



**10th Annual Child Law Moot Court
Competition 18 & 19 October 2019**

**Centre for Child Law
University of Pretoria**

Competition Rules

1. General

The 10th Annual Child Law Moot Court Competition will be held at the University of Pretoria and the High Court, Pretoria on **18 and 19 October 2019**. This competition aims to develop awareness on children's rights and to familiarise law students with specific issues pertaining to children's rights.

2. School Eligibility

All South African based law schools or law faculties are eligible to participate in the competition. Each eligible school or law faculty may enter one team. Allowance has been made for Universities in the SADC region to take part in this year's competition.

3. Eligibility for participation

Only students who are in the process of obtaining their LLB degree (or any equivalent) are eligible to participate. For the purposes of this, Competition B. Com Law and B.A. Law students are eligible to participate.

The following people are not allowed to take part in the Child Law Moot Court Competition:

- Students employed by the Centre for Child Law.
- Qualified legal practitioners.
- Students who already hold an LLB degree or equivalent.
- Students who have previously participated in the Child Law Moot Court Competition.

4. Team composition

Teams must consist of **two** members selected through an independent, transparent and democratic process approved by their law school or law faculty. The Centre for Child Law is not involved in these internal processes.



The two team members must be registered students at the participating institution during the competition. No reserve students are allowed.

5. Assistance

For the purposes of this Competition, a coach or faculty representative may be designated by the participating school or faculty. The representative is allowed to give guidance to the students and generally supervise their work. Assistance to the extent that it results in the submissions being substantially the work of the coach/faculty representative is prohibited.

6. Language

All oral and written submissions must be in English.

7. Hypothetical case

A hypothetical case will be posed by the organisers and will be made available to participants in advance.

8. Requests for clarifications

Teams may request clarifications to the facts. These clarifications must be requested anytime until **9 August 2019**.

9. Preparation of arguments

Each team must prepare written and oral arguments for both the Applicant and the Respondent. The written arguments must be based on sound law, no law (including but not limited to cases, case citations, journal articles and textbooks) may be fabricated. Teams will be required to submit heads of argument only and argue in the oral rounds for both sides.

The oral arguments and the heads of argument must be based solely on the hypothetical case prepared by the organisers. Under no circumstances should a team add facts that were not previously in the case.

10. Heads of argument

Heads of argument must be submitted by each team for both the Applicant and the Respondent.



Only the allocated team number should appear on the head of argument, **not** the name of the University or the individual team members. The deadline for submission of heads of arguments is **14:00 on 20 September 2019**. The heads of argument must be submitted to the following email address: zita.hansungule@up.ac.za.

The heads of argument must be typed; Arial, point 12, 1.5-spaced, 2cm margins. 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 page count. The heads of argument must further contain the following components:

- Summary of argument (maximum 1 page)
- Main arguments
- Prayers and remedies
- Any authority used must be adequately referenced

The Heads of Argument should not exceed 20 pages (without the expressly excluded components). The heads of argument will be marked by 2 markers designated by the organisers. The final mark of the heads of argument will be the average of the marks awarded by the 2 markers.

Teams are encouraged to make use of relevant primary and secondary sources of law including international law, case law, and commentary on international law by international human rights bodies, case law and other authoritative sources of law.

11. Determination of the opposing teams

The organisers of the competition will determine the pairings for the Preliminary Rounds with reference to the total scores given to memorials prepared by the competing teams. The organisers of the competition may modify the pairings in the best interests of the competition. If necessary, the organisers may require teams to argue *ex parte* (see rule 12.2 below).

The pairings for the preliminary rounds and the memorials of opposing teams will be distributed to teams a day before the start of the competition.

The organisers of the competition may subsequently modify the pairings to account for absent teams or other unforeseeable circumstances. Affected teams will be notified of modifications and will be provided with their opponents' heads of argument as soon as possible.



12. Oral arguments

12.1 General procedure

The order of proceedings shall be: applicant team, respondent team, rebuttal by applicant team. Please note that the respondent team will not be allowed to give a surrebuttal.

All team members must act as oralists during all rounds. No team shall plead for **longer than 20 minutes** (including rebuttal) during the preliminary rounds and semi-final rounds and for **longer than 30 minutes** during the final round.

One oralist may not use more than 10 minutes during preliminary rounds and semi-final rounds and 15 minutes during the final round. Rebuttal may not exceed 3 minutes during the preliminary rounds and semi-final rounds and 5 minutes during the final round. Only the applicant has the opportunity for rebuttal. **Time for rebuttal should be reserved in advance with the court.**

All teams will – as far as possible – be given an opportunity to argue for the applicants and respondents during the preliminary rounds unless the organisers of the competition deem it fit to direct otherwise.

12.2 Ex parte procedures

Where a team fails to arrive for a scheduled round, the organisers, after waiting for ten minutes have the discretion to either announce a new team against which the other team will argue, or allow the round to proceed *ex parte*. In such a case, the team that fails to arrive for the scheduled round shall forfeit all of the round's points. If good cause is shown, the organisers may arrange for an additional round for the absent team later during the competition, if time and administrative concerns permit.

12.3 Scope of pleadings

The scope of a team's oral pleading is not limited to the scope of its written submissions. The scope of the applicant's rebuttal is limited to the scope of the respondent's oral pleadings.

12.4 Scouting

No member of a team may attend a preliminary round (including semi-final rounds) or view the



heads of arguments of any other team if they are scheduled to compete against that team. **Teams violating this rule may be disqualified.** All rounds will be open to the public. Audio and video taping of oral pleadings is prohibited unless authorised by the organisers.

12.5 Oral and written communication

No oral or written communication may take place between team tables and any spectator during a round.

12.6 Absence from the courtroom

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

13. Scoring of the competition

During the preliminary rounds, teams will be evaluated on the basis of both their written head of arguments and oral presentations. The head of arguments and the oral presentation will count each for 50%.

In the semi-final and final rounds, teams will be evaluated exclusively on their oral performance.

The two top teams in the semi-final rounds will advance to the final round.

14. Final round

The two top teams in the semi-final rounds will advance to final round of the Competition, which will be held at the High Court of South Africa, Gauteng Division, Pretoria (which – for the purposes of this year’s competition will be sitting as a regional court of human rights). Should a team that qualified for the final round be unable to participate, the team that ranked in 3rd place will advance to the final. The names of the teams advancing to the final round are announced after the semi-final rounds.

15. Winning team

The team awarded the highest mark by the panel of judges of the final round will be declared winner of the Competition. The mark of each team is the average of the total mark given to each presenter.



16. 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, frivolous complaints or participating contrary to the spirit and aim of the competition. The organisers of the competition reserve the right to determine appropriate penalties on consideration of the particular situation.

17. Complaints

All teams are welcome to lodge complaints if they believe that a rule has been violated during a particular session. The complaints must be submitted as soon as possible after the session where the rule may have been violated. The organisers will decide the penalties applicable. The organisers may decide to disqualify a team at any time if any violation of the rules is brought to their attention.

Teams are also allowed to submit any other complaint regarding the organisation of the competition.

No complaint will be admitted after the announcement of the teams advancing to the final round.

18. Interpretation of the rules

As organisers of the competition, the Centre for Child Law is responsible for interpreting the rules before and during the competition.

The Centre for Child Law reserves the right to change any rule in the competition. All participants will be informed in advance of any change.