



Judgement

Europe v The Popular Populace
[2019] Del 1

1 Notes

Notes written by Imperium Anglorum on 14 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.

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

⁴ High Crimes Act 2018 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

⁵ But see Government Act 2017 s 8.

4 Citation appendix

This instructions were issued 14 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.

4.1 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.

4.2 Case citation

Use a neutral citation ignoring the name of the report 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

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

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’.

Omit volume if no volume is declared.

For European Courts use the following body abbreviations—

Body full name	Abbreviation
<i>On delegated authority</i>	Del’d Auth ⁹
Delegate	Del
European Council	Council
Founder	—

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

Appellant v Respondent (Court, DD MMM YYYY)

Provide a link to the court decision in your citation if at all possible. Consult section 4.4 for best practice related to internet sources.

Foreign courts. When citing a foreign court, if they have a neutral citation assigned for their cases, in any format, use that neutral citation. This applies even if that neutral citation is not a serial number. *Do not abbreviate* the court name unless you also provide a table of abbreviations in an appendix.¹⁰

Otherwise, use the format above. In all cases, if citing cases outside your jurisdiction, include brackets following the citation with the jurisdiction—

Upper Chantler v UCN Board of Elders (UCN Tribunal, 7 August 2018) (Union of Christian Nations).¹¹

Do not abbreviate the foreign court name unless the abbreviation is itself clear or clarified by a table or index for abbreviations used in your document.¹²

If it would aid clarity, provide also a link to the decision.

Real world courts. If citing a real world court case like *R (Jackson) v Attorney General* follow real world practice.¹³ For something like *Brown v Board*

⁹ Judicial decisions undertaken on delegated judicial authority from the Founder or the Delegate are taken at executive discretion. Provide the presiding judge in brackets after the citation: eg ‘*Appellant v Respondent*, [2020] Del’d Auth 1, [4] (Examplestan J)’. Append the name of the judge with ‘J’.

¹⁰ If you provide an abbreviation appendix, it is mostly immaterial what abbreviation you use.

¹¹ The original domestic name is ‘Upper Chantler v The UCN Board of Elders’. There is no declared neutral citation for the case. The decision was dated only on when it was written by the issuer, according to Google Docs, no explicit date was provided.

¹² Eg with lack of clarity, ‘Euro’ for Europe, Europeia, Europa, Europia, European Union, etc. Unless what ‘Euro’ means is defined within your document, do not abbreviate.

¹³ OSCOLA prescribes ‘[2005] UKHL 56’ for this example.

of *Education* also follow real world practice, though deviations such as removing extraneous full stops or simply rendering the citation in OSCOLA are acceptable.¹⁴

4.3 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.¹⁵ Omit all full stops and insert spaces for separate words as necessary.¹⁶

4.4 Internet sources

Link rot is a problem. For documents stored in Google Docs or similarly print-based formats, save the document as a PDF and host the document on something like Github. If using Github, use a CDN system to find a way to view the document online. I recommend GitHack (now that RawGit has closed) or nbviewer associated with Jupyter notebook.

For web pages themselves, there are different best practices:—

- If a public web page, save the web page using something like <https://archive.today>.
- If a private web page, eg Discord, screenshots are acceptable. Host the screenshots on a service like <https://www.imgur.com>.
- It is always acceptable to copy the text and render the text as a document appended to a case.

Links made to web pages should be made to the archived versions of those web pages, be they web archives or screenshots hosted on a different service. Cite URLs consistent with OSCOLA practice, *however*, if you also typeset the URL itself in monospaced font, omit angled brackets. For example—

¹⁴ Eg in OSCOLA '*Brown v Board of Education*, (1954) 347 US 483' or modified Bluebook '*Brown v Board of Education*, 347 US 483 (1954)'.

¹⁵ See <https://lib.law.uw.edu/cilp/abbrev.html>.

¹⁶ Thus, Yale Law Journal would take the form 'Yale LJ'. The Harvard Law Review similarly takes the form 'Harv L Rev'.

Leslie Green and Thomas Adams, 'Legal Positivism', *Stanford Encyclopedia of Philosophy* (Winter edn, 2019) <https://plato.stanford.edu/archives/win2019/entries/legal-positivism/> accessed 12 February 2020.

Prefer however a citation to an archived version of the document—

Leslie Green and Thomas Adams, 'Legal Positivism', *Stanford Encyclopedia of Philosophy* (Winter edn, 2019) <https://archive.ph/fyQWR> accessed 12 February 2020.

