



Judgement

Europe v The Popular Populace
[2019] Del 1

1 Notes

Notes written by Imperium Anglorum on 8 February 2020. The text of the judgement was very lightly edited to correct typographical errors and to fully complete citations.

Judgement given 16 October 2019. The Delegate acted *sua sponte* under inherent authority at executive discretion.

No appeal to the Founder was made successfully. Upon conclusion of the sentence, the ejected nation requested lifting of the ban per section 2(c) of the Criminal Law Act 2018.¹

2 Opinion of the Court

The Delegate (Imperium Anglorum).

- [1] Section 6(b) of the High Crimes Act 2019 states that—

Any person who purports to represent the region in an official capacity without proper authorisation is guilty of unlawful representation.

- [2] The nation ‘The Popular Populace’ sent a telegram to the WA membership of the region claiming, in part, ‘My job is to oversee the election’.²

- [3] By definition, no person can have a *job* to oversee any European election unless they are representing the region in an official capacity. And if there are overseers for the election to the delegate, which occur by endorsement count every 21 hours, there is only one, and that overseer is the Founder. To be generous, if there are other elections which could be overseen, the other elections—those to the

Commission—are overseen by a number of different authorities. They include the Delegate in section 6 of the Government (Reform) Act 2017 and the European Council in sections 6(b) and 6(e) of that Act.

- [4] The defendant is not any of those authorities and is not a member of any of those authorities. The defendant has not been authorised to exercise oversight powers by any of those authorities. There are no questions that the defendant could answer which would eliminate or excuse the illicit behaviour they undertook in full view of the regional population.

- [5] To preempt any claim under the Privileges Act 2017, such privileges are granted only to electors.³ Moreover, there was no activity before Parliament at the time of the illicit behaviour; no claim can be made.

- [6] Pursuant to the sentencing guidelines in section 2 of the High Crimes Act 2018, as ‘a person possessing judicial powers, both delegated and non-delegated’, I possess discretion on the length of a ban. Subsection (a) therein requires me to submit an explanation to the European Council if that length is not between a quarter and three-quarters of the maximum punishment. The maximum punishment for this crime is a ban for four months.⁴

- [7] The defendant shall be banned from the region for a period not to exceed three (3) months.

- [8] This decision may be reviewed by the European Council, but as the procedures of the European Council require it to dismiss issues without *locus standi*, which includes any matter brought by a non-electors, such review is *de facto* closed. After the repeal of a ‘motion of courtesy’ granted to non-electors in section 7

¹ Also known as the High Crimes Act 2018. The judgement was written before the Act was renamed.

² Telegram (The Popular Populace) at [6], Document 1 *infra* p 2.

³ See Privileges Act 2017 s 2 (Judicial powers may not be used against any elector. . .).

⁴ High Crimes Act s 6.

of the Government (Reform) Act 2017, review may no longer be granted by Parliament.⁵

- [9] Review may be requested of the founder on one question: whether the the defendant committed the crime as defined by law.

3 Documents

3.1 Telegram (The Popular Populace)

This telegram has been lightly edited. Formatting dividing lines and emoji have been removed.

- [1] Hello gorgeous nations of Europe,
- [2] I am the president of The Principality of The Popular Populace and I stand for the status quo, what the popular people stand for.
- [3] I am here to campaign on behalf of the popular peoples' preference, which is that of maintaining IA as our Delegate in Europe.
- [4] In line with popular opinion, I will be campaigning for IA to secure another term for him in this upcoming election.
- [5] Contrary to popular belief, elections are not held every 12 hours but rather when nations feel that one is necessary in times of crisis such as the democratic one Europe is experiencing now.
- [6] My job is to oversee the election, and ensure both parties, but predominantly IA, receives as 'fair go' in his running for the seat of Delegate, and that no interference or meddling occurs.
- [7] if you wish to assist and help secure a win for IA, feel free to send me a telegram and we can start work on his electoral campaign.

- [8] Kind regards,
The Principality of The Popular Populace

4 Citation appendix

This instructions were issued 8 February 2020 and can change. These citation guidelines are naturally incomplete, for it does not deal with the proper way to format every single kind of document. Refer to the latest judicial decision with a citation appendix for more guidance. Follow OSCOLA guidelines when sensible;⁶ note however that these guidelines have some deviations from

OSCOLA in how cases are named, how case documents are cited, etc.

