

# 3<sup>rd</sup> MLAS MARITIME MOOTING COMPETITION

## MOOT RULES 2019

### GENERAL

- 1.1. The Moot Organiser's interpretation of these Rules shall be final. Any matter relating to the conduct of this Competition which is not expressly provided for in these Rules shall be finally decided by the Moot Organiser.
- 1.2. The Moot Organiser reserve the right to modify, amend or otherwise change any of these Rule(s), at any time, without prior notice, as may be deemed expedient in the sole discretion of the Moot Organiser.

### THE PROBLEM/JURISDICTION

- 2.1 **The Problem will be released via email to all Mooters by 17 December 2018.** Any request for clarifications must be sent by email to the Moot Organiser at [[bong.peitien@epc.com.sg](mailto:bong.peitien@epc.com.sg)] by **5 pm on 24 December 2018**. Answers (if any) to request for clarifications will be provided by **28 December 2018**. The Moot Organiser retains full discretion whether to provide any answers to the requests for clarifications.
- 2.2 The facts in the dispute that is the subject matter of the moot are given in the Problem. Mooters are not to introduce additional facts or evidence into the moot unless they are a logical and necessary extension of the given facts. Any Mooter who breaches this Rule may be penalized by the Tribunal in their discretion.
- 2.3 The dispute is before an arbitral tribunal. The seat of the arbitration is Singapore. The Singapore International Arbitration Act Cap 143A applies to the arbitration. The applicable arbitration rules are the SCMA Rules Third Edition (October 2015). **Parties have agreed that the arbitral tribunal has jurisdiction to determine the dispute.**

### SKELETAL SUBMISSIONS

- 3.1 Each Mooter shall submit **two sets** of Skeletal Submissions (**one set for the Claimant, and one set for the Respondent**) by no later than **5 pm on Wednesday 9 January 2019**.
- 3.2 *Each* set of Skeletal Submissions shall be limited to **two printed A4 sized pages** (minimum 12 point font size, 1.5 line spacing). The Skeletal Submissions are to be submitted to the Moot Organiser at [bong.peitien@epc.com.sg](mailto:bong.peitien@epc.com.sg).

- 3.3 The Skeletal Submissions should set out in point form the arguments to be presented and the authorities relied on. **Although Mooters are allowed to depart from their Skeletal Submissions, Mooters should try to minimize departures.**
- 3.4 If a Mooter intends to rely on new authorities which are not in his/her Skeletal Submissions, the Mooter shall notify his/her opponent and provide copies of the new authorities via email at least 24 hours before the scheduled hearing, copying the Moot Organiser at [bong.peitien@epc.com.sg](mailto:bong.peitien@epc.com.sg). **The Tribunal may penalize any Mooter who breaches this Rule.**
- 3.5 Although the Mooters will not be scored on the contents of the Skeletal Submissions, the Skeletal Submissions are intended to assist the Tribunal, and their opponents in the preparation for the Moot. **However, Mooters who fail to submit Skeletal Submissions timely and in accordance with these Rules will suffer a penalty of up to 6 points in the General Rounds (3 points for each set of Skeletal Submissions).**

## **GENERAL ROUNDS**

4.1 The General Rounds will take place on **16 January 2019 at Allen & Gledhill LLP**. The Moot Organiser will notify the contestants by email which side each Mooter will be mooting for in the General Rounds (i.e. Claimant or Respondent), and the scheduled timing of their moot by Friday **11 January 2019**. The Moot Organiser will also provide each Mooter a copy of their opponent's Skeletal Submissions.

### **4.2 Oral Arguments**

4.2.1 In the General Rounds, each Mooter has a total of **15 minutes** to argue his/her case (including time for rebuttal). [*Please note the time limit increases to 20 minutes in the Quarter Finals, Semi Finals and Finals – see Rule 5.4 below*]

4.2.2 The Claimant is entitled to reserve **up to 3 minutes** (out of the original 15 minutes) for rebuttal. The rebuttal is limited to responding to the Respondent's oral arguments.

4.2.3 The Tribunal may give allow the Mooters more time in its discretion.

4.2.4 If a Mooter is not present **within 10 minutes** after the published start time of the moot, he/she shall be disqualified and the other Mooter shall proceed to present his/her own arguments before the tribunal and the Tribunal shall score the present Mooter on the basis of his/own oral presentation.

