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## Evans v Amicus Healthcare Ltd

## Hadley v Midland Fertility Services Ltd

Court of Appeal (Civil Division)

25 June 2004

### Case Analysis

#### Where Reported

[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](#)

#### Case Digest

**Subject:** Health **Other related subjects:** Human rights

**Keywords:** Consent; Discrimination; Embryology; In vitro fertilisation; Medical treatment; Proportionality; Right to respect for private and family life; Withdrawal

**Summary:** The clear policy of the Human Fertilisation and Embryology Act 1990 was to ensure the continuing consent of both partners to IVF treatment, from commencement to the point of implant of any frozen embryos created in the process, and against that background the court had to be extremely slow to recognise or create a principle of waiver that would conflict with the parliamentary scheme.

**Abstract:** The appellant (E), who was infertile, appealed against a decision that she was not entitled to use frozen embryos created by IVF treatment after separating from her male partner (J) who had withdrawn his consent to the treatment ([2003] EWHC 2161, [2004] 2 W.L.R. 713, [2003] C.L.Y. 1778). E and J had given their written consents to each other's treatment "together" to include the "use" and storage of their embryos. The judge had rejected E's application for an injunction to restore J's consent and also her application for a declaration of incompatibility argued on the basis that her rights under the Human Rights Act 1998 Sch.1 Part I Art.8 and Art.14 had been breached by the Human Fertilisation and Embryology Act 1990 Sch.3. E contended that the judge had erred (1) in his construction of the words "treatment together" and the phrase "used in providing treatment services" in Sch.3 para.4(2)(a) of the 1990 Act, and that for the purposes of Sch.3 para.4(2)(a) the requisite "use" had been fulfilled by the separation and choice of suitable eggs fertilised for storage; (2) in holding that the interference with her private life was necessary and proportionate under Art.8(2); (3) in holding that E had not been discriminated against in the enjoyment of her Art.8 rights in contravention of Art.14; (4) in holding that J had not consented to the continuing treatment of E, and that therefore there was no continuing consent from which J could be estopped from withdrawing.

Held, dismissing the appeal, that (1) under the 1990 Act "together" was an adverb which qualified the treatment to a man and a woman whilst the couple were united about the treatment and irrespective of the nature of their relationship. Although consent could be subject to conditions, varied, or withdrawn, the clear policy of the 1990 Act was

to ensure continued consent from the start of the treatment until implant and the court had to be extremely slow to recognise or create a principle of waiver that would conflict with the statutory scheme. J was entitled under the 1990 Act to withdraw his consent since E's future treatment would not be "treatment together" with him, [\*R \(A Child\) \(IVF: Paternity of Child\), Re\* \[2003\] EWCA Civ 182, \[2003\] Fam. 129, \*Centre for Reproductive Medicine v U\* \[2002\] EWCA Civ 565, \[2002\] Lloyd's Rep. Med. 259 and \*R. \(on the application of Quintavalle\) v Human Fertilisation and Embryology Authority\* \[2003\] EWCA Civ 667, \[2004\] Q.B. 168](#) applied. The judge's decision that an embryo was only "used" when transferred to the woman was upheld. There was a distinction between "use" in Sch.3 para.4(2)(a) and "creation" in Sch.3 para.6(1) which did not support E's contention that the embryos were deemed to have been used on the day of their creation. (2) There was no available way to interpret the 1990 Act which would make J's withdrawal of consent immaterial to the continuation of E's treatment. The principles which underpinned Sch.3 of the 1990 Act were that of female self determination and bilateral consent to the point of implantation, following which the mother would have control of her pregnancy. There was no alternative system which would achieve the objectives of the legislation whilst being compliant with the 1998 Act. Although the refusal of treatment was an interference with E's Art.8(2) rights, nevertheless it was proportionate to the need which made it legitimate, [\*S \(Children\) \(Care Order: Implementation of Care Plan\), Re\* \[2001\] EWCA Civ 757, \[2001\] 2 F.L.R. 582](#) considered. (3) E's rights under Art.14 had not been breached since the factors which made the material provisions proportionate under Art.8(2) also provided justification to any discrimination under Art.14. (4) J could not be estopped from exercising his statutory right to withdraw his consent and it would be against public policy for courts to enforce agreements to allow the use of genetic material.

**Judge:** Thorpe, L.J.; Sedley, L.J.; Arden, L.J.

**Counsel:** For the appellant: Robin Tolson QC, S Freeborn. For the second respondent: Kambiz Moradifar. For the fourth respondent: Jason Coppel. For the fifth respondent: Dinah Rose.

**Solicitor:** For the appellant: Withy King. For the second respondent: Davey Franklin Jones. For the fourth respondent: Department Solicitor. For the fifth respondent: Morgan Cole.

## Appellate History & Status

### Family Division

#### 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](#)

**Affirmed**

### Court of Appeal (Civil Division)

#### 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](#)

**Complaint dismissed**

**European Court of Human Rights**

**Evans v United Kingdom (6339/05)**

[\[2006\] 2 F.L.R. 172](#); [\[2006\] 1 F.C.R. 585](#); [\(2006\) 43 E.H.R.R. 21](#); [\[2006\] Fam. Law 357](#); [\(2006\) 156 N.L.J. 456](#); [Times, March 17, 2006](#)

## **Related Cases**

**Human Fertilisation & Embryology Authority v Amicus Healthcare Ltd**

[\[2005\] EWHC 1092 \(QB\)](#); [Official Transcript](#); QBD

**Evans v United Kingdom (6339/05)**

[\[2007\] 1 F.L.R. 1990](#); [\[2007\] 2 F.C.R. 5](#); [\(2008\) 46 E.H.R.R. 34](#); [22 B.H.R.C. 190](#); [\(2007\) 95 B.M.L.R. 107](#); [\[2007\] Fam. Law 588](#); [\(2007\) 157 N.L.J. 599](#); [Times, May 2, 2007](#); ECHR (Grand Chamber)

## **Significant Cases Cited**

**R. (on the application of Quintavalle) v Human Fertilisation and Embryology Authority**

[\[2003\] EWCA Civ 667](#); [\[2004\] Q.B. 168](#); [\[2003\] 3 W.L.R. 878](#); [\[2003\] 3 All E.R. 257](#); [\[2003\] 2 F.L.R. 335](#); [\[2003\] 2 F.C.R. 193](#); [\[2003\] Lloyd's Rep. Med. 294](#); [\(2003\) 73 B.M.L.R. 116](#); [\[2003\] A.C.D. 75](#); [\[2003\] Fam. Law 565](#); [\(2003\) 100\(27\) L.S.G. 37](#); [\(2003\) 153 N.L.J. 824](#); [\(2003\) 147 S.J.L.B. 598](#); [Times, May 20, 2003](#); [Independent, May 20, 2003](#); [Official Transcript](#); CA (Civ Div); 2003-05-16

**R (A Child) (IVF: Paternity of Child), Re**

[\[2003\] EWCA Civ 182](#); [\[2003\] Fam. 129](#); [\[2003\] 2 W.L.R. 1485](#); [\[2003\] 2 All E.R. 131](#); [\[2003\] 1 F.L.R. 1183](#); [\[2003\] 1 F.C.R. 481](#); [\(2003\) 71 B.M.L.R. 157](#); [\[2003\] Fam. Law 394](#); [\(2003\) 100\(13\) L.S.G. 27](#); [\(2003\) 153 N.L.J. 317](#); [Times, February 20, 2003](#); [Independent, February 25, 2003](#); CA (Civ Div); 2003-02-19

**Centre for Reproductive Medicine v U**

[\[2002\] EWCA Civ 565](#); [\[2002\] Lloyd's Rep. Med. 259](#); [Independent, May 1, 2002](#); [Official Transcript](#); CA (Civ Div); 2002-04-24

**S (Children) (Care Order: Implementation of Care Plan), Re**

[\[2001\] EWCA Civ 757](#); [\[2001\] 2 F.L.R. 582](#); [\[2001\] 2 F.C.R. 450](#); [\[2001\] H.R.L.R. 50](#); [\[2001\] U.K.H.R.R. 928](#); [\[2001\] Fam. Law 581](#); [Times, June 7, 2001](#); [Independent, June 5, 2001](#); [Official Transcript](#); CA (Civ Div); 2001-05-23

