

Is a review of Article 2 application in inquests on the horizon?

The Supreme Court has granted permission to appeal the decision of the Court of Appeal in the case of *Jacqueline Maguire v HM Senior Coroner for Blackpool and Fylde* in which the Coroner ruled that Article 2 of the European Convention on Human Rights (the right to life) was not engaged.

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The Supreme Court has granted permission to appeal the decision of the Court of Appeal in the case of **Jacqueline Maguire v HM Senior Coroner for Blackpool and Fylde** in which the Coroner ruled that Article 2 of the European Convention on Human Rights (the right to life) was not engaged.

Background

The case involved a 52-year-old lady, Jackie Maguire, who lacked the mental capacity to make decisions regarding her health, welfare and living arrangements. Jackie had lived in a residential care home since 1993 and was subject to Deprivation of Liberty Safeguards. On 22 February 2017, Jackie died from a perforated gastric ulcer after becoming ill two days before. It was alleged that there were a number of failures to provide Jackie with basic medical attention by those responsible for her care.

Case History

At the inquest into Jackie's death, the Coroner ruled that Article 2 of the ECHR had not been engaged after considering the case of **R (Parkinson) v HM Senior Coroner for Kent**. The reasons for this decision were that the allegations against Jackie's carers were those of individual negligence which **Parkinson** confirmed fell outside the scope of Article 2.

This outcome was challenged by Jackie's mother who brought a Judicial Review on the basis that the Coroner had been wrong to reach the conclusion that Article 2 did not apply. This application was dismissed. Jackie's mother subsequently appealed to the Court of Appeal with the appeal also being dismissed.

An application was made to the Supreme Court for permission to appeal and this was granted on 23 February 2022.

Significance

The application of Article 2 remains an area that is frequently encountered during coronial proceedings and whilst we do not have full details of this appeal yet, there is the possibility that this could be a significant decision in relation to that application.

The appeal has not yet been listed and we will report further on this case in due course.

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Related expertise

Deprivation of liberty