



NOVICE ARBITRATION MOOTING COMPETITION

RULES & REGULATIONS

6th Edition

(As at 25th September 2017)

NAMCO Rules and Regulations - 6th Edition (2017)

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1. DEFINITIONS

1.1 The following terms as used in these Rules have the corresponding meaning:

“Arbitrator” or “Arbitrators” means a qualified individual, expert or specialist in certain field, appointed pursuant to Rule 7.10.3;

“Advanced Rounds” means all Oral Submission rounds after the General Rounds;

“Bench Counsel” means a member of the Team functioning as a solicitor assisting the oralists;

“Clarifications” means the official clarifications and amendments to the Moot Problem produced by the Moot Author and shall be part of the Moot Problem;

“Cumulative Raw Scores” means the accumulation of all Participant’s Raw Score of a Team;

“Ex-parte” means the proceeding application of one party alone with respect to or in the interests of one side only, pursuant to Rule 10;

“Gallery” means the place or seats provided for audiences, supporters, and observers during the Oral Submission proceedings;

“General Rounds” means the preliminary rounds;

“Institution” or “Institutions” means the national and international institutions participating in the competition.

“International Competition” means a mooting competition organised internationally with participating Institutions no less than two, where the interpretation of institution in this clause shall bring the same meaning under this Rule;

“Moot Author” means the person who writes, creates and designs the Moot Problem;

“Moot Administrator” means the assistant to the Moot Director having the authority and job scope as authorised by the Moot Director pursuant to Rule 13.3;

“Moot Director” has the meaning under Rule 13.3.

“Moot Problem” means the official moot question for NAMCO including any supplemental, clarification, or correction to the moot question by the Moot Author of NAMCO.

“NAMCO” or “Competition” means the Novice Arbitration Mooting Competition;

“NAMCO Management LLP” means the sole owner and organiser of NAMCO registered under the Limited Liability Partnerships Act 2012;

“NAMCO Secretariat” means the organising committee of NAMCO;

“National Competition” means a mooting competition organised nationally in a country with participating Institutions no less than three;

“Oral Submission” means an oral presentation between two Teams, one representing the Applicant and one representing the Respondent as described in Rule 7;

“Participant” or “Participants” means any eligible students who are registered to compete in the Competition, pursuant to Rules 3 and Rule 4.

“Power-seeding” means method used to determine the pairings of teams as specified in Rule 7.2.1;

“Quarter-Final Rounds” means the round after the General Rounds, pursuant to Rule 7.2;

“Raw scores” means an individual participant’s actual achievement score;

“Rebuttal” means a Respondent’s reply to the Claimant’s arguments.

“Registration Fee” means the fees charged by the organiser to the participating Teams in NAMCO;

“Representative” means a person who has been appointed by the Team or Institution to represent and manage the Team, and act as the contact person on behalf of the Team or Institution;

“Rules” means this NAMCO Rules and Regulations;

“Scouting” means an act to spy on or explore carefully in order to obtain information or ideas from other Teams;

“Semi-Final Round” means the advanced round after the General Rounds; unless where the Quarter-Final Round is available, it should mean, the advanced round after the Quarter-Final Round;

“Sur-Rebuttal” means a Claimant’s reply to the Respondent’s rebutter;

“Team” or “Teams” means the participating team consisting of at least four (4) team members up to five (5) team members pursuant to Rule 4.1.1;

“The Advisor” means a member of the Institution represented by the Team, such as a coach or a moot advisor, who at any time before and during the Competition has responsibility for organising, advising, or training a Team;

“The Grand Final” means the final round of NAMCO; and

“Written Submission” means the written pleadings of each Team, written and submitted pursuant to this Rules.

- 1.2 All time and date stipulated in this Rules and any other matters relating to NAMCO shall strictly follow the **Malaysia Standard Time** (“MST”) as may be determined by the Time and Frequency Laboratory of the National Metrology Institute of Malaysia, the appointed national timekeeper of Malaysia. An accurate and reliable MST can be observed at the MST webpage: <http://mst.sirim.my/>.

