

Principles of Healthcare Law

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[1]

(The Lord Justice-Clerk (Wheatley), Lords Leechman and Thomson)24 January 1975(c) W. Green & Son Limited Smart v HMA 1975 SLT 65 [*65 Smart v H.M. Advocate].

[2]

/02Before the European Court of Human Rights29 April 2002(The President , Judge Pellonpää ; Judges Bratza , Palm , Makarczyk , Fischbach , Casadevall , Pavlovski)29 April 2002 Pretty v United Kingdom (Application 2346/02) 29 April 2002 (2002) 35 EHRR 1, (2002) 66 BMLR 147 (ECHR).

[3]

7/00Before the European Court of Human Rights9 March 2004(The President , Judge Pellonpää ; Judges Bratza , Casadevall , Maruste , Pavlovski , Borrego Borrego and Fura-Sandström)March 9, 2004 Glass v United Kingdom (2004) 39 EHRR 15 ECHR.

[4]

7/93, 21826/93, 21974/93Before the European Court of Human Rights19 February 1997(The President , Mr R. Bernhardt ; Judges Pettiti , Russo , Spielmann , Freeland , Rocha , Wildhaber , Kūris , Levits)19 February 1997 Laskey v United Kingdom (1997) 24 HERR 39.

[5]

8High Court of Justice Family Division5 September 2013Before: The Honourable Mrs Justice Theis Date: 05/09/2013Crown copyright F v F (MMR Vaccine) Also known as: F v F (Welfare of Children: Immunisation) 05 September 2013 [2013] EWHC 2683.

[6]

8High Court of Justice Queens Bench Division18 February 2005Before: The Hon Mr Justice Simon Date: 18 February 2005, Hearing dates: 31 January, 1–4 February 2005Crown copyright Al Hamwi v Johnston, The North West London Hospitals NHS Trust [2005] EWHC 206 (QB).

[7]

8High Court of Justice Queens Bench Division18 February 2005Before: The Hon Mr Justice Simon Date: 18 February 2005, Hearing dates: 31 January, 1–4 February 2005Crown copyright Al Hamwi v Johnston, The North West London Hospitals NHS Trust [2005] EWHC 206 (QB).

[8]

8High Court of Justice Queen's Bench Division19 May 2015Before: Mr Justice Nicol Date: 19/05/2015Crown copyright ABC v St George's Healthcare NHS Foundation Trust [2015] EWHC 1394 (QB).

[9]

9High Court of Justice Family Division15 March 2006Before: Mr Justice Holman Date: 15th March 2006, Hearing dates: 2nd–9th March 2006Crown copyright An NHS Trust v MB [2006] EWHC 507 (Fam); [2006] 2 FLR 319; [2006] Fam. Law 445.

[10]

9High Court of Justice Family Division17 December 2013Before: Mr Justice Holman (sitting in public)Date: Tuesday, 17th December 2013Crown copyright Re TM (Medical Treatment) Family Division 17 December 2013 [2013] EWHC 4103 (Fam).

[11]

585TCourt of Protection and High Court of Justice, Family Division1 May 2014Before: Mr Justice Mostyn Date: 01/05/2014Crown copyright Nottinghamshire Healthcare NHS Trust v RC, Court of Protection, 01 May 2014 [2014] EWCOP 1317; [2014] Med. L.R. 260.

[12]

1473 High Court of Justice Court of Protection 30 August 2012 Before: Mrs. Justice Eleanor King Date: 30/08/2012 Crown copyright The NHS Trust v L & Others [2012] EWHC 2741 (COP).

[13]

/2086 Court of Appeal (Civil Division) 28 July 2005 Before: Lord Phillips of Worth Matravers, MR Lord Justice Waller and Lord Justice Wall Thursday 28th July, 2005 Crown copyright R v General Medical Council, ex p. Burke [2005] EWCA Civ 1003 (CA).

[14]

/02181/C1 Court of Appeal Criminal Division 27 July 2005 Before: Lord Justice Judge, Mrs Justice Hallett, Mrs Justice Rafferty Wednesday 27th July, 2005 Crown copyright *R v Dica, [2005] EWCA Crim 2304.

[15]

03166 D4 Court of Appeal (Criminal Division) 17 March 2005 Before: Lord Justice Judge Deputy Chief Justice of England and Wales Mr Justice Grigson and His Honour Judge Radford Thursday 17th March, 2005 Crown copyright *R v Konzani (Feston) [2005] EWCA Crim 706.

[16]

3212 Court of Protection 15 June 2012 Before: The Honourable Mr Justice Peter Jackson Date: 15 June 2012 Crown copyright [A Local Authority v E and others [2012] EWHC 1639.

[17]

3373 High Court of Justice Family Division 1 May 2012 Before: Mrs. Justice Theis 1st May 2012 Crown copyright X Primary Care Trust v XB [2012] EWHC 1390.

[18]

05243 C2 Court of Appeal (Criminal Division) 8 May 2014 Before: Lord Justice Treacy Mr Justice Bean and His Honour Judge Lakin Date: Thursday 8th May 2014 Crown copyright *R

v Golding (David) [2014] EWCA Crim 889.

[19]

ABC v St George's Healthcare NHS Trust & Ors [2017] EWCA Civ 336 (16 May 2017):
<http://www.bailii.org/ew/cases/EWCA/Civ/2017/336.html>.

[20]

Adolescents and informed consent | Nuffield Foundation:
<http://www.nuffieldfoundation.org/adolescents-and-informed-consent>.

[21]

Adults with Incapacity (Scotland) Act 2000: Code of Practice (Third Edition):
<http://www.gov.scot/Publications/2010/10/20153801/0>.

[22]

Alderson, P. 1990. Consent to Children's Surgery and Intensive Medical Treatment. *Journal of Law and Society*. 17, 1 (1990), 52–65.

[23]

Alghrani, A. et al. eds. 2013. *Bioethics, medicine, and the criminal law: Volume 1: The criminal law and bioethical conflict : walking the tightrope*. Cambridge University Press.

[24]

Almason, A.L. 1997. Personal Liability Implications of the Duty to Warn Are Hard Pills to Swallow: From Tarasoff To *Hutchinson v. Patel* and Beyond. *Journal of Contemporary Health Law and Policy*. (1997).

[25]

Amirthalingam, K. 2012. Causation and the medical duty to refer. *Law Quarterly Review*. (2012).

[26]

BBC News | SCOTLAND | Surgeon defends amputations, 31 January, 2000:
<http://news.bbc.co.uk/1/hi/scotland/625680.stm>.

[27]

Beauchamp, T.L. and Childress, J.F. 2013. Principles of biomedical ethics. Oxford University Press.

[28]

Before: Mr. Justice Keehan Date: Thursday, 13th February 2014 Crown copyright
Birmingham Children's NHS Trust v B 13 February 2014 [2014] EWHC 531 (Fam).

[29]

Before: Mr. Justice Mostyn In Private Date: Thursday, 23rd August 2012 Crown copyright Re
AA (Compulsorily Detained Patient: Elective Caesarean), Re [2012] EWHC 4378 (COP);
[2014] 2 F.L.R. 237 (CP)].

[30]

Before: Sir James Munby President of the Family Division 12 September 2016 Crown
copyright Re E (A Child) (Medical Treatment [2016] EWHC 2267 (Fam).

