

Principles of Healthcare Law

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(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]. N.p. Print.

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

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

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. N.p. Print.

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. N.p. Print.

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). N.p. Print.

---. Al Hamwi v Johnston, The North West London Hospitals NHS Trust [2005] EWHC 206 (QB). N.p. Print.

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). N.p. Print.

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. N.p. Print.

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). N.p. Print.

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. N.p. Print.

1473High Court of Justice Court of Protection30 August 2012Before: Mrs. Justice Eleanor King Date: 30/08/2012Crown copyright. The NHS Trust v L & Others [2012] EWHC 2741 (COP). N.p. Print.

/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. R v General Medical Council, Ex p. Burke [2005] EWCA Civ 1003 (CA). N.p. Print.

/02181/C1Court of Appeal Criminal Division27 July 2005Before: Lord Justice Judge, Mrs Justice Hallett, Mrs Justice Rafferty Wednesday 27th July, 2005Crown copyright. *R v Dica, [2005] EWCA Crim 2304. N.p. Print.

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. *R v Konzani (Feston) [2005] EWCA Crim 706. N.p. Print.

3212Court of Protection15 June 2012Before: The Honourable Mr Justice Peter Jackson Date: 15 June 2012Crown copyright. [A Local Authority v E and Others [2012] EWHC 1639. N.p. Print.

3373High Court of Justice Family Division1 May 2012Before: Mrs. Justice Theis 1st May 2012Crown copyright. X Primary Care Trust v XB [2012] EWHC 1390. N.p. Print.

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. *R v Golding (David) [2014] EWCA Crim 889. N.p. Print.

A and Others v National Blood Authority and Others. N.p. Print.

'A Good Practice Guide on Consent for Health Professionals in NHS Scotland (Scottish Executive Health Department, 2006)'. 2006. Web. <http://www.sehd.scot.nhs.uk/mels/HDL2006_34.pdf>.

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

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

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

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

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

Ackroyd v Mersey Care NHS Trust. Vol. 73. N.p. Print.

'Adolescents and Informed Consent | Nuffield Foundation'. N.p., n.d. Web.
<<http://www.nuffieldfoundation.org/adolescents-and-informed-consent>>.

Adults with Incapacity (Scotland) Act 2000. N.p. Print.

'Adults with Incapacity (Scotland) Act 2000: Code of Practice (Third Edition)'. N.p., n.d. Web. <<http://www.gov.scot/Publications/2010/10/20153801/0>>.

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

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

Age of Legal Capacity (Scotland) Act 1991. N.p. Web.
<<https://www.legislation.gov.uk/ukpga/1991/50/contents>>.

Alderson, P. 'Consent to Children's Surgery and Intensive Medical Treatment'. Journal of Law and Society 17.1 (1990): 52-65. Web.
<<http://ezproxy.lib.gla.ac.uk/login?url=http://heinonline.org/HOL/Page?public=false&handle=hein.journals/jlsocty17&id=60>>.

Alghrani, Amel, Rebecca Bennett, and Suzanne Ost, eds. Bioethics, Medicine, and the Criminal Law: Volume 1: The Criminal Law and Bioethical Conflict : Walking the Tightrope. Cambridge: Cambridge University Press, 2013. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://doi.org/10.1017/CBO9781139177382>>.

Almason, A. L. '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): n. pag. Web.
<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>.

Amirthalingam, Kumaralingam. 'Causation and the Medical Duty to Refer'. Law Quarterly Review (2012): n. pag. Web.
<<http://ezproxy.lib.gla.ac.uk/login?url=http://login.westlaw.co.uk/maf/wluk/ext/app/document?sp=ukuniglasg-1&docguid=ID1FEB4C06F2111E1900BAA4302CC6BEE>>.

'Are the Courts Excessively Deferential to the Medical Profession?' Medical Law Review 9.1 (2001): 1-16. Web.

Attorney General v Guardian Newspapers and Others (No 2). Vol. 3. N.p., 1988. Print.

Bailey v Ministry of Defence. N.p. Print.

Barnett v Chelsea and Kensington. N.p. Print.

'BBC News | SCOTLAND | Surgeon Defends Amputations, 31 January, 2000'. N.p., n.d. Web.
<<http://news.bbc.co.uk/1/hi/scotland/625680.stm>>.

Beauchamp, Tom L., and James F. Childress. Principles of Biomedical Ethics. Seventh edition. New York, New York: Oxford University Press, 2013. Print.

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). N.p. Print.

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)]. N.p. Print.

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

Bergkamp, Lucas. 'Is There a Defect in the European Court's Defect Test? Musings about Acceptable Risk'. European Journal of Risk Regulation 6.02 (2015): 309–322. Web.

'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'. Web. <http://webarchive.nationalarchives.gov.uk/20121202102500/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4086960>.

Birch v University College London NHS Trust. N.p. Print.

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

BMA. 'Medical Treatment for Adults with Incapacity: Guidance on Ethical and Medico-Legal Issues in Scotland'. N.p., 2009. Web. <<https://www.bma.org.uk/advice/employment/ethics/mental-capacity/mental-capacity-scotland-and-ni>>.

'BMA - Consent Tool Kit'. N.p., n.d. Web. <<https://www.bma.org.uk/advice/employment/ethics/consent/consent-tool-kit>>.

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

'BMA/s Written Submission to the Health and Sport Committee'. Web. <http://www.parliament.scot/S4_HealthandSportCommittee/Inquiries/HTNC017_-_BMA_Scotland.pdf>.

Bolam v Friern Hospital Management Committee. N.p. Print.

Bolitho v City and Hackney Health Authority. N.p. Print.

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

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

Brazier, M. 'An Intractable Dispute: When Parents and Professionals Disagree'. *Medical Law Review* 13.3 (2005): 412–418. Web.

