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L Teaching Hospitals NHS Trust v A (Preliminary Hearing)

Queen's Bench Division

04 November 2002

Case Analysis

Where Reported

[2003] 1 F.L.R. 412; [2003] Fam. Law 95

Case Digest

Subject: Family law

Keywords: Clinical negligence; Infertility; Paternity; Reporting restrictions

Summary: **assisted reproduction**; paternity; clinical negligence; fertility clinic error; directions and reporting restrictions hearing

Abstract: The court gave a public judgment and directions in proceedings relating to the parentage of twins born after a mix up at L's fertility clinic. Mr and Mrs A, and Mr and Mrs B underwent treatment at the clinic, after which twins were born to Mrs A with Mr B's sperm. L applied to the court for directions. The court made orders to protect all individuals' privacy and directed that Mr and Mrs B be informed. The Human Fertilisation and Embryology Authority imposed a number of conditions on the clinic's licence in particular in relation to their procedures, with which the clinic had subsequently complied; the Authority continued to monitor the clinic.

Held, giving directions, that the facts stated in the judgment were appropriate to be known publicly and would form the background to public debate and the next stage in the proceedings which were to establish the legal parentage of the twins, whether the [Human Fertilisation and Embryology Act 1990 s.28](#) applied to the facts, and, if so, whether that complied with the [Human Rights Act 1998](#) nothing was to interfere with the couples' privacy.

Judge: Dame Elizabeth Butler-Sloss (President)

Counsel: For the Trust: Robert Francis Q.C. . For A: Eleanor Hamilton Q.C. and Elizabeth O'Hare. . For YA: Peter Jackson Q.C. . For B: Judith Parker Q.C. . For the HFEA: Dinah Rose. . For the Attorney General: Philip Havers Q.C. . For the Secretary of State: James Eadie.

Solicitor: For the Trust: Hempsons. . For A: Lee & Priestley. . For YA: Official Solicitor. . For B: Lester Morrill. . For the HFEA: Morgan Cole.

All Cases Citing

Mentioned by

Evans v Amicus Healthcare Ltd

[\[2004\] EWCA Civ 727](#); [\[2005\] Fam. 1](#); [\[2004\] 3 W.L.R. 681](#); [\[2004\] 3 All E.R. 1025](#); [\[2004\] 2 F.L.R. 766](#); [\[2004\] 2 F.C.R. 530](#); [\(2004\) 78 B.M.L.R. 181](#); [\[2004\] Fam. Law 647](#); [\(2004\) 148 S.J.L.B. 823](#); [Times, June 30, 2004](#); [Independent, June 29, 2004](#); [Official Transcript](#); CA (Civ Div); 2004-06-25

Mentioned by

Evans v Amicus Healthcare Ltd

[\[2003\] EWHC 2161 \(Fam\); \[2004\] 2 W.L.R. 713; \[2003\] 4 All E.R. 903; \[2004\] 1 F.L.R. 67; \[2003\] 3 F.C.R. 577; \(2004\) 75 B.M.L.R. 115; \[2003\] Fam. Law 879; \(2003\) 100\(39\) L.S.G. 38; \(2003\) 153 N.L.J. 1519; \(2003\) 147 S.J.L.B. 1150; Times, October 2, 2003; Independent, October 14, 2003; Official Transcript; Fam Div; 2003-10-01](#)

Significant Legislation Cited

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.28](#)
[Human Rights Act 1998 \(c.42\)](#)

Legislation Cited

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.28](#)
[Human Rights Act 1998 \(c.42\)](#)

Journal Articles

Paternity.
Assisted reproduction; Hospitals; Paternity.
[Fam. Law 2003, 33\(Feb\), 95-96](#)