

# Dr Howard Williams

Chest specialist who led the crusade against smoking

The chest consultant Howard Williams was an early anti-smoking campaigner. He opened the first Stop Smoking Clinic in the UK, prompted by his years of treating lung cancer and heart patients.

Williams later ran the National Society of Non-Smokers, now called Quit, and was also a senior member of Action on Smoking and Health.

He was a smoker until his early thirties, when he decided that it was hypocritical to keep up the habit while advising his patients to stop. Williams believed that willpower was important in giving up smoking but also helped people to identify the activities or situations that acted as triggers. He thus coined the term "phone fag" referring to when people in offices, where smoking was then permitted, would light up habitually after dialling a number. He also pinpointed occasions such as the first drink of the evening or meeting friends at the pub, and advised people to avoid these situations or to find distractions to stop them smoking.

Howard Owen Williams was born in 1919 in Tonypandy in the Rhondda Valley. He excelled at science at school, and his father encouraged him to go into medicine. Williams entered Cardiff Medical School in 1939 and as a student doctor was exempt from war service.



He played rugby for the college and for Cardiff, many of whose players were away at war.

He qualified in 1944 and joined Harefield Hospital in Middlesex, specialising in chest ailments, mostly tuberculosis. While at Harefield, Williams contracted TB, forcing him to give up an invitation to play rugby for London Welsh, then a first-class side.

He moved to North London in 1949 to work as a chest physician, and later consultant, at the Whittington Hospital, which included treating lung cancer and patients with chronic emphysema.

In 1962 he and the Islington health education officer, Ken Robertson, began their Stop Smoking Clinic. Williams summed up his 25 years' experience at the clinic in his book *Giving up for Good* (1987), in

which he wrote about the dangers of passive smoking: "Non-smokers are exposed to tobacco fumes in homes, places of work, public premises, and when travelling. Their health may also be affected by much unpleasantness, discomfort and ill-feeling. Our ex-smoker works towards a smoke-free society where everyone has the right to breathe clean air."

He took his anti-smoking campaign on to radio and TV, particularly as a guest expert on the BBC TV series *So You Want to Stop Smoking* and in *Stop Smoking Special* in July 1983.

After his retirement in 1984 he continued working with Quit and gave lectures. He also regularly travelled into London from his home at Frinton-on-Sea, Essex, to conduct chest clinics. He was a member of Probus, a club for retired professional and business people, and was active in his Methodist Church, where he regularly played the organ.

His first marriage to Sheila Gordon in 1949 ended in divorce. He is survived by his second wife, Marjorie, and by the two daughters of his first marriage.

**Dr Howard Williams, anti-smoking campaigner, was born on August 30, 1919. He died on February 14, 2007, aged 87**

## Lives in Brief

**Professor Eric Mendoza, physicist, was born on April 8, 1919. He died on February 21, 2007, aged 87**

The British physicist Professor Eric Mendoza made a notable contribution to the development of the dilution refrigerator, an essential tool of low-temperature experimental physics. An able and respected teacher of science, he later emigrated to Israel where, alongside his duties as Professor of Science Teaching at the Hebrew University in Jerusalem, he helped to develop instruction techniques for the Israeli Defence Force.

**Professor Aaron Lerner, dermatologist, was born in 1920. He died on February 3, 2007, aged 86**

An outstanding researcher and teacher, the dermatologist Aaron Lerner was an expert in the metabolic basis of inherited disease, specifically vitiligo. He is best known for leading the team of researchers who discovered melatonin, a hormone involved in regulating the circadian rhythm of sleep and wakefulness. He served as chairman of Yale's dermatology department from 1958 to 1985.

**Peter Ridgway Watt, pharmaceutical chemist and inventor, was born on May 17, 1927. He died of heart failure on February 12, 2007, aged 79**

Peter Ridgway Watt was a pharmaceutical chemist who revolutionised the production

of vitamin E. He was also a skilled and inventive instrument-maker whose ability to bring together technical expertise and creative flair solved many difficult technical problems. His inventions include the Spinhaler, a cheap device for self-administering doses of medicine in powder form.

**Professor Patrick Purcell, academic and researcher in social computing, was born on February 11, 1929. He died after suffering heart disease and an embolism on February 8, 2007, aged 77**

Professor Patrick Purcell was a pioneer in the application of media technology to human affairs.

His 40-year career spanned informatics, design theory and digital media technology, and marched in step with the emergence of digital information and communication technologies, and he constantly sought to identify how such advances in computer technology might most constructively serve society.

