

Top judges split over letting doctors help patients to die

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The UK's highest court is deeply divided over whether to allow doctors to assist those who are physically unable to end their own lives in so-called right to die cases.

In December last year, a panel of nine Supreme Court justices heard challenges led by the widow of Tony Nicklinson, who was paralysed after a stroke. It was one of the most controversial appeals to be heard by the court, but the justices have still not produced a ruling and none is listed for the current legal term, which concludes at the end of the month.

The justices, led by Lord Neuberger of Abbotsbury, the court's president, are considering claims that there should no longer be an effective ban on the severely incapacitated from seeking a "dignified and humane" death.

A five-four or six-three split among the justices would send out an unclear message as to the state of the law on an extremely contentious issue.

The appeals were brought by Jane Nicklinson, whose husband, Tony, died

in August 2012 after refusing food at his home in Wiltshire a week after losing his High Court legal battle, and Paul Lamb, 58, who was paralysed from the neck down in a road accident.

The Supreme Court is being asked to decide whether a prohibition on assisted suicide, set out in the Suicide Act 1961, is compatible with article eight of



Tony Nicklinson wanted his doctor to help him die

the European Convention on Human Rights, which guarantees the right to a private life.

Mrs Nicklinson and Mr Lamb say that the law is a disproportionate and discriminatory interference with a person's right to end his or her life at a time and manner of their choosing, with the help of a medical professional.

They say that the law should include a defence of necessity, so that it would

be lawful for a doctor to assist in the suicide of a person with a "clear, settled and informed wish to end their own lives" who could only do so with medical assistance.

The appeal judges dismissed the challenges brought by Mr Lamb and Mrs Nicklinson and ruled that it was for parliament to change the law. The Court of Appeal ruled in a second case brought by a man known only as "Martin", that guidelines from the Director of Public Prosecutions on factors likely to weigh in favour and against prosecuting in cases of assisted suicide should be reviewed and clarified when health workers are involved. The DPP has appealed against that decision.

Paul Bowen QC, representing Mrs Nicklinson and Mr Lamb, told the Supreme Court in December that the present situation had "cruel consequences" for disabled people whose family and friends were unable or unwilling to help. He said it meant they could not end "unbearable suffering" with dignity. The only option was a "less dignified" death which might put others at risk of prosecution.