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# England and Wales Court of Appeal (Civil Division) Decisions

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Cite as: [2001] PIQR Q9, [2001] EWCA Civ 302, [2001] 1 FCR 614, [2001] Fam Law 420, [2001] 2 FLR 33

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**Neutral Citation Number: [2001] EWCA Civ 302**

B3/2000/3345

**IN THE SUPREME COURT OF JUDICATURE  
COURT OF APPEAL (CIVIL DIVISION)  
ON APPEAL FROM THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
(Mr Justice Scott-Baker)**

Royal Courts of Justice  
Strand  
London WC2  
Tuesday, 13th February 2001

Before:

**LORD JUSTICE HENRY  
LORD JUSTICE WARD and  
LORD JUSTICE BUXTON**

Name Redacted

**Claimant/Respondent**

-v-

**FLINTSHIRE COUNTY COUNCIL  
(Formerly Clwyd County Council)  
Defendant/Appellant**

**Computer Aided Transcript of the Palantype Notes of  
Smith Bernal Reporting Limited  
190 Fleet Street London EC4A 2AG  
Tel: 020 7421 4040 Fax: 020 7831 8838  
(Official Shorthand Writers to the Court)**

"In paragraph 13.65 the report points out that use of the unit in the manner described was plainly contrary to law and that there were infringements of liberty that ought not to have been tolerated. I accept [Name Redacted]'s evidence about the secure unit and I regard its use in her case as a serious breach of duty on the part of the Defendants as well as, probably, false imprisonment."

70. The judge received evidence on behalf of the local authority that the unit had not been used in that way: that evidence he rejected.
71. Putting all those factors together, it is, in my view, impossible to say that the judge was so far wrong in his assessment of the level of the general damages owed by the defendants for all these events that this court should interfere.
72. On the other aspects of the appeal, I entirely agree with what my Lord has said.
73. LORD JUSTICE HENRY: I agree with both judgments and do not wish to add anything to them. This appeal will be dismissed.

Order: appeal dismissed with costs on the standard basis, those costs to include the cost of the Dr Abel transcript.

(Order does not form part of approved Judgment)

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