

# THE KINGSLAND CUP AND PRIZE MOOT

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## MOOT RULES

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### **Application and interpretation**

1. These rules govern the conduct of the Kingsland Cup and Prize Moot with effect from 1 October 2024.
2. The Moot Coordinator shall have the sole right to determine any question or dispute as to the interpretation or application of these rules. Any such question or dispute must be referred to the Moot Coordinator for determination as soon as it arises.
3. Where the Moot Coordinator issues any specific direction or instruction as to the conduct of a particular annual iteration of the competition, or any particular round or procedural stage of the competition, that specific direction will take precedence over the general provisions of these rules.
4. The Moot Coordinator may, of their own motion or on an application from a team:
  - a. Vary or extend any deadline in these rules, with the exception of the deadline for entries given in rules 13 and 20;
  - b. Vary, replace, or disapply any procedural or formal requirement of these rules, with the exception of those given in rules 8, 12, 14-15, and 50.
5. Where under these rules any document is required to be submitted, any notice given, or any communication sent to the Moot Coordinator, it must (as the case may be) be submitted, given or sent by email to [kingslandcup@ftbchambers.co.uk](mailto:kingslandcup@ftbchambers.co.uk).

6. Where under these rules the Moot Coordinator is required:
  - a. To publish any document, that requirement shall be satisfied if that document is placed on the FTB website, <https://www.ftbchambers.co.uk/pages/view/kingsland-cup-and-prize-moot>;
  - b. To give any notice or send any communication, that requirement shall be satisfied if the notice or communication is sent by email to any one of the two email addresses given for the members of a team in accordance with rule 12 below.

### **Entry and eligibility**

7. The competition is open to teams to two people, one of whom shall be referred to as leading counsel, the other, junior counsel.
8. Both members of a team must, on the date of the publication of the first round moot problem pursuant to rule 16 below (“the relevant date”) be enrolled in an UK or Republic of Ireland institution of higher education or legal vocational training or have a confirmed place for a course at such an institution which commences within 8 months of the relevant date. For the sake of clarity, this rule:
  - a. includes as eligible individuals who have finished an academic course and have a place on the Bar Course or other legal vocational training which is due to commence later in the same academic year as the publication of the moot problem;
  - b. includes as eligible those who have completed one part of the Bar Course (or another multi-part vocational training course) and will commence the second or further part later in the same academic year; and
  - c. excludes as eligible those who have completed both academic and vocational stages of training by the relevant date.
9. There is no requirement that teams should be comprised of persons from the same institution.

10. There is no limit on the number of teams that may enter which are comprised of two persons from the same institution.
11. Should a person wish to enter the competition but is unable to find a team-mate, they should contact the Moot Coordinator who may be able (but have no obligation) to assist in linking them with another person in a similar position.
12. A team wishing to enter the competition must complete and submit a copy of the entry form published by the Moot Coordinator. The form must as a minimum require each team member to give:
  - a. Their full name;
  - b. An email address to be used for the purposes of the moot;
  - c. A declaration that they are eligible to enter the competition in accordance with rule 8, which identifies whether they are eligible under (a) or (b) of that rule; and
  - d. The name of the institution within the meaning of rule 8(a) they are enrolled in or at which they have a confirmed place (as the case may be).
13. The entry form must be submitted in accordance with time limits prescribed in rule 20 below.
14. An entry will be invalid if:
  - a. The entry form is incomplete; or
  - b. The team contains a person who is ineligible.
15. Where the Moot Coordinator becomes aware that a person who has purportedly entered the competition is ineligible, and thus their entry was invalid, that person's team will no longer be able to take part in the competition. Moreover, where the Moot Coordinator considers that on the balance of probability such a person knowingly made a false declaration in the entry form as to their eligibility, the Moot Coordinator may in

their absolute discretion report this conduct to any relevant academic or training institution, and/or to the Bar Standards Board.

### **First round**

16. The first round is a written round. The Moot Coordinator will publish a moot problem on a date in their discretion. The moot problem will involve two parties.

17. Each team must compile two skeleton arguments: one on behalf of each party.

18. Each skeleton argument must:

- a. Not exceed 6 A4 pages in length;
- b. Be typed in Times New Roman, size 12, with at least 1.5 spacing between each line of text;
- c. Be paginated;
- d. Contain sequentially numbered paragraphs;
- e. Have an appropriate heading;
- f. Be dated; and
- g. Bear the names and institution(s) of the team members.

