

FRANCO-BRITISH LAWYERS' SOCIETY

BELFAST COLLOQUE

INN OF COURT

20th November 2009

**THE HILLSBOROUGH FOOTBALL STADIUM
DISASTER AND THE JUDICIARY**

[Presented by Mr Justice Bernard McCloskey]

THE HILLSBOROUGH FOOTBALL STADIUM DISASTER AND THE JUDICIARY

SUMMARY OF CONTENTS

[1] The Hillsborough Football Stadium Disaster - 15th April 1989 - the semi-final of the FA Cup - Liverpool -v- Nottingham Forest - the legal repercussions: the public inquiry; the Taylor Report; compensation claims against the police; inquest proceedings; judicial review challenge; private prosecution; ECHR challenge; and the House of Lords decisions on the rules for compensation for nervous shock.

[2] The death of Tony Bland - *Airedale NH Trust -v- Bland* [1993] 1 All ER 821 - catastrophic and irreversible brain damage - withdrawal of medical treatment - judicial intervention - declaration of approval.

[3] The conjoined twins case - *Re A (Children) (Conjoined Twins)* [2000] 4 All ER 961 - the dilemma - which one to die? - intervention by the Roman Catholic Church - law and orthodox religious dogma - the Judaeo-Christian tradition and its interaction with legal principle.

[4] Some contrasting judicial decision making contexts - smoking and the Human Rights Act 1998 - *Regina -v- G (Nottinghamshire Health Care Trust)* [2008] EWHC 1096 (Admin). Confiscation of a prisoner's mobile phone - *Regina (Colman) -v- Governor of Wayland Prison* [2009] WLR(V) 132. Compensation for injured playground supervisors - *Orchard -v- Lee* [2009] EWCA. Civ 295.

[5] The accountability of judges - judicial independence - "Who's Gazza?" - the extraordinary case of Jake Mangelwurz - the toy lavatory - conventional judicial attributes: pomposity, self-importance and craven political correctness? - or true public servants?