

# **R (on the application of Maguire) (Appellant) v His Majesty's Senior Coroner for Blackpool & Fylde and another (Respondents)**

**Case ID: 2021/0038**

## **Case summary**

### **Issue**

Whether the death of a disabled woman who was deprived of her liberty engaged the state's obligation to protect life under Article 2 of the European Convention on Human Rights, therefore requiring an inquest jury to make findings regarding the circumstances by which the death occurred.

### **Facts**

Jacqueline Maguire, known as Jackie, was a lady with Down's Syndrome who lived in a residential placement for adults with learning difficulties in Blackpool. She was deprived of her liberty pursuant to a Standard Authorisation made under the Mental Capacity Act 2005.

Jackie died on 22 February 2017. In the weeks beforehand, Jackie suffered symptoms including stomach pains, collapsing, and a sore throat. On the evening before her death, Jackie repeatedly lost consciousness and collapsed. An ambulance crew attended but left after Jackie refused to attend hospital. A GP advised that Jackie attend hospital but that if she refused she could stay at her care home. The next morning Jackie's condition had worsened, and she again collapsed. She was admitted to hospital, where tests showed her to be severely dehydrated and suffering from acute kidney injury. She later suffered a cardiac arrest from which she could not be resuscitated. A postmortem later recorded her cause of death as a perforated gastric ulcer and pneumonia.

An inquest into Jackie's death took place in 2018. At the conclusion the coroner decided that Jackie's death did not engage the state's positive obligation to protect life under Article 2 of the European Convention on Human Rights. As a result, the jury was not required to consider the circumstances in which Jackie came by her death, and resultantly gave only a short narrative conclusion that Jackie's death resulted from natural causes.

Jackie's mother Muriel brought judicial review proceedings in respect of the coroner's decision regarding Article 2. The High Court and Court of Appeal dismissed the Appellant's claim. She now appeals to the Supreme Court.

### **Judgment appealed**

[\[2020\] EWCA Civ 738](#)

### **Parties**

#### **Appellant(s)**

Muriel Maguire

#### **Respondent(s)**

His Majesty's Senior Coroner for Blackpool & Fylde

## **Appeal**

### **Justices**

Lord Reed, Lord Lloyd-Jones, Lord Sales, Lord Stephens, Lady Rose

### **Hearing start date**

22 November 2022

### **Hearing finish date**

23 November 2022

### **Watch hearing**

22 November 2022 [Morning session](#) [Afternoon session](#)

23 November 2022 [Morning session](#)