



Judgement

In re UCN Board of Elders
[2018] CILJ Full Bench 2

1 Notes

Judgement given 3 November 2018. No hearing conducted. Document appendix located at <https://www.tapataalk.com/groups/nscilj/viewtopic.php?p=10#p=10>.

Case history can be found at *UCN Board of Elders v Upper Chantler*, [2018] CILJ Full Bench 1. This judgement is on a procedural regulation requested by Ecclestia on behalf of UCN Board of Elders regarding the operation of the court.

Judgement revised and citation appendix added 8 February 2020.

2 Opinion of the Court

The Chief Justice (Imperium Anglorum) joined by Khevo and Kundu.

[1] The Chief Justice permitted, under authority granted by Regulation 1 of the Court of International Law and Justice,¹ hearing of the request by Ecclestia asking for relief from unreasonable delay by the Chamber of Regional Appeals.²

[2] **Facts.** Ecclestia, being the counsel for the defendant in the case, *Upper Chantler v UCN Board of Elders*, [2018] UCN Tribunal 1, as well as a party to the case before the Chamber of Regional Appeals,³ thereby possesses standing under Regulation 1.

[3] The Bench concurs with the plaintiff that there has been an unreasonable delay.

¹ CILJ Regulation 1 (can be found here). For guidance on citation, see *UCN Board of Elders v Upper Chantler*, [2018] CILJ Full Bench 1, 18.

² Request for Order by Ecclestia, Document 1 appendix. The Bench believes that the request's exact wording on the parties is wrong. Upper Chantler does not have standing to contest an order requesting a judgement. Such an order is non-prejudicial to his (or any persons') interests. For that reason, the case is entitled *In re UCN Board of Elders*.

³ Ibid.

[4] According to the version history attached to the UCN Tribunal's case record, the judgement in the first instance was made on 7 August 2018.⁴ The appeal to the Chamber of Regional Appeals was made and received on 10 August.⁵ It has been over seven weeks since then. To the Bench's knowledge, no judgement has been reached after nearly three months.⁶

[5] **Judgement.** In exercise of powers granted by section 5(3) of the CILJ Charter and CILJ Regulation 1,⁷ we order the Chamber of Regional Appeals, hereinafter "Chamber" to render a judgement within 24 hours, subject to the CILJ Charter.⁸

[6] Should the chamber fail to render judgement within the time specified above, the Bench shall, being empowered by section 18(1) of the CILJ Charter,⁹ end the delay by granting appeal of the UCN Tribunal's decision in the Chamber of Regional Appeals' stead.

[7] Unlike in [2018] CILJ Full Bench 1, we possess jurisdiction to hear the appeal if our order is violated, as we are permitted by the section of the CILJ Charter referenced above to both order and empower ourselves to enforce such an order as we see fit.

[8] Moreover, we express our formal displeasure with the Chamber and its lack of progress in

⁴ *Upper Chantler v UCN Board of Elders*, [2018] UCN Tribunal 1.
⁵ Xagill response to request at [2], [2018] CILJ Full Bench 1 (Document 12).

⁶ Ibid.

⁷ CILJ Charter s 5(3) ("decisions shall be binding on that of any lower Chamber of court"); see also *UCN Board of Elders v Upper Chantler*, [2018] CILJ Full Bench 1, [10].

⁸ Ibid s 14(2) ("Every Justice who hears a case must present their own judgement, or affirm that of another Judge on the same case, which shall include the outcome of the case and legal reasoning employed in reaching that decision") (can be found in full here)

⁹ Ibid s 18(1) ("The enforcement of Rulings by the Court shall be enacted by the parties of the Case or any other body as is reasonable determined by the Judges") (referring to parties other than those of the case).

reaching a decision on this relatively straightforward appeal. If it requires assistance from any members of the Bench, members thereof will be happy to provide it, subject to the conditions of section 16(1) of the CILJ Charter.¹⁰

3 Citation appendix

This instructions were issued 6 February 2020 and can change. Refer to the latest Citation appendix attached to a Full Bench opinion for guidance. Opinions may declare exactly what version of citation they use. Follow formatting guidance when sensible.

Direct citation of specific documents in footnotes when all the relevant text is already provided is unnecessary. For example, if the case name is provided in the text, you may but need not also include the case name in a footnote.

Case names. Normalise case names, dropping extraneous words like ‘The’ if they prepend (eg The Times). Case names before the Full Bench are generally appeals. Entitle them as—

Appellant v Respondent

Do not note the specific counsel in the case title, but rather, note in the judgement notes.¹¹

If not an appeal, then note it in standard form—

Claimant v Respondent

If the case non-adversarial, that is, only has one body and is not contested, then use the format—

In re PARTY

Always italicise case names.

Case citation. Use a neutral citation ignoring reporters or specific page numbers associated with a case decision document. If you must use a page number, enclose the year in brackets and provide a link to the report directly. The case uses a year, body, and number like so—

[YEAR] BODY NUM

[2018] UCN Tribunal 1

(YEAR) REPORT PAGE

For CILJ bodies before reforms to the institution, use (1) CILJ Full Bench, (2) CILJ App, (3) CILJ Orig, (4) CILJ Inter Reg. These should be self-explanatory. The ‘Appeals’ chamber, ‘Original Jurisdiction’ chamber and ‘Interregional’ chamber names are abbreviated respectively.

