

Principles of Healthcare Law

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

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

@book{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, title={Glass v United Kingdom (2004) 39 EHRR 15 ECHR}, journal={*341 Glass v United Kingdom}, author={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} }

@book{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, title={Laskey v United Kingdom (1997) 24 HERR 39}, journal={*39 Laskey, Jaggard and Brown v United Kingdom}, author={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} }

@book{8High Court of Justice Family Division5 September 2013Before: The Honourable Mrs Justice Theis Date: 05/09/2013Crown copyright, title={F v F (MMR Vaccine) Also known as: F v F (Welfare of Children: Immunisation) 05 September 2013 [2013] EWHC 2683}, journal={F v F}, author={8High Court of Justice Family Division5 September 2013Before: The Honourable Mrs Justice Theis Date: 05/09/2013Crown copyright} }

@book{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, title={Al Hamwi v Johnston, The North West London Hospitals NHS Trust [2005] EWHC 206 (QB)}, journal={Mrs Rana Al Hamwi v Dr Fiona Johnston, The North West London Hospitals NHS Trust}, author={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} }

@book{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, title={Al Hamwi v Johnston, The North West London Hospitals NHS Trust [2005] EWHC 206 (QB)}, journal={Mrs Rana Al Hamwi v Dr Fiona Johnston, The North West London Hospitals NHS Trust}, author={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} }

@book{8High Court of Justice Queen's Bench Division19 May 2015Before: Mr Justice Nicol Date: 19/05/2015Crown copyright, title={ABC v St George's Healthcare NHS Foundation Trust [2015] EWHC 1394 (QB)}, journal={ABC v St George's Healthcare NHS Trust, South West London and St George's Mental Health NHS Trust, Sussex Partnership NHS Foundation Trust}, author={8High Court of Justice Queen's Bench Division19 May 2015Before: Mr Justice Nicol Date: 19/05/2015Crown copyright} }

@book{9High Court of Justice Family Division15 March 2006Before: Mr Justice Holman Date: 15th March 2006, Hearing dates: 2nd–9th March 2006Crown copyright, title={An NHS Trust v MB [2006] EWHC 507 (Fam); [2006] 2 FLR 319; [2006] Fam. Law 445}, journal={An NHS Trust v MB (A child represented by the Children and Family Court Advisory & Support Service as guardian ad litem), Mr & Mrs B (parents)}, author={9High Court of Justice Family Division15 March 2006Before: Mr Justice Holman Date: 15th March 2006, Hearing dates: 2nd–9th March 2006Crown copyright} }

@book{9High Court of Justice Family Division17 December 2013Before: Mr Justice Holman (sitting in public)Date: Tuesday, 17th December 2013Crown copyright, title={Re TM (Medical Treatment) Family Division 17 December 2013 [2013] EWHC 4103 (Fam)}, journal={Re TM}, author={9High Court of Justice Family Division17 December 2013Before: Mr Justice Holman (sitting in public)Date: Tuesday, 17th December 2013Crown copyright} }

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

@book{1473High Court of Justice Court of Protection30 August 2012Before: Mrs. Justice Eleanor King Date: 30/08/2012Crown copyright, title={The NHS Trust v L & Others [2012] EWHC 2741 (COP)}, journal={The NHS Trust v 'L' by her litigation Friend the Official Solicitor), The Psychiatric NHS Trust, Mrs 'L', Mr 'L'}}, author={1473High Court of Justice Court of Protection30 August 2012Before: Mrs. Justice Eleanor King Date: 30/08/2012Crown copyright} }

@book{/2086Court of Appeal (Civil Division)28 July 2005Before: Lord Phillips of Worth Matravers, MR Lord Justice Waller and Lord Justice Wall Thursday 28th July, 2005Crown copyright, title={R v General Medical Council, ex p. Burke [2005] EWCA Civ 1003 (CA)}, journal={The Queen on the Application of Oliver Leslie Burke v The General Medical Council}, author={/2086Court of Appeal (Civil Division)28 July 2005Before: Lord Phillips of Worth Matravers, MR Lord Justice Waller and Lord Justice Wall Thursday 28th July,

2005Crown copyright} }

@book{/02181/C1Court of Appeal Criminal Division27 July 2005Before: Lord Justice Judge , Mrs Justice Hallett , Mrs Justice Rafferty Wednesday 27th July, 2005Crown copyright, title={*R v Dica , [2005] EWCA Crim 2304}, journal={Regina v Mohammed Dica}, author={/02181/C1Court of Appeal Criminal Division27 July 2005Before: Lord Justice Judge , Mrs Justice Hallett , Mrs Justice Rafferty Wednesday 27th July, 2005Crown copyright} }

@book{03166 D4Court of Appeal (Criminal Division)17 March 2005Before: Lord Justice Judge Deputy Chief Justice of England and Wales Mr Justice Grigson and His Honour Judge Radford Thursday 17th March, 2005Crown copyright, title={*R v Konzani (Feston) [2005] EWCA Crim 706}, journal={R v Feston Konzani}, author={03166 D4Court of Appeal (Criminal Division)17 March 2005Before: Lord Justice Judge Deputy Chief Justice of England and Wales Mr Justice Grigson and His Honour Judge Radford Thursday 17th March, 2005Crown copyright} }

@book{3212Court of Protection15 June 2012Before: The Honourable Mr Justice Peter Jackson Date: 15 June 2012Crown copyright, title={A Local Authority v E and others [2012] EWHC 1639}, journal={A Local Authority, E (by her Litigation Friend the Official Solicitor) v A Health Authority, E's Parents}, author={3212Court of Protection15 June 2012Before: The Honourable Mr Justice Peter Jackson Date: 15 June 2012Crown copyright} }

@book{3373High Court of Justice Family Division1 May 2012Before: Mrs. Justice Theis 1st May 2012Crown copyright, title={X Primary Care Trust v XB [2012] EWHC 1390}, journal={The X Primary Care Trust v XB, (By the Official Solicitor as Litigation Friend), YB}, author={3373High Court of Justice Family Division1 May 2012Before: Mrs. Justice Theis 1st May 2012Crown copyright} }

@book{05243 C2Court of Appeal (Criminal Division)8 May 2014Before: Lord Justice Treacy Mr Justice Bean and His Honour Judge Lakin Date: Thursday 8th May 2014Crown copyright, title={*R v Golding (David) [2014] EWCA Crim 889}, journal={Regina v David Golding}, author={05243 C2Court of Appeal (Criminal Division)8 May 2014Before: Lord Justice Treacy Mr Justice Bean and His Honour Judge Lakin Date: Thursday 8th May 2014Crown copyright} }

@article{Alderson, P._1990, title={Consent to Children's Surgery and Intensive Medical Treatment}, volume={17}, url={http://ezproxy.lib.gla.ac.uk/login?url=http://heinonline.org/HOL/Page?public=false&handle=hein.journals/jlsocty17&id=60}, number={1}, journal={Journal of Law and Society}, author={Alderson, P.}, year={1990}, pages={52-65} }

@article{Almason_1997, title={Personal Liability Implications of the Duty to Warn Are Hard Pills to Swallow: From Tarasoff To Hutchinson v. Patel and Beyond}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://www.heinonline.org/HOL/Page?handle=hein.journals/jchlp13&start_page=471&collection=journals&id=505}, journal={Journal of Contemporary Health Law and Policy}, author={Almason, A. L.}, year={1997} }

@article{Amirthalingam_2012, title={Causation and the medical duty to refer}, url={http://ezproxy.lib.gla.ac.uk/login?url=http://login.westlaw.co.uk/maf/wluk/ext/app/doc

ument?sp=ukuniglasg-1&docguid=ID1FEB4C06F2111E1900BAA4302CC6BEE},
 journal={Law Quarterly Review}, author={Amirthalingam, Kumaralingam}, year={2012}
 }

@book{Beauchamp_Childress_2013, address={New York, New York}, edition={Seventh
 edition}, title={Principles of biomedical ethics}, publisher={Oxford University Press},
 author={Beauchamp, Tom L. and Childress, James F.}, year={2013} }

@book{Before: Mr. Justice Keehan Date: Thursday, 13th February 2014Crown copyright,
 title={Birmingham Children's NHS Trust v B 13 February 2014 [2014] EWHC 531 (Fam)},
 journal={Birmingham Children's NHS Trust v B. & C.}, author={Before: Mr. Justice Keehan
 Date: Thursday, 13th February 2014Crown copyright} }

@book{Before: Mr. Justice Mostyn In PrivateDate: Thursday, 23rd August 2012Crown
 copyright, title={Re AA (Compulsorily Detained Patient: Elective Caesarean), Re [2012]
 EWHC 4378 (COP); [2014] 2 F.L.R. 237 (CP)}}, journal={In the Matter of: Re: AA},
 author={Before: Mr. Justice Mostyn In PrivateDate: Thursday, 23rd August 2012Crown
 copyright} }

@book{Before: Sir James Munby President of the Family Division12 September
 2016Crown copyright, title={Re E (A Child) (Medical Treatment [2016] EWHC 2267
 (Fam))}, journal={In the matter of E (A Child) (Medical Treatment)}, author={Before: Sir
 James Munby President of the Family Division12 September 2016Crown copyright} }

@article{Bergkamp_2015, title={Is There a Defect in the European Court's Defect Test?
 Musings about Acceptable Risk}, volume={6}, DOI={10.1017/S1867299X00004633},
 number={02}, journal={European Journal of Risk Regulation}, author={Bergkamp,
 Lucas}, year={2015}, month={Jun}, pages={309-322} }

@misc{2009, title={Medical treatment for adults with incapacity: guidance on ethical and
 medico-legal issues in Scotland},
 url={https://www.bma.org.uk/advice/employment/ethics/mental-capacity/mental-capacity-
 scotland-and-ni}, author={BMA}, year={2009} }

@article{Brazier_2005, title={An Intractable Dispute: When Parents and Professionals
 Disagree}, volume={13}, DOI={10.1093/medlaw/fwi029}, number={3},
 journal={Medical Law Review}, author={Brazier, M.}, year={2005}, month={Aug},
 pages={412-418} }