[31]

Bergkamp, L. 2015. Is There a Defect in the European Court's Defect Test? Musings about
Acceptable Risk. European Journal of Risk Regulation. 6, 02 (Jun. 2015), 309–322.
DOI:<https://doi.org/10.1017/S1867299X00004633>.

[32]

BMA - Consent tool kit:
<https://www.bma.org.uk/advice/employment/ethics/consent/consent-tool-kit>.

[33]

BMA: The Impact of the Human Rights Act 1998 on Medical Decision Making (2000):
<http://www.cirp.org/library/legal/BMA-human-rights/>.

[34]

Brazier, M. 2005. An Intractable Dispute: When Parents and Professionals Disagree. *Medical Law Review*. 13, 3 (Aug. 2005), 412–418.
DOI:<https://doi.org/10.1093/medlaw/fwi029>.

[35]

Brazier, M. and Alghrani, A. 2009. Fatal medical malpractice and criminal liability. *Professional Negligence*. 25, 2 (2009).

[36]

Brazier, M. and Miola, J. 2000. Bye-bye Bolam: a medical litigation revolution? *Medical Law Review*. 8, 1 (Jan. 2000), 85–114. DOI:<https://doi.org/10.1093/medlaw/8.1.85>.

[37]

Bridge, C. 1997. C.Bridge, 'Adolescents and mental disorder: who consents to treatment?' (1997) 3 *Medical Law International* 51-74. *Medical law international*. 3, (1997), 51–74.

[38]

Bridge, C. 1999. Religious Beliefs and Teenage Refusal of Medical Treatment Case. *Modern Law Review*. 62, 4 (1999), 585–594.

[39]

British Medical Association Confidentiality and Disclosure of Health Information Tool Kit.

[40]

British Medical Association and Dawson Books 2001. Consent, rights and choices in health care for children and young people. BMJ Books.

[41]

Case, P. 2003. Confidence Matters: The Rise and Fall of Informational Autonomy in Medical Law. *Medical Law Review*. 11, 2 (Jun. 2003), 208–236.
DOI:<https://doi.org/10.1093/medlaw/11.2.208>.

[42]

Cave, E. 2015. Determining Capacity to Make Medical Treatment Decisions: Problems Implementing the Mental Capacity Act 2005. *Statute Law Review*. 36, 1 (Feb. 2015), 86–106. DOI:<https://doi.org/10.1093/slr/hmu034>.

[43]

Cave, E. E, Cave (April 2013). Young People who Refuse Life Sustaining Treatment: A Briefing Paper on Current Law and the Need for Reform.

[44]

Cave, E. 2011. Maximisation of Minors' Capacity. *Child and Family Law Quarterly*. 23, 4 (2011), 431–449.

[45]

Cave, E. 2017. Voluntary vaccination: the pandemic effect. *Legal Studies*. 37, 2 (Jun. 2017), 279–304. DOI:<https://doi.org/10.1111/lest.12144>.

[46]

Cave, E. and Stavrinides, Z. E, Cave; Stavrinides, Z (April 2013). Medical Practitioners, Adolescents and Informed Consent Project Final Report. University of Leeds.

[47]

Cave, E. and Wallbank, J. 2012. Minors' capacity to refuse treatment: a reply to Gilmore and Herring. *Medical Law Review*. 20, 3 (Sep. 2012), 423–449.
DOI:<https://doi.org/10.1093/medlaw/fws003>.

[48]

Chalmers, J. 2008. Legal responses to HIV and AIDS. Hart Publishing Ltd.

[49]

Cherkassky, L. 2010. Being Informed: The Complexities of Knowledge, Deception and Consent When Transmitting HIV. *The Journal of Criminal Law*. 74, 3 (Jun. 2010), 242–258. DOI:<https://doi.org/10.1350/jcla.2010.74.3.636>.

[50]

Consultation Report - Consultation on recommendations for no-fault compensation in Scotland for injuries resulting from clinical treatment:
<http://www.gov.scot/Publications/2014/04/6437/downloads#res447863>.

[51]

Cowan, S. 2014. Offenses of Sex or Violence? Consent, Fraud, and HIV Transmission. *New Criminal Law Review*. 17, 1 (Jan. 2014), 135–161. DOI:<https://doi.org/10.1525/nclr.2014.17.1.135>.

[52]

CPS : Policy for prosecuting cases involving the intentional or reckless sexual transmission of infection: <http://www.cps.gov.uk/publications/prosecution/sti.html>.

[53]

Crown copyright *Meiklejohn v St George's Healthcare NHS Trust* [2014] EWCA Civ 120; [2014] Med. L.R. 122.

[54]

Crown copyright *Portsmouth City Council v King* 08 September 2014 [2014] EWHC 2964 (Fam).

[55]

Crown Office and Procurator Fiscal Service Prosecution policy on the sexual transmission of infection.

[56]

Dauer, E.A. 2006. Strong reciprocity and accountability: behavioural analysis of patients' legal responses to medical injury. *International Journal of Law in Context*. 2, 03 (Sep. 2006). DOI:<https://doi.org/10.1017/S1744552306003041>.

[57]

Dec. 1, 2, 3, 7; 1993 March 11(c) Incorporated Council of Law Reporting for England & Wales *R v Brown* [1993] 2 All ER 75, [1994] 1 AC 212 (HL).

[58]

Dec 5, 6; 11; 17(c) Incorporated Council of Law Reporting for England & Wales *Simms v Simms and Another* [2003] Fam 83 [2002] EWHC 2734.

[59]

Decision tools and other learning materials: 2013.
<https://www.gmc-uk.org/guidance/20473.asp>.

[60]

Department of Health Confidentiality: NHS Code of Practice.

[61]

Department of Health, Reference Guide to Consent for Examination and Treatment, 2nd Edn, 2009, London, Department of Health.:
<https://www.gov.uk/government/publications/reference-guide-to-consent-for-examination-or-treatment-second-edition>.

[62]

Donnelly, M. 2008. Best interests, patient participation and the Mental Capacity Act 2005. *Medical Law Review*. 17, 1 (Dec. 2008), 1–29. DOI:<https://doi.org/10.1093/medlaw/fwn021>.

[63]

Donnelly, M. 2009. Capacity assessment under the Mental Capacity Act 2005: Delivering on the functional approach? *Legal Studies*. 29, 3 (Sep. 2009), 464–491.

[64]

Douglas, T. 2008. Medical Injury Compensation: Beyond 'No-Fault'. *Medical Law Review*. 17, 1 (Dec. 2008), 30–51. DOI:<https://doi.org/10.1093/medlaw/fwn022>.

[65]

Dute, J. 2009. Child Abuse, Human Rights and the Role of the Doctor. *European Journal of Health Law*. (2009).

[66]

Edwards, L. 1993. The right to consent and the right to refuse: more problems with minors and medical consent. *The Juridical review*. 1993, 1 (1993), 52–73.

[67]

Edwards, R. and Butterworths (Firm) 1992. *Butterworths medico-legal reports*. Butterworths.

[68]

Eisler, J. 2017. One Step Forward and Two Steps Back in Product Liability: The Search for Clarity in the Identification of Defects. *The Cambridge Law Journal*. 76, 02 (Jul. 2017), 233–236. DOI:<https://doi.org/10.1017/S0008197317000472>.

[69]

Elliston, S. and Dawson Books 2007. *The best interests of the child in healthcare*.

Routledge-Cavendish.

[70]

Elliston, S. and Dawson Books 2007. The best interests of the child in healthcare. Routledge-Cavendish.