## **All Cases Cited**

**Ghaidan v Godin-Mendoza**

[\[2004\] UKHL 30](#); [\[2004\] 2 A.C. 557](#); [\[2004\] 3 W.L.R. 113](#); [\[2004\] 3 All E.R. 411](#); [\[2004\] 2 F.L.R. 600](#); [\[2004\] 2 F.C.R. 481](#); [\[2004\] H.R.L.R. 31](#); [\[2004\] U.K.H.R.R. 827](#); [16 B.H.R.C. 671](#); [\[2004\] H.L.R. 46](#); [\[2005\] 1 P. & C.R. 18](#); [\[2005\] L. & T.R. 3](#); [\[2004\] 2 E.G.L.R. 132](#); [\[2004\] Fam. Law 641](#); [\[2004\] 27 E.G. 128 \(C.S.\)](#); [\(2004\) 101\(27\) L.S.G. 30](#); [\(2004\) 154 N.L.J. 1013](#); [\(2004\) 148 S.J.L.B. 792](#); [\[2004\] N.P.C. 100](#); [\[2004\] 2 P. & C.R. DG17](#); [Times, June 24, 2004](#); [Official Transcript](#); HL; 2004-06-21

# **Wilson v First County Trust Ltd (No.2)**

[\[2003\] UKHL 40](#); [\[2004\] 1 A.C. 816](#); [\[2003\] 3 W.L.R. 568](#); [\[2003\] 4 All E.R. 97](#); [\[2003\] 2 All E.R. \(Comm\) 491](#); [\[2003\] H.R.L.R. 33](#); [\[2003\] U.K.H.R.R. 1085](#); [\(2003\) 100\(35\) L.S.G. 39](#); [\(2003\) 147 S.J.L.B. 872](#); [Times, July 11, 2003](#); [Independent, November 3, 2003](#); [Official Transcript](#); HL; 2003-07-10

# **Advocate General for Scotland v MacDonald**

[\[2003\] UKHL 34](#); [\[2004\] 1 All E.R. 339](#); [2003 S.C. \(H.L.\) 35](#); [2003 S.L.T. 1158](#); [2003 S.C.L.R. 814](#); [\[2003\] I.C.R. 937](#); [\[2003\] I.R.L.R. 512](#); [\[2003\] E.L.R. 655](#); [\(2003\) 100\(29\) L.S.G. 36](#); [\(2003\) 147 S.J.L.B. 782](#); [2003 G.W.D. 23-677](#); [Times, June 20, 2003](#); [Official Transcript](#); HL; 2003-06-19

# **R. (on the application of Hooper) v Secretary of State for Work and Pensions**

[\[2003\] EWCA Civ 813](#); [\[2003\] 1 W.L.R. 2623](#); [\[2003\] 3 All E.R. 673](#); [\[2003\] 2 F.C.R. 504](#); [\[2003\] U.K.H.R.R. 1268](#); [14 B.H.R.C. 626](#); [\(2003\) 100\(29\) L.S.G. 35](#); [Times, June 28, 2003](#); [Independent, June 25, 2003](#); [Official Transcript](#); CA (Civ Div); 2003-06-18

# **R. (on the application of Carson) v Secretary of State for Work and Pensions**

[\[2003\] EWCA Civ 797](#); [\[2003\] 3 All E.R. 577](#); [\[2003\] H.R.L.R. 36](#); [\[2003\] Pens. L.R. 215](#); [\[2003\] A.C.D. 76](#); [\(2003\) 100\(34\) L.S.G. 32](#); [\(2003\) 147 S.J.L.B. 780](#); [Times, June 28, 2003](#); [Official Transcript](#); CA (Civ Div); 2003-06-17

# **R. (on the application of Quintavalle) v Human Fertilisation and Embryology Authority**

[\[2003\] EWCA Civ 667](#); [\[2004\] Q.B. 168](#); [\[2003\] 3 W.L.R. 878](#); [\[2003\] 3 All E.R. 257](#); [\[2003\] 2 F.L.R. 335](#); [\[2003\] 2 F.C.R. 193](#); [\[2003\] Lloyd's Rep. Med. 294](#); [\(2003\) 73 B.M.L.R. 116](#); [\[2003\] A.C.D. 75](#); [\[2003\] Fam. Law 565](#); [\(2003\) 100\(27\) L.S.G. 37](#); [\(2003\) 153 N.L.J. 824](#); [\(2003\) 147 S.J.L.B. 598](#); [Times, May 20, 2003](#); [Independent, May 20, 2003](#); [Official Transcript](#); CA (Civ Div); 2003-05-16

# **Actionstrength Ltd (t/a Vital Resources) v International Glass Engineering IN.GL.EN SpA**

[\[2003\] UKHL 17](#); [\[2003\] 2 A.C. 541](#); [\[2003\] 2 W.L.R. 1060](#); [\[2003\] 2 All E.R. 615](#); [\[2003\] 2 All E.R. \(Comm\) 331](#); [\[2005\] 1 B.C.L.C. 606](#); [\[2003\] 1 C.L.C. 1003](#); [\[2003\] B.L.R. 207](#); [88 Con. L.R. 208](#); [\(2003\) 153 N.L.J. 563](#); [\(2003\) 147 S.J.L.B. 418](#); [Times, April 4, 2003](#); [Official Transcript](#); HL; 2003-04-03

# **R. (on the application of Quintavalle) v Secretary of State for Health**

[\[2003\] UKHL 13](#); [\[2003\] 2 A.C. 687](#); [\[2003\] 2 W.L.R. 692](#); [\[2003\] 2 All E.R. 113](#); [\[2003\] 1 F.C.R. 577](#); [\(2003\) 71 B.M.L.R. 209](#); [\(2003\) 153 N.L.J. 439](#); [Times, March 14, 2003](#); [Independent, March 18, 2003](#); [Official Transcript](#); HL; 2003-03-13

# **L Teaching Hospitals NHS Trust v A**

[\[2003\] EWHC 259 \(QB\)](#); [\[2003\] 1 F.L.R. 1091](#); [\[2003\] 1 F.C.R. 599](#); [\[2003\] Lloyd's Rep. Med. 151](#); [\(2003\) 71 B.M.L.R. 168](#); [\[2003\] Fam. Law 396](#); [\(2003\) 100\(17\) L.S.G. 28](#); [\(2003\) 153 N.L.J. 351](#); [Times, February 28, 2003](#); [Independent, March 5, 2003](#); [Official Transcript](#); QBD; 2003-02-26

**R (A Child) (IVF: Paternity of Child), Re**

[\[2003\] EWCA Civ 182](#); [\[2003\] Fam. 129](#); [\[2003\] 2 W.L.R. 1485](#); [\[2003\] 2 All E.R. 131](#); [\[2003\] 1 F.L.R. 1183](#); [\[2003\] 1 F.C.R. 481](#); [\(2003\) 71 B.M.L.R. 157](#); [\[2003\] Fam. Law 394](#); [\(2003\) 100\(13\) L.S.G. 27](#); [\(2003\) 153 N.L.J. 317](#); [Times, February 20, 2003](#); [Independent, February 25, 2003](#); CA (Civ Div); 2003-02-19

**Odievre v France (42326/98)**

[\[2003\] 1 F.C.R. 621](#); [\(2004\) 38 E.H.R.R. 43](#); [14 B.H.R.C. 526](#); ECHR; 2003-02-13

**R. (on the application of CD) v Secretary of State for the Home Department**

[\[2003\] EWHC 155 \(Admin\)](#); [\[2003\] 1 F.L.R. 979](#); [\[2003\] Prison L.R. 220](#); [\[2003\] A.C.D. 69](#); [\[2003\] Fam. Law 315](#); [Times, January 27, 2003](#); [Official Transcript](#); QBD (Admin); 2003-01-16

**R. v Lichniak (Daniella Helen)**

[\[2002\] UKHL 47](#); [\[2003\] 1 A.C. 903](#); [\[2002\] 3 W.L.R. 1834](#); [\[2002\] 4 All E.R. 1122](#); [\[2003\] 1 Cr. App. R. 33](#); [\[2003\] H.R.L.R. 8](#); [\[2003\] U.K.H.R.R. 62](#); [13 B.H.R.C. 437](#); [\[2003\] Prison L.R. 55](#); [\(2003\) 100\(5\) L.S.G. 29](#); [\(2002\) 146 S.J.L.B. 272](#); [Times, November 26, 2002](#); [Official Transcript](#); HL; 2002-11-25