19. A team may not cite as authorities in a single skeleton any more than 6 cases decided by any court in any jurisdiction (which number shall include any cases referenced in the moot problem) nor more than 2 legal commentaries or academic writings. Teams should comply with the Lord Chief Justice's 'Practice Direction: Citation of Authorities' (2012).<sup>1</sup> For the sake of clarity:

- a. There is no restriction on the number of legislative provisions to which reference may be made;

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<sup>1</sup> Practice Direction: Citation of Authorities (2012), <https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Practice+Directions/lcj-pract-dir-citation-authorities-2012.pdf>

- b. There is no requirement that both skeletons should contain references to the same authorities or material; and
  - c. Where an authority relied upon (Authority A) makes reference to or quotes from another authority (Authority B), only Authority A will count towards the limits in rule 19, so long as the team in question does not seek to rely on Authority B directly (e.g. for a separate proposition than that cited or referred to in Authority A).
20. Each team must submit their two skeleton arguments to the Moot Coordinator no later than 4pm on the date specified in the moot problem, which must not be less than 3 weeks after the date of the publication of the problem. The skeletons should be accompanied by a completed entry form completed in accordance with rule 12.
21. If a team:
- a. Fails to comply with rule 20 above, their entry will be invalid and will not be considered;
  - b. Fails to comply with rules 18-19, their entry will not be thereby be invalidated, but may be sanctioned on marking against the criteria set out in rule 44 below.
22. Valid entries will be marked by persons appointed by the Moot Coordinator in accordance with rule 40 having regard to the factors in rule 43. The procedure for marking shall be determined by the Moot Coordinator in their absolute discretion.
23. The four highest-marking teams from the first round will advance to the second round.

## **Second round**

24. The second round is an oral round comprised of two moots. The Moot Coordinator will randomly allocate two teams to each moot. A team will represent one of the two parties in the moot problem published under rule 16 above, and will speak to the skeleton argument they submitted in the first round pursuant to rule 20. No amendments will be permitted to the skeleton arguments so submitted.

25. The Moot Coordinator will give each team at least 4 weeks' notice of the date and time on which the oral hearing will take place.
26. The teams must submit to the Moot Coordinator an agreed e-bundle of authorities which conforms so far as practicable with the relevant requirements of the 'Administrative Court Judicial Review Guide' (2021) not less than 7 days prior to the moot.<sup>2</sup> If agreement cannot be reached between the teams, each team must submit a compliant e-bundle of the authorities upon which they rely, with an explanation as to why agreement was not possible.
27. Each team must bring to the oral hearing at least two hardcopies of the agreed bundle of authorities which comply with the requirements of the 'Administrative Court Judicial Review Guide' (2024) and which completely conform with the e-bundle. Each team will provide one copy of the bundle to the judge for their use of and review.
28. The formalities of the Administrative Court will be observed in the oral hearing, unless the Moot Coordinator states otherwise. The Moot Coordinator will determine whether or not the oral hearing will be robed. If it is to be robed, the Moot Coordinator will provide robes.
29. The order of speaking at the hearing will be as follows:
  - a. Leading counsel for the first party;
  - b. Junior counsel for the first party;
  - c. Leading counsel for the second party; and
  - d. Junior counsel for the second party.
30. Each team's submissions shall not exceed 30 minutes. The division of that time between leading and junior counsel is a matter for the team's discretion.

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<sup>2</sup> Administrative Court Judicial Review Guide (2024): [https://www.judiciary.uk/wp-content/uploads/2022/09/24.85\\_HMCTS\\_Administrative\\_Court\\_Guide\\_WEB1.pdf](https://www.judiciary.uk/wp-content/uploads/2022/09/24.85_HMCTS_Administrative_Court_Guide_WEB1.pdf)

31. At the end of the submissions of junior counsel for the second party, the judge of the moot may permit in their absolute discretion counsel for the first party to make a reply of not more than 5 minutes.
32. The judge of the moot will mark the teams' performance in accordance with the criteria set out at rule 44 and will announce the winner at the end of the hearing. The judge may in their absolute discretion give a view on the substance of the moot.
33. The winner of each second round moot will proceed to the third (final) round.