Regional message board posts. Until recently, regional message board posts could not be altered. With both alteration and deletion, it has become imperative to cite better. Either provide the RMB posts in a document¹⁷ or link to them with needed omissions—

Imperium Anglorum, *NationStates* (12 February 2020) <https://www.nationstates.net/page=rmb/postid=37618100> accessed 12 February 2020.

As this post could be changed, prefer an archived version or simply placing the RMB post's text into a document.

Polls. Give the name of the poll as the title, the proposer as the author, and the site in the proper location:—

Imperium Anglorum, 'Motion to enact, Transparency Act 2018', *NationStates* (8 September 2018) <https://www.nationstates.net/page=poll/p=127754> accessed 12 February 2020 (European Parliament).

As poll topics cannot be changed, it is not required to archive or document the text. However, do so for a poll that has not yet completed, as such polls may still be deleted.

NationStates posts generally. For polls, regional message board posts, and forum posts, it is not necessary to include brackets afterwards with explanations if it is self-evident as to what is being cited. For example, all regional message board posts should have `page=rmb` someplace in it, showing that it is an RMB post. Similarly, all business before the European Parliament ought to have 'Motion to enact' or similar phrasing at the start. If not present, of course, clarify.

¹⁷ Eg RMB Posts, *Europe v Schultzheim*, [2018] Del 1 (Document 1).

While it may be useful, you need not provide a pinpoint with a web page. Do not provide a pinpoint to a web page based on pages, as they will change depending on the user or printing settings. Do not provide a pinpoint to a web page on paragraphs which are not themselves numbered. Optionally, provide the section heading in brackets after the citation.

4.5 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.

4.6 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.

4.7 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.

4.8 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.

4.9 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)'.

4.10 Case materials

Same case. Case materials appearing *in the same case* should have a declared title and a document number. Cite documents in the same case as follows—¹⁸

TITLE at LOCATION, Document NUM.

Telegram (The Popular Populace) at [2], Document 1.

¹⁸ The court document citation style here is borrowed from the American Bluebook. Note however, that some inconsistencies such as use of ¶ and use of 'at' only in appellate case records are removed.

Also see the example above, for a document in this case. Do not abbreviate the word 'Document'. If you are citing to a paragraph, remember to include a paragraph number surrounded by straight brackets. If you are citing to a *page* provide that page as the number alone.

If you are preparing a court document for inclusion in a decision such as this,—

- you *must* enumerate the paragraphs of that document,
- *unless* that document is given in a paginated form, in which case you must host that document at an accessible location and provide a link to that document, along with the number, at some place in your decision and
- you *must* assign every document a document number.

Separate case. If however, the court document appears in a *separate* case then, cite as follows—

TITLE at LOCATION, CASE CITATION
(Document NUM).

Telegram (The Popular Populace) at [2],
Europe v The Popular Populace, [2019] Del
1 (Document 1).

4.11 Case appendices

Follow the instruction declared for all case documents. Except, replace the word 'Document' with the word 'Appendix'. As appendices are not numbered, do not include a number. Thus, for this appendix, if cited in a different case, cite as:

Citation appendix, *Europe v The Popular Populace*, [2019] Del 1 (Appendix).

If you are citing paragraphs within that appendix, if they are numbered, use the numbering declared by the appendix. If they are not numbered, as in this appendix, cite the page. As the page number *as it appears in the original document*.

Thus, for the guidance in this document on how books are cited—

Citation appendix at 4, *Europe v The Popular Populace*, [2019] Del 1 (Appendix)
(explaining how to cite books).

Note that the section highlighted above is not required. However, it may be useful to provide it for clarification.

It was acceptable in the past to cite an appendix as if it were part of the case itself,¹⁹ but on pagination rather than paragraphs. Due to a lack of clarity, avoid this going forward.

¹⁹ Eg *Europe v The Popular Populace*, [2019] Del 1, 4'.

4.12 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

5.1 Inclusions

- Always include the title (usually judgement), the name of the case, and the case neutral citation.
- Always enumerate paragraphs in the judgement.
- A judgement must state the author and a reasoned legal argument to justify actions taken. If the decision is issued in the form of an order, link in the order to the judgement if the judgement is a separate document.
- Notes including the author, the judgement date, the authority by which the judgement was rendered, and previous or subsequent case history are highly recommended.
- Include documents in a separate section as necessary.

5.2 Typography

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`.

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