**R. (on the application of Anderson) v Secretary of State for the Home Department**

[\[2002\] UKHL 46](#); [\[2003\] 1 A.C. 837](#); [\[2002\] 3 W.L.R. 1800](#); [\[2002\] 4 All E.R. 1089](#); [\[2003\] 1 Cr. App. R. 32](#); [\[2003\] H.R.L.R. 7](#); [\[2003\] U.K.H.R.R. 112](#); [13 B.H.R.C. 450](#); [\[2003\] Prison L.R. 36](#); [\(2003\) 100\(3\) L.S.G. 31](#); [\(2002\) 146 S.J.L.B. 272](#); [Times, November 26, 2002](#); [Independent, November 27, 2002](#); [Official Transcript](#); HL; 2002-11-25

**L Teaching Hospitals NHS Trust v A (Preliminary Hearing)**

[\[2003\] 1 F.L.R. 412](#); [\[2003\] Fam. Law 95](#); QBD; 2002-11-04

**R. (on the application of Rose) v Secretary of State for Health**

[\[2002\] EWHC 1593 \(Admin\)](#); [\[2002\] 2 F.L.R. 962](#); [\[2002\] 3 F.C.R. 731](#); [\[2002\] U.K.H.R.R. 1329](#); [\(2003\) 69 B.M.L.R. 83](#); [\[2003\] A.C.D. 6](#); [\[2003\] Fam. Law 19](#); [\(2002\) 99\(39\) L.S.G. 38](#); [Times, August 22, 2002](#); [Official Transcript](#); QBD (Admin); 2002-07-26

**Pretty v United Kingdom (2346/02)**

[\[2002\] 2 F.L.R. 45](#); [\[2002\] 2 F.C.R. 97](#); [\(2002\) 35 E.H.R.R. 1](#); [12 B.H.R.C. 149](#); [\(2002\) 66 B.M.L.R. 147](#); [\[2002\] Fam. Law 588](#); [\(2002\) 152 N.L.J. 707](#); ECHR; 2002-04-29

**Centre for Reproductive Medicine v U**

[\[2002\] EWCA Civ 565](#); [\[2002\] Lloyd's Rep. Med. 259](#); [Independent, May 1, 2002](#); [Official Transcript](#); CA (Civ Div); 2002-04-24

**R. (on the application of Smeaton) v Secretary of State for Health**

[\[2002\] EWHC 610 \(Admin\)](#); [\[2002\] 2 F.L.R. 146](#); [\[2002\] 2 F.C.R. 193](#); [\(2002\) 66 B.M.L.R. 59](#); [\[2002\] Crim. L.R. 664](#); [\[2002\] A.C.D. 70](#); [\[2002\] Fam. Law 664](#); [\(2002\) 99\(22\) L.S.G. 33](#); [\(2002\) 152 N.L.J. 638](#); [\(2002\) 146 S.J.L.B. 117](#); [Times, May 2, 2002](#); [Daily Telegraph, May 16, 2002](#); [Official Transcript](#); QBD (Admin); 2002-04-18

**R. (on the application of Amin (Imtiaz)) v Secretary of State for the Home Department**

[\[2002\] EWCA Civ 390](#); [\[2003\] Q.B. 581](#); [\[2002\] 3 W.L.R. 505](#); [\[2002\] 4 All E.R. 336](#); [\(2002\) 166 J.P. 505](#); [\[2002\] U.K.H.R.R. 846](#); [\[2002\] Lloyd's Rep. Med. 187](#); [\(2003\) 69 B.M.L.R. 35](#); [\[2002\] Po. L.R. 100](#); [\[2002\] A.C.D. 74](#); [\(2002\) 166 J.P.N. 529](#); [\(2002\) 99\(19\) L.S.G. 29](#); [\(2002\) 146 S.J.L.B. 101](#); [Times, April 18, 2002](#); [Independent, April 12, 2002](#); [Official Transcript](#); CA (Civ Div); 2002-03-27

**S (Children) (Care Order: Implementation of Care Plan), Re**

[\[2002\] UKHL 10](#); [\[2002\] 2 A.C. 291](#); [\[2002\] 2 W.L.R. 720](#); [\[2002\] 2 All E.R. 192](#); [\[2002\] 1 F.L.R. 815](#); [\[2002\] 1 F.C.R. 577](#); [\[2002\] H.R.L.R. 26](#); [\[2002\] U.K.H.R.R. 652](#); [\[2002\] B.L.G.R. 251](#); [\[2002\] Fam. Law 413](#); [\(2002\) 99\(17\) L.S.G. 34](#); [\(2002\) 146 S.J.L.B. 85](#); [Times, March 15, 2002](#); [Independent, March 20, 2002](#); [Official Transcript](#); HL; 2002-03-14

**Wandsworth LBC v Michalak**

[\[2002\] EWCA Civ 271](#); [\[2003\] 1 W.L.R. 617](#); [\[2002\] 4 All E.R. 1136](#); [\[2003\] 1 F.C.R. 713](#); [\[2002\] H.L.R. 39](#); [\[2002\] N.P.C. 34](#); [Official Transcript](#); CA (Civ Div); 2002-03-06

**International Transport Roth GmbH v Secretary of State for the Home Department**

[\[2002\] EWCA Civ 158](#); [\[2003\] Q.B. 728](#); [\[2002\] 3 W.L.R. 344](#); [\[2002\] 1 C.M.L.R. 52](#); [\[2002\] Eu. L.R. 74](#); [\[2002\] H.R.L.R. 31](#); [\[2002\] U.K.H.R.R. 479](#); [\[2002\] A.C.D. 57](#); [Times, February 26, 2002](#); [Daily Telegraph, March 7, 2002](#); [Official Transcript](#); CA (Civ Div); 2002-02-22

**Jennings v Rice**

[\[2002\] EWCA Civ 159](#); [\[2003\] 1 F.C.R. 501](#); [\[2003\] 1 P. & C.R. 8](#); [\[2002\] W.T.L.R. 367](#); [\[2002\] N.P.C. 28](#); [\[2002\] 2 P. & C.R. DG2](#); [Official Transcript](#); CA (Civ Div); 2002-02-22

**R. (on the application of Assisted Reproduction and Gynaecology Centre) v Human Fertilisation and Embryology Authority**

[\[2002\] EWCA Civ 20](#); [\[2003\] 1 F.C.R. 266](#); [\[2002\] Lloyd's Rep. Med. 148](#); [\[2002\] Fam. Law 347](#); [\(2002\) 99\(12\) L.S.G. 33](#); [Times, March 21, 2002](#); [Independent, February 6, 2002](#); [Official Transcript](#); CA (Civ Div); 2002-01-31

**Gunn-Russo v Nugent Care Society**

[\[2001\] EWHC Admin 566](#); [\[2002\] 1 F.L.R. 1](#); [\[2001\] U.K.H.R.R. 1320](#); [\[2001\] A.C.D. 86](#); [\[2002\] Fam. Law 92](#); [\(2001\) 151 N.L.J. 1250](#); [Official Transcript](#); QBD (Admin); 2001-07-20

**R. (on the application of P) v Secretary of State for the Home Department**

[\[2001\] EWCA Civ 1151](#); [\[2001\] 1 W.L.R. 2002](#); [\[2001\] 2 F.L.R. 1122](#); [\[2001\] 3 F.C.R. 416](#); [\[2001\] U.K.H.R.R. 1035](#); [\[2001\] Prison L.R. 297](#); [\[2001\] Fam. Law 803](#); [\(2001\) 98\(34\) L.S.G. 41](#); [\(2001\) 145 S.J.L.B. 203](#); [Times, August 1, 2001](#); [Independent, October 11, 2001](#); [Daily Telegraph, July 31, 2001](#); [Official Transcript](#); CA (Civ Div); 2001-07-20

**S (Children) (Care Order: Implementation of Care Plan), Re**

[\[2001\] EWCA Civ 757](#); [\[2001\] 2 F.L.R. 582](#); [\[2001\] 2 F.C.R. 450](#);



[\[2001\] H.R.L.R. 50](#); [\[2001\] U.K.H.R.R. 928](#); [\[2001\] Fam. Law 581](#); [Times, June 7, 2001](#); [Independent, June 5, 2001](#); [Official Transcript](#); CA (Civ Div); 2001-05-23