Brazier, M, and J Miola. 'Bye-Bye Bolam: A Medical Litigation Revolution?' *Medical Law Review* 8.1 (2000): 85–114. Web.

Brazier, Margaret, and Amel Alghrani. 'Fatal Medical Malpractice and Criminal Liability'. *Professional Negligence* 25.2 (2009): n. pag. Web.

<<https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI37D98810EC5211DEA990E8403C437E97%2FView%2FFullText.html%3FskipAnonymous%3Dtrue>>.

Bridge, C. 'C.Bridge, "Adolescents and Mental Disorder: Who Consents to Treatment?" (1997) 3 *Medical Law International* 51-74'. *Medical law international* 3 (1997): 51–74. Print.

Bridge, Caroline. 'Religious Beliefs and Teenage Refusal of Medical Treatment Case'. *Modern Law Review* 62.4 (1999): 585–594. Web.

<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/modlr62&collection=journals&id=599>>.

British Medical Association. 'Confidentiality and Disclosure of Health Information Tool Kit'. Web. <https://www.bma.org.uk/-/media/files/pdfs/.../ethics/confidentialitytoolkit_full.pdf?>.

British Medical Association and Dawson Books. *Consent, Rights and Choices in Health Care for Children and Young People*. London: BMJ Books, 2001. Web.

<<http://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780585394022>>.

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

Burne v A. N.p. Print.

'C v Dr Cairns'. *Lloyd's law reports: Medical* 90 (2003): n. pag. Print.

C v North Cumbria University Hospitals NHS Trust. N.p. Print.

'California Reduces Penalty for Knowingly Exposing Someone to HIV'. n. pag. Web.

<<http://www.independent.co.uk/california-hiv-infecting-felony-misdemeanor-a7988261.html>>.

Campbell v MGN Limited. N.p. Print.

Canning-Kishver v Sandwell & West Birmingham NHS Trust. N.p. Print.

Carter v Ministry of Justice. N.p. Print.

Case, P. 'Confidence Matters: The Rise and Fall of Informational Autonomy in Medical Law'. *Medical Law Review* 11.2 (2003): 208–236. Web.

Cave, E. 'Determining Capacity to Make Medical Treatment Decisions: Problems Implementing the Mental Capacity Act 2005'. *Statute Law Review* 36.1 (2015): 86–106. Web.

Cave, Emma. 'E, Cave (April 2013). Young People Who Refuse Life Sustaining Treatment: A Briefing Paper on Current Law and the Need for Reform'. Web.
<<http://www.law.leeds.ac.uk/assets/files/research/cfig/Young-People-who-Refuse-Life-Sustaining-Treatment-Briefing-Paper.pdf>>.

---. 'Maximisation of Minors' Capacity'. *Child and Family Law Quarterly* 23.4 (2011): 431–449. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/chilflq23&collection=journals&id=437>>.

---. 'Voluntary Vaccination: The Pandemic Effect'. *Legal Studies* 37.2 (2017): 279–304. Web.

Cave, Emma, and Zenon Stavrinides. 'E, Cave; Stavrinides, Z (April 2013). Medical Practitioners, Adolescents and Informed Consent Project Final Report. University of Leeds'. Web.
<<http://www.law.leeds.ac.uk/assets/files/research/cfig/Medical-Practitioners-Adolescents-and-Informed-Consent-Final-Report-2013.pdf>>.

Cave, Emma, and Julie Wallbank. 'Minors' Capacity to Refuse Treatment: A Reply to Gilmore and Herring'. *Medical Law Review* 20.3 (2012): 423–449. Web.

Chalmers, James. *Legal Responses to HIV and AIDS*. Oxford: Hart Publishing Ltd, 2008. Web.
<https://ezproxy.lib.gla.ac.uk/login?url=http://dx.doi.org/10.5040/9781474200615?locatt=label:secondary_bloomsburyCollections>.

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

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

Cherkassky, Lisa. 'Being Informed: The Complexities of Knowledge, Deception and Consent When Transmitting HIV'. *The Journal of Criminal Law* 74.3 (2010): 242–258. Web.

Chester v Afshar. N.p. Print.

Chester v Afshar [2004] UKHL 41. Vol. 4. N.p., 2004. Print.

Children Act 1989 c. 41. N.p. Web.
<<https://www.legislation.gov.uk/ukpga/1989/41/data.xht?wrap=true>>.

Children (Scotland) Act 1995. N.p. Web.
<<https://www.legislation.gov.uk/ukpga/1995/36/contents>>.

Children's Hearings (Scotland) Act 2011 S186 Consent of Child to Medical Examination or Treatment. N.p. Web. <<https://www.legislation.gov.uk/asp/2011/1/section/186>>.

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

Commission v UK Case C-300/95. N.p. Print.

'Confidentiality: Good Practice in Handling Patient Information (2017)'. Web.
<https://www.gmc-uk.org/guidance/ethical_guidance/confidentiality.asp>.

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

'Consultation Report - Consultation on Recommendations for No-Fault Compensation in Scotland for Injuries Resulting from Clinical Treatment'. N.p., n.d. Web.
<<http://www.gov.scot/Publications/2014/04/6437/downloads#res447863>>.

Consumer Protection Act 1987, Part I (Esp. Sections 3 & 4). N.p. Print.

Cooper v Turrell. N.p. Print.

Cowan, Sharon. 'Offenses of Sex or Violence? Consent, Fraud, and HIV Transmission'. New Criminal Law Review 17.1 (2014): 135-161. Web.

'CPS: Policy for Prosecuting Cases Involving the Intentional or Reckless Sexual Transmission of Infection'. N.p., n.d. Web.
<<http://www.cps.gov.uk/publications/prosecution/sti.html>>.

Criminal Justice and Courts Act 2015, Ss 20-21. N.p. Print.

