

Graduation 2013

Honorary Graduate - Oration

Oration for Honorary Graduated Lord Dyson

Orator: Sir Nigel Rodley

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Chancellor, the Senate of the University has resolved that the degree of Doctor of the University be conferred on the right honourable Lord Dyson, Master of the Rolls.

The University is awarding Lord Dyson an honorary doctorate in recognition of his distinguished career, dedication to public service, and significant work in support of human rights. If after the adoption of the Human Rights Acts in 1998 the late Lord Bingham – also an honorary graduate of this University – pioneered the introduction of the judiciary to the application of international human rights law, as reflected on the European Convention on Human Rights and the case law of its court in Strasbourg, Lord Dyson could be said to have led the process of consolidation. His commitment to the convention law is such that, when I asked him to name a few of the most important cases he's adjudicated, he offered specifically human rights cases.

One of those was H.G and H.T against the home secretary in 2010. It was a landmark deportation case involving two gay men, threatened with deportation; one to Iran, the other to Cameroon, both countries in which their sexual orientation put them at severe risk of severe prosecution. Our government was pleased to argue that under a doctrine of reasonable tolerability it would not be wrong to deport the two men since they would face no real risk of prosecution provided that they conceal their sexual orientation.

Even though the case is one of the first that Lord Dyson had to grapple with, as a new member of the Supreme Court, he pulled no punches in delivering a withering demolition of the moral, legal, and logical flaws in the government's case.

Back to the beginning. Born in 1943 John Dyson was educated at Leeds Grammar School and Wadham College Oxford where he read law. He was called to the Bar in 1968 and found himself practising mainly construction law. He became a Queen's council in 1980. In 1986 he became Head of Chambers at 39 Essex Street, and the same year was appointed as a recorder, his first judicial appointment. In 1993 he was appointed a High Court judge and thus became Sir John Dyson. He was presiding judge of the Technology and Construction Court from 1998 to 2001 when he was appointed as a Lord Justice of Appeal; that is a judge of the Court of Appeal, the second highest court in the land.

In 2010 he was one of the first two justices to be appointed directly to the new Supreme Court that replaced the Appellate Committee of the House of Lords, the other 10 having transferred automatically from the House of Lords. Only two and a half years later he acquired the ancient and august office that he now holds, Master of the Rolls. A title which refers to the office held as original function of keeping the records of the Court of Chancery, but now carries the enormous responsibility of being head of civil justice in this country. The first Master of the Rolls on record was John Lancton in 1286 and John Dyson is the 96th. Fortunately these days judicial

independence is not likely to bring him the same faith as the 39th Master of the Rolls, Thomas Cromwell in 1534. If you haven't seen The Tudors, you can Google him.

But even if the price of independence is not so high these days Lord Dyson has showed judicial courage in full measure. The case I mentioned a moment ago was a notable example. Another was the major lecture he delivered at Hertfordshire University in November 2011 at the time where the coalition government was campaigning assiduously to roll back the achievements of the European Convention on Human Rights, as interpreted by judges in Europe and the UK. Undaunted by the populous grandstanding to which governments of all hues are prone, John Dyson again shredded with surgical precision the government's specious arguments for reining in the judiciary. As an indication of his authority, and the respect that his fellow senior judges have for him, just a mere 9 months after that, his appointment as Master of the Rolls was announced.

Lord Dyson has also contributed to the Essex University School of Law. In the late 1990s he came to give the Lawmen's public law lecture and he will deliver next year's lecture in the prestigious University of Essex Clifford Chance series.

If I may be allowed a personal note. I first met John Dyson when we were children at prep school in Leeds, he my junior by 18 months. He still hasn't caught up with me. He was a sweet little boy and when we met again decades later I found him to be a warm, generous, family man, living proof that you can be a genuinely decent kindly human being and still rise to the top. Above all John Dyson is concerned about principle, a word he often wields in his judgments. In a 2011 case *Al Rawi* he gave the lead judgement against the government which had argued that the courts could decide issues in closed proceedings, that is in the absence of one of the parties, if security sensitive information was necessary to the resolution of the case. Lord Dyson dismissed the government's argument invoking repeatedly the fundamental principles of the Common Law.

Chancellor, I present to you a man of principle, Lord Dyson.