

# Political Affairs Digest

*A daily summary of political events affecting the Jewish Community*

Scottish Council of Jewish Communities

SCoJeC

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## Home Affairs

### Supreme Court

#### **An NHS Trust and others (Respondents) v Y (by his litigation friend, the Official Solicitor) and another (Appellants) [2018] UKSC 46**

The question in this appeal is whether a court order must always be obtained before clinically assisted nutrition and hydration (“CANH”), which is keeping a person with a prolonged disorder of consciousness (“PDOC”) alive, can be withdrawn, or whether, in some circumstances, this can occur without court involvement. ...

In June 2017 Mr Y, an active man in his fifties, suffered a cardiac arrest which consequently led to extensive brain damage due to lack of oxygen. He never regained consciousness following the cardiac arrest and required CANH to keep him alive. His treating physician concluded that, even if he regained consciousness, he would have profound disability and would be dependent on others to care for him for his remaining life. ... The clinical team and the family agreed that it would be in Mr Y’s best interests for CANH to be withdrawn, which would result in his death within two to three weeks.

On 1 November 2017, the NHS Trust sought a declaration in the High Court that it was not mandatory to seek the court’s approval for the withdrawal of CANH from a patient with PDOC when the clinical team and the patient’s family agreed that it was not in the patient’s best interests to continue treatment and that no civil or criminal liability would result if CANH were withdrawn.

The High Court granted a declaration that it was not mandatory to seek court approval for withdrawal of CANH from Mr Y where the clinical team and Mr Y’s family were in agreement that continued treatment was not in his best interests. The judge granted permission to appeal directly to the Supreme Court. ...

The Supreme Court unanimously dismisses the appeal. ...

#### **Reasons for the Judgment**

... The fundamental question facing a doctor, or a court, considering treatment of a patient who is not able to make his or her own decision is not whether it is lawful to withdraw or withhold treatment, but whether it is lawful to give it. It is lawful to give treatment only if it is in the patient’s best interests. ...

CANH is medical treatment and it is not easy to explain, therefore, why it should be treated differently from other forms of life-sustaining treatment. In any event, it is difficult to accept that one can delineate patients with PDOC from other patients in such a way as to justify judicial involvement being required for the PDOC patients but not the others. In all cases, the medical team make their treatment decisions by determining what is in the patient’s best interest. ...

If it transpires that the way forward is finely balanced, there is a difference of medical opinion, or a lack of agreement from persons with an interest in the patient's welfare, a court application can and should be made. ...

**To read the full press release see**

<https://www.supremecourt.uk/cases/docs/uksc-2017-0202-press-summary.pdf>

**To read the full judgement see**

<https://www.supremecourt.uk/cases/docs/uksc-2017-0202-judgment.pdf>

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## Israel

### House of Lords Written Answers

#### Israel: Gaza

**Baroness Tonge (Non-affiliated)** [HL9569] To ask Her Majesty's Government what (1) representations they are making, and (2) action they will take following the tightening of the blockade on Gaza by Israel despite the pre-existing humanitarian crisis within the Strip.

**Lord Ahmad of Wimbledon:** Officials from our Embassy in Tel Aviv raised concerns regarding the additional restrictions imposed on Gaza with the Office of the Coordinator of Government Activities in the Territories (COGAT) on 18 July. The further restrictions that Israel has placed on Gaza will have a detrimental effect on the ordinary citizens of Gaza. A further deterioration to the already dire humanitarian situation in Gaza is in no-one's interests. Israel should therefore reverse this decision. We also recognise that Hamas' actions are unacceptable, and the damage being caused by fires in Southern Israel has been significant. We will continue to monitor the situation and raise concerns as appropriate. The Government has recently announced a new £38 million programme to support economic development in Gaza and the West Bank. We will also be releasing £38.5 million for the UN Relief and Works Agency to help vulnerable Palestinian refugees, as well as £2 million to UNICEF, to help provide Gazans with access to clean water and sanitation.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-07-16/HL9569/>

#### Israel: Gaza

**Baroness Tonge (Non-affiliated)** [HL9571] To ask Her Majesty's Government what representations they are making to the government of Israel about the damage being done to crops in Gaza by herbicide sprays being used by Israel close to the border.

**Lord Ahmad of Wimbledon:** Whilst we have not raised this specific issue, officials from our Embassy in Tel Aviv regularly discuss the situation in Gaza with Israeli authorities and did so most recently on 18 July with the Coordinator of Government Activities in the Territories (COGAT). The Government has recently announced a new £38 million programme to support economic development in Gaza and the West Bank. We will also be releasing £38.5 million for the UN Relief and Works Agency to help vulnerable Palestinian refugees, as well as £2 million to UNICEF, to help provide Gazans with access to clean water and sanitation.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-07-16/HL9571/>

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## Relevant Legislation \*\* new or updated today

### UK Parliament

#### **Holocaust (Return of Cultural Objects) (Amendment) Bill**

<https://services.parliament.uk/Bills/2017-19/holocaustreturnofculturalobjectsamendment.html>

#### **Marriage Act 1949 (Amendment) Bill**

<http://services.parliament.uk/bills/2017-19/marriageact1949amendment.html>

#### **Organ Donation (Deemed Consent) Bill**

<http://services.parliament.uk/bills/2017-19/organdonationdeemedconsent.html>

### Scottish Parliament

#### **Human Tissue (Authorisation) (Scotland) Bill**

<http://www.parliament.scot/parliamentarybusiness/Bills/108681.aspx>

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## Consultations \*\* new or updated today

#### **Financial Memorandum of the Human Tissue (Authorisation) (Scotland) Bill**

(closing date 31 August 2018)

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/109042.aspx>

#### **Human Tissue (Authorisation) (Scotland) Bill** (closing date 4 September 2018)

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/108999.aspx>

#### **20 years of the Human Rights Act** (closing date 14 September 2018)

<https://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news-parliament-2017/20-years-human-rights-act-launch-17-19/>

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The Scottish Council of Jewish Communities (SCoJeC) is Scottish Charitable Incorporated Organisation SC029438