If there is no defined neutral citation, provide the case as follows—

Appellant v Respondent (Court, DD MMM YYYY)

Upper Chantler v UCN Board of Elders (UCN Tribunal, 2018)

This above does not apply because a neutral citation is provided for the case. Only the year is reported, however, because in the first instance, judgement did not provide a clear date. If it had, it would take a form like 1 January 2020.

Books and articles. Cite books—

Author Name, *Book title* (YEAR).

James C Scott, *Against the Grain* (2017).

Cite articles—

Author Name, ‘Article title’ (YEAR) VOLUME JOURNAL START.

Richard A Posner, ‘Against Constitutional Theory’ (1998) 78 NYU L Rev 1.

Author Name, ‘Article title’ [YEAR] JOURNAL START.

Abbreviate journals based on abbreviation list provided in Bluebook. Omit all full stops.

Pinpoints (pages). Pinpoints are also called pin-cites. Use a pin cite in the following form:

Upper Chantler v UCN Board of Elders, [2018] UCN Tribunal 1, **1**.

The highlighted part is the page on which the referred material can be found. When referring to the same citation, used ‘Ibid’ sans full stop and italicisation.¹² This would take the form of something such as—

Ibid **1**.

These rules apply also to books and articles. Insert the pinpoint before the full stop at the end of the citation.

Pinpoints (paragraphs). When referring to a pinpoint by paragraph number, enclose the paragraph number with square brackets. Count from the top, include all headers. However, *if there are explicit paragraph numbers, use them and do not manually renumber.* If you must cite something outside the paragraph numbering system, cite by page.

Thus—

Upper Chantler v UCN Board of Elders, [2018] UCN Tribunal 1, **[8]**.

Ibid **[8]**.

¹⁰ Ibid s 16(1).

¹¹ This is a major change from past practice, which used formats such as ‘Counsel v Respondent, ex p Appellant’ borrowed from English practice before 2001.

¹² This style of citation is heavily borrowed from OSCOLA with some input descending from the US Bluebook.

refers to the eighth paragraph of that case. This also applies to use of 'Ibid' as above. The highlight is not part of the citation but merely to accentuate the pinpoint portion.

Shortened names. Case names may be shortened. When doing so, continue to write them in italics. The pinpointed case citation—

Upper Chantler v UCN Board of Elders, [2018]
UCN Tribunal 1, [8]

could be shortened to

Upper Chantler [8]

in citations after *if there is no ambiguity*. Provide the full case citation in the first instance.

Cross-references. Do not use above, below, supra, or infra for cross references. Only provide the note number with a shortened version of the citation. For example—

Upper Chantler (n 3) [10].

if, for example, the full citation for *Upper Chantler* was provided at the third footnote and one is pinpointing the citation at paragraph 10. If the same location as in the note, omit the pinpoint. This is the same for books and articles:

Scott, Against the Grain (n 8) 143.

if we are citing the book by James C Scott cited above and the note at which the full citation appears is note 8 and we are citing page 143 of that book. If reference to Scott is unambiguous, omit the book title. Omit the pinpoint if citing the same location as noted in the note.

Laws and constitutions. Cite all laws and constitutions by short title declared in that law. If no short title is declared, create a short title for your usage and provide a link to the law in the first instance. Use always 's' to stand for section.

If legislation does not declare the name of the region in which the law is valid, provide with preceding initialism with brackets after citation. Thus—

CILJ Charter s 7(1).

Chancery Act 2018 s 2 (Europe).

The citations refer to section 7(1) of the CILJ's Charter and to section 2 of Europe's Chancery Act 2018.¹³

Case materials. Case material appearing *in a separate case* with a document number are cited as follows—

TITLE at LOCATION, CASE (Document NUM).

For example,

Appeal by Ecclesia for UCN Board of Elders
at [4], [2018] CILJ Full Bench 1 (Document 1).

Include the word 'at LOCATION' if and only if you are providing a pin citation. Include brackets if citing by paragraph instead of by page number. This version of the citation removes the need for a case name. In shortened citations, prefer to the note and shorten as required.

If there are no document numbers simply cite the document as if it were part of the case decision. Provide a reporter as required. For example—

Upper Chantler v UCN Board of Elders, [2018]
UCN Tribunal 1, 1.

If case materials appear *in the same case*, use—

TITLE at LOCATION, Document NUM *infra* p
PAGE.

TITLE, Document NUM appendix.

for something appearing in the document and for something appearing in an appendix, respectively. Do not use *infra* to refer to anything other than a document (for example, the relative location of a note). Thus—

Appeal by Ecclesia for UCN Board of Elders
at [4], Document 1 *infra* p 5.

Request for Order by Ecclesia, Document 1
appendix.

The former applies for the page-based indexing in [2018] CILJ Full Bench 1 but should be used only within that case. The latter applies for the appendix-based document indexing in [2018] CILJ Full Bench 2 and should be used only within this case.

Introductory signals. Use the note 'See' if you want people to actually look at it. You may use words such as 'See also' for further authorities or 'See generally' for reference works. We do not prohibit use of Latin gadgets such as 'eg', 'ie', 'contra'. Use *contra* only when the cited authority contradicts the stated assertion. You may also prepend 'But' to 'see' or 'cf' to make a similar signal of this sort.

Do not italicise any of these signals. Remove all full stops.

¹³ Eg for regions with initialisms: Union of Christian Nations' 'UCN Elections Procedure Act 2019 s 1'.