

Principles of Healthcare Law

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1.

Laurie GT, Harmon S, Porter G, Mason JK, Mason JK, McCall Smith A. Mason and McCall Smith's Law & medical ethics, Chapter 1. Tenth edition. Oxford: Oxford University Press; 2016.

2.

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

3.

Gillon R. Medical ethics: four principles plus attention to scope. BMJ. 1994 Jul 16;309(6948):184-184.

4.

Muirhead W. When four principles are too many: bloodgate, integrity and an action-guiding model of ethical decision making in clinical practice. Journal of Medical Ethics. 2012 Apr;38(4):195-6.

5.

Gillon R. When four principles are too many: a commentary. Journal of Medical Ethics. 2012 Apr;38(4):197-8.

6.

Foster C. Autonomy in the Medico-Legal Courtroom: A Principle fit for Purpose? *Medical Law Review*. 2013 Dec;22(1):48–63.

7.

Foster C, Miola J. Who's in Charge? The Relationship Between Medical Law, Medical Ethics, and Medical Morality? *Medical Law Review*. 2015 Dec;23(4):505–30.

8.

Laurie GT, Harmon S, Porter G, Mason JK, Mason JK, McCall Smith A. *Mason and McCall Smith's Law & medical ethics*, Chapter 5. Tenth edition. Oxford: Oxford University Press; 2016.

9.

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

10.

Mulheron R. Trumping Bolam: A Critical Legal Analysis of Bolitho's "Gloss". *The Cambridge Law Journal*. 2010 Nov;69(03):609–38.

11.

Miola J. *Bolam v Friern Hospital Management Committee [1957]: Medical Law's Accordion*. In: *Landmark cases in medical law* [Internet]. Oxford: Hart Pub; 2015. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.5040/9781474201438>

12.

Hunter v Hanley.

13.

Bolam v Friern Hospital Management Committee.

14.

Bolitho v City and Hackney Health Authority.

15.

Gregg v Scott.

16.

Williams v Bermuda Hospitals Board.

17.

Brazier M, Miola J. Bye-bye Bolam: a medical litigation revolution? Medical Law Review. 2000 Jan 1;8(1):85–114.

18.

Heywood R. The logic of Bolitho. Professional Negligence [Internet]. 2006;22(4). Available from: <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>

19.

Maclean A. Beyond Bolam and Bolitho. Medical Law International. 2002 Mar;5(3):205–30.

20.

Stewart A. 'Best interests': towards a more patient-friendly law? Edinburgh Law Review [Internet]. 2007;11(1). Available from: <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%3F>

kipAnonymous%3Dtrue

21.

Teff H. The standard of care in medical negligence - moving on from Bolam? Oxford Journal of Legal Studies. 1998 Sep 1;18(3):473–84.

22.

Are the Courts Excessively Deferential to the Medical Profession? Medical Law Review. 2001 Mar 1;9(1):1–16.

23.

Amirthalingam K. Causation and the medical duty to refer. Law Quarterly Review [Internet]. 2012; Available from: <http://ezproxy.lib.gla.ac.uk/login?url=http://login.westlaw.co.uk/maf/wluk/ext/app/document?sp=ukuniglasg-1&docguid=ID1FEB4C06F2111E1900BAA4302CC6BEE>

24.

Foster C. A material contribution to forensic clarity. The New Law Journal [Internet]. 166(7689). Available from: <http://ezproxy.lib.gla.ac.uk/login?url=http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=5J6Y-6671-DYJD-X096&csi=280276&oc=00240&perma=true&elb=t>

25.

Hobson C. Williams v the Bermuda Hospitals Board: Pro-Patient, but for Ambiguities Which Remain. Medical Law Review. 2017;25(1):126–37.

26.

Maskrey S, Edia W. Chester v Afshar and Gregg v Scott: mixed messages for lawyers. Journal of Personal Injury Law [Internet]. 2005;3:205–23. Available from: <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>

27.

Green S. Contributing to the risk of confusion? Causation in the Court of Appeal. Law Quarterly Review [Internet]. 2009; Available from: <http://ezproxy.lib.gla.ac.uk/login?url=http://login.westlaw.co.uk/maf/wluk/ext/app/document?csp=ukuniglasg-1&docguid=I09E8E0D0C02611DD83FAE07C467B4925>

28.

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

29.

Turton G. A Case For Clarity in Causation? Medical Law Review. 2008 Dec 15;17(1):140–7.

30.

Roe v Ministry of Health.

31.

Hucks v Cole.

32.