[71]

Fairgrieve, D. and Howells, G. 2007. Rethinking Product Liability: A Missing Element in the European Commission's Third Review of the European Product Liability Directive. *Modern Law Review*. 70, 6 (Nov. 2007), 962–978.
DOI:<https://doi.org/10.1111/j.1468-2230.2007.00672.x>.

[72]

Farrell, A.M. and Brazier, M. 2016. Not so new directions in the law of consent? Examining *Montgomery v Lanarkshire Health Board*'. *Journal of Medical Ethics*. 42, 2 (Feb. 2016), 85–88. DOI:<https://doi.org/10.1136/medethics-2015-102861>.

[73]

Farrell, A.-M. and Harpwood, V. 2015. Farrell, A-M. 'No-Fault Compensation for Medical Injury: Principles, Practice and Prospects for Reform' Chapter 10; and V. Harpwood Clinical Negligence and Poor Quality Care: Is Wales 'Putting Things Right'? Chapter 9. *Inspiring a medico-legal revolution: essays in honour of Sheila McLean*. P.R. Ferguson and G.T. Laurie, eds. Ashgate.

[74]

Feng, T.K. 1987. Failure of medical advice: trespass or negligence. *Legal Studies*. 7, 2 (1987).

[75]

Foster, C. A material contribution to forensic clarity. *The New Law Journal*. 166, 7689.

[76]

Foster, C. 2013. Autonomy in the Medico-Legal Courtroom: A Principle fit for Purpose? *Medical Law Review*. 22, 1 (Dec. 2013), 48–63.
DOI:<https://doi.org/10.1093/medlaw/fwt039>.

[77]

Foster, C. and Miola, J. 2015. Who's in Charge? The Relationship Between Medical Law, Medical Ethics, and Medical Morality? *Medical Law Review*. 23, 4 (Dec. 2015), 505–530.
DOI:<https://doi.org/10.1093/medlaw/fwv004>.

[78]

Garwood-Gowers, A. et al. 2001. *Healthcare law: the impact of the Human Rights Act 1998*. Cavendish.

[79]

Gavaghan, C. 2007. A Tarasoff for Europe? A European Human Rights perspective on the duty to protect. *International Journal of Law and Psychiatry*. 30, 3 (May 2007), 255–267.
DOI:<https://doi.org/10.1016/j.ijlp.2007.01.001>.

[80]

Gavaghan, C. 2007. Dangerous Patients and Duties to Warn: a European Human Rights Perspective. *European Journal of Health Law*. 14, 2 (Jul. 2007), 113–130.
DOI:<https://doi.org/10.1163/092902707X205016>.

[81]

Gilbar, R. and Foster, C. 2015. Doctors' Liability to the Patient's Relatives in Genetic Medicine. *Medical Law Review*. (Oct. 2015). DOI:<https://doi.org/10.1093/medlaw/fwv037>.

[82]

Gilbar, R. and Foster, C. 2017. It's arrived! Relational Autonomy Comes to Court: *ABC v ST George's Healthcare NHS Trust* [2017] EWCA 336. *Medical Law Review*. (Oct. 2017).
DOI:<https://doi.org/10.1093/medlaw/fwx044>.

[83]

Gillon, R. 1994. Medical ethics: four principles plus attention to scope. *BMJ*. 309, 6948 (Jul. 1994), 184–184. DOI:<https://doi.org/10.1136/bmj.309.6948.184>.

[84]

Gillon, R. 2012. When four principles are too many: a commentary. *Journal of Medical Ethics*. 38, 4 (Apr. 2012), 197–198. DOI:<https://doi.org/10.1136/medethics-2011-100385>.

[85]

Gilmore, S. and Herring, J. 2011. 'No' is the Hardest Word: Consent and Children's Autonomy, (2011) 23 (1) *C.F.L.Q.* 3-25,. *Child and family law quarterly*. 23, 1 (2011), 1-152.

[86]

Goldberg, R. 2013. R. Goldberg *Medicinal Product Liability and Regulation* Oxford, Hart Publishing 2013 Ch 1 – 'Medicinal Product Liability in Context'; and Ch 8 'The Development Risk Defence and Medicinal Products'. *Medicinal product liability and regulation*. Hart Publishing.

[87]

Green, S. 2009. Contributing to the risk of confusion? Causation in the Court of Appeal. *Law Quarterly Review*. (2009).

[88]

Hagger, L. 2003. Some Implications of the Human Rights Act 1998 for the Medical Treatment of Children. *Medical Law International*. 6, 1 (Mar. 2003), 25–51. DOI:<https://doi.org/10.1177/096853320300600103>.

[89]

Hagger, L. 2009. *The child as vulnerable patient: protection and empowerment*. Ashgate Pub.

[90]

Harris, J. 1997. The injustice of compensation for victims of medical accidents. *BMJ*. 314, 7097 (Jun. 1997), 1821–1821. DOI:<https://doi.org/10.1136/bmj.314.7097.1821>.

[91]

Harvey, M. 2017. *Wilkes v Depuy International Ltd*. *Journal of Personal Injury Law*. 3, (2017), C128–C138.

[92]

Hedley, S. 2016. Making sense of negligence. *Legal Studies*. 36, 3 (Sep. 2016), 491–512. DOI:<https://doi.org/10.1111/lest.12121>.

[93]

Herring, J. 2020. *Medical law and ethics*. Oxford University Press.

[94]

Heywood, R. 2009. Heywood, R. 'Subjectivity in risk disclosure: considering the position of the particular patient' (2009) 25(1) *Professional Negligence* 3-14. *Professional Negligence*. 25, 1 (2009), 3-14.

[95]

Heywood, R. 2012. Parents and medical professionals: conflict, cooperation, and best interests. *Medical Law Review*. 20, 1 (Mar. 2012), 29–44. DOI:<https://doi.org/10.1093/medlaw/fwr037>.

[96]

Heywood, R. 2015. Revisiting Advance Decision making Under the Mental Capacity Act 2005: A Tale of Mixed Messages. *Medical Law Review*. 23, 1 (Mar. 2015), 81–102. DOI:<https://doi.org/10.1093/medlaw/fwu021>.

[97]

Heywood, R. 2015. R.I.P. Sidaway: Patient-Orientated Disclosure – A Standard Worth Waiting For? *Medical Law Review*. 23, 3 (Sep. 2015), 455–466.
DOI:<https://doi.org/10.1093/medlaw/fwv024>.

[98]

Heywood, R. 2006. The logic of Bolitho. *Professional Negligence*. 22, 4 (2006).

[99]

High Court of Justice Family Division 3 October 2014 Before: Mr Justice Moor Date: 3rd October 2014 Crown copyright Kirklees Council v RE [2014] EWHC 3182 (Fam); [2015] 1 FLR 1316; [2015] 2 FCR 438.

[100]

High Court of Justice Family Division 15 August 2003 Before: The Honourable Mr. Justice Johnson Date: Friday, 15th August 2003 Crown copyright Re: 'P' (Minor), Bro Morgannwg NHS Trust v 'P' and Others 15 August 2003 [2003] EWHC 2327 (Fam) 2003 WL 23508999.

[101]

High Court of Justice Family Division 18 July 2007 Before: Mr Justice Holman Date: 18/07/2007, Hearing dates: 4th, 5th and 9th July 2007 Crown copyright NHS Trust v A (A Child) [2007] EWHC 1696 (Fam); [2008] 1 FLR 70; [2008] 1 FCR 34.