@article{Brazier_Miola_2000, title={Bye-bye Bolam: a medical litigation revolution?},
 volume={8}, DOI={10.1093/medlaw/8.1.85}, number={1}, journal={Medical Law
 Review}, author={Brazier, M and Miola, J}, year={2000}, month={Jan}, pages={85-114}
 }

@article{Brazier_Alghrani_2009, title={Fatal medical malpractice and criminal liability},
 volume={25},
 url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gl
 a.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.co
 m%2FDocument%2FI37D98810EC5211DEA990E8403C437E97%2FView%2FFullText.html%
 3FskipAnonymous%3Dtrue}, number={2}, journal={Professional Negligence},
 author={Brazier, Margaret and Alghrani, Amel}, year={2009} }

@article{Bridge_1997, address={[Bicester]}, title={C.Bridge, 'Adolescents and mental disorder: who consents to treatment?' (1997) 3 Medical Law International 51-74}, volume={3}, journal={Medical law international}, publisher={AB Academic}, author={Bridge, C.}, year={1997}, pages={51-74} }

@article{Bridge_1999, title={Religious Beliefs and Teenage Refusal of Medical Treatment Case}, volume={62}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/modlr62&collection=journals&id=599}, number={4}, journal={Modern Law Review}, author={Bridge, Caroline}, year={1999}, pages={585-594} }

@misc{ title={Confidentiality and Disclosure of Health Information Tool Kit}, url={https://www.bma.org.uk/-/media/files/pdfs/.../ethics/confidentialitytoolkit_full.pdf?}, author={British Medical Association} }

@book{British Medical Association_Dawson Books_2001, address={London}, title={Consent, rights and choices in health care for children and young people}, url={http://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780585394022}, publisher={BMJ Books}, author={British Medical Association and Dawson Books}, year={2001} }

@article{Case_2003, title={Confidence Matters: The Rise and Fall of Informational Autonomy in Medical Law}, volume={11}, DOI={10.1093/medlaw/11.2.208}, number={2}, journal={Medical Law Review}, author={Case, P.}, year={2003}, month={Jun}, pages={208-236} }

@article{Cave_2015, title={Determining Capacity to Make Medical Treatment Decisions: Problems Implementing the Mental Capacity Act 2005}, volume={36}, DOI={10.1093/slr/hmu034}, number={1}, journal={Statute Law Review}, author={Cave, E.}, year={2015}, month={Feb}, pages={86-106} }

@article{Cave_2011, title={Maximisation of Minors' Capacity}, volume={23}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/chilflq23&collection=journals&id=437}, number={4}, journal={Child and Family Law Quarterly}, author={Cave, Emma}, year={2011}, pages={431-449} }

@article{Cave_2017, title={Voluntary vaccination: the pandemic effect}, volume={37}, DOI={10.1111/lest.12144}, number={2}, journal={Legal Studies}, author={Cave, Emma}, year={2017}, month={Jun}, pages={279-304} }

@misc{Cave, title={E, Cave (April 2013). Young People who Refuse Life Sustaining Treatment: A Briefing Paper on Current Law and the Need for Reform}, url={http://www.law.leeds.ac.uk/assets/files/research/cfig/Young-People-who-Refuse-Life-Sustaining-Treatment-Briefing-Paper.pdf}, author={Cave, Emma} }

@misc{Cave_Stavrinudes, title={E, Cave; Stavrinides, Z (April 2013). Medical Practitioners, Adolescents and Informed Consent Project Final Report. University of Leeds}, url={http://www.law.leeds.ac.uk/assets/files/research/cfig/Medical-Practitioners-Adolescents-and-Informed-Consent-Final-Report-2013.pdf}, author={Cave, Emma and Stavrinudes, Zenon} }

@article{Cave_Wallbank_2012, title={Minors' capacity to refuse treatment: a reply to Gilmore and Herring}, volume={20}, DOI={10.1093/medlaw/fws003}, number={3}, journal={Medical Law Review}, author={Cave, Emma and Wallbank, Julie}, year={2012}, month={Sep}, pages={423-449} }

@book{Chalmers_2008, address={Oxford}, title={Legal responses to HIV and AIDS}, url={https://ezproxy.lib.gla.ac.uk/login?url=http://dx.doi.org/10.5040/9781474200615?locatt=label:secondary_bloomsburyCollections}, publisher={Hart Publishing Ltd}, author={Chalmers, James}, year={2008} }

@article{Cherkassky_2010, title={Being Informed: The Complexities of Knowledge, Deception and Consent When Transmitting HIV}, volume={74}, DOI={10.1350/jcla.2010.74.3.636}, number={3}, journal={The Journal of Criminal Law}, author={Cherkassky, Lisa}, year={2010}, month={Jun}, pages={242-258} }

@article{Cowan_2014, title={Offenses of Sex or Violence? Consent, Fraud, and HIV Transmission}, volume={17}, DOI={10.1525/nclr.2014.17.1.135}, number={1}, journal={New Criminal Law Review}, author={Cowan, Sharon}, year={2014}, month={Jan}, pages={135-161} }

@book{Crown copyright, title={Meiklejohn v St George's Healthcare NHS Trust [2014] EWCA Civ 120; [2014] Med. L.R. 122}, journal={Richard Meiklejohn v St George's Healthcare NHS Trust, Homerton University Hospital NHS Foundation Trust}, author={Crown copyright} }

@book{Crown copyright, title={Portsmouth City Council v King 08 September 2014 [2014] EWHC 2964 (Fam)}, journal={Portsmouth City Council v Naghmeh King, Brett King, Southampton Hospital Trust, Ashya King (by his children's guardian, John Mellor)}, author={Crown copyright} }

@misc{ title={Prosecution policy on the sexual transmission of infection}, url={http://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Guidelines_and_Policy/Prosecution%20policy%20on%20the%20sexual%20transmission%20of%20infection%20-%20July%202014.pdf}, author={Crown Office and Procurator Fiscal Service} }

@article{Dauer_2006, title={Strong reciprocity and accountability: behavioural analysis of patients' legal responses to medical injury}, volume={2}, DOI={10.1017/S1744552306003041}, number={03}, journal={International Journal of Law in Context}, author={Dauer, Edward A.}, year={2006}, month={Sep} }

@book{Dec. 1, 2, 3, 7; 1993 March 11(c) Incorporated Council of Law Reporting for England & Wales, title={R v Brown [1993] 2 All ER 75, [1994] 1 AC 212 (HL)}, journal={*212 Regina Respondent v Brown (Anthony) Appellant}, author={Dec. 1, 2, 3, 7; 1993 March 11(c) Incorporated Council of Law Reporting for England & Wales} }

@book{Dec 5, 6; 11; 17(c) Incorporated Council of Law Reporting for England & Wales, title={Simms v Simms and Another [2003] Fam 83 [2002] EWHC 2734}, journal={*83 Simms v Simms and Another}, author={Dec 5, 6; 11; 17(c) Incorporated Council of Law Reporting for England & Wales} }

@misc{ title={Confidentiality: NHS Code of Practice}, url={https://www.gov.uk/government/publications/confidentiality-nhs-code-of-practice}, }

author={Department of Health} }

@article{Donnelly_2008, title={Best interests, patient participation and the Mental Capacity Act 2005}, volume={17}, DOI={10.1093/medlaw/fwn021}, number={1}, journal={Medical Law Review}, author={Donnelly, M.}, year={2008}, month={Dec}, pages={1-29} }

@article{Donnelly_2009, title={Capacity assessment under the Mental Capacity Act 2005: Delivering on the functional approach?}, volume={29}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/P?h=hein.journals/egstd29&i=468}, number={3}, journal={Legal Studies}, author={Donnelly, Mary}, year={2009}, month={Sep}, pages={464-491} }

@article{Douglas_2008, title={Medical Injury Compensation: Beyond 'No-Fault'}, volume={17}, DOI={10.1093/medlaw/fwn022}, number={1}, journal={Medical Law Review}, author={Douglas, T.}, year={2008}, month={Dec}, pages={30-51} }

@article{Dute_2009, title={Child Abuse, Human Rights and the Role of the Doctor}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/eurjhlb16&id=127}, journal={European Journal of Health Law}, author={Dute, J.}, year={2009} }

@article{Edwards_1993, address={Edinburgh}, title={The right to consent and the right to refuse: more problems with minors and medical consent}, volume={1993}, number={1}, journal={The Juridical review}, publisher={W. Green & Sons [etc.]}, author={Edwards, L.}, year={1993}, pages={52-73} }

@book{Edwards_Butterworths (Firm)_1992, address={London}, title={Butterworths medico-legal reports}, publisher={Butterworths}, author={Edwards, Radhika and Butterworths (Firm)}, year={1992} }

@article{Eisler_2017, title={One Step Forward and Two Steps Back in Product Liability: The Search for Clarity in the Identification of Defects}, volume={76}, DOI={10.1017/S0008197317000472}, number={02}, journal={The Cambridge Law Journal}, author={Eisler, Jacob}, year={2017}, month={Jul}, pages={233-236} }

@book{Elliston_Dawson Books_2007a, address={London}, title={The best interests of the child in healthcare}, volume={Biomedical law and ethics library}, url={http://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780203940464}, publisher={Routledge-Cavendish}, author={Elliston, Sarah and Dawson Books}, year={2007} }

@book{Elliston_Dawson Books_2007b, address={London}, title={The best interests of the child in healthcare}, volume={Biomedical law and ethics library}, url={http://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780203940464}, publisher={Routledge-Cavendish}, author={Elliston, Sarah and Dawson Books}, year={2007} }

@article{Fairgrieve_Howells_2007, title={Rethinking Product Liability: A Missing Element in the European Commission's Third Review of the European Product Liability Directive}, volume={70}, DOI={10.1111/j.1468-2230.2007.00672.x}, number={6}, journal={Modern Law Review}, author={Fairgrieve, Duncan and Howells, Geraint},

year={2007}, month={Nov}, pages={962-978} }

@inbook{Farrell_Harpwood_2015, address={Farnham, Surrey}, title={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}, url={http://GLA.ebib.com/patron/FullRecord.aspx?p=2039138}, booktitle={Inspiring a medico-legal revolution: essays in honour of Sheila McLean}, publisher={Ashgate}, author={Farrell, A.-M. and Harpwood, V.}, editor={Ferguson, Pamela R. and Laurie, G. T.}, year={2015} }

