

University of Oxford Appeal Court – Appeal by Professor Anthony Watts

Decision of the Appeal Court

6 July 2016

Decision

1. Application for disclosure of the full Galligan judgement granted.
2. Copies of the (a) old EJRA policy, (b) current EJRA policy, and (c) full Galligan judgement to be include in the Appeal bundle.

Reasons

1. Professor Watts contends that the (present) EJRA is unlawful.
2. The University contends that (a) the Court of Appeal does not have jurisdiction to determine whether the EJRA is lawful and (b) the EJRA is lawful in any event.
3. The Galligan decision is plainly relevant for the purposes of issue (a) although it is not binding, consistency in decision making is a well established principle. A Court of Appeal decision should not be departed from without good reason (which may, or may not exist in this case).
4. Whether the Galligan decision is relevant for the purposes of issue (b) given the differences between the old and present EJRA will depend upon analysis of the full judgement and both the old and the present EJRA.
5. **The University's submission that the Court's judgement in Galligan is confidential is misconceived while the Regulations provide that hearings are to be in private (unless the Court determines otherwise) they do not prohibit the publication of the Court's decision by either party to an appeal, and one can envisage circumstances in which either party to an appeal might wish to publicise the Court's judgement.**

Sir Jeremy Sullivan PC