



Jonathan Cooper LGBTQ+ Mooting Competition: Information Sheet

Key Information on how to register and participate

The problem question of the moot can be found at this [link](#). Participating teams will be required to prepare skeleton arguments for both the appellants and the respondent, though for selection purposes we only require a skeleton argument to be submitted for the appellants of the problem scenario.

To register your team, please use [this form](#). Your registration will not be complete before emailing your skeleton argument to Clara Elod at equalityanddiversity@law.ox.ac.uk, with the subject title "Skeleton Argument Jonathan Cooper Moot". **The deadline to register and submit your skeleton argument is January 26**, so any time before January 27 00.00 GMT. We will inform you whether you have been selected by **January 30** at the latest.

The Organising Committee will review the submissions and select the teams which submitted the 8 best skeletons by **January 30**. The Committee retains discretion to increase the number of teams should there be more than 8 submissions of commendable standard. All teams which submit a skeleton argument will be invited to watch the final round and attend the drinks reception.

After the initial selection, the second submission deadline for the skeleton of the respondent side will be **February 6**. On **February 7**, teams will receive notification of their party allocation and the skeleton argument of the other team in the first round.

Moot Schedule

The moot will then take place over the course of **February 11**, with teams arriving at the Law Faculty **at around 10.30am**. There will be a lunch and coffee break as well prep time between the rounds. All selected teams will be provided with lunch during the lunch break, for which we will ask you to inform us of any dietary requirements. The schedule currently envisaged can be found in the below table, though elements of the schedule may be subject to change.

Time				
11.00 – 12.00	Quarter-Final: A v B	Quarter-Final: C v D	Quarter-Final: E v F	Quarter-Final: G v H
12.15 – 13.10	Lunch Break			
13.10 – 13.30	Coin Toss, Exchange of Skeletons, Prep Time			
13.30 – 14.30	Semi-Final: W1 v W2		Semi-Final: W3 v W4	
14.30 – 15.00	Coffee Break			
15.00 – 15.30	Coin Toss, Exchange of Skeletons, Prep Time			
15.15 – 16.15	Final Round			
16.15 – 16.30	Final Judges' Deliberations			
16.30 – 16.50	Judges' Feedback and Announcement of Results			
16.50 – 17.00	Speeches and Prize Award			

The Problem Question: Some Guidance

This year's problem question can be found [here](#). As the aim of the moot is to promote the intellectual study of LGBTQ+ related legal issues, the scenario was created to reflect recent case law on same-sex marriage, though crucially differing from previous cases with a novel element: in this case, a Government repeals legislation granting same-sex couples the option to marry *after* an earlier Government had introduced such legislation.

The purpose of this question, and the recommended reading list, is to encourage students to engage with the scope and limits of existing human rights law as well as constitutional interpretation in securing equality rights for same-sex couples. Whilst the European Court of Human Rights has found that (for now) the ECHR does not require signatories to introduce same-sex marriage, it is unclear whether the ECHR would be breached where the option to marry had existed, but was removed by a later Government. It is also unclear how the existence of a codified constitution, with explicit provisions guaranteeing e.g. human dignity, the sanctity of marriage, and family life, would play into the examination of this question.

There is discussion of relevant issues in *Attorney General v Ferguson*,¹ especially in the dissent given by Lord Sales, and in the majority judgment, again given by Lord Sales, in *Chantelle Day v The Cayman Islands*.² These two cases can serve as a helpful starting point after which one could read the other materials provided in the problem question, which have all been hyperlinked to reduce time involved for participants. Ultimately, such a case has never arisen in practice and there is no certainty of how it might be resolved. As such, and especially as the constitutional provisions of the scenario permit reference to international law and case law from other jurisdictions, the problem provides an opportunity for creative thinking and use of case law, perhaps more so than in areas where the law is fairly settled.

Participants are not expected to devote similar attention or time to each of the ECHR Articles for ground 1, or to each of the constitutional provisions for ground 2 – participants have discretion in deciding which provisions to focus on. No application or knowledge of procedural law pertaining to the Privy Council is required as all relevant procedures are governed by the Mooting Competition rules found below. For the purpose of the skeleton argument, the parties can be listed as *Philips and Another v The Cashman Island*. The constitutional provisions listed in the problem question can be referred to as “sections”.

