

Hospital downgrade is unlawful, says judge

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The Health Secretary's powers to reshape the NHS were resisted yesterday when a High Court judge quashed a decision to downgrade a hospital's A&E and maternity units.

Campaigners expressed delight at the ruling that Jeremy Hunt acted unlawfully when he decided that emergency and maternity units at University Hospital Lewisham in south London would suffer because of failures at a bankrupt neighbouring trust.

The ruling will boost opponents of hospital closures and heralds bitter struggles as health chiefs plan the urgent centralisation of more hospital services to improve care and plug a £30 billion black hole in NHS finances.

The Department of



Demonstrators celebrate the ruling outside the High Court in London
STEFAN ROUSSEAU/PA

Health said that it would appeal against the decision, which it said was a setback for patient care. The Government is considering amendments to the Health and Social Care Act to prevent a repeat of the ruling, sparking a war with campaigners who said this would "fly in the face of the coalition agreement".

There was applause in court when Mr Justice Silber said that the Health Secretary had no legal basis to reorganise health services

more widely as part of administration proceedings at South London Healthcare NHS Trust, which is losing more than £1 million a week.

Louise Irvine, the GP who chairs the Save Lewisham Hospital campaign, said that yesterday was "an incredible day" that vindicated the thousands of people who took to the streets to protest against Mr Hunt's decision.

"David Cameron said there would be no 'top-



Protesters objected to the closure of services at the hospital
PETER MACDIARMID/GETTY

down' approach to closures and we appreciate the court's decision, which should serve as a reminder to this Government not to forget their promises," she said.

Administrators for the South London trust concluded that its hospitals would only be viable if patients were di-

verted from Lewisham, which is run by a separate trust. Mr Hunt approved the decision, telling the Commons it would save 100 lives a year.

Earl Howe, the Health Minister, said: "The last Government set South London Healthcare NHS Trust up to fail in 2009. It

was saddled with debt. Doing nothing was not an option."

Mike Farrar, chief executive of the NHS Confederation, agreed that changes were needed. "We can no longer afford to drag out decisions," he said. **See Mid Staff hospital trust to be dissolved in this section ■**