Whitehouse v Jordan.

33.

Maynard v W. Midlands Health Authority.

34.

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

35.

Defreitas v O'Brien.

36.

Marriott v West Midlands RHA.

37.

Wisniewski v Central Manchester Health Authority.

38.

Penney v East Kent HA.

39.

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

40.

Birch v University College London NHS Trust.

41.

Burne v A.

42.

Honisz v Lothian Health Board.

43.

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

44.

Carter v Ministry of Justice.

45.

Glancy v The Southern General Hospital NHS Trust.

46.

Hannigan v Lanarkshire Acute Hospitals NHS Trust.

47.

C v North Cumbria University Hospitals NHS Trust.

48.

KR v Lanarkshire Health Board [2016] CSOH 133.

49.

EXP v Barker.

50.

FB v Rana.

51.

Barnett v Chelsea and Kensington.

52.

Kay's Tutor v Ayrshire and Arran Health Board.

53.

Hotson v East Berkshire.

54.

Wilsher v Essex AHA.

55.

Chester v Afshar.

56.

Gouldsmith v Mid Staffordshire General Hospitals NHS Trust.

57.

Bailey v Ministry of Defence.

58.

Canning-Kishver v Sandwell & West Birmingham NHS Trust.

59.

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

60.

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

61.

Laurie GT, Harmon S, Porter G, Mason JK, Mason JK, McCall Smith A. Mason and McCall Smith's Law & medical ethics, Chapter 5, 'Criminal Negligence' pp 174-178. Tenth edition. Oxford: Oxford University Press; 2016.

62.

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

63.

Alghrani A, Bennett R, Ost S, editors. Bioethics, medicine, and the criminal law: Volume 1: The criminal law and bioethical conflict: walking the tightrope [Internet]. Cambridge: Cambridge University Press; 2013. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://doi.org/10.1017/CBO9781139177382>

64.

Brazier M, Alghrani A. Fatal medical malpractice and criminal liability. Professional Negligence [Internet]. 2009;25(2). Available from: <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>

65.

Quick O. Medicine, Mistakes and Manslaughter: A Criminal Combination? The Cambridge Law Journal. 2010 Mar;69(01).

66.

Quick O. Expert Evidence and Medical Manslaughter: Vagueness in Action. Journal of Law and Society. 2011 Dec;38(4):496-518.

67.

R v Rose (Honey Maria).

68.

R v Rudling (Joanne).

69.

R v Sellu (David).

70.

R v Misra (Amit).

71.

R v Adomako (John Asare).

72.

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

73.

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

74.

Kazarian M, Griffiths D, Brazier M. Criminal responsibility for medical malpractice in France. Professional Negligence [Internet]. 2011;27(4). Available from: <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>

75.

Lodge A. Gross Negligence Manslaughter on the Cusp. The Journal of Criminal Law. 2017 Apr;81(2):125–42.

76.

Quick O. Prosecuting 'Gross' Medical Negligence: Manslaughter, Discretion, and the Crown Prosecution Service. Journal of Law and Society. 2006 Sep;33(3):421–50.

77.

McCall-Smith A. Criminal Negligence and the Incompetent Doctor. Medical Law Review. 1993;1(3):336–49.

78.

Paton v HM Advocate.

79.

Transco plc v HM Advocate.

80.

Laird K. Filling a Lacuna: The Care Worker and Care Provider Offences in the Criminal Justice and Courts Act 2015. Statute Law Review. 2016 Feb;37(1):1–18.

81.

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

82.

BMA/s Written Submission to the Health and Sport Committee [Internet]. Available from:
http://www.parliament.scot/S4_HealthandSportCommittee/Inquiries/HTNC017_-_BMA_Scotland.pdf

83.

Laurie GT, Harmon S, Porter G, Mason JK, Mason JK, McCall Smith A. Mason and McCall Smith's Law & medical ethics, Chapter 5.01-5.17. Tenth edition. Oxford: Oxford University Press; 2016.

84.

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

85.

Douglas T. Medical Injury Compensation: Beyond 'No-Fault'. Medical Law Review. 2008 Dec 15;17(1):30-51.

86.

Farrell AM, Harpwood V. 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. In: Ferguson PR, Laurie GT, editors. Inspiring a medico-legal revolution: essays in honour of Sheila McLean [Internet]. Farnham, Surrey: Ashgate; 2015. Available from: <http://GLA.ebib.com/patron/FullRecord.aspx?p=2039138>

87.