[102]

High Court of Justice Family Division 24 June 2015 Before: The Honourable Mr Justice MacDonald Date: 24/06/2015 Crown copyright Kings College Hospital NHS Foundation Trust v MH [2015] EWHC 1920 (Fam).

[103]

High Court of Justice Queen's Bench Division 31 March 2015 Before: The Honourable Mr Justice Dingemans Date: 20/04/2015 Crown copyright A v East Kent Hospitals University NHS Foundation Trust [2015] EWHC 1038 (QB); [2015] Med LR 262.

[104]

Hobson, C. 2016. No (,) More Bolam Please: Montgomery v Lanarkshire Health Board. *The Modern Law Review*. 79, 3 (May 2016), 488-503.
DOI:<https://doi.org/10.1111/1468-2230.12194>.

[105]

Hobson, C. 2017. Williams v the Bermuda Hospitals Board: Pro-Patient, but for Ambiguities Which Remain. *Medical Law Review*. 25, 1 (2017), 126-137.
DOI:<https://doi.org/10.1093/medlaw/fww041>.

[106]

Hogg, M. 2005. M.Hogg 'Duties of care, causation, and the implications of Chester v Afshar.' (2005) 9(1) *Edinburgh Law Review* 156-167. *Edinburgh Law Review*. 9, 1 (2005).

[107]

Hogg, M.A. 2007. Re-establishing Orthodoxy in the Realm of Causation. *Edinburgh Law Review*. 11, 1 (2007), 8-30.

[108]

Howells, G. and Mildred, M. 2002. Infected Blood: Defect and Discoverability A First Exposition of the EC Product Liability Directive. *The Modern Law Review*. 65, 1 (Jan. 2002), 95-106. DOI:<https://doi.org/10.1111/1468-2230.00369>.

[109]

Hughes, D. 2013. Condom Use, Viral Load and the Type of Sexual Activity as Defences to the Sexual Transmission of HIV. *The Journal of Criminal Law*. 77, 2 (Apr. 2013), 136-150.
DOI:<https://doi.org/10.1350/jcla.2013.77.2.832>.

[110]

Information Commissioner's Office: 2017. <https://ico.org.uk/>.

[111]

Introducing a Rapid Resolution and Redress Scheme for Severe Avoidable Birth Injury - Department of Health - Citizen Space:
<https://consultations.dh.gov.uk/rapid-resolution-and-redress/maternity-litigation/>.

[112]

Jackson, E. 2016. Medical law: text, cases, and materials. Oxford University Press.

[113]

Jackson, E. 2019. Medical law: text, cases, and materials. Oxford University Press.

[114]

Jackson, E. 2013. Medical law: text, cases, and materials. Oxford University Press.

[115]

Jackson, E. 2016. Medical law: text, cases, and materials. Oxford University Press.

[116]

Jackson, E. 2016. Medical law: text, cases, and materials, Chapter 1. Oxford University Press.

[117]

Jackson, E. 2016. Medical law: text, cases, and materials, Chapter 3. Oxford University Press.

[118]

Jackson, E. 2016. Medical law: text, cases, and materials, Chapter 3, 'The Criminal Law' pp182-187. Oxford University Press.

[119]

Jackson, E. 2016. Medical law: text, cases, and materials, Chapter 10. Oxford University Press.

[120]

Jackson, E. 2016. Medical law: text, cases, and materials, pp 169-174. Oxford University Press.

[121]

Johnston, L. Informed consent and the lingering shadow of Chester v Afshar: Part 1. Scots Law Times.

[122]

Johnston, L. Informed consent and the lingering shadow of Chester v Afshar: Part 2. Scots Law Times.

[123]

Jones, C. 2003. Tightropes and Tragedies: 25 years of Tarasoff. Medicine, Science and the Law. 43, 1 (Jan. 2003), 13-22.

[124]

JR Spencer Liability for reckless infection—part 1. The New Law Journal. 154, 7119.

[125]

JR Spencer Liability for reckless infection—part 2. The New Law Journal. 154, 7121.

[126]

JR Spencer Retrial for reckless infection. The New Law Journal. 154, 7129.

[127]

Junor, G. 2013. Junor, G. 'Case Comment: Glancy v Southern General Hospital NHS Trust' SLT 2013, 35, 243-246. Scots Law Times. 35, (2013), 243-246.

[128]

Kazarian, M. et al. 2011. Criminal responsibility for medical malpractice in France. Professional Negligence. 27, 4 (2011).

[129]

Komrad, M.S. 1983. A defence of medical paternalism: maximising patient's autonomy. Journal of Medical Ethics. 9, 1 (Mar. 1983), 38-44. DOI:<https://doi.org/10.1136/jme.9.1.38>.

[130]

Kottow, M.H. 1986. Medical confidentiality: an intransigent and absolute obligation. Journal of Medical Ethics. 12, 3 (1986), 117-122. DOI:<https://doi.org/10.1136/jme.12.3.117>.

[131]

Laing, J. 2002. Consumer Protection Act 1987: Liability for Defective Products. Medical Law Review. 10, 1 (Mar. 2002), 82-88. DOI:<https://doi.org/10.1093/medlaw/10.1.82>.

[132]

Laird, K. 2016. Filling a Lacuna: The Care Worker and Care Provider Offences in the Criminal Justice and Courts Act 2015. Statute Law Review. 37, 1 (Feb. 2016), 1-18. DOI:<https://doi.org/10.1093/slr/hmv020>.

[133]

Larcher, V. et al. 2015. Making decisions to limit treatment in life-limiting and life-threatening conditions in children: a framework for practice: Archives of Disease in Childhood. 100, Suppl 2 (May 2015), s1-s23. DOI:<https://doi.org/10.1136/archdischild-2014-306666>.

[134]

Laurie, G.T. et al. 2019. Mason & McCall Smith's law & medical ethics. Oxford University Press.

[135]

Laurie, G.T. et al. 2016. Mason and McCall Smith's Law & medical ethics. Oxford University Press.

[136]

Laurie, G.T. et al. 2016. Mason and McCall Smith's Law & medical ethics, Chapter 1. Oxford University Press.

[137]

Laurie, G.T. et al. 2016. Mason and McCall Smith's Law & medical ethics, Chapter 5. Oxford University Press.

[138]

Laurie, G.T. et al. 2016. Mason and McCall Smith's Law & medical ethics, Chapter 5, 'Criminal Negligence' pp 174-178. Oxford University Press.

[139]

Laurie, G.T. et al. 2016. Mason and McCall Smith's Law & medical ethics, Chapter 5.01-5.17. Oxford University Press.

[140]

Law Commission Reform of Offences Against the Person Law Com No 361 2 November 2015.

[141]

Lodge, A. 2017. Gross Negligence Manslaughter on the Cusp. *The Journal of Criminal Law*. 81, 2 (Apr. 2017), 125–142. DOI:<https://doi.org/10.1177/0022018317694719>.

[142]

Lord Donaldson of Lymington M.R. , Butler-Sloss and Staughton L.JJ. 1992 July 22, 23, 24; 30(c) Incorporated Council of Law Reporting for England & Wales *Re T. (Adult: Refusal of Treatment)* [1992] 3 W.L.R. 782.