@article{Farrell_Brazier_2016, title={Not so new directions in the law of consent? Examining Montgomery v Lanarkshire Health Board'}, volume={42}, DOI={10.1136/medethics-2015-102861}, number={2}, journal={Journal of Medical Ethics}, author={Farrell, Anne Maree and Brazier, Margaret}, year={2016}, month={Feb}, pages={85-88} }

@article{Feng_1987, title={Failure of medical advice: trespass or negligence}, volume={7}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/legstd7&id=157}, number={2}, journal={Legal Studies}, author={Feng, T.K.}, year={1987} }

@article{Foster_2013, title={Autonomy in the Medico-Legal Courtroom: A Principle fit for Purpose?}, volume={22}, DOI={10.1093/medlaw/fwt039}, number={1}, journal={Medical Law Review}, author={Foster, C.}, year={2013}, month={Dec}, pages={48-63} }

@article{Foster, title={A material contribution to forensic clarity}, volume={166}, url={http://ezproxy.lib.gla.ac.uk/login?url=http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?lni=5J6Y-6671-DYJD-X096&csi=280276&oc=00240&perma=true&elb=t}, number={7689}, journal={The New Law Journal}, author={Foster, Charles} }

@article{Foster_Miola_2015, title={Who's in Charge? The Relationship Between Medical Law, Medical Ethics, and Medical Morality?}, volume={23}, DOI={10.1093/medlaw/fwv004}, number={4}, journal={Medical Law Review}, author={Foster, Charles and Miola, José}, year={2015}, month={Dec}, pages={505-530} }

@book{Garwood-Gowers_Tingle_Lewis_2001, address={London}, title={Healthcare law: the impact of the Human Rights Act 1998}, publisher={Cavendish}, author={Garwood-Gowers, Austen and Tingle, John and Lewis, Tom}, year={2001} }

@article{Gavaghan_2007a, title={A Tarasoff for Europe? A European Human Rights perspective on the duty to protect}, volume={30}, DOI={10.1016/j.ijlp.2007.01.001}, number={3}, journal={International Journal of Law and Psychiatry}, author={Gavaghan, Colin}, year={2007}, month={May}, pages={255-267} }

@article{Gavaghan_2007b, title={Dangerous Patients and Duties to Warn: a European Human Rights Perspective}, volume={14}, DOI={10.1163/092902707X205016}, number={2}, journal={European Journal of Health Law}, author={Gavaghan, Colin},

year={2007}, month={Jul}, pages={113-130} }

@article{Gilbar_Foster_2015, title={Doctors' Liability to the Patient's Relatives in Genetic Medicine}, DOI={10.1093/medlaw/fwv037}, journal={Medical Law Review}, author={Gilbar, Roy and Foster, Charles}, year={2015}, month={Oct} }

@article{Gilbar_Foster_2017, title={It's arrived! Relational Autonomy Comes to Court: ABC v ST George's Healthcare NHS Trust [2017] EWCA 336}, DOI={10.1093/medlaw/fwx044}, journal={Medical Law Review}, author={Gilbar, Roy and Foster, Charles}, year={2017}, month={Oct} }

@article{Gillon_1994, title={Medical ethics: four principles plus attention to scope}, volume={309}, DOI={10.1136/bmj.309.6948.184}, number={6948}, journal={BMJ}, author={Gillon, R}, year={1994}, month={Jul}, pages={184-184} }

@article{Gillon_2012, title={When four principles are too many: a commentary}, volume={38}, DOI={10.1136/medethics-2011-100385}, number={4}, journal={Journal of Medical Ethics}, author={Gillon, Raanan}, year={2012}, month={Apr}, pages={197-198} }

@article{Gilmore_Herring_2011, title={'No' is the Hardest Word: Consent and Children's Autonomy, (2011) 23 (1) C.F.L.Q. 3-25,}, volume={23}, url={http://ezproxy.lib.gla.ac.uk/login?url=http://onlineservices.jordanpublishing.co.uk/content/en/FAMILYpa#addHistory=true&filename=Family_CFLQONLINE_CFLQ_2011_01_1.dita.xml&docid=Family_CFLQONLINE_CFLQ_2011_01_1&inner_id=&tid=&query=&scope=&resource=&toc=false&eventType=lcContent.loadDocFamily_CFLQONLINE_CFLQ_2011_01_1}, number={1}, journal={Child and family law quarterly}, author={Gilmore, Stephen and Herring, Jonathan}, year={2011}, pages={1-152} }

@inbook{Goldberg_2013, address={Oxford}, title={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'}, booktitle={Medicinal product liability and regulation}, publisher={Hart Publishing}, author={Goldberg, Richard}, year={2013} }

@article{Green_2009, title={Contributing to the risk of confusion? Causation in the Court of Appeal}, url={http://ezproxy.lib.gla.ac.uk/login?url=http://login.westlaw.co.uk/maf/wluk/ext/app/document?csp=ukuniglasg-1&docguid=I09E8E0D0C02611DD83FAE07C467B4925}, journal={Law Quarterly Review}, author={Green, Sarah}, year={2009} }

@article{Hagger_2003, title={Some Implications of the Human Rights Act 1998 for the Medical Treatment of Children}, volume={6}, DOI={10.1177/096853320300600103}, number={1}, journal={Medical Law International}, author={Hagger, Lynn}, year={2003}, month={Mar}, pages={25-51} }

@book{Hagger_2009, address={Farnham, Surrey, England}, title={The child as vulnerable patient: protection and empowerment}, volume={Medical law and ethics}, publisher={Ashgate Pub}, author={Hagger, Lynn}, year={2009} }

@article{Harris_1997, title={The injustice of compensation for victims of medical

accidents}, volume={314}, DOI={10.1136/bmj.314.7097.1821}, number={7097}, journal={BMJ}, author={Harris, J.}, year={1997}, month={Jun}, pages={1821-1821} }

@article{Harvey_2017, title={Wilkes v Depuy International Ltd}, volume={3}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI39717C108D9D11E7876EC640A7B18BC3%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, journal={Journal of Personal Injury Law}, author={Harvey, Mark}, year={2017}, pages={C128-C138} }

@article{Hedley_2016, title={Making sense of negligence}, volume={36}, DOI={10.1111/lest.12121}, number={3}, journal={Legal Studies}, author={Hedley, Steve}, year={2016}, month={Sep}, pages={491-512} }

@book{Herring_2020, address={Oxford}, edition={8th edition}, title={Medical law and ethics}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.1093/he/9780198846956.001.0001}, publisher={Oxford University Press}, author={Herring, Jonathan}, year={2020} }

@article{Heywood_2012, title={Parents and medical professionals: conflict, cooperation, and best interests}, volume={20}, DOI={10.1093/medlaw/fwr037}, number={1}, journal={Medical Law Review}, author={Heywood, R.}, year={2012}, month={Mar}, pages={29-44} }

@article{Heywood_2015a, title={Revisiting Advance Decision making Under the Mental Capacity Act 2005: A Tale of Mixed Messages}, volume={23}, DOI={10.1093/medlaw/fwu021}, number={1}, journal={Medical Law Review}, author={Heywood, R.}, year={2015}, month={Mar}, pages={81-102} }

@article{Heywood_2006, title={The logic of Bolitho}, volume={22}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI21C07EA0001C11DC8AEF929ED2972873%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, number={4}, journal={Professional Negligence}, author={Heywood, Rob}, year={2006} }

@article{Heywood_2009, title={Heywood, R. 'Subjectivity in risk disclosure: considering the position of the particular patient' (2009) 25(1) Professional Negligence 3-14}, volume={25}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI40B98B607B2D11DE93A8DB25A7A7B399%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, number={1}, journal={Professional Negligence}, author={Heywood, Rob}, year={2009}, pages={3-14} }

@article{Heywood_2015b, title={R.I.P. Sidaway: Patient-Orientated Disclosure – A Standard Worth Waiting For?}, volume={23}, DOI={10.1093/medlaw/fwv024}, number={3}, journal={Medical Law Review}, author={Heywood, Rob}, year={2015}, month={Sep}, pages={455-466} }

@book{High Court of Justice Family Division3 October 201Before: Mr Justice Moor Date: 3rd October 2014Crown copyright, title={Kirklees Council v RE [2014] EWHC 3182 (Fam); [2015] 1 FLR 1316; [2015] 2 FCR 438}, journal={Kirklees Council v RE, SE (by his Guardian, Steven Anderson), Leeds Teaching Hospital NHS Trust}, author={High Court of Justice Family Division3 October 201Before: Mr Justice Moor Date: 3rd October 2014Crown copyright} }

@book{High Court of Justice Family Division15 August 2003Before : The Honourable Mr. Justice Johnson Date: Friday, 15th August 2003Crown copyright, title={Re: 'P' (Minor), Bro Morgannwg NHS Trust v 'P' and Others 15 August 2003 [2003] EWHC 2327 (Fam) 2003 WL 23508999}, journal={Re: 'P' (Minor), Bro Morgannwg NHS Trust v 'P' and Others}, author={High Court of Justice Family Division15 August 2003Before : The Honourable Mr. Justice Johnson Date: Friday, 15th August 2003Crown copyright} }

@book{High Court of Justice Family Division18 July 2007Before: Mr Justice Holman Date: 18/07/2007, Hearing dates: 4th, 5th and 9th July 2007Crown copyright, title={NHS Trust v A (A Child) [2007] EWHC 1696 (Fam); [2008] 1 FLR 70; [2008] 1 FCR 34}, journal={The NHS Trust v A (a child) (represented by an officer of the Children and Family Court Advisory & Support Service as child's guardian), Mrs A (child's mother), Mr A (child's father)}, author={High Court of Justice Family Division18 July 2007Before: Mr Justice Holman Date: 18/07/2007, Hearing dates: 4th, 5th and 9th July 2007Crown copyright} }