**R. (on the application of Daly) v Secretary of State for the Home Department**

[\[2001\] UKHL 26](#); [\[2001\] 2 A.C. 532](#); [\[2001\] 2 W.L.R. 1622](#); [\[2001\] 3 All E.R. 433](#); [\[2001\] H.R.L.R. 49](#); [\[2001\] U.K.H.R.R. 887](#); [\[2001\] Prison L.R. 322](#); [\[2001\] A.C.D. 79](#); [\(2001\) 98\(26\) L.S.G. 43](#); [\(2001\) 145 S.J.L.B. 156](#); [Times, May 25, 2001](#); [Daily Telegraph, May 29, 2001](#); [Official Transcript](#); HL; 2001-05-23

**R. v A (Complainant's Sexual History)**

[\[2001\] UKHL 25](#); [\[2002\] 1 A.C. 45](#); [\[2001\] 2 W.L.R. 1546](#); [\[2001\] 3 All E.R. 1](#); [\[2001\] 2 Cr. App. R. 21](#); [\(2001\) 165 J.P. 609](#); [\[2001\] H.R.L.R. 48](#); [\[2001\] U.K.H.R.R. 825](#); [11 B.H.R.C. 225](#); [\[2001\] Crim. L.R. 908](#); [\(2001\) 165 J.P.N. 750](#); [Times, May 24, 2001](#); [Independent, May 22, 2001](#); [Daily Telegraph, May 29, 2001](#); [Official Transcript](#); HL; 2001-05-17

**R. (on the application of Holding & Barnes Plc) v Secretary of State for the Environment, Transport and the Regions**

[\[2001\] UKHL 23](#); [\[2003\] 2 A.C. 295](#); [\[2001\] 2 W.L.R. 1389](#); [\[2001\] 2 All E.R. 929](#); [\[2002\] Env. L.R. 12](#); [\[2001\] H.R.L.R. 45](#); [\[2001\] U.K.H.R.R. 728](#); [\(2001\) 3 L.G.L.R. 38](#); [\(2001\) 82 P. & C.R. 40](#); [\[2001\] 2 P.L.R. 76](#); [\[2001\] J.P.L. 920](#); [\[2001\] 20 E.G. 228 \(C.S.\)](#); [\(2001\) 98\(24\) L.S.G. 45](#); [\(2001\) 151 N.L.J. 727](#); [\(2001\) 145 S.J.L.B. 140](#); [\[2001\] N.P.C. 90](#); [Times, May 10, 2001](#); [Independent, June 25, 2001](#); [Daily Telegraph, May 15, 2001](#); [Official Transcript](#); HL; 2001-05-09

**Shah v Shah**

[\[2001\] EWCA Civ 527](#); [\[2002\] Q.B. 35](#); [\[2001\] 3 W.L.R. 31](#); [\[2001\] 4 All E.R. 138](#); [Times, May 15, 2001](#); [Daily Telegraph, April 24, 2001](#); [Official Transcript](#); CA (Civ Div); 2001-04-10

**R. (on the application of Mellor) v Secretary of State for the Home Department**

[\[2001\] EWCA Civ 472](#); [\[2002\] Q.B. 13](#); [\[2001\] 3 W.L.R. 533](#); [\[2001\] 2 F.L.R. 1158](#); [\[2001\] 2 F.C.R. 153](#); [\[2001\] H.R.L.R. 38](#); [\(2001\) 59 B.M.L.R. 1](#); [\[2001\] Prison L.R. 219](#); [\[2001\] Fam. Law 736](#); [\(2001\) 98\(22\) L.S.G. 35](#); [\(2001\) 145 S.J.L.B. 117](#); [Times, May 1, 2001](#); [Independent, April 6, 2001](#); [Official Transcript](#); CA (Civ Div); 2001-04-04

**R. v A (Joinder of Appropriate Minister)**

[\[2001\] 1 W.L.R. 789](#); [Times, March 21, 2001](#); [Independent, March 27, 2001](#); HL; 2001-03-07

**Greenfield v Irwin (A Firm)**

[\[2001\] EWCA Civ 113](#); [\[2001\] 1 W.L.R. 1279](#); [\[2001\] 1 F.L.R. 899](#); [\[2001\] P.I.Q.R. Q7](#); [\[2001\] Lloyd's Rep. Med. 143](#); [\(2001\) 59 B.M.L.R. 43](#); [Times, February 6, 2001](#); [Official Transcript](#); CA (Civ Div); 2001-01-24

**Tameside MBC v Barlow Securities Group Services Ltd**

[\[2001\] EWCA Civ 1](#); [\[2001\] B.L.R. 113](#); [75 Con. L.R. 112](#); [Official Transcript](#); CA (Civ Div); 2001-01-15

**Lee v Taunton and Somerset NHS Trust**



[\[2001\] 1 F.L.R. 419](#); [\[2001\] Fam. Law 103](#); QBD; 2000-11-01

**GH v Austria (31266/96)**

[\(2002\) 34 E.H.R.R. 42](#); ECHR; 2000-10-30

**A (Children) (Conjoined Twins: Medical Treatment) (No.1), Re**

[\[2001\] Fam. 147](#); [\[2001\] 2 W.L.R. 480](#); [\[2000\] 4 All E.R. 961](#); [\[2001\] 1 F.L.R. 1](#); [\[2000\] 3 F.C.R. 577](#); [\[2000\] H.R.L.R. 721](#); [\[2001\] U.K.H.R.R. 1](#); [9 B.H.R.C. 261](#); [\[2000\] Lloyd's Rep. Med. 425](#); [\(2001\) 57 B.M.L.R. 1](#); [\[2001\] Crim. L.R. 400](#); [\[2001\] Fam. Law 18](#); [\(2000\) 150 N.L.J. 1453](#); [Times, October 10, 2000](#); [Independent, October 3, 2000](#); [Official Transcript](#); CA (Civ Div); 2000-09-22

**Jabari v Turkey (40035/98)**

[9 B.H.R.C. 1](#); [\[2001\] I.N.L.R. 136](#); ECHR; 2000-07-11

**R. v DPP Ex p. Kebeline**

[\[2000\] 2 A.C. 326](#); [\[1999\] 3 W.L.R. 972](#); [\[1999\] 4 All E.R. 801](#); [\[2000\] 1 Cr. App. R. 275](#); [\[2000\] H.R.L.R. 93](#); [\[2000\] U.K.H.R.R. 176](#); [\(2000\) 2 L.G.L.R. 697](#); [\(1999\) 11 Admin. L.R. 1026](#); [\[2000\] Crim. L.R. 486](#); [\(1999\) 96\(43\) L.S.G. 32](#); [Times, November 2, 1999](#); [Official Transcript](#); HL; 1999-10-28

**R. v North West Lancashire HA Ex p. A**

[\[2000\] 1 W.L.R. 977](#); [\[2000\] 2 F.C.R. 525](#); [\(1999\) 2 C.C.L. Rep. 419](#); [\[1999\] Lloyd's Rep. Med. 399](#); [\(2000\) 53 B.M.L.R. 148](#); [Times, August 24, 1999](#); [Independent, October 5, 1999](#); [Official Transcript](#); CA (Civ Div); 1999-07-29

**Yaxley v Gotts**

[\[2000\] Ch. 162](#); [\[1999\] 3 W.L.R. 1217](#); [\[2000\] 1 All E.R. 711](#); [\[1999\] 2 F.L.R. 941](#); [\(2000\) 32 H.L.R. 547](#); [\(2000\) 79 P. & C.R. 91](#); [\[1999\] 2 E.G.L.R. 181](#); [\[1999\] Fam. Law 700](#); [\[1999\] E.G. 92 \(C.S.\)](#); [\(1999\) 96\(28\) L.S.G. 25](#); [\(1999\) 143 S.J.L.B. 198](#); [\[1999\] N.P.C. 76](#); [\(1999\) 78 P. & C.R. D33](#); [Times, July 8, 1999](#); [Independent, July 6, 1999](#); [Official Transcript](#); CA (Civ Div); 1999-06-24