[143]

Lord Neuberger of Abbotsbury PSC , Baroness Hale of Richmond DPSC , Lord Clarke of Stone-cum-Ebony , Lord Carnwath , Lord Hughes JJSC 2013 July 24; Oct 30(c) Incorporated Council of Law Reporting for England & Wales *Aintree University Hospitals NHS Foundation Trust v James* [2013] UKSC 67; [2014] AC 591; [2013] 3 WLR 1299; [2014] 1 All E.R. 573.

[144]

Loughrey, J. 2008. Can You Keep a Secret - Children, Human Rights, and the Law of Medical Confidentiality. *Child and Family Law Quarterly*. 3 (2008).

[145]

Mackay, R.R. 1990. Dangerous Patients: Third Party Safety and Psychiatrists' Duties - Walking the Tarasoff Tightrope. *Medicine, Science and the Law*. (1990).

[146]

Maclean, A. 2002. Beyond Bolam and Bolitho. *Medical Law International*. 5, 3 (Mar. 2002), 205–230. DOI:<https://doi.org/10.1177/096853320200500305>.

[147]

Maclean, A. 2012. From Sidaway to Pearce and beyond: is the legal regulation of consent any better following a quarter of a century of judicial scrutiny? *Medical Law Review*. 20, 1 (Mar. 2012), 108–129. DOI:<https://doi.org/10.1093/medlaw/fwr040>.

[148]

Maclean, A.R. 2008. Advance Directives and the Rocky Waters of Anticipatory Decision-making. *Medical Law Review*. 16, 1 (Jan. 2008), 1–22.
DOI:<https://doi.org/10.1093/medlaw/fwm019>.

[149]

Maclean, A.R. 2006. Advance directives, future selves and decision-making. *Medical Law Review*. 14, 3 (Sep. 2006), 291–320. DOI:<https://doi.org/10.1093/medlaw/fwl009>.

[150]

MacLean, A.R. Consent, sectionalisation and the concept of medical procedure. *Journal of Medical Ethics*. 28, 4.

[151]

Maclean, A.R. 2004. The Doctrine of Informed Consent: Does It Exist and Has It Crossed the Atlantic? *Legal Studies*. 24, 3 (2004), 386–413.

[152]

Maskrey, S. and Edia, W. 2005. *Chester v Afshar* and *Gregg v Scott*: mixed messages for lawyers. *Journal of Personal Injury Law*. 3, (2005), 205–223.

[153]

Mason, J.K. and Brodie, D. 2005. Bolam, Bolam - wherefore are thou Bolam? *Edinburgh Law Review*. 9, 2 (2005), 298–306.

[154]

Matthew Weait 2005. Knowledge, autonomy and consent: *R. v Konzani*. *Criminal Law Review*. (2005).

[155]

Mawhinney, G.R. 2013. To Be Ill or to Kill: The Criminality of Contagion. *The Journal of Criminal Law*. 77, 3 (Jun. 2013), 202–214. DOI:<https://doi.org/10.1350/jcla.2013.77.3.840>.

[156]

McCall-Smith, A. 1993. Criminal Negligence and the Incompetent Doctor. *Medical Law Review*. 1, 3 (1993), 336–349. DOI:<https://doi.org/10.1093/medlaw/1.3.336>.

[157]

Medical treatment for adults with incapacity: guidance on ethical and medico-legal issues in Scotland: 2009.
<https://www.bma.org.uk/advice/employment/ethics/mental-capacity/mental-capacity-scotland-and-ni>.

[158]

Meyers, D.W. 2005. Wyatt and Winston-Jones: who decides to treat or let die seriously ill babies? *Edinburgh Law Review*. 9, 2 (2005), 307–316.

[159]

Millward, G. 2016. A Disability Act? The Vaccine Damage Payments Act 1979 and the British Government's Response to the Pertussis Vaccine Scare. *Social History of Medicine*. (Aug. 2016). DOI:<https://doi.org/10.1093/shm/hkv140>.

[160]

Miola, J. 2015. *Bolam v Friern Hospital Management Committee [1957]: Medical Law's Accordion*. Landmark cases in medical law. Hart Pub.

[161]

Miola, J. 2008. J.Miola 'On the Materiality of Risk: Paper Tigers and Panaceas' (2009) 17 *Medical Law Review* 76-108. *Medical Law Review*. 17, 1 (Dec. 2008), 76–108. DOI:<https://doi.org/10.1093/medlaw/fwn024>.

[162]

Montgomery, J. and Montgomery, E. 2016. Montgomery on informed consent: an inexperienced decision? *Journal of Medical Ethics*. 42, 2 (Feb. 2016), 89–94.
DOI:<https://doi.org/10.1136/medethics-2015-102862>.

[163]

Muirhead, W. 2012. When four principles are too many: bloodgate, integrity and an action-guiding model of ethical decision making in clinical practice. *Journal of Medical Ethics*. 38, 4 (Apr. 2012), 195–196. DOI:<https://doi.org/10.1136/medethics-2011-100136>.

[164]

Mulheron, R. 2010. Trumping Bolam: A Critical Legal Analysis of Bolitho's "Gloss". *The Cambridge Law Journal*. 69, 03 (Nov. 2010), 609–638.
DOI:<https://doi.org/10.1017/S0008197310000826>.

[165]

Müller, S. 2009. Sabine Müller, 'Body Integrity Identity Disorder (BIID)—Is the Amputation of Healthy Limbs Ethically Justified?' *The American Journal of Bioethics*, Volume 9 (1) 2009. *The American Journal of Bioethics*. 9, 1 (Jan. 2009), 36–43.
DOI:<https://doi.org/10.1080/15265160802588194>.

[166]

Munro, V., E. 2007. On Responsible Relationships and Irresponsible Sex - Criminalising the Reckless Transmission of HIV *R v Dica* and *R v Konzani*. *Child and Family Law Quarterly*. 1 (2007).

[167]

No Fault Compensation Review Group, See No-Fault Compensation Schemes for Medical Injury: A Review (Vol II); A study of medical negligence claiming in Scotland 2012 Volume III: <http://www.gov.scot/Topics/Health/Policy/No-Fault-Compensation>.

[168]

'No-Blame' Redress scheme: A Public Consultation on Draft Proposals for a 'No-blame' Redress Scheme in Scotland for Harm Resulting from Clinical Treatment Scottish Government 22 March: 2016, pp 1-16: <http://www.gov.scot/Publications/2016/03/7618>.

[169]

Norrie, K. Mck. 1991. K. McK. Norrie, 'The Age of Legal Capacity (Scotland) Act 1991' (1991) 36 *Journal of the Law Society of Scotland* 434. *The journal of the Law Society of Scotland*. 36, (1991).

[170]

Oliphant, K. 2007. Beyond Misadventure: Compensation for Medical Injuries in New Zealand. *Medical Law Review*. 15, 3 (Jan. 2007), 357–391.
DOI:<https://doi.org/10.1093/medlaw/fwm016>.

[171]

Opinion of Lord Boyd of Duncansby 1 March 2013(c) Parliamentary copyright. Scottish Parliamentary Corporate Body. 1999 *Glancy v Southern General Hospital NHS Trust* [2013] CSOH 35; 2013 G.W.D. 10-221 (OH).

[172]

Pugh, C. and Pilgerstorfer, M. 2004. The development risk defence - knowledge, discoverability and creative leaps. *Journal of Personal Injury Law*. 4, (2004), 258–269.