¹ *Attorney General for Bermuda v Ferguson and others* [2022] UKPC 5

² *Day and another v The Government of the Cayman Islands and another* [2022] UKPC 6

All requests for clarification concerning the moot problem should be submitted by 18.00 GMT on 20 January 2023. Please submit clarification requests via email to Richard Wagenlander at raw92@cam.ac.uk. Responses to requests will be published on the [moot website](#).

Prizes

There will be a prize money of £300 for the winning team and a prize money of £150 for the runner-up team.

Format of Skeleton Arguments, Marking of Rounds, and Other Competition Rules

The following information sets out the rules of the competition as they were previously published in the announcement post of the moot. All competitors are required to act in good faith. Enforcement of the rules is at the discretion of the Organising Committee.

1. Competitors and eligibility

- (1) The competition is open to all matriculated students of, and all visiting students at, the University of Oxford.
- (2) Competitors enter the competition and compete in teams of two.
- (3) Competitors in a given team need not be from the same College or reading the same degree.
- (4) Competitors must conduct all research and preparation for the competition without assistance from any other person.
- (5) To enter the competition, teams must comply with the instructions and deadlines in the Call for Applications.

2. Skeleton arguments and selection to compete

- (1) The Competition Organising Committee will select the 8 teams that submit the best skeleton arguments in accordance with rules 1(5), 2(3), and 2(4) to compete in the oral rounds of the competition.
- (2) Skeleton arguments will be used for selection purposes and will also be provided to the judges and competitors.
- (3) All teams should be prepared to argue either side of the mooted problem. For the purpose of selection, one skeleton argument will be considered, though both skeleton arguments have to be submitted by the date noted on the mooted schedule.
- (4) Each of the skeleton arguments must be no longer than two pages of A4 paper (size 11 font; text single-spaced; character spacing normal; margins of 2.5cm on all sides of the page). Citation of additional legislation and academic material is permitted. Citation must comply with OSCOLA.
- (5) Each of the skeleton arguments must set out:
 - a. the court and the names of the parties;
 - b. the party on whose behalf the skeleton argument is submitted;
 - c. the major arguments that counsel intends to make, accompanied by appropriate reference to authorities;
 - d. counsels' names.
- (6) The skeleton arguments need not include a summary of the facts.

3. Format of the oral rounds

- (1) The competition will be held in person on Saturday, 11 February 2023.
- (2) It is intended that 8 teams will compete in the Quarter Finals, 4 teams in the Semi-Final, and 2 teams in the Grand Final. The Organising Committee has discretion to increase the team numbers should the written submissions of commendable quality exceed 8 teams.

Quarter-final stage

- (3) In the Quarter Finals, each team will argue the moot problem only once. Each team will be randomly allocated as counsel for one of the parties. Teams will be notified of the outcome of this allocation shortly after the second skeleton argument is submitted.
- (4) The judge of each moot in the Quarter Finals will award each team a score out of 100. No draws will be permitted.

Semi-final stage

- (5) In the Semi-Finals, a coin will be tossed by a member of the Organising Committee to determine which team argues on behalf of which party.
- (6) The judge of each moot in the Semi-Final will award each team a score out of 100. No draws will be permitted.
- (7) In each Semi-Final moot, the team with the higher score will qualify for the Grand Final.

Grand Final

- (8) A coin will be tossed by a member of the Organising Committee to determine which of the two qualifying teams will argue on behalf of which party.
 - a. The Grand Final will be judged by three to five judges.
 - b. The Grand Final judges will award each team a score out of 100.
 - c. No draw will be permitted.
 - d. The team with the higher score will be the winner of the Mooting Championship. The other team will be the runner-up.

4. Conduct of moots

- (1) Any case law may be cited during the moots, as well as academic writing or other material, provided the materials were listed in the relevant skeleton argument.
- (2) It is permissible to refer to legislation.
- (3) A member of the Organising Committee will keep time in the moots.
- (4) Time and duration: In each of the competition's rounds, each oralist has a maximum of 10 minutes per speech, and circa 5 minutes allocated for questioning. There is a maximum of 15 minutes per oralist.