@book{High Court of Justice Family Division24 June 2015 Before: The Honourable Mr Justice MacDonald Date: 24/06/2015Crown copyright, title={Kings College Hospital NHS Foundation Trust v MH [2015] EWHC 1920 (Fam)}, journal={Kings College Hospital NHS Foundation Trust v MH}, author={High Court of Justice Family Division24 June 2015 Before: The Honourable Mr Justice MacDonald Date: 24/06/2015Crown copyright} }

@book{High Court of Justice Queen's Bench Division31 March 2015Before: The Honourable Mr Justice Dingemans Date: 20/04/2015Crown copyright, title={A v East Kent Hospitals University NHS Foundation Trust [2015] EWHC 1038 (QB); [2015] Med LR 262}, journal={Mrs A v East Kent Hospitals University NHS Foundation Trust}, author={High Court of Justice Queen's Bench Division31 March 2015Before: The Honourable Mr Justice Dingemans Date: 20/04/2015Crown copyright} }

@article{Hobson_2016, title={No (,) More Bolam Please: Montgomery v Lanarkshire Health Board}, volume={79}, DOI={10.1111/1468-2230.12194}, number={3}, journal={The Modern Law Review}, author={Hobson, Clark}, year={2016}, month={May}, pages={488-503} }

@article{Hobson_2017, title={Williams v the Bermuda Hospitals Board: Pro-Patient, but for Ambiguities Which Remain}, volume={25}, DOI={10.1093/medlaw/fww041}, number={1}, journal={Medical Law Review}, author={Hobson, Clark}, year={2017}, pages={126-137} }

@article{Hogg_2007, title={Re-establishing Orthodoxy in the Realm of Causation}, volume={11}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr11&id=14}, number={1}, journal={Edinburgh Law Review}, author={Hogg, M. A.}, year={2007}, pages={8-30} }

@article{Hogg_2005, title={M.Hogg 'Duties of care, causation, and the implications of

Chester v Afshar.' (2005) 9(1) Edinburgh Law Review 156-167}, volume={9},
url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&
handle=hein.journals/edinlr9&collection=journals&id=162}, number={1},
journal={Edinburgh Law Review}, author={Hogg, Martin}, year={2005} }

@article{Howells_Mildred_2002, title={Infected Blood: Defect and Discoverability A First
Exposition of the EC Product Liability Directive}, volume={65},
DOI={10.1111/1468-2230.00369}, number={1}, journal={The Modern Law Review},
author={Howells, Geraint and Mildred, Mark}, year={2002}, month={Jan},
pages={95-106} }

@article{Hughes_2013, title={Condom Use, Viral Load and the Type of Sexual Activity as
Defences to the Sexual Transmission of HIV}, volume={77},
DOI={10.1350/jcla.2013.77.2.832}, number={2}, journal={The Journal of Criminal Law},
author={Hughes, David}, year={2013}, month={Apr}, pages={136-150} }

@book{Jackson_2013, address={Oxford}, edition={3rd ed}, title={Medical law: text,
cases, and materials}, publisher={Oxford University Press}, author={Jackson, Emily},
year={2013} }

@book{Jackson_2016a, address={Oxford}, edition={Fourth edition}, title={Medical law:
text, cases, and materials, Chapter 1}, publisher={Oxford University Press},
author={Jackson, Emily}, year={2016} }

@book{Jackson_2016b, address={Oxford}, edition={Fourth edition}, title={Medical law:
text, cases, and materials, Chapter 3}, publisher={Oxford University Press},
author={Jackson, Emily}, year={2016} }

@book{Jackson_2016c, address={Oxford}, edition={Fourth edition}, title={Medical law:
text, cases, and materials, Chapter 3, 'The Criminal Law' pp182-187}, publisher={Oxford
University Press}, author={Jackson, Emily}, year={2016} }

@book{Jackson_2016d, address={Oxford}, edition={Fourth edition}, title={Medical law:
text, cases, and materials, pp 169-174.}, publisher={Oxford University Press},
author={Jackson, Emily}, year={2016} }

@book{Jackson_2016e, address={Oxford}, edition={Fourth edition}, title={Medical law:
text, cases, and materials, Chapter 10}, publisher={Oxford University Press},
author={Jackson, Emily}, year={2016} }

@book{Jackson_2016f, address={Oxford}, edition={Fourth edition}, title={Medical law:
text, cases, and materials}, publisher={Oxford University Press}, author={Jackson,
Emily}, year={2016} }

@book{Jackson_2016g, address={Oxford}, edition={Fourth edition}, title={Medical law:
text, cases, and materials}, publisher={Oxford University Press}, author={Jackson,
Emily}, year={2016} }

@book{Jackson_2019, address={Oxford}, edition={5th edn}, title={Medical law: text,
cases, and materials},
url={https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.1093/he/9780198825845.
001.0001}, publisher={Oxford University Press}, author={Jackson, Emily}, year={2019}

}

@article{Johnston, title={Informed consent and the lingering shadow of Chester v Afshar: Part 1},
url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI5F52C420148211E589A4A4CE49B8FEF0%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, journal={Scots Law Times}, author={Johnston, Lesley} }

@article{Johnston, title={Informed consent and the lingering shadow of Chester v Afshar: Part 2},
url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI9FA593A01ACB11E58C72BE1A3BED0105%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, journal={Scots Law Times}, author={Johnston, Lesley} }

@article{Jones_2003, title={Tightropes and Tragedies: 25 years of Tarasoff},
volume={43},
url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/P?h=hein.journals/mdscw43&i=13}, number={1}, journal={Medicine, Science and the Law},
author={Jones, Chris}, year={2003}, month={Jan}, pages={13-22} }

@article{JR Spencer, title={Retrial for reckless infection}, volume={154},
url={https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/4FFX-CDX0-TWWR-G1FF-00000-00?context=1001073&identityprofileid=32QDCK57563},
number={7129}, journal={The New Law Journal}, author={JR Spencer} }

@article{JR Spencer, title={Liability for reckless infection—part 1}, volume={154},
url={https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/4FFX-CDX0-TWWR-G0YB-00000-00?context=1001073&identityprofileid=32QDCK57563},
number={7119}, journal={The New Law Journal}, author={JR Spencer} }

@article{JR Spencer, title={Liability for reckless infection—part 2}, volume={154},
url={https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/4FFX-CF00-TWWR-G01J-00000-00?context=1001073&identityprofileid=32QDCK57563},
number={7121}, journal={The New Law Journal}, author={JR Spencer} }

@article{Junor_2013, title={Junor, G. 'Case Comment: Glancy v Southern General Hospital NHS Trust' SLT 2013, 35, 243-246}, volume={35},
url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI6249E4D0429F11E3A5AADD6B3922D809%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, journal={Scots Law Times}, author={Junor, Gordon},
year={2013}, pages={243-246} }

@article{Kazarian_Griffiths_Brazier_2011, title={Criminal responsibility for medical malpractice in France}, volume={27},
url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI4CA309F027B611E1A6AFBF6CE47F523B%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, number={4}, journal={Professional Negligence},
author={Kazarian, Melinee and Griffiths, Danielle and Brazier, Margaret}, year={2011} }

@article{Komrad_1983, title={A defence of medical paternalism: maximising patient's autonomy}, volume={9}, DOI={10.1136/jme.9.1.38}, number={1}, journal={Journal of Medical Ethics}, author={Komrad, M. S.}, year={1983}, month={Mar}, pages={38-44} }

@article{Kottow_1986, title={Medical confidentiality: an intransigent and absolute obligation.}, volume={12}, DOI={10.1136/jme.12.3.117}, number={3}, journal={Journal of Medical Ethics}, author={Kottow, M H}, year={1986}, pages={117-122} }

@article{Laing_2002, title={Consumer Protection Act 1987: Liability for Defective Products}, volume={10}, DOI={10.1093/medlaw/10.1.82}, number={1}, journal={Medical Law Review}, author={Laing, J}, year={2002}, month={Mar}, pages={82-88} }

@article{Laird_2016, title={Filling a Lacuna: The Care Worker and Care Provider Offences in the Criminal Justice and Courts Act 2015}, volume={37}, DOI={10.1093/slr/hmv020}, number={1}, journal={Statute Law Review}, author={Laird, Karl}, year={2016}, month={Feb}, pages={1-18} }

@article{Larcher_Craig_Bhogal_Wilkinson_Brierley_2015, title={Making decisions to limit treatment in life-limiting and life-threatening conditions in children: a framework for practice:}, volume={100}, DOI={10.1136/archdischild-2014-306666}, number={Suppl 2}, journal={Archives of Disease in Childhood}, author={Larcher, Vic and Craig, Finella and Bhogal, Kiran and Wilkinson, Dominic and Brierley, Joe}, year={2015}, month={May}, pages={s1-s23} }

@book{Laurie_Harmon_Dove_Mason_McCall Smith_2019, address={Oxford}, edition={11th edn}, title={Mason & McCall Smith's law & medical ethics}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.1093/he/9780198826217.001.0001}, publisher={Oxford University Press}, author={Laurie, G. T. and Harmon, Shawn and Dove, E. S. and Mason, J. K. and McCall Smith, Alexander}, year={2019} }

@book{Laurie_Harmon_Porter_Mason_Mason_McCall Smith_2016a, address={Oxford}, edition={Tenth edition}, title={Mason and McCall Smith's Law & medical ethics, Chapter 1}, publisher={Oxford University Press}, author={Laurie, G. T. and Harmon, Shawn and Porter, Gerard and Mason, J. K. and Mason, J. K. and McCall Smith, Alexander}, year={2016} }

@book{Laurie_Harmon_Porter_Mason_Mason_McCall Smith_2016b, address={Oxford}, edition={Tenth edition}, title={Mason and McCall Smith's Law & medical ethics, Chapter 5}, publisher={Oxford University Press}, author={Laurie, G. T. and Harmon, Shawn and Porter, Gerard and Mason, J. K. and Mason, J. K. and McCall Smith, Alexander}, year={2016} }