[173]

Quick, O. 2011. Expert Evidence and Medical Manslaughter: Vagueness in Action. *Journal of Law and Society*. 38, 4 (Dec. 2011), 496–518.
DOI:<https://doi.org/10.1111/j.1467-6478.2011.00556.x>.

[174]

Quick, O. 2010. Medicine, Mistakes and Manslaughter: A Criminal Combination? *The Cambridge Law Journal*. 69, 01 (Mar. 2010).
DOI:<https://doi.org/10.1017/S0008197310000231>.

[175]

Quick, O. 2012. Patient safety and the problem and potential of law. Professional Negligence. 28, 2 (2012).

[176]

Quick, O. 2006. Prosecuting 'Gross' Medical Negligence: Manslaughter, Discretion, and the Crown Prosecution Service. Journal of Law and Society. 33, 3 (Sep. 2006), 421-450. DOI:<https://doi.org/10.1111/j.1467-6478.2006.00365.x>.

[177]

Rapid resolution and redress scheme for severe birth injury - GOV.UK:
<https://www.gov.uk/government/consultations/rapid-resolution-and-redress-scheme-for-severe-birth-injury>.

[178]

Reid, E. 2015. E. Reid, 'Montgomery v Lanarkshire Health Board and the Rights of the Reasonable Patient (2015) Edinburgh Law Review 19(3) 360-366. Edinburgh Law Review. 19, 3 (Sep. 2015), 360-366. DOI:<https://doi.org/10.3366/elr.2015.0295>.

[179]

Responses to the recent consultation on "Recommendations for No-Fault Compensation in Scotland for Injuries Resulting from Clinical Treatment":
<http://www.gov.scot/Publications/2013/02/4882/downloads>.

[180]

Roy Gilbar 2012. Medical confidentiality and communication with the patient's family: legal and practical perspectives.

[181]

Ryan, S. 2015. Disclosure and HIV Transmission. The Journal of Criminal Law. 79, 6 (Dec. 2015), 395-410. DOI:<https://doi.org/10.1177/0022018315614444>.

[182]

Samanta, J. 2009. Lasting Powers of Attorney for Healthcare under the Mental Capacity Act 2005: Enhanced Prospective Self Determination for Future Incapacity or a Simulacrum? *Medical Law Review*. 17, 3 (Sep. 2009), 377-409.
DOI:<https://doi.org/10.1093/medlaw/fwp018>.

[183]

Samantha Ryan Reckless transmission of HIV: knowledge and culpability. *Criminal Law Review*.

[184]

Sir John Donaldson M.R., Fox and Stephen Brown L.JJ. McCowan J. 1984 Feb. 22, 23; March 7 1983 May 3, 4, 5, 6, 9, 10, 11, 12, 16, 17, 18, 19(c) Incorporated Council of Law Reporting for England & Wales *Freeman v Home Office (No.2)*, [1984] QB 524, [1984] 1 All ER.

[185]

Stanton, C. 2015. Maternal transmission of HIV infection: a crime against my child? *Journal of Medical Ethics*. 41, 5 (May 2015), 375-378.
DOI:<https://doi.org/10.1136/medethics-2013-101368>.

[186]

Stapleton, J. Occam's razor reveals an orthodox basis for *Chester v Afshar*. *Law Quarterly Review*. 122, 426-448.

[187]

Statutory duty of candour in secondary care - The MDU:
<https://www.themdu.com/guidance-and-advice/guides/statutory-duty-of-candour/statutory-duty-of-candour>.

[188]

Stauch, M. 2009. 'Material Contribution' as a Response to Causal Uncertainty: Time for a Rethink. *The Cambridge Law Journal*. 68, 01 (Mar. 2009).

DOI:<https://doi.org/10.1017/S0008197309000269>.

[189]

Stewart, A. 2007. 'Best interests': towards a more patient-friendly law? *Edinburgh Law Review*. 11, 1 (2007).

[190]

Sutherland, L. 2015. Causation in consent cases: where are we now following Montgomery in the Supreme Court? *Reparation Bulletin*. 124, (2015), 3–6.

[191]

Tadros, V. 2001. Recklessness, Consent and the Transmission of HIV. *Edinburgh Law Review*. 5, 3 (Sep. 2001), 371–380. DOI:<https://doi.org/10.3366/elr.2001.5.3.371>.

[192]

Teff, H. 1985. H.Teff, 'Consent to medical procedures: paternalism, self-determination or therapeutic alliance.' (1985) 101 *Law Quarterly Rev* 432–453. *The Law quarterly review*. 101, (1985), 432–453.

[193]

Teff, H. 1998. The standard of care in medical negligence - moving on from Bolam? *Oxford Journal of Legal Studies*. 18, 3 (Sep. 1998), 473–484.
DOI:<https://doi.org/10.1093/ojls/18.3.473>.

[194]

Templeman and Dunn L.JJ. 1981 Aug. 7(c) Incorporated Council of Law Reporting for England & Wales *Re B (a minor)* [1981] 1 WLR 1421, [1990] 3 All ER.

[195]

The new criminal sanctions of wilful neglect or ill-treatment - The MDU:
<https://www.themdu.com/guidance-and-advice/latest-updates-and-advice/the-new-criminal>

-sanctions-of-wilful-neglect-or-ill-treatment.

[196]

Thompson, I.E. 1979. The nature of confidentiality. *Journal of Medical Ethics*. 5, 2 (Jun. 1979), 57–64. DOI:<https://doi.org/10.1136/jme.5.2.57>.

[197]

Thomson, L.D.G. et al. 2014. *Mental health and Scots law in practice*. W. Green.

[198]

Thorpe J.1993 Oct. 8, 11; 14(c) Incorporated Council of Law Reporting for England & Wales Re C (Adult: Refusal of Medical Treatment) [1994] 1 W.L.R. 290.

[199]

Turton, G. 2008. A Case For Clarity in Causation? *Medical Law Review*. 17, 1 (Dec. 2008), 140–147. DOI:<https://doi.org/10.1093/medlaw/fwn029>.

[200]

Van Leeuwen, B. and Verbruggen, P. 2015. Resuscitating EU Product Liability Law? Contemplating the Effects of *Boston Scientific Medizintechnik GmbH v. AOK Sachsen-Anhalt and Betriebskrankenkasse RWE* (Joined Cases C-503/13 and C-504/13). *SSRN Electronic Journal*. (2015). DOI:<https://doi.org/10.2139/ssrn.2639582>.

[201]

Vickery, S. 2015. Revisiting consent: communication of risks, medical paternalism versus patient autonomy. *Coventry Law Journal*. 20, 1 (2015), 40–45.

[202]

Volume 1 - No Fault Compensation Review Group Report and Recommendations:
<http://www.gov.scot/Topics/Health/Policy/No-Fault-Compensation/ReviewGroupVol1>.

[203]

Weait, M. 2005. Criminal Law and the Sexual Transmission of HIV: R v Dica. *Modern Law Review*. 68, 1 (Jan. 2005), 121–134.

DOI:<https://doi.org/10.1111/j.1468-2230.2005.00531.x>.

[204]

Weait, M. 2007. *Intimacy and responsibility: the criminalisation of HIV transmission*. Routledge-Cavendish.

[205]

Wicks, E. 2001. The Right to Refuse Medical Treatment under the European Convention on Human Rights. *Medical Law Review*. 9, 1 (Mar. 2001), 17–40.

DOI:<https://doi.org/10.1093/medlaw/9.1.17>.

