

Pax Moot 2019 Request for Clarifications

The Judges of Pax Moot wishes to publish the following message as a general response to all of the questions below:

“Some of you have submitted questions on the case. Some of these questions find an implicit answer in the case itself. Others raise interesting points for the pleadings. The case follows a model similar to that used in past editions of the moot, without spelling out all of the facts in detail. We also do not give more details on the precise legal issues that are to be dealt with because identifying them is precisely part of the exercise! The students have always risen to the challenge very well, sorting out the problems and imagining the possible arguments from both sides.”

No specific answers therefore will be given to the questions submitted as they are deemed unnecessary, all answers should be implicit in the case, or to be discussed during the moot. The questions presented below:

1. Was Martin Luther’s adoption regular according to Canadian law? Was this adoption certified?
2. Does the Belgian notarial deed only concern the contract or also the eventual acquisition of the polish apartment?
3. For which reason the Mary’s registration as owner of the apartment has been refused by the polish authorities? Was the refusal because of:
 - a. the same sex partnership,
 - b. the necessity for foreigners to obtain a permission to acquire real property in Poland by the Minister of Interior due to Polish law, or
 - c. for another reason;
4. Question concerning the Rules and Procedures: Since, due to point 18.3 of the Rules, the teams shall conclude to private international law issues, is any knowledge of foreign legal systems (Polish, Canadian, English national law) expected and can the teams include arguments based on this knowledge in their submissions?
5. Was the civil union between Ms Sophia Libardzki and Ms Mary Macdonald recognized by the English authorities?
6. On which dates did the following take place:
 - a. the appeal before the administrative courts against the refusal of the permanent;

- b. residence permit of Ms Mary Macdonald and Martin Luther in Poland;
 - c. the institution of the proceedings before the civil court of first instance;
 - d. the decision of the civil court of first instance;
 - e. the institution of the appeal?
7. What were the motivations for following refusals:
- a. the permanent residence permit for Ms Mary Macdonald and Martin Luther;
 - b. the registration of the civil union between Ms Sophia Liberadzki and Ms Mary Macdonald;
 - c. the recognition of Martin Luther as the child of Ms Sophia Libardzki and Ms Mary Macdonald and;
 - d. the registration of both Ms Sophia Libardzki and Ms Mary Macdonald as owners of the apartment?
8. Should we take into account the current political situation and legal evolutions or assume, for the Moot Court purposes and in the light of the deadline of 15 April, that there is a no-deal Brexit on 29 March?
9. The case doesn't clarify where Sophia habitually lives during her job at LBLC and where she currently lives. Does Sophia have her residence at any (fixed) place in the EU? if so, where would that be?
10. The case specifies: "and she divided her time between England and these other places." Can we assume that Sophia divided her time equally between England and the other offices before the Poland office became extra reliant on her?
11. The case specifies: "The job brought with it entitlement to social security benefits including for her partner and child." What kind of social security benefits were granted? Was the entitlement to these social securities guaranteed by UK law or by company policy? And in addition, did Mary and Martin Luther obtained these rights in practice?
12. Did Sophia and Mary register their civil union for recognition in the UK?