2. GENERAL

The Novice Arbitration Mooting Competition shall be conducted under the auspices of the NAMCO Management LLP and co-organised with the Faculty of Law, Universiti Teknologi MARA (UiTM), and shall have the powers to:

- (a) co-opt members;
- (b) appoint a secretariat to administer the Competition;
- (c) appoint Arbitrators; and
- (d) amend the Rules as it thinks fit

3. REGISTRATION

- 3.1. Participants shall submit by email the registration form to the Moot Director at namcobymara@gmail.com not later than **11.59pm, 27th November 2017**.
- 3.2. The Registration Fee for Teams from Malaysia is imposed at **RM750** and Teams outside Malaysia shall be imposed a Registration Fee of **USD200**. All Teams must

pay the Registration Fee not later than **11.59pm, 27th November 2017**, through cheque or online payment.

The bank account details are as follow:

Bank	: CIMB Bank (Malaysia) Berhad
Account Name	: NAMCO Management
Account No.	: 8007287939
Swift Code	: CIBBMYKL

- 3.3. Each Institution is allowed to register a maximum of **THREE (3)** Teams.
- 3.4. Registration is completed upon the payment of Registration Fee. The Representatives from all Teams shall provide the proof of payment of Registration Fee to the NAMCO Secretariat at namcobymara@gmail.com, before the due date pursuant to Rule 3.2. A copy of the registration form will be sent via namcobymara@gmail.com to the Representative of the Teams.
- 3.5. For the purpose of Rule 3.4, the Moot Director has a discretion to extend the time for payment of Registration Fee under considerable circumstances.
- 3.6. Details of the Representative as a contact person for each Team must be provided in the registration form.

4. TEAMS

4.1. Composition

- 4.1.1. Each Team shall consist of a minimum of **FOUR (4)** members and a maximum of **FIVE (5)** members per Team.
- 4.1.2 Only undergraduate students who have **NOT** participated in any National Competition or International Competition are allowed to participate in this Competition.
- 4.1.3 Please note that **Rule 4.1.2** above shall be strictly followed. The Moot Director may disqualify any Participant or Team which fails to comply with these Rules and the right to forfeit the Registration Fee.

4.1.4 **ONLY** registered Participants in the registration form shall be allowed to participate in this Competition.

4.2. Participation of Team members

4.2.1. All members of the Team shall participate in the preparation of the Written Submission.

4.2.2. There shall be two members acting as counsels on behalf of the Claimant and two members acting as counsels on behalf of the Respondent.

4.2.3. There may be a Bench Counsel sitting with either the counsels for the Claimant or the counsels for the Respondent.

5. LANGUAGE

The official language of the Competition is English and interpreters will not be available.

6. WRITTEN SUBMISSION

6.1. The Participants' names, signatures, nations, and nationalities, as well as the Institutions' names and logos represented by the Participants shall not appear on, within, or anywhere on the Written Submission.

6.2. Written Submission

6.2.1. Each Team must submit TWO (2) Written Submission; consisting one for the Claimant and one for the Respondent.

6.2.2. Teams must strictly adhere to the issues put forth in the Moot Problem.

6.2.3. The Written Submission must be submitted in PDF Format by way of email to namcobymara@gmail.com before 5.00pm on 12th February 2018. Failure to comply with the deadline will result in a penalty on the scoring of Written Submission.

6.2.4. Each Team shall submit (during registration) **FIVE (5)** hard copies of the Written Submission for the Claimant and for the Respondent to the Moot Director on 23rd March 2018.

- 6.2.5. Each Written Submission must be printed single sided.
- 6.2.6. Cover pages, tables of contents, indices, list of authorities or other materials that do not consist of facts, arguments or discussions shall not be counted to be within the **2500 words** limit. The amount of words shall be stated on the last page of the Written Submission.
- 6.2.7. The online exchange of Written Submission will be conducted via email on **5th March 2018**.

6.3. Form, Length and Style

- 6.3.1. All words shall be in font type **Times New Roman**; size **12** except for footnotes which shall be in size **10**. The Written Submission **must not exceed 2500 words** and the whole Written Submission must be in **1.5 line spacing** including any statement of facts, arguments or discussions, prayers for reliefs and footnotes.

Deduction of marks for exceeding the word limit shall be made according to the following categories:

1-5 words in excess	Deduction of 1 mark
6-20 words in excess	Deduction of 3 marks
21-50 words in excess	Deduction of 6 marks
51-100 words in excess	Deduction of 10 marks
101-150 words in excess	Deduction of 20 marks

- 6.3.2. Citations must be footnoted and shall not be in the body text (in-text citations) or in the endnotes. There shall be no fixed or specific format for citations but the citations should be standardised and presentable.
- 6.3.3. The Written Submission shall be bound securely so that it will be able to withstand physical handling throughout the Competition. Written Submission which are held together by rubber bands, lightweight staplers, paperclips, pins,

or other less secure means are considered as improper submissions and shall be penalised by the Moot Director of 1 mark.