[206]

Wrigley, A. 2007. Proxy consent: moral authority misconceived. *Journal of Medical Ethics*. 33, 9 (Sep. 2007), 527–531. DOI:<https://doi.org/10.1136/jme.2006.019711>.

[207]

A and Others v National Blood Authority and Others.

[208]

2006. *A Good Practice Guide on Consent for Health Professionals in NHS Scotland* (Scottish Executive Health Department, 2006).

[209]

A Local Authority v K [2013] EWCOP 242 (15 February 2013).

[210]

A NHS Trust v P& Anor [2013] EWHC 50 COP.

[211]

ABC v St George's Healthcare NHS Foundation Trust (2017).

[212]

ABC v St George's Healthcare NHS Trust (2015).

[213]

Ackroyd v Mersey Care NHS Trust.

[214]

Adults with Incapacity (Scotland) Act 2000.

[215]

Adults with Incapacity (Specified Medical Treatments) (Scotland) Amendment Regulations 2002/302.

[216]

Adults with Incapacity (Specified Medical Treatments) (Scotland) Regulations 2002/275.

[217]

Age of Legal Capacity (Scotland) Act 1991.

[218]

2001. Are the Courts Excessively Deferential to the Medical Profession? Medical Law Review. 9, 1 (Mar. 2001), 1–16. DOI:<https://doi.org/10.1093/medlaw/9.1.1>.

[219]

1988. Attorney General v Guardian Newspapers and others (No 2).

[220]

Bailey v Ministry of Defence.

[221]

Barnett v Chelsea and Kensington.

[222]

Best practice guidance for doctors and other health professionals on the provision of advice and treatment to young people under 16 on contraception, sexual and reproductive health : Department of Health - Publications.

[223]

Birch v University College London NHS Trust.

[224]

Birch v University College London NHS Trust [2008] EWHC 2237, 104 BMLR 168.

[225]

BMA/s Written Submission to the Health and Sport Committee.

[226]

Bolam v Friern Hospital Management Committee.

[227]

Bolitho v City and Hackney Health Authority.

[228]

Border v Lewisham and Greenwich NHS Trust (formerly South London Healthcare NHS Trust) [2015] EWCA Civ 8 (CA).

[229]

Boston Scientific Medizintechnik GmbH v AOK Sachsen-Anhalt - Die Gesundheitskasse (C-503/13).

[230]

Brown v The Scarborough & North East Yorkshire Healthcare NHS Trust.

[231]

Burne v A.

[232]

2003. C v Dr Cairns. Lloyd's law reports: Medical. 90, (2003).

[233]

C v North Cumbria University Hospitals NHS Trust.

[234]

California reduces penalty for knowingly exposing someone to HIV.

[235]

Campbell v MGN Limited.

[236]

Canning-Kishver v Sandwell & West Birmingham NHS Trust.

[237]

Carter v Ministry of Justice.

[238]

1998. Chappel v Hart [1998] HCA 55, [1998] 72 Australian Law Journal Reports 1344, [1999] Lloyd's Law Reports (Medical) 223. LLP Professional Pub.

[239]

Chatterton v Gerson [1981] QB 432, [1981] 1 All ER 257.

[240]

Chester v Afshar.

[241]

2004. Chester v Afshar [2004] UKHL 41.

[242]

Children Act 1989 c. 41.

[243]

Children (Scotland) Act 1995.

[244]

Children's Hearings (Scotland) Act 2011 s186 Consent of child to medical examination or treatment.

[245]

Coco v A. N. Clark (Engineers) LTD.

[246]

Commission v UK Case C-300/95.

[247]

Confidentiality: good practice in handling patient information (2017). General Medical Council.

[248]

Connolly v Croydon Health Services NHS Trust [2015] EWHC 1339 (QB) (QBD).

[249]

Consumer Protection Act 1987, Part I (esp. Sections 3 & 4).

[250]

Cooper v Turrell.

[251]

Criminal Justice and Courts Act 2015, ss 20-21.

[252]

Data Protection Act 1998.

[253]

Defreitas v O'Brien.

[254]

Department of Health, Seeking Consent: working with young people, 2001.

[255]

1986. Duncan v Medical Practitioners Disciplinary Committee.

[256]

EU Directive - Products Liability 85/374/EEC, esp. Preamble; Articles 6 & 7.

[257]

European Convention on Human Rights.

[258]

EXP v Barker.

[259]

F v West Berkshire Health Authority [1990] 2 AC 1.

[260]

Family Law Reform Act 1969 s8.

[261]

FB v Rana.

[262]

Finlayson, Applicant 1989 SCLR 601.

[263]

1985. Gillick v West Norfolk and Wisbech Area Health Authority and another.

[264]

Glancy v The Southern General Hospital NHS Trust.

[265]

GMC: Consent: patients and doctors making decisions together (2008). General Medical Council.

[266]

1991. Goorkani v Tayside Health Board [1991] 1 Med LR 33.

[267]

Gouldsmith v Mid Staffordshire General Hospitals NHS Trust.

[268]

Gregg v Scott.

[269]

Hairdresser accused of giving men HIV told one 'I ripped the condom. Burn. I got you',

court hears.

[270]

Hannigan v Lanarkshire Acute Hospitals NHS Trust.

[271]

Health and Social Care Act 2001 c. 15 Arrangement of Act.

[272]

Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, ss 26-28.

[273]

Heart of England NHS Foundation Trust v JB [2014] EWCOP 342 (17 February 2014).

[274]

*HMA v Devereaux 25th February 2010, (unreported).

[275]

*HMA v Giovanni Mola 5th April 2007, (unreported).

[276]

*HMA v Giovanni Mola 5th April 2007, (unreported).

[277]

*HMA v Kelly Friday, 23rd February 2001 (unreported).

[278]

Honisz v Lothian Health Board.

[279]

Hotson v East Berkshire.

[280]

Houston, applicant 1996 SCLR 943; (1996) 32 BMLR 93.

[281]

Hucks v Cole.

[282]

Human Rights Act 1998.

[283]

Hunter v Hanley.

[284]

1974. Hunter v Mann.

[285]

In Re A Local Authority (Inquiry: Restraint on Publication).

[286]

Italian man who intentionally infected more than 30 women with HIV jailed.

[287]

John v Central Manchester and Manchester Children's University Hospitals NHS Foundation Trust.

[288]

Kay's Tutor v Ayrshire and Arran Health Board.

[289]

Kings College Hospital NHS Foundation Trust v C & Anor [2015] EWCOP 80 (30 November 2015).

[290]

KR v Lanarkshire Health Board [2016] CSOH 133.

[291]

Marriott v West Midlands RHA.

[292]

2016. Mason and McCall Smith's Law & medical ethics. Oxford University Press.

[293]

Maynard v W. Midlands Health Authority.

[294]

Mental Capacity Act 2005.

[295]

Mental Capacity Act 2005 Code of Practice (2007).

[296]

Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006.

[297]

Montgomery v Lanarkshire Health Board [2015] UKSC 11.

[298]

Montgomery v Lanarkshire Health Board [2015] UKSC 11.

[299]

Morris (A Child by his Mother & Litigation Friend) v Blackpool Victoria Hospital NHS Trust.

[300]

1990. Moyes v Lothian Health Board [1990] 1 Med LR 463.

[301]

MS v Sweden (1998).

[302]

Myers v Queensbury 144 Cal App 3d 888; 193 Cal Rptr 733.