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

---. Portsmouth City Council v King 08 September 2014 [2014] EWHC 2964 (Fam). N.p. Print.

Crown Office and Procurator Fiscal Service. 'Prosecution Policy on the Sexual Transmission of Infection'. Web.
<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>.

Data Protection Act 1998. N.p. Print.

Dauer, Edward A. 'Strong Reciprocity and Accountability: Behavioural Analysis of Patients' Legal Responses to Medical Injury'. International Journal of Law in Context 2.03 (2006): n. pag. Web.

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). N.p. Print.

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. N.p. Print.

'Decision Tools and Other Learning Materials'. General Medical Council, 13 Mar. 2013. Web. <<https://www.gmc-uk.org/guidance/20473.asp>>.

Defreitas v O'Brien. N.p. Print.

Department of Health. 'Confidentiality: NHS Code of Practice'. Web.
<<https://www.gov.uk/government/publications/confidentiality-nhs-code-of-practice>>.

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

'Department of Health, Seeking Consent: Working with Young People, 2001'. Web.
<http://webarchive.nationalarchives.gov.uk/20120106063807/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4067204.pdf>.
Donnelly, M. 'Best Interests, Patient Participation and the Mental Capacity Act 2005'.
Medical Law Review 17.1 (2008): 1-29. Web.

Donnelly, Mary. 'Capacity Assessment under the Mental Capacity Act 2005: Delivering on the Functional Approach?' Legal Studies 29.3 (2009): 464-491. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/P?h=hein.journals/legst29&i=468>>.

Douglas, T. 'Medical Injury Compensation: Beyond "No-Fault"'. Medical Law Review 17.1 (2008): 30-51. Web.

Duncan v Medical Practitioners Disciplinary Committee. 1 NZLR 513. N.p., 1986. Print.

Dute, J. 'Child Abuse, Human Rights and the Role of the Doctor'. European Journal of Health Law (2009): n. pag. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/eurjhlb16&id=127>>.

Edwards, L. 'The Right to Consent and the Right to Refuse: More Problems with Minors and Medical Consent'. The Juridical review 1993.1 (1993): 52-73. Print.

Edwards, Radhika and Butterworths (Firm). Butterworths Medico-Legal Reports. London: Butterworths, 1992. Print.

Eisler, Jacob. '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 (2017): 233-236. Web.

Elliston, Sarah and Dawson Books. The Best Interests of the Child in Healthcare. Biomedical law and ethics library. London: Routledge-Cavendish, 2007. Web.
<<http://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780203940464>>.

---. The Best Interests of the Child in Healthcare. Biomedical law and ethics library. London: Routledge-Cavendish, 2007. Web.
<<http://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780203940464>>.

EU Directive - Products Liability 85/374/EEC, Esp. Preamble; Articles 6 & 7. N.p. Print.

European Convention on Human Rights. N.p. Print.

EXP v Barker. N.p. Print.

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

Fairgrieve, Duncan, and Geraint Howells. 'Rethinking Product Liability: A Missing Element in the European Commission's Third Review of the European Product Liability Directive'. *Modern Law Review* 70.6 (2007): 962–978. Web.

Family Law Reform Act 1969 S8. N.p. Print.

Farrell, A.-M., and V. Harpwood. '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*. Ed. Pamela R. Ferguson and G. T. Laurie. Farnham, Surrey: Ashgate, 2015. Web.
<<http://GLA.ebib.com/patron/FullRecord.aspx?p=2039138>>.

Farrell, Anne Maree, and Margaret Brazier. 'Not so New Directions in the Law of Consent? Examining Montgomery v Lanarkshire Health Board'. *Journal of Medical Ethics* 42.2 (2016): 85–88. Web.

FB v Rana. N.p. Print.

Feng, T.K. 'Failure of Medical Advice: Trespass or Negligence'. *Legal Studies* 7.2 (1987): n. pag. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/legstd7&id=157>>.

Finlayson, Applicant 1989 SCLR 601. N.p. Print.

Foster, C. 'Autonomy in the Medico-Legal Courtroom: A Principle Fit for Purpose?' *Medical Law Review* 22.1 (2013): 48–63. Web.

Foster, Charles. 'A Material Contribution to Forensic Clarity'. *The New Law Journal* 166.7689 n. pag. Web.
<<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>>.

Foster, Charles, and José Miola. 'Who's in Charge? The Relationship Between Medical Law, Medical Ethics, and Medical Morality?' *Medical Law Review* 23.4 (2015): 505–530. Web.

Garwood-Gowers, Austen, John Tingle, and Tom Lewis. *Healthcare Law: The Impact of the Human Rights Act 1998*. London: Cavendish, 2001. Print.

Gavaghan, Colin. 'A Tarasoff for Europe? A European Human Rights Perspective on the Duty to Protect'. *International Journal of Law and Psychiatry* 30.3 (2007): 255–267. Web.

---. 'Dangerous Patients and Duties to Warn: A European Human Rights Perspective'. *European Journal of Health Law* 14.2 (2007): 113–130. Web.

Gilbar, Roy, and Charles Foster. 'Doctors' Liability to the Patient's Relatives in Genetic Medicine'. *Medical Law Review* (2015): n. pag. Web.

---. 'It's Arrived! Relational Autonomy Comes to Court: ABC v ST George's Healthcare NHS Trust [2017] EWCA 336'. *Medical Law Review* (2017): n. pag. Web.

Gillick v West Norfolk and Wisbech Area Health Authority and Another. Vol. 3. N.p., 1985. Print.

Gillon, R. 'Medical Ethics: Four Principles plus Attention to Scope'. *BMJ* 309.6948 (1994): 184-184. Web.

Gillon, Raanan. 'When Four Principles Are Too Many: A Commentary'. *Journal of Medical Ethics* 38.4 (2012): 197-198. Web.

Gilmore, Stephen, and Jonathan Herring. "'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. Web.

