



2012 No. 108540

**IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
QUEEN'S BENCH DIVISION**

**Before the Honourable Mr. Justice Gillen  
On Tuesday 2<sup>nd</sup> October 2012**

**BETWEEN:**

**JOHN AILBE O'HARA**

**Plaintiff:**

**- and -**

**THE BELFAST HEALTH & SOCIAL CARE TRUST**

**Defendant:**

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**ORDER**

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**UPON HEARING** Ms Anyadike-Danes Q.C. for the Plaintiff and Mr McAlinden Q.C. for the Defendant;

**AND UPON** reading the affidavit of the Plaintiff;

**IT IS ORDERED AND DECLARED THAT:-**

1. In relation to the Rules of the Court of Judicature:
  - (i) The time required by Order 3 for the service on the Defendant of the Originating Summons shall be abridged accordingly;
  - (ii) The time required by Order 9(3) and 5(a) for the entry of any Memorandum of Appearance shall be abridged accordingly;
  - (iii) The requirements of Order 28(1)(A) for the filing of the Plaintiff's Affidavit after the entry of the Defendant's Memorandum of Appearance and permitting the Affidavit to be filed and served simultaneously with the Originating Summons shall be dispensed with.
2. Disclosure by the Defendant of the documents and records, including medical notes and records ("the Documents"), identified in the Plaintiff's Notice to Produce Documents dated 25<sup>th</sup> September 2012 ("Notice"), and of

the information contained therein, subject to the conditions set out in the Schedule hereto, is lawful in the public interest notwithstanding any obligation of confidence or privacy pursuant to the Human Rights Act 1998 otherwise owed in respect of such documents and information.

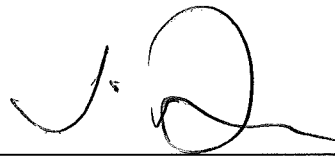
3. The Defendant shall forthwith produce a copy of the documents required by the Notice to its Senior Counsel, Senior Counsel to the Inquiry and, if appropriate, the Inquiry's expert Consultant Paediatrician, for the purpose of inspection and redaction as referred to in the Schedule ("the Redacted Documents").
4. The Defendant, following the redaction of the Documents, shall forthwith produce to the Plaintiff a copy of the Redacted Documents for the use of the Inquiry in the manner referred to in the Schedule.
5. There shall be permission for any party to apply to the Court in connection with the implementation of this order, including any resolution of any question as to whether a particular record or document may be disclosed pursuant to it and/or the terms as to confidentiality upon which it may be disclosed.
6. There shall be no order as to costs.

#### **SCHEDULE**

- (1) The documents referred to in the Notice and disclosed by the Defendant shall be treated as confidential.
- (2) Save with the prior leave of this Court or the written consent of the patient (or the personal representative of the deceased if said patient is deceased) to whom the document relates:
  - (i) Nothing shall be published and no part of any document shall be read into the public record or otherwise put in the public domain which might, whether directly or indirectly, lead to identification of any patient or his/her family
  - (ii) The documents, in their un-redacted form will be inspected only by the Trust's Senior Counsel, Senior Counsel to the Inquiry and, if appropriate, the Inquiry's expert Consultant Paediatrician, for the purpose of redacting them by removing as follows:
    - (a) All references to the patients' names, dates of birth and contact details.

- (b) Any reference to the patients' condition and treatment save to the extent, which is to be guided by the Inquiry's expert Consultant Paediatrician as appropriate, that they are necessary to indicate what Dr. Heather Steen was doing and how accessible she was to the other doctors involved in the care and treatment of Claire Roberts between 21<sup>st</sup> and 23<sup>rd</sup> October 1996.
- (iii) Only the Redacted Documents will be used for the Inquiry's work and to that end will only be provided to the Interested Parties in the Inquiry and their legal teams on their undertaking not to disclose them further or make use of them for any purpose other than one associated with assisting the Inquiry with its work.
- (iv) Neither the Documents nor the Redacted Documents will be placed on the Inquiry's website.

Dated the <sup>2<sup>ND</sup></sup> ..... day of October 2012



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Proper Officer