

27 Feb 2014 10:11

Judge prevents naming of Jehovah's Witness who died in a Newcastle hospital

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The Royal Courts of Justice

A high Court judge has made an order preventing journalists naming a woman who died in Newcastle.

The woman - a Jehovah's Witness who died early on Wednesday at a hospital in the city at the age of 63 - had featured in litigation in the Court of Protection.

Earlier this month, Mr Justice Peter Jackson had given doctors permission not to administer blood transfusions in line with the woman's religious beliefs.

The judge - who sits in the Family Division of the High Court and in the Court of Protection - had barred publication of the woman's identity when she was ill in hospital.

And he said in a ruling, following a hearing in London, that the "unusual circumstances" of the case had raised "interesting questions" about the restrictions on the reporting of information after death.

The judge raised the issue of the dead woman's identity at a hearing which featured no barristers.

But he invited submissions from a solicitor representing the Newcastle Upon Tyne Hospitals NHS Foundation Trust - which had treated the woman - and a reporter.

The solicitor argued against publication of the woman's name; the reporter in favour.

"The unusual circumstances raise interesting questions about the court's jurisdiction to restrict the reporting after a person's death of information gathered during proceedings that took place during her lifetime," said Mr Justice Peter Jackson, in a written ruling published a few hours after the hearing.

"It seems to me that the proper approach is to make an order that preserves the situation until the time comes when someone seeks to present full argument on the question. I will say no more than that for the present."

He added: "I make a Reporting Restriction Order preventing the naming of (the dead woman)."

And he said anyone "affected by the order" may apply to vary or discharge it.

The judge said doctors working for the trust had asked for permission to withhold a blood transfusion on February 18 and had said the woman was "gravely ill", might die within 24 hours without a transfusion and might not survive with a transfusion.

He said the woman had no known relatives, had been a Jehovah's Witness since the 1970s at least and had a history of depression and paranoid schizophrenia.

She had been admitted to hospital on February 6 after being found wandering and confused near her home. She had been found to be bleeding from a large duodenal ulcer and had a falling and dangerously low haemoglobin level.

Doctors had known that she was a Jehovah's Witness and on February 12 she had said she was "adamant" that she did not want treatment with any blood products.

Medics felt at that stage that she had full mental capacity to make such a decision and an awareness of the consequences.

On February 13 her condition had "markedly deteriorated" to the point that she needed ventilation. By that stage she "clearly lacked" the mental capacity to make or communicate decisions about treatment, said the judge.

Mr Justice Peter Jackson said the application to withhold a blood transfusion had been "urgent" and made at short notice.

The judge said he heard evidence from a Jehovah's Witness who first met the woman in 1975. The man had told the court that the woman's religious beliefs had been consistent and she would have been "distraught" at the prospect of receiving a transfusion.

He said he had concluded that the woman had made a decision - when she had the mental capacity - that doctors rightly considered had to be respected. He said the human right to life was "fundamental" but not absolute. He said there was no obligation on a patient to accept life-saving treatment and doctors were not entitled or obliged to give treatment.

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