In addition to government and international consultancy work in his field and involvement in the establishment of four research laboratories in the UK and the US, he wrote more than 70 learned papers, edited several books and held professorships and senior research fellowships at Imperial College London, the University of Ulster, MIT and the Royal College of Art, London.

**John Wernham, osteopath, was born in London on May 7, 1907. He died on February 10, 2007, aged 99**

The osteopath John Wernham, who practised until shortly before his death at 99, could fairly claim to be the world's oldest practitioner of osteopathy. He was among the first to open a dedicated clinic in the UK soon after the war, and in addition to treating large numbers of patients, he also taught his healing art to many hundreds of students.

**Professor F. Albert Cotton, inorganic chemist, was born on April 7, 1930. He died from complications of a head injury suffered in a fall, on February 20, 2007, aged 76**

Professor F. Albert Cotton, one of the world's leading inorganic chemists, was best known for his work on the metallic elements. He also did pioneering research into the chemical structure of enzymes and made substantial contributions to the study of metal carbonyl compounds and organometallic compounds.

The youngest person to be appointed a professor at MIT, he taught at the Texas A&M University since 1972. He wrote more than 1,600 papers, and several of his books have become standard texts for students of his discipline.

Fuller versions of these Lives in Brief are available online [timesonline.co.uk/obituaries](http://timesonline.co.uk/obituaries)

## Law Report

# Building dispute claimant must act reasonably

Queen's Bench Division  
Published March 20, 2007

**McGlinn v Waltham Contractors Ltd and Others (No 3)**

Before Mr Peter Coulson, QC  
Judgment February 21, 2007

A claimant in a building dispute, claiming damages for either repair or reinstatement of his property, had to act reasonably in carrying out remedial works. Where defects were aesthetic rather than structural, damages would be available only for repair rather than for demolition and rebuilding.

Mr Peter Coulson, QC, so held in the Queen's Bench Division on the claim of Ian McGlinn against the defendants, Waltham Contractors Ltd, Huw Thomas Associates, DJ Harting and Partners, for the cost of the demolition and rebuilding of Maison d'Or, a property which he had commissioned to be built in St Aubin, Jersey.

Before the property was completed, Mr McGlinn had given instructions that it should be demolished on the basis that it had been badly designed and built. His alternative case was put by reference to the estimated costs of repairing the individual elements which were said to be defective.

**Mr Adrian Williamson, QC and Mr Jonathan Selby for Mr McGlinn; Mr Andrew Bartlett, QC and Mr Gavin Hamilton for Thomas Associates; Mr John Whitting for Harting and Partners; Mr Colin Reese, QC and Mr Andrew Warnock for Wilson Large; Waltham Contractors did not appear and was not represented.**

HIS LORDSHIP said that Huw Thomas Associates were appointed as architects by Mr McGlinn to de-

sign and inspect a high quality finished building. However, that obligation did not extend to the production of a perfect building.

It could sometimes be the case that an employer with a claim for bad workmanship against a contractor made the same claim automatically against the inspecting officer on the assumption that, if there was a defect, then the inspector must have been negligent or in breach of contract for missing the defect during construction.

That was a misconceived approach. The architect did not guarantee that his inspection would reveal or prevent all defective work. It was not appropriate to judge an architect's performance by the result achieved.

In the circumstances, Huw Thomas Associates had provided inspections at infrequent intervals and their inspection programme had been too rigid. Furthermore they had failed to generate records of what they saw and said during their inspections.

As far as causation and quantum were concerned, a claimant who carried out either the repair or reinstatement of his property had to act reasonably: see *Board of Governors of the Hospitals for Sick Children v McLaughlin and Harvey plc* ([1987] Con LR 25), the *Great Ormond Street* case.

Where the claimant had acted on the advice of an expert, on the face of it he was entitled to the cost of the work carried out pursuant to that advice: the *Great Ormond Street* principle.

The question in issue was whether Mr McGlinn had acted reasonably in demolishing Maison d'Or and was entitled to the cost of demolition and rebuilding or whether he was entitled to the lesser sum of the cost of repair.

His Lordship said that the *Great Ormond Street* case could be distinguished on the grounds that:

(a) Mr McGlinn's complaints concerning Maison d'Or had been aesthetic, unconnected with the structural soundness of the house itself; the defects in the *Great Ormond Street* case had been structural.