[303]

National Aids Trust v National Health Service Commissioning Board (NHS England) (Rev 1) [2016] EWHC 2005 (Admin) (02 August 2016).

[304]

Newcastle Upon Tyne Hospitals Foundation Trust v LM [2014] EWCOP 454.

[305]

1995. Newell and Newell v Goldenberg [1995] 6 Med LR 371.

[306]

Osman v UK.

[307]

Palmer v Tees HA (2000).

[308]

Paton v HM Advocate.

[309]

Pd v Dr Nicholas Harvey.

[310]

Pearce and another v United Bristol Healthcare NHS Trust [1998] EWCA Civ 865, [1999] PIQR P53, (1999) 48 BMLR 118.

[311]

Penney v East Kent HA.

[312]

People on HIV medication cannot transmit the virus, declares CDC.

[313]

2004. Portsmouth NHS Trust v Wyatt [2005] 1 FLR 21.

[314]

Poynter v Hillingdon Health Authority (1997) 37 BMLR 192.

[315]

R (on the application of Axon) v Secretary of State for Health.

[316]

R (on the application of Nicklinson and another) v Ministry of Justice; R (on the application of AM) v Director of Public Prosecutions [2014] UKSC 38.

[317]

R v Adomako (John Asare).

[318]

R v Cox (1992) 12 BMLR 38.

[319]

R. v Department of Health Ex p. Source Informatics Ltd (No.1).

[320]

R v Department of Health ex parte Source Informatics.

[321]

*R v Dica (2004) 77 B.M.L.R. 243 (CA).

[322]

2004. *R v Dica [2004] 3 All E.R. 593.

[323]

R v Misra (Amit).

[324]

R v Rose (Honey Maria).

[325]

R v Rudling (Joanne).

[326]

R v Secretary of State for Health and the Family Planning Association, ex p Axon [2006] 1 FCR 175.

[327]

R v Sellu (David).

[328]

Re A [2000] 1 FLR 549.

[329]

Re A (children) (conjoined twins: surgical separation) [2001] 57 BMLR 1 (CA).

[330]

Re AA [2012] EWHC 4378 (COP).

[331]

Re AK (adult patient) (medical treatment: consent) (2001) 58 BMLR 151.

[332]

Re B (Adult: Refusal of Medical Treatment) [2002] 2 All ER 449, (2002) 65 BMLR 149.

[333]

Re C (a child HIV test) [1999] 3 FCR 289.

[334]

Re C (A Child) (Immunisation: Parental Rights) (2003) 73 BMLR 152 (CA).

[335]

Re C (Adult - Refusal of Medical Treatment) [1994] 1 All ER 819.

[336]

1993. Re E (a minor) (Wardship: Medical Treatment) [1993] 1 FLR 386.

[337]

1992. Re J (a minor) - Refusal of Medical Treatment), New Law Journal, 1123, (1992). New Law Journal. 1123 (1992).

[338]

1990. Re J (a minor) [1991] 2 WLR 140, [1990] 3 All ER 930, 6 BMLR 25.

[339]

1990. Re J (a minor) (wardship: medical treatment [1990] 3 All ER 930.

[340]

Re J (child's religious upbringing and circumcision) [2000] 1 FCR 307, 52 BMLR 82.

[341]

2015. Re JA (A Minor) (Medical Treatment: Child Diagnosed with HIV [2014] EWHC 1135 (Fam); [2015] 2 F.L.R. 1030; [2015] Med. L.R. 26; [2015] Fam. Law 139.

[342]

1998. Re L (medical treatment: Gillick competency) [1998] 2 FLR 810.

[343]

1999. Re M (medical treatment: consent) [1999] 2 FLR 1097.

[344]

Re MB [1997] 8 Med LR 217, [1997] 38 BMLR 175 CA, [1997] 2 FCR 541.

[345]

1993. Re O [1993] FLR 149.

[346]

1991. Re R (a minor) [1991] 4 All ER 177.

[347]

1993. Re S (children) (specific issue order: religion, circumcision) [2005] 1 FLR 236.

[348]

1997. Re T (a minor) (Wardship Medical treatment) [1997] 1 WLR 242, [1997] 1 All ER 906, 35 BMLR 63 (CA).

[349]

1992. Re T (adult: refusal of medical treatment)) [1992] 4 All ER 649, [1993] 3 WLR 782.

[350]

1992. Re T (adult: refusal of medical treatment) [1992] 4 All ER 649.

[351]

1992. Re W (a minor) - Refusal of Medical Treatment, New Law Journal, 1124, (1992). The New law journal. 1124 (1992).

[352]

1995. Re Z (a minor) (freedom of publication).

[353]

Reisner v. Regents of University of California.

[354]

Reversing the retreat from Gillick? R (Axon) v Secretary of State for Health. Child and

Family Law Quarterly.

[355]

Roe v Ministry of Health.

[356]

1993. Rogers v Whitaker [1993] 4 Med LR 79.

[357]

Royal Free NHS Foundation Trust v AB [2014] EWCOP 50.

[358]

SB (A Patient; Capacity To Consent To Termination), Re [2013] EWCOP 1417 (21 May 2013).

[359]

Secretary of State for Work and Pensions v G.

[360]

Sidaway v Board of Governors of Bethlem Royal and the Maudsley Hospital.

[361]

1985. Sidaway v Board of Governors of Bethlem Royal and the Maudsley Hospital [1985] 2 WLR 480.

[362]

1985. Sidaway v Board of Governors of Bethlem Royal and the Maudsley Hospital [1985] 2 WLR 480.

[363]

1998. Smith v. Jones, 1998 CanLII 4689 (BC CA).

[364]

1994. Smith v Tunbridge Wells Health Authority [1994] 5 Med LR 334.

[365]

South Glamorgan County Council v B and W [1993] 11 BMLR 162.

[366]

St George's NHS Trust v S [1999] Fam 26.

[367]

1988. Stephens v Avery and others.

[368]

1988. Stephens v Avery and others.

[369]

Surrey And Sussex Healthcare NHS Trust v Ms AB [2015] EWCOP 50 (31 July 2015).

[370]

Tarasoff v. Regents of University of California.

[371]

The Juridical review.

[372]

The Mental Health Trust & Ors v DD & Anor [2015] EWCOP 4 (04 February 2015).

[373]

The X Primary Care Trust v XB & Anor [2012] EWHC 1390 (Fam).

[374]

Transco plc v HM Advocate.

[375]

TV v Finland (21780/93).

[376]

1999. United Kingdom. Medical Negligence: Fact, Breach and Bolitho. Medical Law Review. 7, 3 (Sep. 1999), 327–356. DOI:<https://doi.org/10.1093/medlaw/7.3.327>.

[377]

V v F 1991 SCLR 225.

[378]

Vaccine Damage Payments Act 1979 c.17.

[379]

1990. W v Egdell and others.

[380]

Whitehouse v Jordan.

[381]

Wilkes v DePuy International Ltd.

[382]

Williams v Bermuda Hospitals Board.

[383]

Wilsher v Essex AHA.

[384]

Wisniewski v Central Manchester Health Authority.

[385]

Wright (a child by her Demelza Wright her litigation friend) v Cambridge Medical Group
[2011] EWCA Civ 669.

[386]

Wright (A Child) v Cambridge Medical Group (A Partnership).

[387]

Wye Valley NHS Trust v B (Rev 1) [2015] EWCOP 60 (28 September 2015).

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Z v Finland (1998).