

## **Public Authorities**

### **Courts don't want to impose liability on Public Authorities**

waste their money & time.

*Hill v Chief Constable of West Yorkshire.*

### **Must be only 1 authority to blame not several**

*Barrett v London Borough of Enfield.*

### **Problematic Areas:**

#### **Children in Care:**

Once a child is taken into care – a duty is then established.  
(not before)

*X v Bedfordshire*

*Barrett v London Borough of Enfield.*

#### **Soldiers:**

do not owe a duty of care in battle

*Mulcahy v Ministry of Defence*

### **Public Authorities do not have blanket immunity**

#### **Firemen:**

*Capital & Counties plc v Hampshire  
County Council*

#### **Police:**

*Swinney v Chief Constable of  
Northumbria.*

#### **Ambulance:**

*Kent v Griffiths  
Mutua v Foreign and  
Commonwealth Office*

## **Human Rights – Impact**

negligence claims – normally a breach of a Human Right involved

State now has a duty to take reasonable care.

*Z v UK*

Human Rights don't always change the outcome of the case.

*X v London Borough of Hounslow*

### **Key Areas**

#### **Parents & Child Abuse:**

Parents cannot sue for false allegations of child abuse.  
Child takes priority.

*JD v East Berkshire Community Health NHS  
Lawrence v Pembrokeshire.*

Can only sue – if there has been a negligent interference.

*MAK & RK v United Kingdom.*

#### **Police:**

**could be liable for failing to protect someone's life:**  
if they knew or ought to have known at the relevant time  
of a real & immediate risk to the individual.

*Van Colle v Chief Constable of Hertfordshire*