored the highest team marks in the general rounds will enter the semi-finals.
- c) In the event where two or more teams score the same number of team marks the team with the highest number of wins will enter the semi-finals.
- d) In the event where two or more teams score the same number of team marks and the same number of wins, the teams will compete against each other and the team with the highest score will qualify for semi-finals.
- e) The winners of each semi-final will moot in the final. In the final, the team with the highest semi-final marks will appear for the Applicant.

- f) The marks awarded in each of the three rounds will be published. The Individual marks and team marks awarded in the general round will be published after the end of that round. Individual marks and team marks for the semi-finals will be published after the end of the semi-finals and the marks for the final may be announced at the end of the final round.
- g) The mooter with the highest total of individual points from the General Round will be awarded the best mooter prize. A mooter will have to moot in both general round moots to be eligible for this prize.
- h) The winning team in the final of the Competition will be awarded the Commonwealth Mooting Competition Trophy, which it may retain until the next Competition.

7. Judges

- a) Each General Round moot normally be held before a panel of three appropriately qualified persons appointed by the Mooting Coordinator.
- b) One of the judges of a moot in the General Round of the Competition may be the Commonwealth Moot Coordinator or her nominee.
- c) Semi-final rounds and final rounds will be held before three judicial officers (or equivalent), none of whom may be working or resident in a region represented in the semi-final unless both teams agree. Normally the more senior judge will be the presiding judge.

8. Substitute of Counsel by Reserve

A reserve may substitute for a designated counsel in a moot when that counsel is ill or otherwise unable to participate. The Commonwealth Moot Coordinator must consent to the substitution before the moot.

9. Moot Procedure

- a) Each team may cite a total of 12 authorities¹ for the Applicant and a total of 12 authorities for the Respondent. Each list must have a cover page with details of the team's region, the names of the members, whether it is an Applicant or Respondent's list and the date.

¹ This includes statutes, cases, texts and articles

- b) Each team is to email the moot coordinator at cleamootcompetition17@gmail.com, of its final lists of authorities for Applicant and Respondent no later than 24 hours prior to the welcome ceremony. Each list must have a cover page with details of the team's region. The Moot Coordinator will hand the lists to each team's opponents at the welcome ceremony. Any later amendments to lists of authorities may be made only after consultation with the Commonwealth Moot Coordinator.
- c) Each team must send draft outlines of argument as Applicant and Respondent by email to the Commonwealth Moot Coordinator at cleamootcompetition17@gmail.com no later than one month prior to the mooting competition. Each outline of argument must have written on it in a prominent place, the team's region, counsel's name, whether counsel appears as senior or junior counsel, whether counsel appears for the Applicant or Respondent and the date. Each team's separate draft outline for the Applicant and draft outline for the Respondent must not exceed 2 A4 pages (Times New Roman (or equivalent) size 12 font, and single line spacing) in total length. If appropriate, the draft outlines may be posted to the website.
- d) Each team is to give two copies of its final outlines of argument as Applicant and Respondent to the Commonwealth Moot Coordinator no later than 24 hours prior to the welcome ceremony. The Commonwealth Moot Coordinator will hand the outlines to each team's opponents at the welcome ceremony. Any later amendments to outlines of argument may be made only after consultation with the Commonwealth Moot Coordinator. Each team's separate outline for the Applicant and outline for the Respondent must not exceed 2 A4 pages (Times New Roman or equivalent size 12 font, and single line spacing) in total length.
- e) Counsel must wear business dress during each moot.
- f) At the beginning of every moot, each team must hand up to the Bench –
- a. one Appeal Book containing –
 - i. counsels' names;
 - ii. photocopies of the relevant material from all authorities and other materials referred to in argument, (eg legislation) ; and
 - iii. an index, or some other means (tabs etc) for finding relevant material;and
 - b. for each judge, a copy of counsels' written outlines of argument to be followed and a list of authorities to be relied on during the moot.

- g) Counsel will be heard in the following order –
 - a. Senior counsel for the Applicant;
 - b. Junior counsel for the Applicant;
 - c. Senior counsel for the Respondent;
 - d. Junior counsel for the Respondent;
 - e. Senior counsel for the Applicant may then exercise a right of reply, (if reserved) during which no new arguments may be raised.
- h) Any Judge may interrupt counsel at any time to ask a question.
- i) Each team has 30 minutes to make submissions. This time limit includes questions and answers, though the bench may allow counsel to continue at its discretion.
- j) The Applicant's right of reply is limited to five minutes.
- k) The Judges may adjourn to consider their decision at the end of the moot.

10. Judging

- a) Each Judge will complete an individual marking sheet (Appendix A) for each participant in a moot.
- b) The presiding Judge will add up the marks awarded by each Judge, transpose them to the moot marking sheet (Appendix B) and announce which team has won for the purposes of the Competition.
- c) The winning team is the team that has the highest total marks. The winning team will not necessarily be the team for which judgment may be given on the law.

11. Scouting

Counsel, a reserve or any persons affiliated with a team, must not attend any moot other than one in which his or her team is participating while that team is still competing.

12. Disputes

Any dispute about the Competition must be referred to the Commonwealth Moot_Coordinator before the end of the Competition. Before making a decision about a dispute, the Commonwealth Moot Coordinator may consult the Mooting Committee. A decision made by the Commonwealth Moot Coordinator about a dispute concerning the Competition is final.