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Permission to Appeal decision in the matter of Archie Battersbee

28 July 2022

This afternoon, 28th July 2022, the Supreme Court received an urgent Permission to Appeal (PTA) application in the case of Archie Battersbee.

The parents of Archie Battersbee filed their application to appeal to the Supreme Court earlier today. They were seeking a stay of the Court of Appeal's decision to allow withdrawal of life-support treatment from their child.

Aware of the urgency of this matter, the Court convened a panel of three Justices who considered submissions from the parties 'on paper', in the usual way.

Having considered the careful judgment of the Court of Appeal delivered by Sir Andrew MacFarlane (President of the Family Division) and the application for permission to appeal the Court of Appeal's decision in relation to the stay, the panel has refused permission to appeal to the Supreme Court.

The full text of the Court's order, including the reasons for this decision is below.

Full text of the order: Dance and another (Appellants) v Barts Health NHS Trust and another (Respondents)

28 July 2022

UKSC 2022/0115

Before: Lord Hodge, Lord Kitchin, Lord Stephens

AFTER CONSIDERATION of the application filed on behalf of the Appellant seeking permission to appeal the order made by the Court of Appeal on 27 July 2022.

THE COURT ORDERED that permission to appeal be REFUSED for the attached reasons.

Reasons

Lord Hodge, the Deputy President of the Supreme Court, Lord Kitchin and Lord Stephens have considered the application for permission to appeal the decision of the Court of Appeal, who have refused permission to appeal to that court, not to grant a longer stay of the orders of Haydon J dated 15 July 2022 which will result in the withdrawal of life-sustaining treatment from Archie Battersbee.

The panel has great sympathy with the plight of Archie's devoted parents and recognises the emotional pain which they are suffering. But, having considered the careful judgment of the Court of Appeal delivered by Sir Andrew MacFarlane, President of the Family Division and the application for permission to appeal the Court of Appeal's decision in relation to the stay, the panel refuses permission to appeal.

The panel is satisfied that (if the Supreme Court has jurisdiction to hear this application – a matter on which the panel has not been addressed) the application does not raise an arguable point of law that the Court of Appeal has fallen into error in exercising its discretion in the way in which it did.

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