**Chassagnou v France (25088/94)**

[\(2000\) 29 E.H.R.R. 615](#); [7 B.H.R.C. 151](#); ECHR; 1999-04-29

**RJ (Foster Placement), Re**

[\[1999\] 1 W.L.R. 581](#); [\[1999\] 1 F.L.R. 605](#); [\[1998\] 3 F.C.R. 579](#); [\[1999\] Fam. Law 19](#); [\(1998\) 95\(39\) L.S.G. 34](#); [\(1998\) 148 N.L.J. 1550](#); [\(1998\) 142 S.J.L.B. 259](#); [Times, October 8, 1998](#); [Independent, October 14, 1998](#); CA (Civ Div); 1998-10-02

**St George's Healthcare NHS Trust v S (Guidelines)**

[\[1999\] Fam. 26](#); [\(1997-98\) 1 C.C.L. Rep. 578](#); [\[1998\] Fam. Law 662](#); [Times, August 3, 1998](#); CA (Civ Div); 1998-07-30

**St George's Healthcare NHS Trust v S**

[\[1999\] Fam. 26](#); [\[1998\] 3 W.L.R. 936](#); [\[1998\] 3 All E.R. 673](#); [\[1998\] 2 F.L.R. 728](#); [\[1998\] 2 F.C.R. 685](#); [\(1997-98\) 1 C.C.L. Rep. 410](#); [\(1998\) 44 B.M.L.R. 160](#); [\[1998\] C.O.D. 396](#); [\[1998\] Fam. Law 526](#); [\(1998\) 95\(22\) L.S.G. 29](#); [\(1998\) 148 N.L.J. 693](#); [\(1998\) 142 S.J.L.B. 164](#); [Times, May 8, 1998](#); [Independent, May 12, 1998](#); CA (Civ Div); 1998-05-07

**Botta v Italy (21439/93)**

[\(1998\) 26 E.H.R.R. 241; 4 B.H.R.C. 81; \(1999\) 2 C.C.L. Rep. 53; \[1998\] H.R.C.D. 302; ECHR; 1998-02-24](#)

#### **Attorney General's Reference (No.3 of 1994), Re**

[\[1998\] A.C. 245; \[1997\] 3 W.L.R. 421; \[1997\] 3 All E.R. 936; \[1998\] 1 Cr. App. R. 91; \[1997\] Crim. L.R. 829; \(1997\) 94\(36\) L.S.G. 44; \(1997\) 147 N.L.J. 1185; \(1997\) 141 S.J.L.B. 189; Times, July 25, 1997; Independent, October 1, 1997; HL; 1997-07-24](#)

#### **Smith v Lawson**

[\(1998\) 75 P. & C.R. 466; \[1997\] E.G. 85 \(C.S.\); \[1997\] N.P.C. 87; \(1997\) 74 P. & C.R. D34; CA \(Civ Div\); 1997-06-05](#)

#### **X, Y and Z v United Kingdom (21830/93)**

[\[1997\] 2 F.L.R. 892; \[1997\] 3 F.C.R. 341; \(1997\) 24 E.H.R.R. 143; \(1998\) 39 B.M.L.R. 128; \[1997\] Fam. Law 605; \(1997\) 94\(17\) L.S.G. 25; Times, April 23, 1997; Independent, April 24, 1997; ECHR; 1997-04-22](#)

#### **U v W (Attorney General Intervening) (No.2)**

[\[1998\] Fam. 29; \[1997\] 3 W.L.R. 739; \[1997\] 2 C.M.L.R. 431; \[1997\] Eu. L.R. 350; \[1997\] 2 F.L.R. 282; \[1998\] 1 F.C.R. 526; \(1997\) 38 B.M.L.R. 54; \(1997\) 141 S.J.L.B. 57; Times, March 4, 1997; Independent, April 14, 1997; Fam Div; 1997-02-19](#)

#### **MB (Caesarean Section), Re**

[\[1997\] 2 F.L.R. 426; \[1997\] 2 F.C.R. 541; \[1997\] 8 Med. L.R. 217; \(1997\) 38 B.M.L.R. 175; \[1997\] Fam. Law 542; \(1997\) 147 N.L.J. 600; Times, April 18, 1997; Independent, April 8, 1997; CA \(Civ Div\); 1997-02-18](#)

#### **R. v Human Fertilisation and Embryology Authority Ex p. Blood**

[\[1999\] Fam. 151; \[1997\] 2 W.L.R. 806; \[1997\] 2 All E.R. 687; \[1997\] 2 C.M.L.R. 591; \[1997\] Eu. L.R. 370; \[1997\] 2 F.L.R. 742; \[1997\] 2 F.C.R. 501; \(1997\) 35 B.M.L.R. 1; \[1997\] C.O.D. 261; \[1997\] Fam. Law 401; \(1997\) 147 N.L.J. 253; Times, February 7, 1997; Independent, February 11, 1997; CA \(Civ Div\); 1997-02-06](#)

#### **B (Minors) (Care Proceedings: Issue Estoppel), Re**

[\[1997\] Fam. 117; \[1997\] 3 W.L.R. 1; \[1997\] 2 All E.R. 29; \[1997\] 1 F.L.R. 285; \[1997\] 1 F.C.R. 477; \[1997\] Fam. Law 235; \(1997\) 161 J.P.N. 358; \(1996\) 93\(44\) L.S.G. 30; \(1996\) 140 S.J.L.B. 252; Times, December 16, 1996; Independent, November 25, 1996; Fam Div; 1996-11-01](#)

#### **Stubbings v United Kingdom (22083/93)**

[\[1997\] 1 F.L.R. 105; \[1997\] 3 F.C.R. 157; \(1997\) 23 E.H.R.R. 213; 1 B.H.R.C. 316; \[1997\] Fam. Law 241; Times, October 24, 1996; Independent, October 24, 1996; ECHR; 1996-10-22](#)

#### **Woolwich Building Society v Dickman**

[\[1996\] 3 All E.R. 204; \(1996\) 28 H.L.R. 661; \(1996\) 72 P. & C.R. 470; \[1996\] E.G. 33 \(C.S.\); \[1996\] N.P.C. 22; \(1996\) 72 P. & C.R. D13; Times, March 20, 1996; CA \(Civ Div\); 1996-02-15](#)

#### **B (Minors) (Parentage), Re**

[\[1996\] 2 F.L.R. 15; \[1996\] 3 F.C.R. 697; \[1996\] Fam. Law 536; Fam Div; 1996-02-15](#)

**Burton v United Kingdom (31600/96)**

[\(1996\) 22 E.H.R.R. CD134](#); Eur Comm HR; 1996-01-01

**Q (A Minor) (Parental Order), Re**

[\[1996\] 1 F.L.R. 369](#); [\[1996\] 2 F.C.R. 345](#); [\[1996\] Fam. Law 206](#); Fam Div; 1995-11-23

**R. v Ministry of Defence Ex p. Smith**

[\[1996\] Q.B. 517](#); [\[1996\] 2 W.L.R. 305](#); [\[1996\] 1 All E.R. 257](#); [\[1996\] I.C.R. 740](#); [\[1996\] I.R.L.R. 100](#); [\(1996\) 8 Admin. L.R. 29](#); [\[1996\] C.O.D. 237](#); [\(1995\) 145 N.L.J. 1689](#); [Times, November 6, 1995](#); [Independent, November 7, 1995](#); CA (Civ Div); 1995-11-03

**McCann v United Kingdom (A/324)**

[\(1996\) 21 E.H.R.R. 97](#); [Times, October 9, 1995](#); [Independent, October 6, 1995](#); ECHR; 1995-09-27

**Lopez Ostra v Spain (A/303-C)**

[\(1995\) 20 E.H.R.R. 277](#); ECHR; 1994-12-09

**Stjerna v Finland**

[\(1997\) 24 E.H.R.R. 195](#); ECHR; 1994-11-25

**Kroon v Netherlands (A/297-C)**

[\[1995\] 2 F.C.R. 28](#); [\(1995\) 19 E.H.R.R. 263](#); ECHR; 1994-10-27

**G (A Minor) (Care Orders: Threshold Conditions), Re**

[\[1995\] Fam. 16](#); [\[1994\] 3 W.L.R. 1211](#); [\[1994\] 2 F.L.R. 69](#); [93 L.G.R. 162](#); [\[1994\] Fam. Law 485](#); Fam Div; 1993-06-16