<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>.

Glancy v The Southern General Hospital NHS Trust. N.p. Print.

'GMC: Consent: Patients and Doctors Making Decisions Together (2008)'. Web.
<http://www.gmc-uk.org/guidance/ethical_guidance/consent_guidance_index.asp>.

Goldberg, Richard. '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*. Oxford: Hart Publishing, 2013. Print.

Goorkani v Tayside Health Board [1991] 1 Med LR 33. N.p., 1991. Print.

Gouldsmith v Mid Staffordshire General Hospitals NHS Trust. N.p. Print.

Green, Sarah. 'Contributing to the Risk of Confusion? Causation in the Court of Appeal'. *Law Quarterly Review* (2009): n. pag. Web.

<<http://ezproxy.lib.gla.ac.uk/login?url=http://login.westlaw.co.uk/maf/wluk/ext/app/document?csp=ukuniglasg-1&docguid=I09E8E0D0C02611DD83FAE07C467B4925>>.

Gregg v Scott. N.p. Print.

Hagger, Lynn. 'Some Implications of the Human Rights Act 1998 for the Medical Treatment of Children'. *Medical Law International* 6.1 (2003): 25-51. Web.

---. *The Child as Vulnerable Patient: Protection and Empowerment*. Medical law and ethics. Farnham, Surrey, England: Ashgate Pub, 2009. Print.

'Hairdresser Accused of Giving Men HIV Told One "I Ripped the Condom. Burn. I Got You",

Court Hears'. n. pag. Web.

<<http://www.independent.co.uk/news/uk/crime/hiv-hairdresser-grindr-victims-trial-burn-i-got-you-a7992871.html>>.

Hannigan v Lanarkshire Acute Hospitals NHS Trust. N.p. Print.

Harris, J. 'The Injustice of Compensation for Victims of Medical Accidents'. BMJ 314.7097 (1997): 1821–1821. Web.

Harvey, Mark. 'Wilkes v Depuy International Ltd'. Journal of Personal Injury Law 3 (2017): C128–C138. Web.

<<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>>.

Health and Social Care Act 2001 c. 15 Arrangement of Act. N.p. Web.

<<https://www.legislation.gov.uk/ukpga/2001/15/contents>>.

Health (Tobacco, Nicotine Etc. and Care) (Scotland) Act 2016, Ss 26-28. N.p. Print.

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

Hedley, Steve. 'Making Sense of Negligence'. Legal Studies 36.3 (2016): 491–512. Web.

Herring, Jonathan. Medical Law and Ethics. 8th edition. Oxford: Oxford University Press, 2020. Web.

<<https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.1093/he/9780198846956.001.0001>>.

Heywood, R. 'Parents and Medical Professionals: Conflict, Cooperation, and Best Interests'. Medical Law Review 20.1 (2012): 29–44. Web.

---. 'Revisiting Advance Decision Making Under the Mental Capacity Act 2005: A Tale of Mixed Messages'. Medical Law Review 23.1 (2015): 81–102. Web.

Heywood, Rob. '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. Web.

<<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>>.

---. 'R.I.P. Sidaway: Patient-Orientated Disclosure – A Standard Worth Waiting For?' Medical Law Review 23.3 (2015): 455–466. Web.

---. 'The Logic of Bolitho'. Professional Negligence 22.4 (2006): n. pag. Web.

<<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%3F>

kipAnonymous%3Dtrue>.

High Court of Justice Family Division 3 October 201 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. N.p. Print.

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. N.p. Print.

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. N.p. Print.

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). N.p. Print.

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. N.p. Print.

'*HMA v Devereaux 25th February 2010, (Unreported)'. n. pag. Web.
<https://news.bbc.co.uk/1/hi/scotland/north_east/8519593.stm>.

'*HMA v Giovanni Mola 5th April 2007, (Unreported)'. n. pag. Web.
<https://news.bbc.co.uk/1/hi/scotland/edinburgh_and_east/6528885.stm>.

'---'. n. pag. Web.
<https://news.bbc.co.uk/1/hi/scotland/edinburgh_and_east/6338777.stm>.

'*HMA v Kelly Friday, 23rd February 2001 (Unreported)'. n. pag. Web.
<<https://news.bbc.co.uk/1/hi/scotland/1186093.stm>>.

Hobson, Clark. 'No (,) More Bolam Please: Montgomery v Lanarkshire Health Board'. The Modern Law Review 79.3 (2016): 488-503. Web.

---. 'Williams v the Bermuda Hospitals Board: Pro-Patient, but for Ambiguities Which Remain'. Medical Law Review 25.1 (2017): 126-137. Web.

Hogg, M. A. 'Re-Establishing Orthodoxy in the Realm of Causation'. Edinburgh Law Review 11.1 (2007): 8-30. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr11&id=14>>.

Hogg, Martin. '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): n. pag. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr9&collection=journals&id=162>>.

Honisz v Lothian Health Board. N.p. Print.

Hotson v East Berkshire. N.p. Print.

Houston, Applicant 1996 SCLR 943; (1996) 32 BMLR 93. Vol. 32. N.p. Print.

Howells, Geraint, and Mark Mildred. 'Infected Blood: Defect and Discoverability A First Exposition of the EC Product Liability Directive'. The Modern Law Review 65.1 (2002): 95–106. Web.

Hucks v Cole. N.p. Print.

Hughes, David. '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 (2013): 136–150. Web.
Human Rights Act 1998. N.p. Print.

Hunter v Hanley. N.p. Print.

Hunter v Mann. Vol. 2. N.p., 1974. Print.

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

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

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

'Italian Man Who Intentionally Infected More than 30 Women with HIV Jailed'. n. pag. Web.
<<http://www.independent.co.uk/news/world/europe/italian-man-hiv-infected-girlfriends-jailed-sentence-valentino-tullato-a8024166.html>>.