Harris J. The injustice of compensation for victims of medical accidents. BMJ. 1997 Jun 21;314(7097):1821-1821.

88.

Oliphant K. Beyond Misadventure: Compensation for Medical Injuries in New Zealand. Medical Law Review. 2007 Jan 1;15(3):357-91.

89.

Quick O. Patient safety and the problem and potential of law. Professional Negligence

[Internet]. 2012;28(2). Available from:
<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>

90.

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

91.

'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 [Internet]. Available from:
<http://www.gov.scot/Publications/2016/03/7618>

92.

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

93.

Dauer EA. Strong reciprocity and accountability: behavioural analysis of patients' legal responses to medical injury. *International Journal of Law in Context*. 2006 Sep;2(03).

94.

Hedley S. Making sense of negligence. *Legal Studies*. 2016 Sep;36(3):491-512.

95.

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 [Internet]. Available from:
<http://www.gov.scot/Topics/Health/Policy/No-Fault-Compensation>

96.

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

97.

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

98.

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

99.

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

100.

Goldberg R. 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'. In: Medicinal product liability and regulation. Oxford: Hart Publishing; 2013.

101.

A and Others v National Blood Authority and Others.

102.

Commission v UK Case C-300/95.

103.

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

104.

Wilkes v DePuy International Ltd.

105.

Secretary of State for Work and Pensions v G.

106.

Consumer Protection Act 1987, Part I (esp. Sections 3 & 4). Consumer Protection Act 1987 c. 43.

107.

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

108.

Vaccine Damage Payments Act 1979 c.17.

109.

Bergkamp L. Is There a Defect in the European Court's Defect Test? Musings about Acceptable Risk. European Journal of Risk Regulation. 2015 Jun;6(02):309-22.

110.

Van Leeuwen B, Verbruggen P. 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;

111.

Eisler J. One Step Forward and Two Steps Back in Product Liability: The Search for Clarity in the Identification of Defects. *The Cambridge Law Journal*. 2017 Jul;76(02):233–6.

112.

Harvey M. Wilkes v Depuy International Ltd. *Journal of Personal Injury Law* [Internet]. 2017;3:C128–38. Available from: <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>

113.

Howells G, Mildred M. Infected Blood: Defect and Discoverability A First Exposition of the EC Product Liability Directive. *The Modern Law Review*. 2002 Jan;65(1):95–106.

114.

Laing J. Consumer Protection Act 1987: Liability for Defective Products. *Medical Law Review*. 2002 Mar 1;10(1):82–8.

115.

Pugh C, Pilgerstorfer M. The development risk defence - knowledge, discoverability and creative leaps. *Journal of Personal Injury Law* [Internet]. 2004;4:258–69. Available from: <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>

116.

Fairgrieve D, Howells G. Rethinking Product Liability: A Missing Element in the European Commission's Third Review of the European Product Liability Directive. *Modern Law Review*. 2007 Nov;70(6):962–78.

117.

Millward G. 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 Aug 4;

118.

Cave E. Voluntary vaccination: the pandemic effect. *Legal Studies*. 2017 Jun;37(2):279–304.

119.

Laurie GT, Harmon S, Porter G, Mason JK, Mason JK, McCall Smith A. *Mason and McCall Smith's Law & medical ethics*. Tenth edition. Oxford: Oxford University Press; 2016.

120.

Jackson E. *Medical law: text, cases, and materials*. Fourth edition. Oxford: Oxford University Press; 2016.

121.

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

122.

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

123.

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

124.

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

125.

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

126.

3373 High Court of Justice Family Division 1 May 2012 Before: Mrs. Justice Theis 1st May 2012 Crown copyright. X Primary Care Trust v XB [2012] EWHC 1390. The X Primary Care Trust v XB, (By the Official Solicitor as Litigation Friend), YB.

127.

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

128.

Sidaway v Board of Governors of Bethlem Royal and the Maudsley Hospital [1985] 2 WLR 480. Vol. 2, Weekly Law Reports (ICLR). 1985.

129.

Montgomery v Lanarkshire Health Board [2015] UKSC 11.

130.

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

131.

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

132.

(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].

133.

R v Cox (1992) 12 BMLR 38. Vol. 12.

134.

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). *212 Regina Respondent v Brown (Anthony) Appellant.

135.

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. *39 Laskey, Jaggard and Brown v United Kingdom.

136.

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. Freeman v Home Office (No.2), [1984] QB 524, [1984] 1 All ER. *524 Freeman v Home Office (No. 2).

137.

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

138.

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

139.

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)]. In the Matter of: Re: AA.