@book{Laurie_Harmon_Porter_Mason_Mason_McCall Smith_2016c, address={Oxford}, edition={Tenth edition}, title={Mason and McCall Smith's Law & medical ethics, Chapter 5, 'Criminal Negligence' pp 174-178}, publisher={Oxford University Press}, author={Laurie, G. T. and Harmon, Shawn and Porter, Gerard and Mason, J. K. and Mason, J. K. and McCall Smith, Alexander}, year={2016} }

@book{Laurie_Harmon_Porter_Mason_Mason_McCall_Smith_2016d, address={Oxford}, edition={Tenth edition}, title={Mason and McCall Smith's Law & medical ethics, Chapter 5.01-5.17}, publisher={Oxford University Press}, author={Laurie, G. T. and Harmon, Shawn and Porter, Gerard and Mason, J. K. and Mason, J. K. and McCall Smith, Alexander}, year={2016} }

@book{Laurie_Harmon_Porter_Mason_Mason_McCall_Smith_2016e, address={Oxford}, edition={Tenth edition}, title={Mason and McCall Smith's Law & medical ethics}, publisher={Oxford University Press}, author={Laurie, G. T. and Harmon, Shawn and Porter, Gerard and Mason, J. K. and Mason, J. K. and McCall Smith, Alexander}, year={2016} }

@book{ title={Reform of Offences Against the Person Law Com No 361 2 November 2015}, url={https://www.gov.uk/government/publications/reform-of-offences-against-the-person}, author={Law Commission} }

@article{Lodge_2017, title={Gross Negligence Manslaughter on the Cusp}, volume={81}, DOI={10.1177/0022018317694719}, number={2}, journal={The Journal of Criminal Law}, author={Lodge, Anne}, year={2017}, month={Apr}, pages={125-142} }

@book{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, title={Re T. (Adult: Refusal of Treatment) [1992] 3 W.L.R. 782}, journal={*95 In Re T.}, author={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} }

@book{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, title={Aintree University Hospitals NHS Foundation Trust v James [2013] UKSC 67; [2014] AC 591; [2013] 3 WLR 1299; [2014] 1 All E.R. 573}, journal={*591 Aintree University Hospitals NHS Foundation Trust v James and others}, author={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} }

@article{Loughrey_2008, title={Can You Keep a Secret - Children, Human Rights, and the Law of Medical Confidentiality}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/chilflq20&id=312}, number={3}, journal={Child and Family Law Quarterly}, author={Loughrey, J.}, year={2008} }

@article{Mackay_1990, title={Dangerous Patients: Third Party Safety and Psychiatrists' Duties - Walking the Tarasoff Tightrope}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?handle=hein.journals/mdsclw30&size=2&collection=journals&id=52}, journal={Medicine, Science and the Law}, author={Mackay, R. R.}, year={1990} }

@article{Maclean_2012, title={From Sidaway to Pearce and beyond: is the legal regulation of consent any better following a quarter of a century of judicial scrutiny?},

volume={20}, DOI={10.1093/medlaw/fwr040}, number={1}, journal={Medical Law Review}, author={Maclean, A.}, year={2012}, month={Mar}, pages={108-129} }

@article{Maclean_2004, title={The Doctrine of Informed Consent: Does It Exist and Has It Crossed the Atlantic?}, volume={24},
url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/legstd24&id=398}, number={3}, journal={Legal Studies}, author={Maclean, A. R.}, year={2004}, pages={386-413} }

@article{Maclean_2006, title={Advance directives, future selves and decision-making}, volume={14}, DOI={10.1093/medlaw/fwl009}, number={3}, journal={Medical Law Review}, author={Maclean, A. R.}, year={2006}, month={Sep}, pages={291-320} }

@article{Maclean_2008, title={Advance Directives and the Rocky Waters of Anticipatory Decision-making}, volume={16}, DOI={10.1093/medlaw/fwm019}, number={1}, journal={Medical Law Review}, author={Maclean, A. R.}, year={2008}, month={Jan}, pages={1-22} }

@article{Maclean_2002, title={Beyond Bolam and Bolitho}, volume={5}, DOI={10.1177/096853320200500305}, number={3}, journal={Medical Law International}, author={Maclean, Alasdair}, year={2002}, month={Mar}, pages={205-230} }

@article{MacLean, title={Consent, sectionalisation and the concept of medical procedure}, volume={28},
url={https://ezproxy.lib.gla.ac.uk/login?url=https://go.galegroup.com/ps/i.do?p=AONE&u=glasuni&id=GALE|A90796838&v=2.1&it=r&sid=summon&authCount=1#}, number={4}, journal={Journal of Medical Ethics}, author={MacLean, A.R.} }

@article{Maskrey_Edia_2005, title={Chester v Afshar and Gregg v Scott: mixed messages for lawyers}, volume={3},
url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FICA10DA10E72111DA9D198AF4F85CA028%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, journal={Journal of Personal Injury Law}, author={Maskrey, Simeon and Edia, William}, year={2005}, pages={205-223} }

@article{Mason_Brodie_2005, title={Bolam, Bolam - wherefore are thou Bolam?}, volume={9},
url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr9&id=304}, number={2}, journal={Edinburgh Law Review}, author={Mason, J.K. and Brodie, D.}, year={2005}, pages={298-306} }

@article{Matthew Weait_2005, title={Knowledge, autonomy and consent: R. v Konzani}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI78F32F40E45411DA92358E85EE602D8A%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, journal={Criminal Law Review}, author={Matthew Weait}, year={2005} }

@article{Mawhinney_2013, title={To Be Ill or to Kill: The Criminality of Contagion},

volume={77}, DOI={10.1350/jcla.2013.77.3.840}, number={3}, journal={The Journal of Criminal Law}, author={Mawhinney, George R.}, year={2013}, month={Jun}, pages={202-214} }

@article{McCall-Smith_1993, title={Criminal Negligence and the Incompetent Doctor}, volume={1}, DOI={10.1093/medlaw/1.3.336}, number={3}, journal={Medical Law Review}, author={McCall-Smith, Alexander}, year={1993}, pages={336-349} }

@article{Meyers_2005, title={Wyatt and Winston-Jones: who decides to treat or let die seriously ill babies?}, volume={9}, url={http://ezproxy.lib.gla.ac.uk/login?url=http://heinonline.org/HOL/Page?public=false∓handle=hein.journals/edinlr9&collection=journals&id=313}, number={2}, journal={Edinburgh Law Review}, author={Meyers, D.W.}, year={2005}, pages={307-316} }

@article{Millward_2016, title={A Disability Act? The Vaccine Damage Payments Act 1979 and the British Government's Response to the Pertussis Vaccine Scare}, DOI={10.1093/shm/hkv140}, journal={Social History of Medicine}, author={Millward, Gareth}, year={2016}, month={Aug} }

@article{Miola_2008, title={J.Miola 'On the Materiality of Risk: Paper Tigers and Panaceas' (2009) 17 Medical Law Review 76-108}, volume={17}, DOI={10.1093/medlaw/fwn024}, number={1}, journal={Medical Law Review}, author={Miola, J.}, year={2008}, month={Dec}, pages={76-108} }

@inbook{Miola_2015, address={Oxford}, title={Bolam v Friern Hospital Management Committee [1957]: Medical Law's Accordion}, volume={Landmark cases}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.5040/9781474201438}, booktitle={Landmark cases in medical law}, publisher={Hart Pub}, author={Miola, J.}, year={2015} }

@article{Montgomery_Montgomery_2016, title={Montgomery on informed consent: an inexpert decision?}, volume={42}, DOI={10.1136/medethics-2015-102862}, number={2}, journal={Journal of Medical Ethics}, author={Montgomery, Jonathan and Montgomery, Elsa}, year={2016}, month={Feb}, pages={89-94} }

@article{Muirhead_2012, title={When four principles are too many: bloodgate, integrity and an action-guiding model of ethical decision making in clinical practice}, volume={38}, DOI={10.1136/medethics-2011-100136}, number={4}, journal={Journal of Medical Ethics}, author={Muirhead, William}, year={2012}, month={Apr}, pages={195-196} }

@article{Mulheron_2010, title={Trumping Bolam: A Critical Legal Analysis of Bolitho's "Gloss"}, volume={69}, DOI={10.1017/S0008197310000826}, number={03}, journal={The Cambridge Law Journal}, author={Mulheron, Rachael}, year={2010}, month={Nov}, pages={609-638} }

@article{Müller_2009, title={Sabine Müller, 'Body Integrity Identity Disorder (BIID)—Is the Amputation of Healthy Limbs Ethically Justified?' The American Journal of Bioethics, Volume 9 (1) 2009}, volume={9}, DOI={10.1080/15265160802588194}, number={1}, journal={The American Journal of Bioethics}, author={Müller, Sabine}, year={2009}, month={Jan}, pages={36-43} }

@article{Munro_2007, title={On Responsible Relationships and Irresponsible Sex - Criminalising the Reckless Transmission of HIV R v Dica and R v Konzani}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?handle=hein.journals/chilflq19&size=2&collection=journals&id=112}, number={1}, journal={Child and Family Law Quarterly}, author={Munro, Vanessa, E.}, year={2007} }

@article{Norrie_1991, address={Edinburgh}, title={K. McK.Norrie, 'The Age of Legal Capacity (Scotland) Act 1991' (1991) 36 Journal of the Law Society of Scotland 434}, volume={36}, journal={The journal of the Law Society of Scotland}, publisher={Law Society of Scotland}, author={Norrie, Kenneth Mck.}, year={1991} }

@article{Oliphant_2007, title={Beyond Misadventure: Compensation for Medical Injuries in New Zealand}, volume={15}, DOI={10.1093/medlaw/fwm016}, number={3}, journal={Medical Law Review}, author={Oliphant, K.}, year={2007}, month={Jan}, pages={357-391} }

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

@article{Pugh_Pilgerstorfer_2004, title={The development risk defence - knowledge, discoverability and creative leaps}, volume={4}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FICA22B460E72111DA9D198AF4F85CA028%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, journal={Journal of Personal Injury Law}, author={Pugh, Charles and Pilgerstorfer, Marcus}, year={2004}, pages={258-269} }