6.4. Cover Page

6.4.1. The front cover of each Written Submission must have the following information:

- i. The Team Number in the upper right-hand corner followed by “C” for Claimant’s Written Submission or “R” for Respondent’s Written Submission;

Example: *Team Number 123 would put “123C” for its Claimant’s Written Submission and “123R” for its Respondent’s Written Submission.*

- ii. The name of the arbitration centre;

Example: *“Kuala Lumpur Regional Centre for Arbitration”*

- iii. The year of the Competition; and

Example: *“2018”*

- iv. The title of the document

Example: *“Written Submission for the Claimant” OR “Written Submission for the Respondent”*

2.1. Failure to comply with any of these requirements shall be finalised by the Moot Director of 1 mark for each requirement.

6.5. Revision of Written Submission

No revision/alteration or amendment of the Written Submission can be made after its submission to the NAMCO Secretariat.

6.6. Scoring of Written Submission

A panel of three, appointed by the Moot Director will evaluate the Written Submission on the basis of the quality of analysis of the Moot Problem, the persuasiveness of the legal arguments, the thoroughness of the research and the clarity of writing.

6.7. Team's Own Work

The Written Submission must be the Team's own work. The Advisor, coach, or individual who is not part of the Team members should not be involved in the preparation of the Written Submission.

6.8. Late submission of the Written Submission

Written Submission submitted later than **5.00pm on 12th February 2018** will be deducted **5%** of marks from the total marks of the Written Submission for the first day and **5%** of marks per day thereafter.

7. ORAL SUBMISSION ROUNDS

7.1. General Rounds

7.1.1. Each team will only present their arguments four times in the General rounds; two times for the Claimant and two times for the Respondent.

7.1.2. The timetable and pairings of Teams for the General Rounds as determined by the Moot Director, will be distributed **not later than 5.00pm on 19th February 2018**.

7.1.3. The pairings of Teams for the General Rounds shall be done in the first instance by the Moot Director.

7.2. Quarter-Final Rounds

7.2.1. If there are more than **16 Teams** are participating in the General Rounds, the NAMCO Secretariat may hold Quarter-Final Rounds consisting of four matches among the eight highest-ranking Teams from the General Rounds, based on their Cumulative Raw Scores. In such Rounds, the pairings shall be determined by "Power Seeding" as follows:

The 8 th placed Team	vs	The 1 st placed Team
The 7 th placed Team	vs	The 2 nd placed Team
The 6 th placed Team	vs	The 3 rd placed Team
The 5 th placed Team	vs	The 4 th placed Team

7.2.2. Four of the Teams with the highest Cumulative Raw Scores in the Quarter-Final Rounds will advance to the Semi-Final Round.

7.3. Semi-Final Round

7.3.1. The Semi-Final Round will be determined as follows:

1 st placed Team	vs	4 th placed Team
2 nd placed Team	vs	3 rd placed Team

7.3.2. Parties (Claimant and Respondent) will be determined by tossing of coin or any other methods as may be determined by the Moot Director.

7.4. Grand Final Round

7.4.1. The winning Team in each of the two Semi-Final Round shall advance to The Grand Final Round.

7.4.2. The Representative of the Teams will be called to determine whether they are to act for the Claimant or for the Respondent.

7.4.3. Parties (Claimant or Respondent) will be determined by tossing of coin or any other methods as may be determined by the Moot Director.

7.5. Duration of Presentation

7.5.1. Each Oral Submission Round consists of **ninety (90)** minutes of Oral Submissions. Claimant and Respondent are each allotted **forty-five (45)** minutes, including Rebuttal and Sur-Rebuttal. Prior to the beginning of the oral round, each Team must indicate to the bailiff how it wished to allocate its 45 minutes among:

- i. The first oralist
- ii. The second oralists
- iii. Rebuttal (for the Claimant) OR Sur-Rebuttal (for the Respondent)