140.

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

141.

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.

142.

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

143.

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

144.

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

145.

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

146.

Feng TK. Failure of medical advice: trespass or negligence. Legal Studies [Internet]. 1987;7(2). Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/legstd7&id=157>

147.

Komrad MS. A defence of medical paternalism: maximising patient's autonomy. Journal of Medical Ethics. 1983 Mar 1;9(1):38-44.

148.

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

149.

MacLean AR. Consent, sectionalisation and the concept of medical procedure. Journal of Medical Ethics [Internet]. 28(4). Available from: <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#>

150.

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. 1985;101:432-53.

151.

Beauchamp TL, Childress JF. Principles of biomedical ethics. Seventh edition. New York, New York: Oxford University Press; 2013.

152.

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

153.

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

154.

GMC: Consent: patients and doctors making decisions together (2008) [Internet]. General Medical Council; Available from: http://www.gmc-uk.org/guidance/ethical_guidance/consent_guidance_index.asp

155.

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

156.

BMA - Consent tool kit [Internet]. Available from: <https://www.bma.org.uk/advice/employment/ethics/consent/consent-tool-kit>

157.

A Good Practice Guide on Consent for Health Professionals in NHS Scotland (Scottish Executive Health Department, 2006) [Internet]. 2006. Available from: http://www.sehd.scot.nhs.uk/mels/HDL2006_34.pdf

158.

Müller S. 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. 2009 Jan 5;9(1):36–43.

159.

Sidaway v Board of Governors of Bethlem Royal and the Maudsley Hospital [1985] 2 WLR 480. Vol. 2, Weekly Law Reports (ICLR). 1985.

160.

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

161.

Chester v Afshar [2004] UKHL 41. Vol. 4, All England Law Reports. 2004.

162.

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

163.

Montgomery v Lanarkshire Health Board [2015] UKSC 11.

164.

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

165.

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

166.

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

167.

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

168.

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

169.

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).

170.

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

171.

Crown copyright. Meiklejohn v St George's Healthcare NHS Trust [2014] EWCA Civ 120; [2014] Med. L.R. 122. Richard Meiklejohn v St George's Healthcare NHS Trust, Homerton University Hospital NHS Foundation Trust.

172.

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. Mrs A v East Kent Hospitals University NHS Foundation Trust.

173.

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

174.

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

175.

Farrell AM, Brazier M. Not so new directions in the law of consent? Examining Montgomery v Lanarkshire Health Board'. Journal of Medical Ethics. 2016 Feb;42(2):85–8.

176.

Vickery S. Revisiting consent: communication of risks, medical paternalism versus patient autonomy. Coventry Law Journal [Internet]. 2015;20(1):40–5. Available from: <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>

177.

Johnston L. Informed consent and the lingering shadow of Chester v Afshar: Part 1. Scots Law Times [Internet]. Available from: <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>

178.

Johnston L. Informed consent and the lingering shadow of Chester v Afshar: Part 2. Scots Law Times [Internet]. Available from: <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>

179.

Montgomery J, Montgomery E. Montgomery on informed consent: an inexpert decision? *Journal of Medical Ethics*. 2016 Feb;42(2):89–94.

180.

Hogg MA. Re-establishing Orthodoxy in the Realm of Causation. *Edinburgh Law Review* [Internet]. 2007;11(1):8–30. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr11&id=14>

181.

Stapleton J. Occam's razor reveals an orthodox basis for *Chester v Afshar*. *Law Quarterly Review* [Internet]. (122):426–48. Available from: <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>

182.

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*. 2012 Mar 1;20(1):108–29.

183.

Miola J. J. Miola 'On the Materiality of Risk: Paper Tigers and Panaceas' (2009) 17 *Medical Law Review* 76–108. *Medical Law Review*. 2008 Dec 15;17(1):76–108.

184.

Mason JK, Brodie D. Bolam, Bolam - wherefore are thou Bolam? *Edinburgh Law Review* [Internet]. 2005;9(2):298–306. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr9&id=304>

185.

Maclean AR. The Doctrine of Informed Consent: Does It Exist and Has It Crossed the Atlantic? Legal Studies [Internet]. 2004;24(3):386–413. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/legstd24&id=398>

186.

Hobson C. No (,) More Bolam Please: Montgomery v Lanarkshire Health Board. The Modern Law Review. 2016 May;79(3):488–503.

187.

Heywood R. R.I.P. Sidaway: Patient-Orientated Disclosure – A Standard Worth Waiting For? Medical Law Review. 2015 Sep;23(3):455–66.