Jackson, Emily. Medical Law: Text, Cases, and Materials. Fourth edition. Oxford: Oxford University Press, 2016. Print.

---. Medical Law: Text, Cases, and Materials. 5th edn. [Oxford]: Oxford University Press, 2019. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.1093/he/9780198825845.001.0001>>.

---. Medical Law: Text, Cases, and Materials. 3rd ed. Oxford: Oxford University Press, 2013. Print.

---. Medical Law: Text, Cases, and Materials. Fourth edition. Oxford: Oxford University Press, 2016. Print.

---. Medical Law: Text, Cases, and Materials, Chapter 1. Fourth edition. Oxford: Oxford University Press, 2016. Print.

---. Medical Law: Text, Cases, and Materials, Chapter 3. Fourth edition. Oxford: Oxford University Press, 2016. Print.

---. Medical Law: Text, Cases, and Materials, Chapter 3, 'The Criminal Law' Pp182-187. Fourth edition. Oxford: Oxford University Press, 2016. Print.

---. Medical Law: Text, Cases, and Materials, Chapter 10. Fourth edition. Oxford: Oxford University Press, 2016. Print.

---. Medical Law: Text, Cases, and Materials, Pp 169-174. Fourth edition. Oxford: Oxford University Press, 2016. Print.

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

Johnston, Lesley. 'Informed Consent and the Lingering Shadow of Chester v Afshar: Part 1'. Scots Law Times n. pag. Web.

<<https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FIF5F2C420148211E589A4A4CE49B8FEF0%2FView%2FFullText.html%3FskipAnonymous%3Dtrue>>.

---. 'Informed Consent and the Lingering Shadow of Chester v Afshar: Part 2'. Scots Law Times n. pag. Web.

<<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>>.

Jones, Chris. 'Tightropes and Tragedies: 25 Years of Tarasoff'. Medicine, Science and the Law 43.1 (2003): 13-22. Web.

<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/P?h=hein.journals/mdsc43&i=13>>.

JR Spencer. 'Liability for Reckless Infection—Part 1'. The New Law Journal 154.7119 n. pag. Web.

<<https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/4FFX-CDX0-TWWR-G0YB-00000-00?context=1001073&identityprofileid=32QDCK57563>>.

---. 'Liability for Reckless Infection—Part 2'. The New Law Journal 154.7121 n. pag. Web.

<<https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/4FFX-CF00-TWWR-G01J-00000-00?context=1001073&identityprofileid=32QDCK57563>>.

---. 'Retrial for Reckless Infection'. The New Law Journal 154.7129 n. pag. Web.

<<https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/4FFX-CDX0-TWWR-G1FF-00000-00?context=1001073&identityprofileid=32QDCK57563>>.

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

<<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>>.

Kay's Tutor v Ayrshire and Arran Health Board. N.p. Print.

Kazarian, Melinee, Danielle Griffiths, and Margaret Brazier. 'Criminal Responsibility for Medical Malpractice in France'. *Professional Negligence* 27.4 (2011): n. pag. Web.
<<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>>.

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

Komrad, M. S. 'A Defence of Medical Paternalism: Maximising Patient's Autonomy'. *Journal of Medical Ethics* 9.1 (1983): 38-44. Web.

Kottow, M H. 'Medical Confidentiality: An Intransigent and Absolute Obligation.' *Journal of Medical Ethics* 12.3 (1986): 117-122. Web.

KR v Lanarkshire Health Board [2016] CSOH 133. N.p. Print.

Laing, J. 'Consumer Protection Act 1987: Liability for Defective Products'. *Medical Law Review* 10.1 (2002): 82-88. Web.

Laird, Karl. 'Filling a Lacuna: The Care Worker and Care Provider Offences in the Criminal Justice and Courts Act 2015'. *Statute Law Review* 37.1 (2016): 1-18. Web.

Larcher, Vic et al. '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 (2015): s1-s23. Web.

Laurie, G. T., Shawn Harmon, E. S. Dove, et al. *Mason & McCall Smith's Law & Medical Ethics*. 11th edn. [Oxford]: Oxford University Press, 2019. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.1093/he/9780198826217.001.0001>>.

Laurie, G. T., Shawn Harmon, Gerard Porter, et al. *Mason and McCall Smith's Law & Medical Ethics*. Tenth edition. Oxford: Oxford University Press, 2016. Print.

---. *Mason and McCall Smith's Law & Medical Ethics*, Chapter 1. Tenth edition. Oxford: Oxford University Press, 2016. Print.

---. *Mason and McCall Smith's Law & Medical Ethics*, Chapter 5. Tenth edition. Oxford: Oxford University Press, 2016. Print.

---. *Mason and McCall Smith's Law & Medical Ethics*, Chapter 5, 'Criminal Negligence' Pp 174-178. Tenth edition. Oxford: Oxford University Press, 2016. Print.

---. *Mason and McCall Smith's Law & Medical Ethics*, Chapter 5.01-5.17. Tenth edition. Oxford: Oxford University Press, 2016. Print.

Law Commission. *Reform of Offences Against the Person Law Com No 361* 2 November 2015. N.p. Web.

<<https://www.gov.uk/government/publications/reform-of-offences-against-the-person>>.

Lodge, Anne. 'Gross Negligence Manslaughter on the Cusp'. *The Journal of Criminal Law* 81.2 (2017): 125-142. Web.

Lord Donaldson of Lynton M.R. , Butler-Sloss and Staughton L.J.J. 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. N.p. Print.

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. N.p. Print.

Loughrey, J. 'Can You Keep a Secret - Children, Human Rights, and the Law of Medical Confidentiality'. *Child and Family Law Quarterly* 3 (2008): n. pag. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/chilflq20&id=312>>.