### **Third (final) round**

34. The Moot Coordinator will send a moot problem to the two teams which have qualified for the third round. The moot problem will involve two parties. The Moot Coordinator will allocate one party to each team.
35. The Master of Moots will give each team at least 4 weeks' notice of the date and time on which the oral hearing will take place.
36. Each team will prepare a skeleton argument on behalf of the party which they represent. Rules 18-19 above shall apply to the skeleton argument.
37. Skeletons must be submitted to the Moot Coordinator no later than 4pm on the date specified in the moot problem, which must be not less than 14 days before the oral hearing.
38. Rules 26-31 shall apply to the oral hearing.
39. The judge of the moot will mark the teams' skeleton argument having regard to the factors set out in rule 43 and their performance in the oral hearing having regard to the factors set out at rule 44. The judge will announce the winner at the end of the hearing. The judge may in their absolute discretion give a view on the substance of the moot.

### **Markers and judges**

40. The Moot Coordinator shall invite and appoint persons to act as markers and judges according to their absolute discretion. No person will be disqualified from acting as

marker or judge on account of any actual, alleged, or perceived connection to any team or competitor in the competition.

41. The markers of the first round shall be members of chambers. The judges of the second and third round moots shall be members of the judiciary, senior members or former members of chambers, and/or senior legal academics.
42. The second round shall be judged by a single judge. The third round may be judged either by a single judge or an appellate panel of two or more judges.

### **Marking criteria**

43. The skeleton arguments submitted in the first round shall be marked having regard to the following factors:
  - a. Substance:
    - i. Correct identification and understanding of legal and factual issues;
    - ii. Quality of written advocacy, including:
      1. Clarity and cogency of written legal argument;
      2. Clarity and logic of structure of legal argument; and
      3. Appropriateness, clarity and effectiveness of use of language.
    - iii. Effective use of factual material in the moot problem in support of argument; and
    - iv. Selection and effective use of authorities in support of argument.
  - b. Form and procedure:
    - i. Compliance with these rules and any additional directions as to procedure; and



- ii. Presentation and formatting of skeleton argument, including (but not limited to) compliance with these rules and any additional directions.

44. The oral hearings in the second and third rounds will be judged having regard to the following factors:

a. Substance:

i. Quality of oral presentation including:

1. Appropriateness, clarity and effectiveness of use of language;
2. Perceptiveness, clarity, and flexibility in response to interventions; and
3. Effectiveness of use of skeleton argument.

ii. Familiarity with and effective use of factual material; and

iii. Familiarity with and effective use of authorities.

b. Form:

i. Compliance with court etiquette and protocols, including personal presentation, and use of appropriate language and forms of address;

ii. Effective use of time; and

iii. Quality and conformity with the rules of the bundle of authorities (both electronic and hardcopy), including consideration of whether parties unreasonably failed to agree the bundle.

45. Marking shall be undertaken using a standardised form produced by the Moot Coordinator for these purposes. These forms shall be destroyed as soon as reasonably practicable at the conclusion of each stage of the competition. No person has any right to see or to have produced to them a form produced pursuant to this rule, whether completed or otherwise.

## **Disqualification and forfeiture**

46. At any stage of the competition, in the event that one or both members of a team are unable to compete in that round, the team will forfeit their place in the competition.
47. The Moot Coordinator may in their absolute discretion disqualify at any stage and without compensation any team which fails to comply with these rules or with the spirit of the competition.
48. In the event that a team falls within one of the circumstances set out in rule 49 below, that team's place will be offered to the team who scored the next highest mark in the preceding round ('the ranking principle'). Places will be offered in accordance with the ranking principle until a team who is able to compete accepts a place.
49. The circumstances referred to in rule 48 above are:
  - a. The entry of a team that has progressed at least to the second round is deemed invalid under rule 15;
  - b. A team forfeits their place pursuant to rule 46; or
  - c. A team is disqualified pursuant to rule 47.

## **Prizes**

50. The prizes to be awarded to the winners of the competition will be in the discretion of the Moot Coordinator, and will be announced when the competition opens on publication of the first round moot problem.
51. In addition to the prizes referred to rule 50 above, the Moot Coordinator may at the end of the competition award a separate prize to the best-performing team which is wholly comprised of undergraduate students.

**No right of appeal**

52. There is no right of appeal against or review of any decision of the Moot Coordinator, markers, or judges taken pursuant to the provisions of these rules.