(b) Mr McGlinn had himself favoured demolition and rebuilding and not repair, a particular view and approach of the employer which did not exist in the *Great Ormond Street* case.

(c) Mr McGlinn's case for demolition was established on the cumulative effect of a number of unconnected defects against different defendants. Some of his items of claim had not succeeded, others were not the liability of the defendants in any event. Since there was no evidence to indicate that specific items alone justified demolition, the effect was fundamentally to weaken the causative effect and evidential value of the expert advice given to Mr McGlinn to demolish.

(d) Mr McGlinn had not commenced the rebuilding of Maison d'Or nor were there any drawings or plans to indicate that was imminent. The rebuilding scheme was therefore notional.

In the circumstances, Mr McGlinn could not rely on the fact that he had taken expert advice. He had not acted reasonably in demolishing Maison d'Or and was not entitled to the cost of demolition and rebuilding. He was, however, entitled to the cost of repair work necessitated by the individual items for which Huw Thomas Associates and DJ Harting and Partners were liable.

Solicitors: Speechly Bircham LLP; Freeth Cartwright LLP; Nottingham; Beale & Co LLP; Mr Philip Barnes.

# Imprisoned for public protection

Court of Appeal  
Criminal Division  
Published March 20, 2007

**Regina v Carter  
Attorney-General's Reference  
(No 145 of 2006)**

Before Lord Phillips of Worth Matravers, Lord Chief Justice, Mr Justice Hedley and Mr Justice Pitchers  
Judgment March 6, 2007

A sentencing judge should normally obtain a pre-sentence report before deciding whether a sexual offender posed a significant risk of serious harm to the public and should, therefore, be sentenced to imprisonment for public protection.

The Court of Appeal, Criminal Division, so stated in allowing an application by the Attorney-General under section 36 of the Criminal Justice Act 1988 to refer as being unduly

lenient a six-year prison sentence imposed on Stephen Carter by Judge Cole at Warwick Crown Court on December 4, 2006 on his plea of guilty to meeting a child following sexual grooming, abducting a child and two counts of sexual activity with a child.

A sentence of imprisonment for public protection, under section 225 of the Criminal Justice Act 2003, was substituted with a three-year custodial term specified.

**Mr Crispin Aylett for the Attorney-General; Mr Christopher Millington, QC and Mr Michael Garrett for the defendant.**

MR JUSTICE PITCHERS, giving the judgment of the court, said that the first question for the sentencing judge was whether a sentence of imprisonment for public protection should have been imposed on the defendant because there was a signif-

icant risk to members of the public of serious harm occasioned by the commission by him of further specified offences.

The judge did not obtain a pre-sentence report. He should have done. The sentencing court had an obligation under section 156(3) of the 2003 Act to obtain a report before considering the issue of risk unless it was of the opinion that it was unnecessary to do so.

At each extreme of the spectrum of sexual offending, it might be that the answer to the question of risk was so clear that no report need be obtained. However, in most cases, the court would need help from the Probation Service to provide valuable help to the sentencer in taking such a crucial sentencing decision.

Solicitors: Treasury Solicitor; Alsters Kelley, Coventry.

# Decision has to be accepted

Court of Appeal  
Published March 20, 2007

**Tradigrain SA and Others v Intertek Testing Services and Another**

It was not appropriate to make an application to correct or set aside permission to appeal at the hearing of the appeal itself.

The Court of Appeal (Lord Justice Laws, Lord Justice Carnwath and Lord Justice Moore-Bick) so held on February 28, 2007, when: (i) dismissing an application by Intertek Testing Services Canada Ltd and Caleb Brett India Pvt Ltd to set aside in part

the permission to appeal granted to the claimants, Tradigrain SA and 29 others, on October 11, 2006 and (ii) dismissing their appeal from Mr Justice Langley on April 10, 2006 in their breach of contract action.

LORD JUSTICE MOORE-BICK said the fact that the court might appear to have been unduly generous in granting permission to appeal was not a ground for seeking to have the order set aside. The test for granting permission was necessarily flexible and the court's decision, once made, had to be accepted.

If it was thought that the order as drawn did not accurately reflect the order pronounced, an application to

have it corrected had to be made at the earliest opportunity.

It was not appropriate for such an application to be made at the hearing of the substantive appeal, when the parties had spent time and incurred costs in preparing to argue the merits of the appeal as a whole and the court itself had devoted to the papers the time necessary to familiarise itself with the issues.

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