- 7.5.2. It is the discretion of the Team to allocate how much time each counsel should speak. However, Teams are not allowed to allocate more than 10 minutes for Rebuttal or Sur-Rebuttal sessions.
- 7.5.3. The Lead Counsel from each Team shall indicate how they intend to utilize the 45 minutes when making their appearance during the Oral Submissions
- 7.5.4. A request for an extension of time shall be made to the presiding Arbitrators, if needed. It is a discretion of the presiding Arbitrators to grant such request for an extension of time. There will be no automatic granting for an extension of time.
- 7.5.5. No additional time can be requested or allocated for Rebuttal or Sur-Rebuttal.
- 7.6. For the purpose of the Oral Submission Rounds, unless allowed by the panel of Arbitrators, Teams shall not depart from their respective Written Submission. Departure from Written Submission without prior permission granted by the presiding Arbitrators will result to a maximum of 5 marks from the scores of the Oral Submission.
- 7.7. Best Oralist
- 7.7.1. The Best Oralist in the General Rounds will be awarded to the Participant with the highest Raw Score during the General Rounds. In the event that there are more than one Participant with the highest Raw Score, the Participant from the Team with the most number of wins in the General Rounds will be the Best Oralist in the General Rounds.
- 7.7.2. The presiding Arbitrators of The Grand Final will indicate the Best Oralist in The Grand Final in the form provided by the Moot Director. If the decision is not unanimous, the Best Oralist in The Grand Final shall be determined by the majority of the presiding Arbitrators.
- 7.8. Best Team for General Rounds
- The Best Team for General Rounds will be awarded to the Team with the highest Number of Wins during General Rounds. In the event there is a tie between Teams who have the same number of wins, the Team with the higher Raw Scores will be awarded as the Best Team for General Rounds.

7.9. Best Written Submission

7.9.1. There will be an award for the best Written Submission in which the scores will be based on the Written Submission scoring sheet. However, the scopes of the Oral Submissions are not limited to the scopes of the Written Submission.

7.10. Arbitrators

7.10.1. **THREE (3)** Arbitrators will preside in the General Rounds, Quarter-Final Rounds and Semi-Final Round. A maximum of **FIVE (5)** Arbitrators will preside in The Grand Final Round.

7.10.2. Arbitrators are requested to act during the Oral Submissions as they would be in a real arbitral tribunal setting. The Arbitrator shall be referred to as “Mr. President”, “Mr. Arbitrator” or “Mr. (name of the Arbitrator) or “Members of the arbitral tribunal”

7.10.3. Selection and determination of eligibility of the Arbitrators shall be made by the Moot Director, in consultation with the NAMCO Management Board and the NAMCO Secretariat.

7.11. Order of Presentation

Lead-counsel for the Claimant
Co-Counsel for the Claimant
Lead-counsel for the Respondent
Co-Counsel for the Respondent
Rebuttals for the Claimant
Sur-Rebuttals for the Respondent

7.12. Scoring

7.12.1. General Rounds/Quarter-Finals Rounds

The Arbitrators shall score the individual counsel’s Oral Submissions during the General Rounds. The Arbitrators will be provided with the official scoring

sheets. Every Arbitrator shall award each counsel a minimum of 50 points per round. The Teams will be ranked based on the collective total of the Teams' counsels' Raw Scores. The Team with a higher total of Raw Scores in a particular General Round shall be deemed to win that respective round. The same rule shall apply for the Quarter-Finals Rounds. The Team with the most number of wins in the General Round/Quarter-Final Rounds shall qualify to the Semi-Final Rounds.

In the event there is a tie between Teams who have the same number of wins, the Team with the higher Raw Scores will advance. The same rule shall apply to General Rounds and Quarter-Finals Round.

7.12.2. The scoring system at the General Rounds/Quarter-Finals Rounds will be as follows:

Presentation and Clarity	50%
Use of Authorities	20%
Ability to Answer Questions	20%
Court Room Manner	10%

7.12.3. Advanced Rounds

For the advanced rounds, the presiding Arbitrators shall score the Teams' performance based on the merits of the Teams' arguments. The Arbitrators will be provided with the official scoring sheets for the advanced rounds.

In the event the decision of the presiding Arbitrators is not unanimous, the Team with the majority votes from the panel shall prevail. The same rule shall apply for The Grand Final.

8. ASSISTANCE

8.1. Any means of Scouting is strictly prohibited throughout the Competition. The Moot Director shall have the right to impose a penalty up to 10 marks.