**Airedale NHS Trust v Bland**

[\[1993\] A.C. 789](#); [\[1993\] 2 W.L.R. 316](#); [\[1993\] 1 All E.R. 821](#); [\[1993\] 1 F.L.R. 1026](#); [\[1994\] 1 F.C.R. 485](#); [\[1993\] 4 Med. L.R. 39](#); [\(1993\) 12 B.M.L.R. 64](#); [\[1993\] Fam. Law 473](#); [\(1993\) 143 N.L.J. 199](#); [Times, February 5, 1993](#); [Independent, February 5, 1993](#); [Guardian, February 5, 1993](#); HL; 1993-02-04

**Niemietz v Germany (A/251-B)**

[\(1993\) 16 E.H.R.R. 97](#); ECHR; 1992-12-16

**Pepper (Inspector of Taxes) v Hart**

[\[1993\] A.C. 593](#); [\[1992\] 3 W.L.R. 1032](#); [\[1993\] 1 All E.R. 42](#); [\[1992\] S.T.C. 898](#); [\[1993\] I.C.R. 291](#); [\[1993\] I.R.L.R. 33](#); [\[1993\] R.V.R. 127](#); [\(1993\) 143 N.L.J. 17](#); [\[1992\] N.P.C. 154](#); [Times, November 30, 1992](#); [Independent, November 26, 1992](#); HL; 1992-11-26

**Andersson (Margareta) v Sweden (A/226)**

[\(1992\) 14 E.H.R.R. 615](#); ECHR; 1992-02-25

**Cossey v United Kingdom (10843/84)**

[\[1991\] 2 F.L.R. 492](#); [\[1993\] 2 F.C.R. 97](#); [\(1991\) 13 E.H.R.R. 622](#); [\[1991\] Fam. Law 362](#); [Times, October 17, 1990](#); ECHR; 1990-09-27

**Mellacher v Austria (A/169)**

[\(1990\) 12 E.H.R.R. 391](#); [Times, January 3, 1990](#); ECHR; 1989-12-19

**Gaskin v United Kingdom (A/160)**

[\[1990\] 1 F.L.R. 167](#); [\(1990\) 12 E.H.R.R. 36](#); [Times, August 28, 1989](#); [Official Transcript](#); ECHR; 1989-07-07

**Olsson v Sweden (A/130)**

[\(1989\) 11 E.H.R.R. 259](#); [Times, March 28, 1988](#); ECHR; 1988-03-24

**F (In Utero), Re**

[\[1988\] Fam. 122](#); [\[1988\] 2 W.L.R. 1288](#); [\[1988\] 2 All E.R. 193](#); [\[1988\] 2 F.L.R. 307](#); [\[1988\] F.C.R. 529](#); [\[1988\] Fam. Law 337](#); [\(1988\) 152 J.P.N. 538](#); [\(1988\) 138 N.L.J. Rep. 37](#); [\(1988\) 132 S.J. 820](#); [\(1989\) 133 S.J. 1088](#); [Times, January 20, 1988](#); CA (Civ Div); 1988-02-04

**Kenny v Kelly**

[\[1988\] I.R. 457](#); 1988-01-01

**F v Switzerland (A/128)**

[\(1988\) 10 E.H.R.R. 411](#); ECHR; 1987-12-18

**Johnston v Ireland (A/112)**

[\(1987\) 9 E.H.R.R. 203](#); [Times, January 7, 1987](#); ECHR; 1986-12-18

**Rees v United Kingdom (A/106)**

[\[1987\] 2 F.L.R. 111](#); [\[1993\] 2 F.C.R. 49](#); [\(1987\) 9 E.H.R.R. 56](#); [\[1987\] Fam. Law 157](#); [Times, October 21, 1986](#); ECHR; 1986-10-17

**James v United Kingdom (A/98)**

[\(1986\) 8 E.H.R.R. 123](#); [\[1986\] R.V.R. 139](#); ECHR; 1986-02-21

**Gillick v West Norfolk and Wisbech AHA**

[\[1986\] A.C. 112](#); [\[1985\] 3 W.L.R. 830](#); [\[1985\] 3 All E.R. 402](#); [\[1986\] Crim. L.R. 113](#); [\(1985\) 82 L.S.G. 3531](#); [\(1985\) 135 N.L.J. 1055](#); [\(1985\) 129 S.J. 738](#); HL; 1985-10-17

**Abdulaziz v United Kingdom (A/94)**

[\(1985\) 7 E.H.R.R. 471](#); ECHR; 1985-05-28

**X v Netherlands (A/91)**

[\(1986\) 8 E.H.R.R. 235](#); ECHR; 1985-03-26

**Rasmussen v Denmark (A/87)**

[\(1985\) 7 E.H.R.R. 371](#); ECHR; 1984-11-28

**Malone v United Kingdom (A/82)**

[\(1985\) 7 E.H.R.R. 14](#); ECHR; 1984-08-02

**Telfair Shipping Corp v Athos Shipping Co SA (The Athos)**

[\[1983\] 1 Lloyd's Rep. 127](#); CA (Civ Div); 1982-11-18

**Dudgeon v United Kingdom (A/45)**

[\(1982\) 4 E.H.R.R. 149](#); ECHR; 1981-09-23

**Amalgamated Investment & Property Co Ltd (In Liquidation) v Texas Commerce International Bank Ltd**

[\[1982\] Q.B. 84](#); [\[1981\] 3 W.L.R. 565](#); [\[1981\] 3 All E.R. 577](#); [\[1982\] 1 Lloyd's Rep. 27](#); [\[1981\] Com. L.R. 236](#); [\(1981\) 125 S.J. 623](#); CA (Civ Div); 1981-07-31

**Paton v United Kingdom (8416/78)**

[\(1981\) 3 E.H.R.R. 408](#); Eur Comm HR; 1980-05-13

**Airey v Ireland (A/32)**

[\(1979-80\) 2 E.H.R.R. 305](#); ECHR; 1979-10-09

**Marckx v Belgium (A/31)**

[\(1979-80\) 2 E.H.R.R. 330](#); ECHR; 1979-06-13

**BP Exploration Co (Libya) Ltd v Hunt (No.2)**

[\[1979\] 1 W.L.R. 783](#); [\(1979\) 123 S.J. 455](#); QBD; 1979-03-16

**Brikom Investments Ltd v Carr**

[\[1979\] Q.B. 467](#); [\[1979\] 2 W.L.R. 737](#); [\[1979\] 2 All E.R. 753](#); [\(1979\) 38 P. & C.R. 326](#); [\(1979\) 251 E.G. 359](#); CA (Civ Div); 1979-01-16

**Johnson v Moreton**

[\[1980\] A.C. 37](#); [\[1978\] 3 W.L.R. 538](#); [\[1978\] 3 All E.R. 37](#); [\(1979\) 37 P. & C.R. 243](#); [\(1978\) 247 E.G. 895](#); [\(1978\) 122 S.J. 697](#); HL; 1978-07-27

**Paton v British Pregnancy Advisory Service Trustees**

[\[1979\] Q.B. 276](#); [\[1978\] 3 W.L.R. 687](#); [\[1978\] 2 All E.R. 987](#); [\(1978\) 122 S.J. 744](#); QBD; 1978-05-24

**Western Fish Products Ltd v Penwith DC**

[\[1981\] 2 All E.R. 204](#); [77 L.G.R. 185](#); [\(1979\) 38 P. & C.R. 7](#); [\[1978\] J.P.L. 627](#); [\(1978\) 122 S.J. 471](#); CA (Civ Div); 1978-05-22

**Bruggemann v Germany (6959/75)**

[\(1981\) 3 E.H.R.R. 244](#); Eur Comm HR; 1977-07-12

**Handyside v United Kingdom (A/24)**

[\(1979-80\) 1 E.H.R.R. 737](#); ECHR; 1976-12-07

**Black Clawson International Ltd v Papierwerke Waldhof-Aschaffenburg AG**

[\[1975\] A.C. 591](#); [\[1975\] 2 W.L.R. 513](#); [\[1975\] 1 All E.R. 810](#); [\[1975\] 2 Lloyd's Rep. 11](#); [\(1975\) 119 S.J. 221](#); HL; 1975-03-05

**Thoday v Thoday**

[\[1964\] P. 181](#); [\[1964\] 2 W.L.R. 371](#); [\[1964\] 1 All E.R. 341](#); [\(1964\) 108 S.J. 15](#); CA; 1963-12-19