@article{Quick_2006, title={Prosecuting 'Gross' Medical Negligence: Manslaughter, Discretion, and the Crown Prosecution Service}, volume={33}, DOI={10.1111/j.1467-6478.2006.00365.x}, number={3}, journal={Journal of Law and Society}, author={Quick, Oliver}, year={2006}, month={Sep}, pages={421-450} }

@article{Quick_2010, title={Medicine, Mistakes and Manslaughter: A Criminal Combination?}, volume={69}, DOI={10.1017/S0008197310000231}, number={01}, journal={The Cambridge Law Journal}, author={Quick, Oliver}, year={2010}, month={Mar} }

@article{Quick_2011, title={Expert Evidence and Medical Manslaughter: Vagueness in Action}, volume={38}, DOI={10.1111/j.1467-6478.2011.00556.x}, number={4}, journal={Journal of Law and Society}, author={Quick, Oliver}, year={2011}, month={Dec}, pages={496-518} }

@article{Quick_2012, title={Patient safety and the problem and potential of law}, volume={28}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FIB97DCF91C4CF11E180C19F9AB713BD06%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, number={2}, journal={Professional Negligence},

author={Quick, Oliver}, year={2012} }

@article{Reid_2015, title={E. Reid, 'Montgomery v Lanarkshire Health Board and the Rights of the Reasonable Patient (2015) Edinburgh Law Review 19(3) 360-366}, volume={19}, DOI={10.3366/elr.2015.0295}, number={3}, journal={Edinburgh Law Review}, author={Reid, Elspeth}, year={2015}, month={Sep}, pages={360-366} }

@misc{Roy Gilbar_2012, title={Medical confidentiality and communication with the patient's family: legal and practical perspectives}, volume={24}, url={http://ezproxy.lib.gla.ac.uk/login?url=http://heinonline.org/HOL/Page?public=false&handle=hein.journals/chilflq24&id=203}, number={2}, author={Roy Gilbar}, year={2012}, pages={139-256} }

@article{Ryan_2015, title={Disclosure and HIV Transmission}, volume={79}, DOI={10.1177/0022018315614444}, number={6}, journal={The Journal of Criminal Law}, author={Ryan, Samantha}, year={2015}, month={Dec}, pages={395-410} }

@article{Samanta_2009, title={Lasting Powers of Attorney for Healthcare under the Mental Capacity Act 2005: Enhanced Prospective Self Determination for Future Incapacity or a Simulacrum?}, volume={17}, DOI={10.1093/medlaw/fwp018}, number={3}, journal={Medical Law Review}, author={Samanta, J.}, year={2009}, month={Sep}, pages={377-409} }

@article{Samantha Ryan, title={Reckless transmission of HIV: knowledge and culpability}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI37B9B0A057F211DB919FA1123923A50B%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, journal={Criminal Law Review}, author={Samantha Ryan} }

@book{Sir John Donaldson M.R., Fox and Stephen Brown L.JJ. McCowan J.1984 Feb. 22, 23; March 71983 May 3, 4, 5, 6, 9, 10, 11, 12, 16, 17, 18, 19(c) Incorporated Council of Law Reporting for England & Wales, title={Freeman v Home Office (No.2), [1984] QB 524, [1984] 1 All ER}, journal={*524 Freeman v Home Office (No. 2)}, author={Sir John Donaldson M.R., Fox and Stephen Brown L.JJ. McCowan J.1984 Feb. 22, 23; March 71983 May 3, 4, 5, 6, 9, 10, 11, 12, 16, 17, 18, 19(c) Incorporated Council of Law Reporting for England & Wales} }

@article{Stanton_2015, title={Maternal transmission of HIV infection: a crime against my child?}, volume={41}, DOI={10.1136/medethics-2013-101368}, number={5}, journal={Journal of Medical Ethics}, author={Stanton, Catherine}, year={2015}, month={May}, pages={375-378} }

@article{Stapleton, title={Occam's razor reveals an orthodox basis for Chester v Afshar}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI92B0E190FC8011DAA462ECB8AE6EC68E%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, number={122}, journal={Law Quarterly Review}, author={Stapleton, Jane}, pages={426-448} }

@article{Stauch_2009, title={ 'Material Contribution' as a Response to Causal

Uncertainty: Time for a Rethink}, volume={68}, DOI={10.1017/S0008197309000269}, number={01}, journal={The Cambridge Law Journal}, author={Stauch, Marc}, year={2009}, month={Mar} }

@article{Stewart_2007, title={'Best interests': towards a more patient-friendly law?}, volume={11}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FIC15A4C304A5C11DD8F5AD5BBDD350CBC%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, number={1}, journal={Edinburgh Law Review}, author={Stewart, Angus}, year={2007} }

@article{Sutherland_2015, title={Causation in consent cases: where are we now following Montgomery in the Supreme Court?}, volume={124}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI3AAC716009F711E5BF9F8241925ED0A8%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, journal={Reparation Bulletin}, author={Sutherland, Lauren}, year={2015}, pages={3-6} }

@article{Tadros_2001, title={Recklessness, Consent and the Transmission of HIV}, volume={5}, DOI={10.3366/elr.2001.5.3.371}, number={3}, journal={Edinburgh Law Review}, author={Tadros, Victor}, year={2001}, month={Sep}, pages={371-380} }

@article{Teff_1985, address={[London]}, title={H.Teff, 'Consent to medical procedures: paternalism, self-determination or therapeutic alliance.' (1985) 101 Law Quarterly Rev 432-453}, volume={101}, journal={The Law quarterly review}, publisher={Stevens and Sons}, author={Teff, H.}, year={1985}, pages={432-453} }

@article{Teff_1998, title={The standard of care in medical negligence - moving on from Bolam?}, volume={18}, DOI={10.1093/ojls/18.3.473}, number={3}, journal={Oxford Journal of Legal Studies}, author={Teff, H}, year={1998}, month={Sep}, pages={473-484} }

@book{Templeman and Dunn L.JJ. 1981 Aug. 7(c) Incorporated Council of Law Reporting for England & Wales, title={Re B (a minor) [1981] 1 WLR 1421, [1990] 3 All ER}, journal={*1421 in Re B. (A Minor) (Wardship: Medical Treatment)}, author={Templeman and Dunn L.JJ. 1981 Aug. 7(c) Incorporated Council of Law Reporting for England & Wales} }

@article{Thompson_1979, title={The nature of confidentiality.}, volume={5}, DOI={10.1136/jme.5.2.57}, number={2}, journal={Journal of Medical Ethics}, author={Thompson, I E}, year={1979}, month={Jun}, pages={57-64} }

@book{Thomson_Cherry_McManus_2014, address={Edinburgh}, edition={Second edition}, title={Mental health and Scots law in practice}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FBrowse%2FHome%2FBooks%2FMentalHealth%3FskipAnonymous%3Dtrue}, publisher={W. Green}, author={Thomson, Lindsay D. G. and Cherry, Joanna and McManus, J. J.}, year={2014} }

@book{Thorpe J.1993 Oct. 8, 11; 14(c) Incorporated Council of Law Reporting for England & Wales, title={Re C (Adult: Refusal of Medical Treatment) [1994] 1 W.L.R. 290}, journal={*290 In re C. (Adult: Refusal of Treatment)}, author={Thorpe J.1993 Oct. 8, 11; 14(c) Incorporated Council of Law Reporting for England & Wales} }

@article{Turton_2008, title={A Case For Clarity in Causation?}, volume={17}, DOI={10.1093/medlaw/fwn029}, number={1}, journal={Medical Law Review}, author={Turton, G.}, year={2008}, month={Dec}, pages={140-147} }

@article{Van Leeuwen_Verbruggen_2015, title={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)}, DOI={10.2139/ssrn.2639582}, journal={SSRN Electronic Journal}, author={Van Leeuwen, Barend and Verbruggen, Paul}, year={2015} }

@article{Vickery_2015, title={Revisiting consent: communication of risks, medical paternalism versus patient autonomy}, volume={20}, url={https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI6CF4512030611E5BC5EF319DA6D29FE%2FView%2FFullText.html%3FskipAnonymous%3Dtrue}, number={1}, journal={Coventry Law Journal}, author={Vickery, Sue}, year={2015}, pages={40-45} }

@article{Weait_2005, title={Criminal Law and the Sexual Transmission of HIV: R v Dica}, volume={68}, DOI={10.1111/j.1468-2230.2005.00531.x}, number={1}, journal={Modern Law Review}, author={Weait, Matthew}, year={2005}, month={Jan}, pages={121-134} }

@book{Weait_2007, address={Abingdon}, edition={1st ed}, title={Intimacy and responsibility: the criminalisation of HIV transmission}, url={https://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780203937938}, publisher={Routledge-Cavendish}, author={Weait, Matthew}, year={2007} }

@article{Wicks_2001, title={The Right to Refuse Medical Treatment under the European Convention on Human Rights}, volume={9}, DOI={10.1093/medlaw/9.1.17}, number={1}, journal={Medical Law Review}, author={Wicks, E.}, year={2001}, month={Mar}, pages={17-40} }

@article{Wrigley_2007, title={Proxy consent: moral authority misconceived}, volume={33}, DOI={10.1136/jme.2006.019711}, number={9}, journal={Journal of Medical Ethics}, author={Wrigley, A}, year={2007}, month={Sep}, pages={527-531} }

@book{Hunter v Mann_1974, volume={2}, journal={All England Law Reports}, year={1974} }

@book{Sidaway v Board of Governors of Bethlem Royal and the Maudsley Hospital [1985] 2 WLR 480_1985a, volume={2}, journal={Weekly Law Reports (ICLR)}, year={1985} }

@book{Sidaway v Board of Governors of Bethlem Royal and the Maudsley Hospital [1985] 2 WLR 480_1985b, volume={2}, journal={Weekly Law Reports (ICLR)}, year={1985} }

@book{Gillick v West Norfolk and Wisbech Area Health Authority and another_1985, volume={3}, journal={All England Law Reports}, year={1985} }

@book{Duncan v Medical Practitioners Disciplinary Committee_1986, volume={1 NZLR 513}, journal={New Zealand Law Reports}, year={1986} }

@book{Stephens v Avery and others_1988a, volume={2}, journal={All England Law Reports}, year={1988} }