4.2.5 **Mooters shall prepare and provide their own Bundles of Authorities to the Tribunal and their opponent before the start of the hearing.** The bundle is limited to authorities referred to in the Moot Problem and the Skeletal Submissions (or new authorities already notified to the opponents according to Rule 3.4 above). During oral arguments, the Mooters should not be referring to any documents other than their Skeletal Submissions, bundles of authorities and the Moot Problem.

### 4.3 Scoring Criteria

4.3.1 Each arbitrator will score each Mooter up to 40 points.

4.3.2 Where the hearing is before a three-person tribunal, each Mooter can score up to **120 points**. Where the round is heard by only two arbitrators, the scores given by the “notional” third arbitrator shall be the average of the total scores given by the first and second arbitrators.

## **QUARTER FINALS**

5.1 The **top ranked eight mooters** in the Ground Rounds will advance to the Quarter Finals. *This means that a Mooter may win his/her General Round but yet not advance to the Quarter Finals because he/she is not ranked in the top eight.* If there are any ties in the scores, the Moot Organiser shall decide whom will advance in the Moot Organiser’s sole discretion.

5.2 The Quarter Finals will take place on **18 January 2019 at Rajah & Tann Singapore LLP**. The Moot Organiser shall by **17 January 2019** announce the identities of the Quarter Finalists, which side each Quarter Finalist will be mooting for, and their respective opponents.

5.3 The Quarter-Finalists can expect to “switch side”, i.e. if he/she mooted as Claimant in the General Rounds, he/she can expect to moot as Respondent in the Quarter Finals. Where both Mooters in a Quarter Final mooted on the same side in the General Rounds, the Moot Organiser will decide in its discretion whom shall be Claimant and Respondent in the Quarter Finals.

### 5.4 Oral Arguments

5.4.1 Each mooter has a total of **20 minutes** to argue his/her case (including time for rebuttal)

5.4.2 The Claimant is entitled to reserve **up to 5 minutes** (out of the original 20 minutes) for rebuttal. The rebuttal is limited to responding to the Respondent’s oral arguments.

5.4.3 The Tribunal may give allow the Mooters more time in its discretion.

5.4.4 If a Mooter is not present **within 10 minutes** after the published start time of the moot, she/he shall (unless the Moot Organiser in its sole discretion decides otherwise) be disqualified and the other Mooter shall be declared the winner of that Quarter Final round .

5.4.6 **Mooters shall prepare and provide their own Bundles of Authorities to the Tribunal and their opponent before the start of the hearing.** The hearing bundle is limited to authorities referred to in the Moot Problem and the Skeletal Submissions (or new authorities already notified to the opponents according to Rule 3.4 above). During oral arguments, the Mooters should not be referring to any documents other than their Skeletal Submissions, bundles of authorities and the Moot Problem.

- 5.5 The scoring criteria shall be the same as that in the General Rounds.
- 5.6 The **winner** of each Quarter Final shall advance to the Semi Finals.

### **SEMI FINALS**

- 6.1 The Semi-Finals will take place on the same day (**18 January 2019**) at **Rajah & Tann Singapore LLP**, following the completion of the Quarter Finals. The Semi-Finalists can expect to “switch side”, i.e. if he/she mooted as Claimant in the Quarter Finals, he/she should moot as Respondent in the Semi Finals. Where both Semi-Finalists mooted on the same side in the Quarter Finals, the Moot Organiser shall decide in its sole discretion whom shall be Claimant and Respondent in the Semi Finals.
- 6.2 The rules on oral arguments (see 5.4) and the scoring criteria shall be the same as that in Quarter Finals.
- 6.3 The **winner** of each Semi Final shall advance to the Finals.

### **FINALS**

- 7.1 The Finals will take place on **23 January 2019 at NUS Moot Court**. The Finalists can expect to “switch side”, i.e. if he/she mooted as Claimant in the Semi Finals, he/she should moot as Respondent in the Finals. Where both Finalists mooted on the same side in the Semi Finals, the Moot Organiser shall decide in its discretion whom shall be Claimant and Respondent in the Finals.
- 7.2 The Finalists shall exchange Skeletal Submissions **by 9:30 am on 22 January 2019**, via email, with a copy to the Moot Organiser at [bong.peitien@epc.com.sg](mailto:bong.peitien@epc.com.sg). These Skeletal Submissions *may* be different from the Skeletal Submissions which were submitted prior to the General Rounds.
- 7.3 The rules on oral arguments (see 5.4) and the scoring criteria shall be the same as that in Quarter Finals.

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