

Khan (Respondent) v Meadows (Appellant)

Case ID: UKSC 2019/0011

Case summary

Issue

If a child born with more than one disability would not have been born but for a doctor's failure to advise of the risk of their being born with one of those disabilities, can the mother sue the doctor for the costs associated with all of the child's disabilities, or only for the costs associated with the disability the doctor was consulted on?

Facts

The appellant, Ms Meadows, is the mother of a child with haemophilia and autism. Before her pregnancy, Ms Meadows asked Dr Khan to establish whether she carried the haemophilia gene. Following blood tests, the mother was wrongly led to believe that any child she had would not have haemophilia. Had Ms Meadows known that she carried the haemophilia gene, she would have undergone foetal testing for haemophilia when she was pregnant. This would have revealed the foetus was affected. Ms Meadows would then have chosen to terminate her pregnancy, and her child would not have been born.

Ms Meadows sought damages from Dr Khan based on wrongful birth. She argued that Dr Khan was liable for all the consequences of the pregnancy. Dr Khan admitted liability for the consequences of the child's haemophilia, but denied liability in relation to the autism.

The High Court held that Ms Meadows was entitled to damages in relation to the costs of bringing up a child with haemophilia and that she was entitled to the additional costs in relation to her child's autism, even though that was an unrelated condition.

The Court of Appeal allowed Dr Khan's appeal. Ms Meadows now appeals to the Supreme Court.

Judgment appealed

[\[2019\] EWCA Civ 152](#)

Parties

Appellant(s)

Meadows

Respondent(s)

Khan

Appeal

Justices

Lord Reed, Lord Hodge, Lady Black, Lord Kitchin, Lord Sales, Lord Leggatt, Lord Burrows.

Hearing start date

05 Nov 2020

Hearing finish date

05 Nov 2020

Watch hearing

05 Nov 2020 [Morning session](#)