

## **ALBA mooting competition 2022**

### **Instructions to candidates**

1. The competition is open to current law students, including LLB, GDL, LPC and BPTC students, and also to those who have completed the BPTC but not yet secured pupillage.
2. Entries must be from a team of 2 mooters. It is a speed moot with three stages.

### **Stage one: paper sift**

3. Teams are asked to submit a written application for permission to appeal to the Supreme Court, on behalf of the Claimant / Appellant Mr James Allister QC, from the judgment of the Northern Ireland Court of Appeal (NICA) in the case of *Allister and ors v Secretary of State for Northern Ireland* [2022] NICA 15.
4. Permission to appeal is to be sought on two grounds:
  - (i) Ground 1: That the NICA was wrong (in ¶¶256-268 of its judgment) to conclude that the ineligibility of NI citizens / residents to vote in the European Parliament, whilst remaining subject to some aspects of EU law, did not breach Article 3 of the First Protocol to the European Convention on Human Rights (A3P1, ECHR).
  - (ii) Ground 2: That the NICA was wrong (in ¶¶269-286 of its judgment) to conclude that NI citizens did not have a “status” for the purposes of Article 14 ECHR by reason of their residence in Northern Ireland, so as to permit comparison under Article 14 with residents of other parts of the United Kingdom. It is not necessary, for the purposes of the application for permission to appeal or any oral presentation of the appeal, to address the question of justification under Article 14 ECHR.
5. You should assume for present purposes that all procedural requirements (as to time limits etc) are satisfied and do not need to be addressed.
6. The application should take the form of a stand-alone document of no more than 5 pages of 12-point type, at least 1.5 line spacing, setting out the reasons why the NICA was wrong, and why the appeal should be allowed, on the two issues.
7. Applications should be submitted by email to Richard Honey QC at [richard.honey@ftbchambers.co.uk](mailto:richard.honey@ftbchambers.co.uk) by **5.00pm on Friday 13 May 2022**.
8. Applications will be marked on the papers by members of the ALBA Committee who will draw up a shortlist of candidates for the mooting competition, and a reserve list.
9. The outcome will be notified by email by **Friday 27 May 2022**. We regret that we will not be able to provide feedback to candidates who are unsuccessful at this stage.

### **Stage two: Oral presentation in the Supreme Court, First Round**

10. Six shortlisted teams will be invited to participate in the moot competition, which will take place at the Supreme Court of the United Kingdom in Parliament Square on 17 June 2022 from 5pm.
11. Teams should come prepared to argue either side of the appeal on the two identified grounds in the Supreme Court. They should submit a short skeleton argument (no more than four sides of A4) for the Respondent by **5.00pm on 10 June 2022**. When presenting the case for the Appellant they should use their written application for permission to appeal submitted at Stage 1.
12. There will be three full judges for this occasion, Sir Rabinder Singh (Singh LJ), Christopher Vajda QC (former UK judge at the Court of Justice of the European Communities) and Dame Nathalie Lieven (Lieven J). They will be assisted by three QC members of the ALBA committee in the first round.
13. There will be six teams in the first round, split into three moots. Each moot will be judged by one full judge sitting with a silk. Judges will flip a coin in order to decide who will argue which side. Each team will be given 15 minutes to present or respond to the appeal (as the case may be), and each team member should present or respond to one of the grounds of appeal. Teams should decide for themselves how to divide up the time. Teams should be prepared to deal with some judicial intervention in the course of argument.
14. Shortlisted candidates will be provided with a link to a tabbed PDF of the authorities bundle and may not refer to any other case authorities. A list of the approved authorities is below. The judges will be provided with a copy of the authorities bundles and candidates should bring their own copy for their use during the moot: they may use electronic or paper authorities bundles as they wish.
15. The winner of each moot will be decided by the judges in their absolute discretion, who will also award a score out of 5 to each team for quality of written argument, oral advocacy presentation and style, legal analysis and response to judicial intervention. Judges will provide brief oral feedback to all teams, time allowing.

### **Stage three: Oral presentation in the Supreme Court, Final**

16. The first-round judges will meet to discuss the candidates, and the two highest scoring teams will go through to the final.
17. For the final, teams will have 20 minutes to present, or, as the case may be, respond, to the appeal.
18. The winning team will be selected in the absolute discretion of the Judges on the basis of the quality of written argument, oral advocacy presentation and style, legal analysis and response to judicial intervention.
19. The prizes are:
  - For the winning team: £1000
  - For the 2<sup>nd</sup>-placed team: £500

All finalists will be entitled to a free place at the ALBA summer conference 2022.

**List of permitted authorities:**

(In addition to the judgment of the Court of Appeal in *Allister*)

*Matthews v UK* [1998] 28 EHRR 361

*Hirst v UK (No 2)* [2005] ECHR 681

*Carson v UK* [2010] 51 EHRR 13

*Mathieson v SSWP* [2015] 1 WLR 3250

*R (SC) v SSWP* [2021] 3 WLR 428