

NEWS

OBITUARIES

Sir Roger Ormrod

SIR ROGER ORMROD, a former Lord Justice of Appeal, who has died aged 80, was singular if not unique in that he qualified as a doctor after his call to the Bar and he was elected a Fellow of the Royal College of Physicians when he was already a High Court judge.

In spite of, or perhaps because of, this background he was quite clear about the different functions — dangerous to confuse — of a judge and a doctor: while the doctor is primarily concerned with individual patients, the judge has to consider the influence of his sentence on the community as a whole.

Ormrod always showed a welcome grasp of complicated medical evidence. In 1970 he earned the opprobrium of transsexuals when he ruled that Miss April Ashley, who had had a sex change operation in Spain in 1960, was "not a woman for the purposes of marriage but a biological male and has been so since birth".

Her marriage to Mr Arthur Corbett (the eldest son of the 2nd Lord Rowallan, the Chief Scout), was consequently void. The judge also ruled that Mr Corbett's £6 a week alimony to Miss Ashley should cease.

Ormrod was otherwise a popular judge, lucid and courteous. After 13 years in the Probate, Divorce and Admiralty (later Family) Division, he was promoted to the Court



Lord Justice Ormrod

of Appeal in 1974. Three years later he was one of the three Lords Justice who criticised Mr Sam Silkin, the Labour Attorney-General, when they ruled that Mr John Gouriet was entitled to apply for a declaration that the threatened South Africa mail boycott was illegal.

Roger Fray Greenwood Ormrod was born on Oct 20 1911 and educated at Shrewsbury and Queen's College, Oxford, where he graduated in jurisprudence and subsequently in medicine.

He was called to the Bar by Inner Temple in 1936.

From 1941 to 1942 Ormrod worked as a house physician at the Radcliffe Infirmary at Oxford. Then from 1942 to

1945 he served in the RAMC, attaining the rank of Major as DADMS 8 Corps.

Ormrod took Silk in 1958. Three years later he was appointed a High Court judge and proceeded to bring a certain astringency to the mundanities of the Family Division.

In 1962 he granted an Englishwoman a divorce against her Belgian husband but warned: "When a woman marries a man of 31 who has never done a day's work in his life, she must accept that she is marrying a considerable problem."

Five years later he was scathing about another man who had lived off his wife's money, and treated as "ludicrous" the plaintiff's claims for maintenance from his wife on the grounds that he had worked as a housewife during their marriage.

In 1970 Ormrod was equally unimpressed by a man who wanted to be "that most unlikely thing — the master in his own house". He described such men as being engaged in a meaningless fight for "mystic superiority" which invariably ended in "physical violence of a very childish nature".

In 1967 he became the first High Court judge in British legal history to order a blood test on a child in order to establish which of two men was her father.

The case, the first of its kind, was brought by the

mother, her former husband, and the man he cited when obtaining a divorce. None knew which of the two men was the girl's father. After much deliberation, Ormrod's judgment was upheld by the Court of Appeal.

The depressing array of divorce cases over which Ormrod presided would appear to have taken its toll on the judge. "One is constantly using the word 'love' and 'in love' in these courts," he confided during one case. "I have never yet been able to understand what is meant."

But he often took a lighter view. In 1973 he refused to intervene in a case in which a man was living in the same house as his ex-wife, their three children, his new wife and her two children.

While admitting that it was a "proper pickle... an appalling situation", the childless judge added benignly that "it must be quite fun for all the children running about".

Ormrod held numerous appointments, including the chairmanship of the Lord Chancellor's Committee on Legal Education and the presidency of the British Academy of Forensic Science. He was lecturer in Forensic Medicine at Oxford Medical School. He also chaired the Notting Hill Housing Trust for 20 years.

Ormrod was knighted in 1961 and sworn of the Privy Council in 1974. He married, in 1958, Anne Lush.