

COMPETITION COMMISSION

SECOND ANNUAL MOOT COURT COMPETITION 2020

RULES

The Moot Court Competition

1. We are pleased to announce that the Competition Commission (Commission) is hosting its Second Annual Moot Court Competition (Competition) for South African university law students in 2020. Unlike last year, this year's Competition will take place in East London at the University of Fort Hare (Fort Hare) during the winter holidays. The dates for the Competition are 29 June 2020 to 3 July 2020.

Purpose of Moot Court Competition

2. The Commission seeks, through this Competition, to encourage university students to deepen their knowledge of South African competition law and to afford them an opportunity to obtain practical experience in written and oral form. The Commission furthermore aims to unite participants in a common purpose, overcoming financial and social barriers, and stimulating an interest in South African competition law and the Commission's values and objectives.
3. To ensure the optimal running of the competition the Commission has adopted these Rules and Regulations (Rules) for your careful consideration.
4. As may be necessary, the Commission may supplement or amend these Rules.

Initial Documents

5. Accompanying these Rules are three other items:
 - 5.1. Letter of Invitation to the Dean;
 - 5.2. Welcome Letter: University of Fort Hare
 - 5.3. Hypothetical Case
 - 5.4. Scoresheets (R1 and R2); and
 - 5.5. Team Registration Form.
6. If your school has not received all of these items, please urgently contact the Commission's contact person and Co-Coordinator, Mr Simphiwe Gumede (Gumede) at his email address - (SimphiweG@compcom.co.za).



Moot Court Rounds – Heads of Argument

7. The first round of the Competition (written Heads of Argument) will be concluded by Friday **17 April 2020**. The Heads of Argument must be submitted to both coordinators - Mr Songezo Mabece (SongezoM@compcom.co.za) and Gumedede - by **23h59m:59s** that day. Teams must submit these Heads of Argument, and whereafter begin preparation for the second round - the Oral Argument.
8. Teams must prepare Heads of Argument for **both** the Appellant and the Respondent. This means that Teams will submit (by email) **two sets** of Heads of Argument.
9. The Heads of Argument should be sent as attachments to the email.
10. All sources referenced in the Heads of Argument must be readily available during the Oral Argument.
11. Fort Hare will not provide printing and/or photocopying facilities at the Conference. Teams are to ensure that they have in possession all the materials they might need.
12. The Heads of Argument should be composed as follows:
 - 11.1 A cover page (in the format provided by the Commission). The cover page should not carry any mark that identifies the team, such as the name of university or names of Team members.
 - 11.2 A one-page summary, stating the main arguments in brief: The heading must read "**Executive Summary of Argument**".
 - 11.3 The argument (this is the third page of your written submission) may not exceed 4000 words. This includes all references (footnotes and cases, etc)
 - 11.4 It is not necessary to include a table of contents. If a Team decides to include such a table, that table of contents will count towards the overall 4000 word count. Items at 11.2 and 11.3 will count towards the 4000 word count. The item at 11.1 is not included in the 4000 word count.
 - 11.5 Template- *Spacing: Double-spaced.*
 Form: Typewritten
 Margins: Top: 2cm, Bottom: 2cm, Left: 2cm, Right: 2cm
 *Format: Memorials should be submitted in **Microsoft Word**.*
 Font type: Arial
 Font size: 12
13. Failure to meet these (above item 11) requirements shall lead to a points deduction of up to 10 marks for the defective written submission (Appellants and/or Respondent).
14. There shall be an award for the top three briefs.



15. The scoresheet (with criteria and mark allocation) for judging this round is attached to the Rules and marked SCORESHEET R1.

Moot Court Rounds – Oral Argument

16. The second round of the Competition (Oral Argument) will be held in the week of 29 June 2020 – 3 July 2020 at Fort Hare. The full programme (when confirmed) will be distributed to participating Teams.
17. Teams will be judged on the Heads of Argument submitted and on the Oral Argument argued before a panel of judges.
18. The scope of a Team's Oral Argument is not limited to the scope of its Head of Argument. The scope of the Applicant's rebuttal is limited to the scope of the Respondent's Oral Argument.
19. Where a Team fails to present itself at the start of the session for Oral Argument, that Team will score zero for that round. The other Team will win that round, but the latter must nonetheless present its Oral Argument, for the purposes of scoring.
20. During the Oral Argument, Teams may not consult with, or take instructions from, anyone. The only dialogue that is permissible is between Team members.
21. Teams must expect to be interrupted at any stage during their Oral Argument by the Panel of Judges.
22. There shall be an award for the top three speakers.
23. The scoresheet (with criteria and mark allocation) for judging this round is attached to the Rules and marked SCORESHEET R2.