@book{Stephens v Avery and others_1988b, volume={2}, journal={All England Law Reports}, year={1988} }

@book{Attorney General v Guardian Newspapers and others (No 2)_1988, volume={3}, journal={All England Law Reports}, year={1988} }

@book{Moyes v Lothian Health Board [1990] 1 Med LR 463_1990, year={1990} }

@book{Re J (a minor) (wardship: medical treatment [1990] 3 All ER 930_1990, volume={3}, journal={All England Law Reports}, year={1990} }

@book{Re J (a minor) [1991] 2 WLR 140, [1990] 3 All ER 930, 6 BMLR 25_1990, volume={3}, journal={All England Law Reports}, year={1990} }

@book{W v Egdell and others_1990, volume={1}, journal={All England Law Reports}, year={1990} }

@book{Goorkani v Tayside Health Board [1991] 1 Med LR 33_1991, year={1991} }

@book{Re R (a minor) [1991] 4 All ER 177_1991, volume={4}, journal={All England Law Reports}, year={1991} }

@book{Re T (adult: refusal of medical treatment)) [1992] 4 All ER 649, [1993] 3 WLR 782_1992, volume={4}, journal={All England Law Reports}, year={1992} }

@article{Re J (a minor) - Refusal of Medical Treatment), New Law Journal, 1123, (1992)_1992, address={London}, number={1123}, journal={New Law Journal}, publisher={Butterworths}, year={1992} }

@article{Re W (a minor) - Refusal of Medical Treatment, New Law Journal, 1124, (1992)_1992, address={London}, number={1124}, journal={The New law journal}, publisher={Butterworth}, year={1992} }

@book{Re T (adult: refusal of medical treatment) [1992] 4 All ER 649_1992, volume={4}, journal={All England Law Reports}, year={1992} }

@book{Rogers v Whitaker [1993] 4 Med LR 79_1993, year={1993} }

@book{Re O [1993] FLR 149_1993, volume={2}, journal={Family law reports}, year={1993} }

@book{Re S (children) (specific issue order: religion, circumcision) [2005] 1 FLR 236_1993, volume={1}, journal={Family law reports}, year={1993} }

@book{Re E (a minor) (Wardship:Medical Treatment) [1993] 1 FLR 386_1993, volume={1}, year={1993} }

@book{Smith v Tunbridge Wells Health Authority [1994] 5 Med LR 334_1994, year={1994} }

@book{Newell and Newell v Goldenberg [1995] 6 Med LR 371_1995, journal={Medical Law ReportsNewell and Newell v Goldenberg}, year={1995} }

@book{Re Z (a minor) (freedom of publication)_1995, volume={4}, journal={All England Law Reports}, year={1995} }

@book{Re T (a minor) (Wardship Medical treatment) [1997] 1 WLR 242, [1997] 1 All ER 906, 35 BMLR 63 (CA)_1997, volume={1}, journal={All England Law Reports}, year={1997} }

@book{Chappel v Hart [1998] HCA 55, [1998] 72 Australian Law Journal Reports 1344, [1999] Lloyd's Law Reports (Medical) 223_1998, address={London}, journal={Lloyd's law reports. Medical}, publisher={LLP Professional Pub}, year={1998} }

@book{Re L (medical treatment: Gillick competency) [1998] 2 FLR 810_1998, volume={2}, journal={Family Law Reports}, year={1998} }

@book{Smith v. Jones, 1998 CanLII 4689 (BC CA)_1998, year={1998} }

@book{Re M (medical treatment: consent) [1999] 2 FLR 1097_1999, volume={2}, year={1999} }

@article{United Kingdom. Medical Negligence: Fact, Breach and Bolitho_1999, volume={7}, DOI={10.1093/medlaw/7.3.327}, number={3}, journal={Medical Law Review}, year={1999}, month={Sep}, pages={327-356} }

@article{Are the Courts Excessively Deferential to the Medical Profession?_2001, volume={9}, DOI={10.1093/medlaw/9.1.1}, number={1}, journal={Medical Law Review}, year={2001}, month={Mar}, pages={1-16} }

@article{C v Dr Cairns_2003, address={London}, volume={90}, journal={Lloyd's law reports: Medical}, publisher={LLP Professional Pub}, year={2003} }

@book{Chester v Afshar [2004] UKHL 41_2004, volume={4}, journal={All England Law Reports}, year={2004} }

@book{Portsmouth NHS Trust v Wyatt [2005] 1 FLR 21_2004, volume={1}, journal={Family law reports}, year={2004} }

@book{*R v Dica [2004] 3 All E.R. 593_2004, volume={3}, journal={All England Law Reports}, year={2004} }

@misc{A Good Practice Guide on Consent for Health Professionals in NHS Scotland (Scottish Executive Health Department, 2006)_2006, url={http://www.sehd.scot.nhs.uk/mels/HDL2006_34.pdf}, year={2006} }

@book{Alghrani_Bennett_Ost_2013, address={Cambridge}, title={Bioethics, medicine, and the criminal law: Volume 1: The criminal law and bioethical conflict : walking the tightrope}, url={https://ezproxy.lib.gla.ac.uk/login?url=https://doi.org/10.1017/CBO9781139177382}, publisher={Cambridge University Press}, year={2013} }

@misc{Decision tools and other learning materials_2013, url={https://www.gmc-uk.org/guidance/20473.asp}, publisher={General Medical Council}, year={2013}, month={Mar} }

@book{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_2015, volume={2}, journal={Family Law Reports}, year={2015} }

@book{Mason and McCall Smith's Law & medical ethics_2016, address={Oxford}, edition={Tenth edition}, publisher={Oxford University Press}, year={2016} }

@misc{Information Commissioner's Office_2017, url={https://ico.org.uk/}, publisher={ICO}, year={2017} }

@book{Hunter v Hanley }

@book{Bolam v Friern Hospital Management Committee }

@book{Bolitho v City and Hackney Health Authority }

@book{Gregg v Scott }

@book{Williams v Bermuda Hospitals Board }

@book{Roe v Ministry of Health }

@book{Hucks v Cole }

@book{Whitehouse v Jordan }

@book{Maynard v W. Midlands Health Authority }

@book{Sidaway v Board of Governors of Bethlem Royal and the Maudsley Hospital }

@book{Defreitas v O'Brien }

@book{Marriott v West Midlands RHA }

@book{Wisniewski v Central Manchester Health Authority }

@book{Penney v East Kent HA }

@book{Morris (A Child by his Mother & Litigation Friend) v Blackpool Victoria Hospital NHS Trust }

@book{Birch v University College London NHS Trust }

@book{Burne v A }

@book{Honisz v Lothian Health Board }

@book{Brown v The Scarborough & North East Yorkshire Healthcare NHS Trust }

@book{Carter v Ministry of Justice }

@book{Glancy v The Southern General Hospital NHS Trust }

@book{Hannigan v Lanarkshire Acute Hospitals NHS Trust }

@book{C v North Cumbria University Hospitals NHS Trust }

@book{KR v Lanarkshire Health Board [2016] CSOH 133 }

@book{EXP v Barker }

@book{FB v Rana }

@book{Barnett v Chelsea and Kensington }

@book{Kay's Tutor v Ayrshire and Arran Health Board }

@book{Hotson v East Berkshire }

@book{Wilsher v Essex AHA }

@book{Chester v Afshar }

@book{Gouldsmith v Mid Staffordshire General Hospitals NHS Trust }

@book{Bailey v Ministry of Defence }

@book{Canning-Kishver v Sandwell & West Birmingham NHS Trust }

@book{Wright (A Child) v Cambridge Medical Group (A Partnership) }

@book{John v Central Manchester and Manchester Children's University Hospitals NHS Foundation Trust }

@book{R v Rose (Honey Maria) }

@book{R v Rudling (Joanne) }

@book{R v Sellu (David) }

@book{R v Misra (Amit) }

@book{R v Adomako (John Asare) }

@book{Criminal Justice and Courts Act 2015, ss 20-21 }

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

@book{Paton v HM Advocate }

@book{Transco plc v HM Advocate }

@misc{The new criminal sanctions of wilful neglect or ill-treatment - The MDU,
url={ <https://www.themdu.com/guidance-and-advice/latest-updates-and-advice/the-new-criminal-sanctions-of-wilful-neglect-or-ill-treatment> } }

@misc{BMA/s Written Submission to the Health and Sport Committee,
url={ http://www.parliament.scot/S4_HealthandSportCommittee/Inquiries/HTNC017_-_BMA_Scotland.pdf } }

@misc{Volume 1 - No Fault Compensation Review Group Report and Recommendations,
url={ <http://www.gov.scot/Topics/Health/Policy/No-Fault-Compensation/ReviewGroupVol1> } }

@misc{'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,
url={ <http://www.gov.scot/Publications/2016/03/7618> } }

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

@misc{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, url={ <http://www.gov.scot/Topics/Health/Policy/No-Fault-Compensation> } }

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

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

@misc{Rapid resolution and redress scheme for severe birth injury - GOV.UK,
url={ <https://www.gov.uk/government/consultations/rapid-resolution-and-redress-scheme-for-severe-birth-injury> } }

@book{A and Others v National Blood Authority and Others }

@book{Commission v UK Case C-300/95 }

@book{Boston Scientific Medizintechnik GmbH v AOK Sachsen-Anhalt - Die Gesundheitskasse (C-503/13) }

@book{Wilkes v DePuy International Ltd. }

@book{Secretary of State for Work and Pensions v G }

@book{Consumer Protection Act 1987, Part I (esp. Sections 3 & 4), journal={Consumer Protection Act 1987 c. 43} }

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

@book{Vaccine Damage Payments Act 1979 c.17 }

@misc{Statutory duty of candour in secondary care - The MDU,
url={<https://www.themdu.com/guidance-and-advice/guides/statutory-duty-of-candour/statutory-duty-of-candour>} }

@book{Chatterton v Gerson [1981] QB 432, [1981] 1 All ER 257 }

@book{Re AK (adult patient) (medical treatment: consent) (2001) 58 BMLR 151,
volume={58} }

@book{Re B (Adult: Refusal of Medical Treatment) [2002] 2 All ER 449, (2002) 65 BMLR 149, volume={65} }