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). However, if the 'The' is part of the name of a nation or region, include it. In the first instance, use standard form—

Claimant v Respondent

In appeals, use however—

Appellant v Respondent

Do not note the specific counsel in the case title, but rather, note in the judgement notes.⁷

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

In re PARTY⁸

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] Del 1

(YEAR) VOLUME REPORT PAGE

Omit volume if no volume is declared.

For European Courts use the following body abbreviations—

Body full name	Abbreviation
Moderation Committee	Mod Com
Delegate	Del
European Council	Council
European Parliament	Parli
Founder	Found

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

Appellant v Respondent (Court, DD MMM YYYY)

- ⁷ If the Librarian or Chancery, on behalf of an appellant, makes a request for judicial review, use 'L v Respondent, ex p Appellant', for Chancery, 'C v Respondent, ex p Appellant'.

- ⁸ Note that OSCOLA uses 'Re' instead of 'In re'.

⁵ But see Government Act s 8.

⁶ See https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf for a copy of OSCOLA.

If citing a real world court case like *R (Jackson) v Attorney General* follow real world practice.⁹ For something like *Brown v Board of Education* also follow real world practice, though deviations such as removing extraneous full stops or simply rendering the citation in OSCOLA are acceptable.¹⁰

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.¹¹ Omit all full stops and insert spaces for separate words as necessary.¹²

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

Europe v The Popular Populace, [2019] Del 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. 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. *Only use paragraph indexing if there are explicit paragraph numbers; do not manually renumber.* If you must cite something outside the paragraph numbering system, cite by page.

Thus—

Europe v The Popular Populace, [2019] Del 1, **[8]**.

Ibid **[8]**.

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—

Europe v The Popular Populace, [2019] Del 1, [8].

could be shortened to the following, with omission of 'The' and the name of the region—

Popular Populace [8]

in later citations *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—

Popular Populace (n 3) [4].

if, for example, the full citation for *Popular Populace* was provided at the third footnote and one is pinpointing the citation at paragraph 4. 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 original numbering. Abbreviate section with 's', article with 'art', and paragraph with 'para'. Do not name subdivisions separately.

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).

Constitution art 2(3) (The North Pacific).

UCN Elections Procedure Act 2019 s 1.

Note also that the North Pacific example could also have been rendered as 'TNP Constitution art 2(3)'.

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

⁹ OSCOLA prescribes '[2005] UKHL 56'.

¹⁰ Eg in OSCOLA '*Brown v Board of Education*, (1954) 347 US 483' or modified Bluebook '*Brown v Board of Education*, 347 US 483 (1954)'.

¹¹ See <https://lib.law.uw.edu/cilp/abbrev.html>.

¹² Thus, Yale Law Journal would take the form 'Yale L J'. The Harvard Law Review similarly takes the form 'Harv L Rev'.

TITLE at LOCATION, CASE (Document NUM).

For example,

Telegram (The Popular Populace) at [2], [2019] Del 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, if the case decision includes the documents. Provide a reporter as required. For example—

Europe v The Popular Populace, [2019] Del 1, 2.

You may add an explanatory note in brackets after the citation.

If there is no way to link directly to an enumerated series of documents held in an appendix or in the opinion itself and also no way to link to a page on which that document could be found, provide a link to the source if possible. Explain in footnotes the difficulty if not possible.

Case materials in the same case. 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. If you use document number–appendix indexing, you must provide a link to the location of the document appendix in header notes. The document appendix must also be in a separate file.

Do not use *infra* to refer to anything other than a document (for example, the relative location of a note). Do not italicise *infra*. Thus—

Telegram (The Popular Populace) at [6], Document 1 *infra* p 2.

Telegram (The Popular Populace), Document 1 appendix.

The former applies for the page-based indexing. The latter applies only if there is a separate appendix in which documents are provided by number *outside* of the judgement. For example, if the judgement documents were placed on a forum thread and each document was provided a number. A forum threads do not have meaningful page numbers, it would not be useful to use them.

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.

5 Format appendix

This document was formatted in \LaTeX using the font Charter. A number of special commands are used to easily cross-reference for citation purposes. Contact Imperium Anglorum for more details.

Footnotes are formatted in hanging style with no rule. This is done by—

```
\usepackage[hang,norule]{footmisc}
```

Lists are formatted with—

```
\usepackage{enumitem}
...
\begin{enumerate}[label={[\arabic*]}]
  \item ...
\end{enumerate}
```

Links are formatted by passing the parameter `allbordercolors={0 0.8 0}` to package `hyperref`. Censoring if necessary is conducted with `\usepackage{censor}`.

The language used is *british* passed to packages `babel` and `csquotes`.