- 8.2. Coaches accompanying the Teams to the Competition shall be the academic members of the respective Institutions.
- 8.3. All rounds are open for public audience, however, the priority shall be given to the coaches, advisors and/or spectators affiliated to the Teams competing.
- 8.4. Electronic Devices in the Moot Room
- 8.4.1 Video, photograph, and/or audio recording in whatsoever manner is strictly prohibited during the proceeding. Only the NAMCO Secretariat will have the exclusive rights to record the rounds at any stage of the Competition.
- 8.4.2 During the Oral Submission rounds, Teams may not operate, for any purpose, mobile phones, computers, PDAs, or any other computing or electronic devices, including but not limited to those which are internet-enabled or data-capable, or have instant messaging capabilities. All such devices must be turned off and removed from sight as soon as the bailiff first enters the courtroom, and must remain off and out of sight until the conclusion of the Oral Submission round. A Team that violates this Rule may forfeit up to six (6) marks; the Moot Director shall determine a penalty that corresponds to the severity of the violation.
- 8.5. Any communications between any of the Team members with anyone from the Gallery is **STRICTLY PROHIBITED** during the proceeding. Any such communications causing the disruptions shall warrant an imposition of penalty at the sole unfettered discretion of the Moot Director.

9. AWARDS

The following is the list of Awards available:

Winner of the Novice Arbitration Mooting Competition
Runner-up of the Novice Arbitration Mooting Competition
Best Oralist in General Rounds
Best Team for General Rounds

Best Oralist in Grand Final Round
Best Overall Written Submission

10. EX-PARTE PROCEEDING

- 10.1. In the event such as when a Team fails to appear for scheduled rounds, the Moot Director may allow the round to proceed Ex-parte. In an Ex-parte proceeding, the present Team will submit its Oral Submission and will be judged and scored by the Arbitrators as if the absent Team had been presented. In such a case, the absent Team forfeits the Round's marks.
- 10.2. The Moot Director may schedule an additional Ex-parte proceeding for the absent Team later in the Competition, if time and administrative concerns permit. The scores from the additional round do not affect the scoring of the round stated in Rule 10.1 and are used only for purposes of calculating individual Oral Submissions scores.
- 10.3. Teams will be deemed to have failed to appear if only one Member appears for the Oral Submission. In such an event, the absent Team's oralist shall be allowed to submit and receive an individual score for purposes of calculating individual Oral Submission score even though his/her Team is deemed to have failed to appear.

11. PENALTIES

Any imposition of penalties as provided in this Rules is to be at the sole unfettered discretion of the Moot Director.

12. DISQUALIFICATION

The Moot Director may disqualify:

- (a) any individual Participant/Team that fails to comply with the Rules stated herein, unless if such violation may be remedied by the imposition of a penalty; and/or

(b) any individual Participant/Team that fails to promote and/or encourage healthy competitions between the Teams.

13. INTERPRETATION OF THE RULES

- 13.1. Request for interpretation of the Rules may be addressed to the Moot Director via email at namcobymara@gmail.com
- 13.2. The interpretation of any specific terms and/or clauses in this Rules shall rest on the sole unfettered discretion of the Moot Director.
- 13.3. The term “Moot Director” shall include the Moot Administrator and the Moot Administrator shall act as an assistant the Moot Director, and to have the functions as authorised by the Moot Director, unless specifically mentioned in this Rules so as to exclude the powers of the Moot Administrator.

14. CLARIFICATION

- 14.1. Any request for Clarifications can be submitted to the Moot Author via email at mootauthor.namco@gmail.com. The request for Clarifications shall be submitted latest by **10.00pm, 11th December 2017** and any request submitted after the deadline will not be entertained. The Clarifications to the Moot Problem are expected to be released on **8th January 2018**.
- 14.2. In the event that you do not receive any reply within **SEVEN (7)** days from the date of your email, kindly contact the NAMCO Secretariat at namcobymara@gmail.com.

15. COPYRIGHT

- 15.1 The copyright of the Written Submission submitted to the NAMCO Secretariat, shall be automatically deemed transferred to the ownership of NAMCO Management LLP.
- 15.2 No part of the submitted Written Submission may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of NAMCO

Management LLP, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.

16. PERSONAL DATA PROTECTION

- 16.1 Any information and data provided by the participating Teams to the NAMCO Management LLP and used by the NAMCO Management LLP directly or indirectly in the performance of this Rules and NAMCO, shall remain at all times the property of NAMCO Management LLP.
- 16.2 NAMCO Management LLP shall take all reasonable precautions to preserve the integrity and prevent any corruption or loss, damage or destruction of the Team's data and information.

17. FINALITY OF THE RULES AND REGULATIONS

These Rules are final. All Institutions, Teams and Participants are bound by these Rules upon registration.