**Kok Hoong v Leong Cheong Kweng Mines**

[\[1964\] A.C. 993](#); [\[1964\] 2 W.L.R. 150](#); [\[1964\] 1 All E.R. 300](#); [\(1963\) 107 S.J. 1037](#); PC (FMS); 1963-12-10

**Combe v Combe**

[\[1951\] 2 K.B. 215](#); [\[1951\] 1 All E.R. 767](#); [\[1951\] 1 T.L.R. 811](#); [\(1951\) 95 S.J. 317](#); CA; 1951-03-06

**Canada and Dominion Sugar Co Ltd v Canadian National (West Indies) Steamship Co Ltd**

[\[1947\] A.C. 46](#); [\(1947\) 80 Ll. L. Rep. 13](#); [62 T.L.R. 666](#); [\[1947\] L.J.R. 385](#); PC (Can); 1946-10-24

# **Central London Property Trust Ltd v High Trees House Ltd**

[\[1947\] K.B. 130](#); [\[1956\] 1 All E.R. 256 \(Note\)](#); [62 T.L.R. 557](#); [\[1947\] L.J.R. 77](#); [175 L.T. 333](#); KBD; 1946-07-18

# **Carltona Ltd v Commissioners of Works**

[\[1943\] 2 All E.R. 560](#); CA; 1943-10-06

# **Hughes v Metropolitan Railway Co**

[\(1876-77\) L.R. 2 App. Cas. 439](#); HL; 1877-06-05

## **Key Cases Citing**

### **Applied**

L v Human Fertilisation and Embryology Authority

[\[2008\] EWHC 2149 \(Fam\)](#); [\[2009\] Eu. L.R. 107](#); [\[2008\] 2 F.L.R. 1999](#); [\[2009\] 1 F.C.R. 138](#); [\(2008\) 104 B.M.L.R. 200](#); [\[2009\] Fam. Law 287](#); [\(2008\) 105\(40\) L.S.G. 20](#); [Times, October 16, 2008](#); [Official Transcript](#); Fam Div; 2008-10-03

### **Considered**

Yearworth v North Bristol NHS Trust

[\[2009\] EWCA Civ 37](#); [\[2010\] Q.B. 1](#); [\[2009\] 3 W.L.R. 118](#); [\[2009\] 2 All E.R. 986](#); [\[2009\] LS Law Medical 126](#); [\(2009\) 107 B.M.L.R. 47](#); [\(2009\) 153\(5\) S.J.L.B. 27](#); [Times, February 10, 2009](#); [Official Transcript](#); CA (Civ Div); 2009-02-04

## **All Cases Citing**

### **Mentioned by**

Holdich v Lothian Health Board

[\[2013\] CSOH 197](#); [Official Transcript](#); OH; 2013-12-19

### **Mentioned by**

E (Assisted Reproduction: Parent), Re

[\[2013\] EWHC 1418 \(Fam\)](#); [\[2013\] 2 F.L.R. 1357](#); [\[2013\] 3 F.C.R. 532](#); [\[2013\] Fam. Law 962](#); [\(2013\) 163\(7563\) N.L.J. 19](#); [Official Transcript](#); Fam Div; 2013-05-24

### **Considered**

Yearworth v North Bristol NHS Trust

[\[2009\] EWCA Civ 37](#); [\[2010\] Q.B. 1](#); [\[2009\] 3 W.L.R. 118](#); [\[2009\] 2 All E.R. 986](#); [\[2009\] LS Law Medical 126](#); [\(2009\) 107 B.M.L.R. 47](#); [\(2009\) 153\(5\) S.J.L.B. 27](#); [Times, February 10, 2009](#); [Official Transcript](#); CA (Civ Div); 2009-02-04

### **Applied**

L v Human Fertilisation and Embryology Authority

[\[2008\] EWHC 2149 \(Fam\)](#); [\[2009\] Eu. L.R. 107](#); [\[2008\] 2 F.L.R. 1999](#); [\[2009\] 1 F.C.R. 138](#); [\(2008\) 104 B.M.L.R. 200](#); [\[2009\] Fam. Law 287](#); [\(2008\) 105\(40\) L.S.G. 20](#); [Times, October 16, 2008](#); [Official Transcript](#); Fam Div; 2008-10-03

### **Mentioned by**

Yearworth v North Bristol NHS Trust

[\[2008\] LS Law Medical 535](#); [Official Transcript](#); CC (Exeter); 2008-03-12

### **Mentioned by**

R. (on the application of Morris) v Westminster City Council (No.3)  
[\[2005\] EWCA Civ 1184](#); [\[2006\] 1 W.L.R. 505](#); [\[2005\] H.R.L.R. 43](#);  
[\[2006\] U.K.H.R.R. 165](#); [\[2006\] H.L.R. 8](#); [\[2006\] B.L.G.R. 81](#); [\[2006\] A.C.D. 29](#); Times, October 19, 2005; Independent, October 21, 2005; Official Transcript; CA (Civ Div); 2005-10-14

### **Mentioned by**

R (A Child) (IVF: Paternity of Child), Re  
[\[2005\] UKHL 33](#); [\[2005\] 2 A.C. 621](#); [\[2005\] 2 W.L.R. 1158](#); [\[2005\] 4 All E.R. 433](#); [\[2005\] 2 F.L.R. 843](#); [\[2005\] 2 F.C.R. 223](#); [\[2005\] Fam. Law 701](#); (2005) 102(21) L.S.G. 33; (2005) 155 N.L.J. 797; Times, May 13, 2005; Independent, May 17, 2005; Official Transcript; HL; 2005-05-12

### **Mentioned by**

Lancashire CC v Taylor  
[\[2005\] EWCA Civ 284](#); [\[2005\] 1 W.L.R. 2668](#); [\[2005\] H.R.L.R. 17](#);  
[\[2005\] U.K.H.R.R. 766](#); [\[2005\] L. & T.R. 26](#); [\[2005\] 2 E.G.L.R. 17](#);  
[\[2005\] 23 E.G. 142](#); [\[2005\] N.P.C. 43](#); Times, March 31, 2005; Official Transcript; CA (Civ Div); 2005-03-17

### **Significant Legislation Cited**

[Human Fertilisation and Embryology Act 1990 \(c.37\) para.4\(2\)\(a\)](#)  
[Human Fertilisation and Embryology Act 1990 \(c.37\) para.6\(1\)](#)  
 Human Fertilisation and Embryology Act 1990 Sch.3  
 Human Rights Act 1998 Sch.1 Part I Art.14  
 Human Rights Act 1998 Sch.1 Part I Art.8

### **Legislation Cited**

[Abortion Act 1967 \(c.87\)](#)  
 Child Support Act 1991  
[Child Support Act 1991 \(c.48\) s.1\(1\)](#)  
[Child Support Act 1991 \(c.48\) s.6](#)  
 Children Act 1989  
[Children Act 1989 \(c.41\) s.1\(3\)](#)  
[Children Act 1989 \(c.41\) s.31](#)  
 Human Fertilisation and Embryology Act 1990  
[Human Fertilisation and Embryology Act 1990 \(c.37\) para.4\(2\)\(a\)](#)  
[Human Fertilisation and Embryology Act 1990 \(c.37\) para.6\(1\)](#)  
[Human Fertilisation and Embryology Act 1990 \(c.37\) s.1](#)  
[Human Fertilisation and Embryology Act 1990 \(c.37\) s.1\(2\)](#)  
[Human Fertilisation and Embryology Act 1990 \(c.37\) s.11](#)  
[Human Fertilisation and Embryology Act 1990 \(c.37\) s.11\(1\)](#)  
[Human Fertilisation and Embryology Act 1990 \(c.37\) s.12](#)



[Human Fertilisation and Embryology Act 1990 \(c.37\) s.12\(c\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.13\(5\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.2](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.2\(1\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.25](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.26](#)

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

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.28\(2\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.28\(3\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.28\(3\)\(a\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.28\(6\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.4](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.4\(1\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.4\(1\)\(a\)\(b\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.4\(1\)\(b\)](#)

[Human Fertilisation and Embryology Act 1990 \(c.37\) s.41\(11\)](#)

Human Fertilisation and Embryology Act 1990 Sch.3

Human Rights Act 1998

[Human Rights Act 1998 \(c.42\) s.1\(1\)](#)