Mackay, R. R. 'Dangerous Patients: Third Party Safety and Psychiatrists' Duties - Walking the Tarasoff Tightrope'. *Medicine, Science and the Law* (1990): n. pag. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?handle=hein.journals/mdslw30&size=2&collection=journals&id=52>>.

Maclean, A. '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 (2012): 108-129. Web.

Maclean, A. R. 'Advance Directives and the Rocky Waters of Anticipatory Decision-Making'. *Medical Law Review* 16.1 (2008): 1-22. Web.

---. 'Advance Directives, Future Selves and Decision-Making'. *Medical Law Review* 14.3 (2006): 291-320. Web.

---. 'The Doctrine of Informed Consent: Does It Exist and Has It Crossed the Atlantic?' *Legal Studies* 24.3 (2004): 386-413. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/legstd24&id=398>>.

Maclean, Alasdair. 'Beyond Bolam and Bolitho'. *Medical Law International* 5.3 (2002): 205-230. Web.

MacLean, A.R. 'Consent, Sectionalisation and the Concept of Medical Procedure'. *Journal of Medical Ethics* 28.4 n. pag. Web.
<<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#>>.

Marriott v West Midlands RHA. N.p. Print.

Maskrey, Simeon, and William Edia. 'Chester v Afshar and Gregg v Scott: Mixed Messages for Lawyers'. *Journal of Personal Injury Law* 3 (2005): 205-223. Web.
<<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>.

Mason and McCall Smith's Law & Medical Ethics. Tenth edition. Oxford: Oxford University Press, 2016. Print.

Mason, J.K., and D. Brodie. 'Bolam, Bolam - Wherefore Are Thou Bolam?' Edinburgh Law Review 9.2 (2005): 298-306. Web.
<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr9&id=304>>.

Matthew Weait. 'Knowledge, Autonomy and Consent: R. v Konzani'. Criminal Law Review (2005): n. pag. Web.
<<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>>.

Mawhinney, George R. 'To Be Ill or to Kill: The Criminality of Contagion'. The Journal of Criminal Law 77.3 (2013): 202-214. Web.

Maynard v W. Midlands Health Authority. N.p. Print.

McCall-Smith, Alexander. 'Criminal Negligence and the Incompetent Doctor'. Medical Law Review 1.3 (1993): 336-349. Web.

Mental Capacity Act 2005. N.p. Print.

'Mental Capacity Act 2005 Code of Practice (2007)'. Web.
<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf>.

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

Meyers, D.W. 'Wyatt and Winston-Jones: Who Decides to Treat or Let Die Seriously Ill Babies?' Edinburgh Law Review 9.2 (2005): 307-316. Web.
<<http://ezproxy.lib.gla.ac.uk/login?url=http://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr9&collection=journals&id=313>>.

Millward, Gareth. 'A Disability Act? The Vaccine Damage Payments Act 1979 and the British Government's Response to the Pertussis Vaccine Scare'. Social History of Medicine (2016): n. pag. Web.

Miola, J. 'Bolam v Friern Hospital Management Committee [1957]: Medical Law's Accordion'. Landmark Cases in Medical Law. Landmark cases. Oxford: Hart Pub, 2015. Web. <<https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.5040/9781474201438>>.

---. 'J.Miola "On the Materiality of Risk: Paper Tigers and Panaceas" (2009) 17 Medical Law Review 76-108'. Medical Law Review 17.1 (2008): 76-108. Web.

Montgomery, Jonathan, and Elsa Montgomery. 'Montgomery on Informed Consent: An Inexpert Decision?' *Journal of Medical Ethics* 42.2 (2016): 89–94. Web.

Montgomery v Lanarkshire Health Board [2015] UKSC 11. N.p. Print.

---. N.p. Print.

Morris (A Child by His Mother & Litigation Friend) v Blackpool Victoria Hospital NHS Trust. N.p. Print.

Moyes v Lothian Health Board [1990] 1 Med LR 463. N.p., 1990. Print.

MS v Sweden (1998). N.p. Print.

Muirhead, William. '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 (2012): 195–196. Web.

Mulheron, Rachael. 'Trumping Bolam: A Critical Legal Analysis of Bolitho's "Gloss"'. *The Cambridge Law Journal* 69.03 (2010): 609–638. Web.

Müller, Sabine. '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 (2009): 36–43. Web.

Munro, Vanessa, E. '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): n. pag. Web.

<<https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?handle=hein.journals/chilflq19&size=2&collection=journals&id=112>>.

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

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

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

Newell and Newell v Goldenberg [1995] 6 Med LR 371. N.p., 1995. Print.

'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'. N.p., n.d. Web. <<http://www.gov.scot/Topics/Health/Policy/No-Fault-Compensation>>.

"'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'. N.p., n.d. Web. <<http://www.gov.scot/Publications/2016/03/7618>>.

Norrie, Kenneth Mck. '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): n. pag. Print.

Oliphant, K. 'Beyond Misadventure: Compensation for Medical Injuries in New Zealand'. *Medical Law Review* 15.3 (2007): 357–391. Web.

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). N.p. Print.

Osman v UK. N.p. Print.

Palmer v Tees HA (2000). N.p. Print.

Paton v HM Advocate. N.p. Print.

Pd v Dr Nicholas Harvey. N.p. Print.

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

Penney v East Kent HA. N.p. Print.

'People on HIV Medication Cannot Transmit the Virus, Declares CDC'. n. pag. Web.
<<http://www.independent.co.uk/news/world/americas/hiv-medication-people-on-it-cannot-transmit-virus-cdc-treatment-aids-a7990286.html>>.

Portsmouth NHS Trust v Wyatt [2005] 1 FLR 21. Vol. 1. N.p., 2004. Print.

Poynter v Hillingdon Health Authority (1997) 37 BMLR 192. Vol. 37. N.p. Print.