@book{Montgomery v Lanarkshire Health Board [2015] UKSC 11 }

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

@book{Connolly v Croydon Health Services NHS Trust [2015] EWHC 1339 (QB) (QBD),
journal={All England Reporter} }

@book{R v Cox (1992) 12 BMLR 38, volume={12} }

@book{Re MB [1997] 8 Med LR 217, [1997] 38 BMLR 175 CA, [1997] 2 FCR 541,
volume={38} }

@book{St George's NHS Trust v S [1999] Fam 26 }

@book{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 }

@book{Poynter v Hillingdon Health Authority (1997) 37 BMLR 192, volume={37} }

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

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

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

@misc{GMC: Consent: patients and doctors making decisions together (2008),
url={http://www.gmc-uk.org/guidance/ethical_guidance/consent_guidance_index.asp},
publisher={General Medical Council} }

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

@misc{BMA - Consent tool kit,
url={<https://www.bma.org.uk/advice/employment/ethics/consent/consent-tool-kit>} }

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

@book{Birch v University College London NHS Trust [2008] EWHC 2237, 104 BMLR 168 }

@book{Montgomery v Lanarkshire Health Board [2015] UKSC 11 }

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

@book{Family Law Reform Act 1969 s8, journal={Family Law Reform Act 1969 c. 46} }

@book{Children Act 1989 c. 41,
url={<https://www.legislation.gov.uk/ukpga/1989/41/data.xht?wrap=true>},
journal={Children Act 1989 c. 41} }

@book{Age of Legal Capacity (Scotland) Act 1991,
url={<https://www.legislation.gov.uk/ukpga/1991/50/contents>}, journal={Age of Legal Capacity (Scotland) Act 1991 c. 50} }

@book{Children (Scotland) Act 1995,
url={<https://www.legislation.gov.uk/ukpga/1995/36/contents>}, journal={Children (Scotland) Act 1995 c. 36} }

@book{Children's Hearings (Scotland) Act 2011 s186 Consent of child to medical examination or treatment, url={<https://www.legislation.gov.uk/asp/2011/1/section/186>}, journal={Children's Hearings (Scotland) Act 2011 asp 1 (Scottish Act)} }

@book{Re J (child's religious upbringing and circumcision) [2000] 1 FCR 307, 52 BMLR 82, volume={52} }

@book{Re C (A Child) (Immunisation: Parental Rights) (2003) 73 BMLR 152 (CA), volume={73} }

@book{Re A (children) (conjoined twins: surgical separation) [2001] 57 BMLR 1 (CA), volume={57} }

@book{Finlayson, Applicant 1989 SCLR 601, journal={Scottish Civil Law Reports} }

@book{South Glamorgan County Council v B and W [1993] 11 BMLR 162, volume={11} }

@book{Re C (a child HIV test) [1999] 3 FCR 289 }

@book{Re A [2000] 1 FLR 549 }

@misc{Department of Health, Seeking Consent: working with young people, 2001,
url={[http://webarchive.nationalarchives.gov.uk/20120106063807/http://www.dh.gov.uk/pr
od_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4067204.pdf](http://webarchive.nationalarchives.gov.uk/20120106063807/http://www.dh.gov.uk/pr
od_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4067204.pdf)}
}

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

@book{V v F 1991 SCLR 225, journal={Scottish Civil Law Reports} }

@book{Houston, applicant 1996 SCLR 943; (1996) 32 BMLR 93, volume={32} }

@misc{Adolescents and informed consent | Nuffield Foundation,
url={<http://www.nuffieldfoundation.org/adolescents-and-informed-consent>} }

@book{F v West Berkshire Health Authority [1990] 2 AC 1, journal={*1 In Re F. (Mental
Patient: Sterilisation)} }

@book{Re C (Adult - Refusal of Medical Treatment) [1994] 1 All ER 819 }

@book{Kings College Hospital NHS Foundation Trust v C & Anor [2015] EWCOP 80 (30
November 2015) }

@book{Heart of England NHS Foundation Trust v JB [2014] EWCOP 342 (17 February
2014) }

@book{SB (A Patient; Capacity To Consent To Termination), Re [2013] EWCOP 1417 (21
May 2013) }

@book{Wye Valley NHS Trust v B (Rev 1) [2015] EWCOP 60 (28 September 2015) }

@book{Surrey And Sussex Healthcare NHS Trust v Ms AB [2015] EWCOP 50 (31 July 2015)
}

@book{A NHS Trust v P& Anor [2013] EWHC 50 COP }

@book{A Local Authority v K [2013] EWCOP 242 (15 February 2013) }

@book{The Mental Health Trust & Ors v DD & Anor [2015] EWCOP 4 (04 February 2015) }

@book{Re AA [2012] EWHC 4378 (COP) }

@book{Royal Free NHS Foundation Trust v AB [2014] EWCOP 50 }

@book{The X Primary Care Trust v XB & Anor [2012] EWHC 1390 (Fam) }

@book{Newcastle Upon Tyne Hospitals Foundation Trust v LM [2014] EWCOP 454 }

@book{Mental Capacity Act 2005, journal={Mental Capacity Act 2005 c. 9} }

@misc{Mental Capacity Act 2005 Code of Practice (2007),
url={https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf} }

@book{Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006, journal={Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006/1832} }

@book{Adults with Incapacity (Scotland) Act 2000, journal={Adults with Incapacity (Scotland) Act 2000 asp 4 (Scottish Act)} }

@book{Adults with Incapacity (Specified Medical Treatments) (Scotland) Regulations 2002/275, journal={Adults with Incapacity (Specified Medical Treatments) (Scotland) Regulations 2002/275 (Scottish SI)} }

@book{Adults with Incapacity (Specified Medical Treatments) (Scotland) Amendment Regulations 2002/302, journal={Adults with Incapacity (Specified Medical Treatments) (Scotland) Amendment Regulations 2002/302 (Scottish SI)} }

@misc{Adults with Incapacity (Scotland) Act 2000: Code of Practice (Third Edition),
url={<http://www.gov.scot/Publications/2010/10/20153801/0>} }

@book{Campbell v MGN Limited, journal={Campbell v MGN Limited} }

@book{R (on the application of Axon) v Secretary of State for Health, journal={*539 Regina (Axon) v Secretary of State for Health (Family Planning Association intervening)} }

@book{R v Department of Health ex parte Source Informatics, journal={R. v Department of Health Ex p. Source Informatics Ltd (No.1)} }

@book{R. v Department of Health Ex p. Source Informatics Ltd (No.1) }

@book{Z v Finland (1998) }

@book{MS v Sweden (1998) }

@book{TV v Finland (21780/93) }

@book{Coco v A. N. Clark (Engineers) LTD. }

@book{Ackroyd v Mersey Care NHS Trust, volume={73} }

@book{In Re A Local Authority (Inquiry: Restraint on Publication) }

@book{ABC v St George's Healthcare NHS Trust (2015) }

@book{ABC v St George's Healthcare NHS Foundation Trust (2017) }

@book{Palmer v Tees HA (2000) }

@book{Tarasoff v. Regents of University of California }

@book{Osman v UK }

@book{Reisner v. Regents of University of California }

@book{Myers v Queensbury 144 Cal App 3d 888; 193 Cal Rptr 733 }

@book{Pd v Dr Nicholas Harvey }

@book{Cooper v Turrell }

@article{Reversing the retreat from Gillick? R (Axon) v Secretary of State for Health,
url={ <https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/5N3S-JHM1-DYK7-S0XN-00000-00?context=1001073&identityprofileid=32QDCK57563> },
journal={ Child and Family Law Quarterly } }

@misc{Confidentiality: good practice in handling patient information (2017),
url={ https://www.gmc-uk.org/guidance/ethical_guidance/confidentiality.asp },
publisher={ General Medical Council } }

@misc{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,
url={ http://webarchive.nationalarchives.gov.uk/20121202102500/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4086960 } }

@book{Data Protection Act 1998 }

@book{Health and Social Care Act 2001 c. 15 Arrangement of Act,
url={ <https://www.legislation.gov.uk/ukpga/2001/15/contents> }, journal={ Health and Social Care Act 2001 c. 15 } }

@book{Human Rights Act 1998, journal={ Human Rights Act 1998 c. 42 } }

@book{European Convention on Human Rights }

@book{*R v Dica (2004) 77 B.M.L.R. 243 (CA) }

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

@article{*HMA v Kelly Friday, 23rd February 2001 (unreported),
url={ <https://news.bbc.co.uk/1/hi/scotland/1186093.stm> } }

@article{*HMA v Giovanni Mola 5th April 2007, (unreported),
url={ https://news.bbc.co.uk/1/hi/scotland/edinburgh_and_east/6528885.stm } }

@article{*HMA v Giovanni Mola 5th April 2007, (unreported),
url={ https://news.bbc.co.uk/1/hi/scotland/edinburgh_and_east/6338777.stm } }

@article{*HMA v Devereaux 25th February 2010, (unreported),

url={ https://news.bbc.co.uk/1/hi/scotland/north_east/8519593.stm } }

@article{ Italian man who intentionally infected more than 30 women with HIV jailed,
url={ <http://www.independent.co.uk/news/world/europe/italian-man-hiv-infected-girlfriends-jailed-sentence-valentino-tullato-a8024166.html> } }

@article{ Hairdresser accused of giving men HIV told one 'I ripped the condom. Burn. I got you', court hears,
url={ <http://www.independent.co.uk/news/uk/crime/hiv-hairdresser-grindr-victims-trial-burn-i-got-you-a7992871.html> } }

@article{ California reduces penalty for knowingly exposing someone to HIV,
url={ <http://www.independent.co.uk/california-hiv-infecting-felony-misdemeanor-a7988261.html> } }

@article{ People on HIV medication cannot transmit the virus, declares CDC,
url={ <http://www.independent.co.uk/news/world/americas/hiv-medication-people-on-it-cannot-transmit-virus-cdc-treatment-aids-a7990286.html> } }

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

@article{ The Juridical review, address={ Edinburgh }, publisher={ W. Green & Sons [etc.] } }