[Human Rights Act 1998 \(c.42\) s.1\(1\)\(a\)](#)

[Human Rights Act 1998 \(c.42\) s.12\(c\)](#)

[Human Rights Act 1998 \(c.42\) s.13\(5\)](#)

[Human Rights Act 1998 \(c.42\) s.3](#)

[Human Rights Act 1998 \(c.42\) s.3\(1\)](#)

[Human Rights Act 1998 \(c.42\) s.4](#)

[Human Rights Act 1998 \(c.42\) s.4\(2\)](#)

[Human Rights Act 1998 \(c.42\) s.4\(4\)](#)

[Human Rights Act 1998 \(c.42\) s.41\(2\)\(a\)](#)

[Human Rights Act 1998 \(c.42\) s.5](#)

Human Rights Act 1998 Sch.1

Human Rights Act 1998 Sch.1 Part I Art.14

Human Rights Act 1998 Sch.1 Part I Art.8

Human Rights Act 1998 s.25(1)

Matrimonial Causes Act 1973

[Matrimonial Causes Act 1973 \(c.18\) s.34](#)

[section 1\(1\) of the Human Rights Act 1998](#)

[section 12 of and paragraphs 6\(3\), 8\(2\) and 4\(1\) of Schedule 3 to the Human Fertilisation and Embryology Act 1990](#)

[section 3 of the Human Rights Act 1998](#)

[section 31 of the Children Act 1989](#)

[section 4 of the Human Rights Act 1998](#)

[section 4\(4\) of the Human Rights Act 1998](#)

## Journal Articles

### **Whose baby is it anyway?**

Assisted reproduction; Children's welfare; Embryology; Right to life; Unborn children.

[P.I.L.J. 2011, 93\(Mar\), 10-13](#)

### **Life after death**

Consent to treatment; EC law; Right to respect for private and family life.

[N.L.J. 2009, 159\(7352\), 61-63](#)

### **Competing interests in reproduction: the case of Natallie Evans**

Assisted reproduction; Consent; Discrimination; Embryology; Fathers; Right to life; Right to respect for private and family life.

[K.L.J. 2008, 19\(1\), 135-150](#)

### **The Human Rights Act six years on: where are we now?**

Human rights; Measure of damages; Prescribed by law; Proportionality; Public authorities; Statutory interpretation; Territorial application.

[E.H.R.L.R. 2007, 1, 11-26](#)

### **Embryo legal challenge ends**

Consent; Discrimination; Embryology; Estoppel; In vitro fertilisation; Right to respect for private and family life.

[Fam. L.J. 2007, 67\(Jun\), 11-13](#)

### **Time for change: Part 2**

Consent; Embryology; Genetic screening; Human tissue; Stem cell research.

[N.L.J. 2007, 157\(7280\), 964](#)

### **Battle over frozen embryos continues**

Consent; Embryology; In vitro fertilisation; Right to life; Right to respect for private and family life.

[Fam. L.J. 2006, 56\(May\), 3-5](#)

### **Human reproduction and the law**

Consent; Discrimination; Embryology; In vitro fertilisation; Reproduction; Right to life; Right to respect for private and family life; Storage.

[Med. L. Mon. 2006, Apr, 1-3](#)

### **Happy families, consenting couples and children with dignity: sex selection and saviour siblings.**

Consent; Embryology; Human Fertilisation and Embryology Authority; Morals and law; Regulation.

[C.F.L.Q. 2005, 17\(4\), 435-473](#)

### **The new rights and responsibilities of paternity.**

Assisted reproduction; Fathers; Parental responsibility; Paternity; Surrogacy; Unmarried fathers.

[Fam. L.J. 2005, 47\(Jun\), 21-24](#)

### **Deciding the fate of frozen embryos**

Assisted reproduction; Consent; Embryology; In vitro fertilisation; Right to respect for private and family life.

[Med. L. Rev. 2005, 13\(2\), 244-256](#)

### **Evans v Amicus Healthcare; Hadley v Midland Fertility Services - revealing cracks in the "twin pillars"?**

Assisted reproduction; Childrens welfare; Consent; Human rights; Variation.

[C.F.L.Q. 2004, 16\(4\), 437-452](#)

### **Medical treatment - human fertilisation - embryo**

Consent; Discrimination; Embryology; Fathers; In vitro fertilisation; Right to respect for private and family life.

[C.L.B. 2004, 30, 189-191](#)

### **Medical law.**

Assisted reproduction; Consent; Discrimination; Embryology; Right to respect for private and family life.

[Fam. Law 2004, 34\(Sep\), 647-648](#)

### **Consent to IVF treatment.**

Assisted reproduction; Consent; Discrimination; Embryology; Right to life; Right to respect for private and family life.

[Fam. Law 2004, 34\(Sep\), 674-678](#)

### **Gender equality and reproductive decision-making.**

Assisted reproduction; Consent; Embryology; Feminist jurisprudence; Right to respect for private and family life.

[Fem. L.S. 2004, 12\(3\), 303-316](#)

### **Human reproduction, genetics and the law: consent to use embryos.**

Consent; Discrimination; In vitro fertilisation; Right to respect for private and family life.

[Med. L. Mon. 2004, Aug, 4](#)

### **Assisted reproduction - statutory overhaul overdue.**

Assisted reproduction; Embryology; Ethics; Statutory interpretation.

[N.L.J. 2004, 154\(7140\), 1201](#)

### **Frozen embryos, frozen hearts, frozen law?**

Assisted reproduction; Consent; Embryology; In vitro fertilisation; Right to life; Right to respect for private and family life.

[N.L.J. 2004, 154\(7140\), 1206-1207](#)

**Doc brief (September)**

Animal welfare; Assessment; Assisted reproduction; Capacity; Children; Consent; Dementia; Disabilities; Embryology; Experiments; Expert evidence; Interim injunctions; Sexual abuse; Video evidence.

[N.L.J. 2004, 154\(7142\), 1289-1290](#)

**Whether applicant could use frozen embryos once consent had been withdrawn by male partner.**

Assisted reproduction; Consent; Embryology; Right to marry; Right to respect for private and family life.

[S.L. Rev. 2004, 43\(Aut\), 3-4](#)

**Administrative law update (October).**

Administrative law; Child support; Children; Community care; Education; Extradition; Homelessness; Human rights; Medical treatment; Mental health; Scotland; Social security; Social welfare.

[SCOLAG 2004, 324, 198-204](#)

**Books**

**Arlidge, Eady & Smith on Contempt 4th Ed. Incorporating First Supplement**

Chapter: Chapter 2 - Contempt of Court: the Constitutional Dimensions

Documents: [Sub-section I. - The so called "margin of appreciation"](#)

**Arlidge, Eady & Smith on Contempt 4th Ed.**

Chapter: Chapter 2 - Contempt of Court: the Constitutional Dimensions

Documents: [Sub-section I. - The so called "margin of appreciation"](#)

**Chitty on Contracts 31st Ed. Incorporating First Supplement**

Chapter: Chapter 3 - Consideration

Documents: [Sub-section \(iii\) - Equitable Mitigations](#)

**Chitty on Contracts 31st Ed.**

Chapter: Chapter 3 - Consideration

Documents: [Sub-section \(iii\) - Equitable Mitigations](#)

**Phipson on Evidence 18th Ed.**

Chapter: Chapter 5 - Estoppels

Documents: [Sub-section \(c\) - Restrictions on estoppels](#)

**Phipson on Evidence 18th Ed.**

Chapter: Chapter 5 - Estoppels

Documents: [Sub-section \(c\) - Promissory estoppel](#)

**The Law Relating to Parent & Child in Scotland (SULI) 3rd Ed. Norrie**

Chapter: Chapter 2 - Ante-Natal Issues

Documents: [The Stage before Pregnancy](#)

**The Law Relating to Parent & Child in Scotland (SULI) 3rd Ed.  
Norrie**

Chapter: Chapter 2 - Ante-Natal Issues

Documents: [During Gestation](#)

**The Law Relating to Parent & Child in Scotland (SULI) 3rd Ed.  
Norrie**

Chapter: Chapter 4 - Parenthood and Assisted Reproduction

Documents: [Parenthood Determined by the Human Fertilisation and Embryology Act 2008](#)

**White Book 2014**

Chapter: Section 3 - Other Proceedings

Documents: [Section 4-Declaration of incompatibility](#)

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