Pugh, Charles, and Marcus Pilgerstorfer. 'The Development Risk Defence - Knowledge, Discoverability and Creative Leaps'. *Journal of Personal Injury Law* 4 (2004): 258–269. Web.
<<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>>.

Quick, Oliver. 'Expert Evidence and Medical Manslaughter: Vagueness in Action'. *Journal of Law and Society* 38.4 (2011): 496–518. Web.

---. 'Medicine, Mistakes and Manslaughter: A Criminal Combination?' *The Cambridge Law Journal* 69.01 (2010): n. pag. Web.

---. 'Patient Safety and the Problem and Potential of Law'. *Professional Negligence* 28.2 (2012): n. pag. Web.
<<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>>.

---. 'Prosecuting "Gross" Medical Negligence: Manslaughter, Discretion, and the Crown Prosecution Service'. *Journal of Law and Society* 33.3 (2006): 421–450. Web.

R (on the Application of Axon) v Secretary of State for Health. N.p. Print.

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. N.p. Print.

R v Adomako (John Asare). N.p. Print.

R v Cox (1992) 12 BMLR 38. Vol. 12. N.p. Print.

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

R v Department of Health Ex Parte Source Informatics. N.p. Print.

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

*R v Dica [2004] 3 All E.R. 593. Vol. 3. N.p., 2004. Print.

R v Misra (Amit). N.p. Print.

R v Rose (Honey Maria). N.p. Print.

R v Rudling (Joanne). N.p. Print.

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

R v Sellu (David). N.p. Print.

'Rapid Resolution and Redress Scheme for Severe Birth Injury - GOV.UK'. N.p., n.d. Web.
<<https://www.gov.uk/government/consultations/rapid-resolution-and-redress-scheme-for-severe-birth-injury>>.

Re A [2000] 1 FLR 549. N.p. Print.

Re A (Children) (Conjoined Twins: Surgical Separation) [2001] 57 BMLR 1 (CA). Vol. 57. N.p. Print.

Re AA [2012] EWHC 4378 (COP). N.p. Print.

Re AK (Adult Patient) (Medical Treatment: Consent) (2001) 58 BMLR 151. Vol. 58. N.p. Print.

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

Re C (a Child HIV Test) [1999] 3 FCR 289. N.p. Print.

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

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

- Re E (a Minor) (Wardship: Medical Treatment) [1993] 1 FLR 386. Vol. 1. N.p., 1993. Print.
- 'Re J (a Minor) - Refusal of Medical Treatment), New Law Journal, 1123, (1992)'. New Law Journal 1123 (1992): n. pag. Print.
- Re J (a Minor) [1991] 2 WLR 140, [1990] 3 All ER 930, 6 BMLR 25. Vol. 3. N.p., 1990. Print.
- Re J (a Minor) (Wardship: Medical Treatment [1990] 3 All ER 930. Vol. 3. N.p., 1990. Print.
Re J (Child's Religious Upbringing and Circumcision) [2000] 1 FCR 307, 52 BMLR 82. Vol. 52. N.p. Print.
- 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. Vol. 2. N.p., 2015. Print.
Re L (Medical Treatment: Gillick Competency) [1998] 2 FLR 810. Vol. 2. N.p., 1998. Print.
- Re M (Medical Treatment: Consent) [1999] 2 FLR 1097. Vol. 2. N.p., 1999. Print.
- Re MB [1997] 8 Med LR 217, [1997] 38 BMLR 175 CA, [1997] 2 FCR 541. Vol. 38. N.p. Print.
- Re O [1993] FLR 149. Vol. 2. N.p., 1993. Print.
- Re R (a Minor) [1991] 4 All ER 177. Vol. 4. N.p., 1991. Print.
- Re S (Children) (Specific Issue Order: Religion, Circumcision) [2005] 1 FLR 236. Vol. 1. N.p., 1993. Print.
- Re T (a Minor) (Wardship Medical Treatment) [1997] 1 WLR 242, [1997] 1 All ER 906, 35 BMLR 63 (CA). Vol. 1. N.p., 1997. Print.
- Re T (Adult: Refusal of Medical Treatment)) [1992] 4 All ER 649, [1993] 3 WLR 782. Vol. 4. N.p., 1992. Print.
- Re T (Adult: Refusal of Medical Treatment) [1992] 4 All ER 649. Vol. 4. N.p., 1992. Print.
- 'Re W (a Minor) - Refusal of Medical Treatment, New Law Journal, 1124, (1992)'. The New law journal 1124 (1992): n. pag. Print.
- Re Z (a Minor) (Freedom of Publication). Vol. 4. N.p., 1995. Print.
- Reid, Elspeth. '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 (2015): 360-366. Web.
- Reisner v. Regents of University of California. N.p. Print.
- 'Responses to the Recent Consultation on "Recommendations for No-Fault Compensation in Scotland for Injuries Resulting from Clinical Treatment"'. N.p., n.d. Web.
<<http://www.gov.scot/Publications/2013/02/4882/downloads>>.
- 'Reversing the Retreat from Gillick? R (Axon) v Secretary of State for Health'. Child and

Family Law Quarterly n. pag. Web.

<<https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/5N3S-JHM1-DYK7-S0XN-00000-00?context=1001073&identityprofileid=32QDCK57563>>.

Roe v Ministry of Health. N.p. Print.

Rogers v Whitaker [1993] 4 Med LR 79. N.p., 1993. Print.

Roy Gilbar. 'Medical Confidentiality and Communication with the Patient's Family: Legal and Practical Perspectives'. 2012 : 139–256. Web.

<<http://ezproxy.lib.gla.ac.uk/login?url=http://heinonline.org/HOL/Page?public=false&handle=hein.journals/chilflq24&id=203>>.

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

Ryan, Samantha. 'Disclosure and HIV Transmission'. The Journal of Criminal Law 79.6 (2015): 395–410. Web.