Moot Court - Final Round

24. The accumulated scores of the first two rounds (Heads of Argument and Oral Argument) will determine the top three teams.
25. The top two Teams will argue in the Final of the Moot Court.
26. The Team that placed first after the preliminary rounds (all the stages before the Final) will choose for which side it prefers to argue (Appellants or Respondent) in the Final.
27. There shall be an award for the Team winning the Final.
28. The Final will be judged purely on the quality of the Oral Submission.
29. The Final shall take place, and the prize winners will be announced, on the last day of the Competition. Added to this, the finalists will be invited to the Commission's Annual Conference where they will be given an opportunity to argue before the Conference



delegates and invited judges, who may include any of the esteemed members of the Judiciary (Competition Appeal Court), practise and academia.

Composition and Eligibility for team participation

30. Participants must be **registered undergraduate students** at any law-degree conferring tertiary institution in South Africa. This includes LLB, B.Comm (Law), B.A. (Law), B.SocSci (Law), BSc (Law) students or some other recognised undergraduate law stream.
31. A Team must be composed of two student members from the same tertiary institution. Team members should be chosen by a democratic and transparent method approved by the responsible authority within the tertiary institution.
32. Only one Team per tertiary institution in South Afrika is allowed. In the event two Teams from the same tertiary institution register for the Competition, the first Team to duly register will be recognised by the Commission.
33. The same two students who registered at the start must participate throughout the Competition: No additional Team members are allowed to participate in the Competition.
34. Where a Team member can no longer participate in the Competition (**after submitting its Heads of Argument**), that Team must seek prior written consent from the Commission to substitute that unavailable person. The written consent shall not be unreasonably withheld, but the Commissioner's decision shall be final. Where a substitution has been approved, and taken place, the affected Team shall constitute a New Team (see item 36, below).
35. Where both Team members, for whatever reason, cannot participate in the Competition (after submission of Heads of Argument) that Team may be replaced by another Team (New Team) from the same tertiary institution.
36. The New Team may not advance to the Final. Further, the New Team may not win any prizes for the Heads of Argument.
37. Teams must be accompanied by one fulltime member of the academic staff at their tertiary institution.
38. Participants may be in any year of study of their undergraduate law degree.

Communication

39. For the purposes of the Competition, notice to one Team member will constitute notice to both Team members.



40. The Registration Form (accompanying the Heads of Argument) should be submitted by the tertiary institution by email to the coordinators from the Commission - Mabece and Gumede. This Registration Form should reach the Commission by **23h59m:59s on 20 April 2020**.
41. It is the tertiary institution's and the Teams' responsibility to enquire and confirm that its Registration Form has been received by the Commission.
42. No late registration will be allowed (nothing received on or after 21 April 2020 will be considered for the Competition).
43. The Commission will provide each Team with a Team name that **must be used for all further communication, and for the duration of the Competition.**

Language

44. The language used for this event will be English. Heads of Argument and Oral Argument must be conducted in English. If any Team has any objection, such objection should be submitted in writing for the attention of the Commissioner. This objection should, equally, propose a remedy pursuant to its objection. In this regard, the decision of the Commissioner shall be final and the reasons advanced shall be communicated to all registered Teams.

General

45. Teams are encouraged to research as widely as possible in their attempt to respond to the *Hypothetical Case*.
46. The Commission will provide training and guidance workshops to all Teams at the Competition.
47. Further details about these training sessions will be announced in the weeks preceding the Competition.
48. Teams are encouraged to suggest what type of training they would like to receive from the Commission's staff. These suggestions must reach the Commission **no later than 31 May 2020**.

Correspondence

49. All correspondence should, unless otherwise provided for, be addressed to Mabece, copying Gumede.



50. Any attempt to solicit undue favours from the Commission will result in disqualification. Such decision to disqualify the affected Team shall be that of the Commissioner, and final. Reasons for the disqualification shall be communicated to all registered Teams.

Hosts

51. Fort Hare has kindly agreed to host the Competition this year. It is of utmost importance that all reasonable courtesy and care be extended and displayed to the staff and property of Fort Hare.
52. If any complaint is levelled against a Team or member of a Team by Fort Hare to the Commission, it must be noted that whatever the decision is, Fort Hare still reserves the right of admission to its property.
53. The appeal is, therefore, for all Teams to obey the lawful and reasonable instructions of the staff of Fort Hare in order to facilitate a smooth and well-run Competition.

Dated:

20 February 2020

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