

ROYAL COURT  
(Samedi Division)

191.

30th September, 1995

Before: The Deputy Bailiff, and  
Jurats Herbert and Rumfitt

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The Representation of the Attorney General, on behalf  
of the Public Health Committee re an infant patient.

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The Court's Order restricting reporting of the hearing and the  
announcement of the Court's decision. Reasons to follow.

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The Solicitor General for the Representor.  
Advocate Mrs. S. Sharpe, Guardian ad litem of  
the Patient.

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JUDGMENT

5 THE DEPUTY BAILIFF: We are sitting today in a case which encompasses  
the most harrowing situation possible and because we are sitting  
in public on a Saturday morning, it would be utterly wrong if the  
names of the parents of this little boy were revealed in any way  
to the general public and in fact we would remind the press (those  
present and those not present) of their duties under Article 100A  
of the Children (Amendment No. 2) (Jersey) Law, 1974, which states  
that "*no newspaper report of any proceedings in any court shall  
bear the name, address, or school or include any particulars  
calculated to lead to the identification of any child under the  
age of 17 years concerned in these proceedings*". It is not in the  
public interest or in the interest of justice to dispense with  
that requirement of the Article.

15 I have to say this, we started this hearing this morning in  
some doubt, but as the day has progressed we have grown, all of  
us, in a complete certainty that the decision that we are making  
is the correct one. Therefore we are going to allow the  
declaration to be made: that is 1) that the Committee may lawfully  
20 discontinue all life sustaining treatment and medical support  
measures designed to keep the patient alive in his existing state,

including the termination of nutrition and hydration by artificial means and 2) that the Committee may lawfully discontinue and thereafter need not furnish medical treatment to the patient save for the sole purpose of enabling him to end his life and to die peacefully with the greatest dignity and the least distress. Our Order also provides that should there be a material change in the existing circumstances before the withdrawal of the artificial feeding and hydration, any party shall be at liberty to apply for any further declaration or Order as may be just.

I will in due course - because this matter is of some vital importance to the society in which we live - deliver a measured and detailed judgment, but obviously I will not do that now as I need to consider the points that have been made. That judgment, of course, will conform with the decision that we have now made.

I think we ought to say something before we leave this Court. We cannot but express our deepest sorrow for the two parents who are caught up in perhaps the most harrowing situation believable. We grieve for them and we also have to say that today we have been given an insight into the care that has been taken of the patient and of the effect that that care is having on Dr. Spratt. As I say, we will deliver a reasoned judgment as soon as we can. I only need to close by thanking both counsel and the Officers of the Court for the care they have taken over this matter.

Authorities  
(Reporting Restrictions)

Children (Amendment No. 2) (Jersey) Law, 1974: Article 100A.

(Decision)

Airedale NHS Trust v. Bland (1993) 1 All ER 821.

Frenchay Healthcare NHS Trust v. S (1994) 2 All ER 403.

Re J (a minor) (wardship: medical treatment) (1990) 3 All ER 930.