Samanta, J. '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 (2009): 377–409. Web.

Samantha Ryan. 'Reckless Transmission of HIV: Knowledge and Culpability'. Criminal Law Review n. pag. Web.

<<https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2F137B9B0A057F211DB919FA1123923A50B%2FView%2FFullText.html%3FskipAnonymous%3Dtrue>>.

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

Secretary of State for Work and Pensions v G. N.p. Print.

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

Sidaway v Board of Governors of Bethlem Royal and the Maudsley Hospital [1985] 2 WLR 480. Vol. 2. N.p., 1985. Print.

---. Vol. 2. N.p., 1985. Print.

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. N.p. Print.

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

Smith v Tunbridge Wells Health Authority [1994] 5 Med LR 334. N.p., 1994. Print.

South Glamorgan County Council v B and W [1993] 11 BMLR 162. Vol. 11. N.p. Print.

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

Stanton, Catherine. 'Maternal Transmission of HIV Infection: A Crime against My Child?' Journal of Medical Ethics 41.5 (2015): 375–378. Web.

Stapleton, Jane. 'Occam's Razor Reveals an Orthodox Basis for Chester v Afshar'. Law Quarterly Review 122 426–448. Web.

<<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>>.

'Statutory Duty of Candour in Secondary Care - The MDU'. N.p., n.d. Web.

<<https://www.themdu.com/guidance-and-advice/guides/statutory-duty-of-candour/statutory-duty-of-candour>>.

Stauch, Marc. "'Material Contribution' as a Response to Causal Uncertainty: Time for a Rethink". The Cambridge Law Journal 68.01 (2009): n. pag. Web.

Stephens v Avery and Others. Vol. 2. N.p., 1988. Print.

---. Vol. 2. N.p., 1988. Print.

Stewart, Angus. "'Best Interests": Towards a More Patient-Friendly Law?' Edinburgh Law Review 11.1 (2007): n. pag. Web.

<<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>>.

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

Sutherland, Lauren. 'Causation in Consent Cases: Where Are We Now Following Montgomery in the Supreme Court?' Reparation Bulletin 124 (2015): 3–6. Web.

<<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>>.

Tadros, Victor. 'Recklessness, Consent and the Transmission of HIV'. Edinburgh Law Review 5.3 (2001): 371–380. Web.

Tarasoff v. Regents of University of California. N.p. Print.

Teff, H. '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. Print.

Teff, H. 'The Standard of Care in Medical Negligence - Moving on from Bolam?' Oxford Journal of Legal Studies 18.3 (1998): 473–484. Web.

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

'The Juridical Review'. n. pag. Print.

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

'The New Criminal Sanctions of Wilful Neglect or Ill-Treatment - The MDU'. N.p., n.d. Web. <<https://www.themdu.com/guidance-and-advice/latest-updates-and-advice/the-new-criminal-sanctions-of-wilful-neglect-or-ill-treatment>>.

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

Thompson, I E. 'The Nature of Confidentiality.' Journal of Medical Ethics 5.2 (1979): 57-64. Web.

Thomson, Lindsay D. G., Joanna Cherry, and J. J. McManus. Mental Health and Scots Law in Practice. Second edition. Edinburgh: W. Green, 2014. Web. <<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>>.

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. N.p. Print.

Transco Plc v HM Advocate. N.p. Print.

Turton, G. 'A Case For Clarity in Causation?' Medical Law Review 17.1 (2008): 140-147. Web.

TV v Finland (21780/93). N.p. Print.

'United Kingdom. Medical Negligence: Fact, Breach and Bolitho'. Medical Law Review 7.3 (1999): 327-356. Web.

V v F 1991 SCLR 225. N.p. Print.

Vaccine Damage Payments Act 1979 c.17. N.p. Print.

Van Leeuwen, Barend, and Paul Verbruggen. '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): n. pag. Web.

Vickery, Sue. 'Revisiting Consent: Communication of Risks, Medical Paternalism versus Patient Autonomy'. Coventry Law Journal 20.1 (2015): 40-45. Web. <<https://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.gla.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fuk.practicallaw.thomsonreuters.com%2FDocument%2FI6CF45120306111E5BC5EF319DA6D29FE%2FView%2FFullText.html%3FskipAnonymous%3Dtrue>>.

'Volume 1 - No Fault Compensation Review Group Report and Recommendations'. N.p., n.d. Web.

<<http://www.gov.scot/Topics/Health/Policy/No-Fault-Compensation/ReviewGroupVol1>>.

W v Egdell and Others. Vol. 1. N.p., 1990. Print.

Weait, Matthew. 'Criminal Law and the Sexual Transmission of HIV: R v Dica'. Modern Law Review 68.1 (2005): 121–134. Web.

---. Intimacy and Responsibility: The Criminalisation of HIV Transmission. 1st ed. Abingdon: Routledge-Cavendish, 2007. Web.

<<https://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780203937938>>.

Whitehouse v Jordan. N.p. Print.

Wicks, E. 'The Right to Refuse Medical Treatment under the European Convention on Human Rights'. Medical Law Review 9.1 (2001): 17–40. Web.

Wilkes v DePuy International Ltd. N.p. Print.

Williams v Bermuda Hospitals Board. N.p. Print.

Wilsher v Essex AHA. N.p. Print.

Wisniewski v Central Manchester Health Authority. N.p. Print.

Wright (a Child by Her Demelza Wright Her Litigation Friend) v Cambridge Medical Group [2011] EWCA Civ 669. N.p. Print.

Wright (A Child) v Cambridge Medical Group (A Partnership). N.p. Print.

Wrigley, A. 'Proxy Consent: Moral Authority Misconceived'. Journal of Medical Ethics 33.9 (2007): 527–531. Web.

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

Z v Finland (1998). N.p. Print.