188.

Reid E. 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. 2015 Sep;19(3):360–6.

189.

Junor G. Junor, G. 'Case Comment: Glancy v Southern General Hospital NHS Trust' SLT 2013, 35, 243-246. Scots Law Times [Internet]. 2013;35:243–6. Available from: <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>

190.

Sutherland L. Causation in consent cases: where are we now following Montgomery in the Supreme Court? Reparation Bulletin [Internet]. 2015;124:3–6. Available from: <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>

191.

Heywood R. Heywood, R. 'Subjectivity in risk disclosure: considering the position of the particular patient' (2009) 25(1) Professional Negligence 3-14. Professional Negligence [Internet]. 2009;25(1):3-14. Available from: <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>

192.

Hogg M. M. Hogg 'Duties of care, causation, and the implications of Chester v Afshar.' (2005) 9(1) Edinburgh Law Review 156-167. Edinburgh Law Review [Internet]. 2005;9(1). Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr9&collection=journals&id=162>

193.

Laurie GT, Harmon S, Dove ES, Mason JK, McCall Smith A. Mason & McCall Smith's law & medical ethics [Internet]. 11th edn. [Oxford]: Oxford University Press; 2019. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.1093/he/9780198826217.001.0001>

194.

Jackson E. Medical law: text, cases, and materials [Internet]. 5th edn. [Oxford]: Oxford University Press; 2019. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.1093/he/9780198825845.001.0001>

195.

Elliston S, Dawson Books. The best interests of the child in healthcare [Internet]. Vol. Biomedical law and ethics library. London: Routledge-Cavendish; 2007. Available from: <http://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780203940464>

196.

Family Law Reform Act 1969 S8. Family Law Reform Act 1969 c. 46.

197.

Children Act 1989 c. 41 [Internet]. Children Act 1989 c. 41. Available from: <https://www.legislation.gov.uk/ukpga/1989/41/data.xht?wrap=true>

198.

Age of Legal Capacity (Scotland) Act 1991 [Internet]. Age of Legal Capacity (Scotland) Act 1991 c. 50. Available from: <https://www.legislation.gov.uk/ukpga/1991/50/contents>

199.

Children (Scotland) Act 1995 [Internet]. Children (Scotland) Act 1995 c. 36. Available from: <https://www.legislation.gov.uk/ukpga/1995/36/contents>

200.

Children's Hearings (Scotland) Act 2011 s186 Consent of child to medical examination or treatment [Internet]. Children's Hearings (Scotland) Act 2011 asp 1 (Scottish Act). Available from: <https://www.legislation.gov.uk/asp/2011/1/section/186>

201.

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

202.

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. Re: 'P' (Minor), Bro Morgannwg NHS Trust v 'P' and Others.

203.

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

204.

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

205.

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

206.

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

207.

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. 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).

208.

Crown copyright. Portsmouth City Council v King 08 September 2014 [2014] EWHC 2964 (Fam). Portsmouth City Council v Naghmeh King, Brett King, Southampton Hospital Trust, Ashya King (by his children's guardian, John Mellor).

209.

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

210.

Finlayson, Applicant 1989 SCLR 601. Scottish Civil Law Reports.

211.

Re O [1993] FLR 149. Vol. 2, Family law reports. 1993.

212.

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

213.

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).
Birmingham Children's NHS Trust v B. & C.

214.

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

215.

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

216.

Re A [2000] 1 FLR 549.

217.

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. *591 Aintree University Hospitals NHS Foundation Trust v James and others.

218.

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. *83 *Simms v Simms and Another*.

219.

8 High Court of Justice Family Division 5 September 2013 Before: The Honourable Mrs Justice Theis Date: 05/09/2013 Crown copyright. *F v F (MMR Vaccine)* Also known as: *F v F (Welfare of Children: Immunisation)* 05 September 2013 [2013] EWHC 2683. *F v F*.

220.

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

221.

7/00 Before the European Court of Human Rights 9 March 2004 (The President, Judge Pellonpää; Judges Bratza, Casadevall, Maruste, Pavlovski, Borrego Borrego and Fura-Sandström) March 9, 2004. *Glass v United Kingdom* (2004) 39 EHRR 15 ECHR. *341 *Glass v United Kingdom*.

222.

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

223.

Re J (a minor) (wardship: medical treatment) [1990] 3 All ER 930. Vol. 3, All England Law Reports. 1990.

224.

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

225.

Portsmouth NHS Trust v Wyatt [2005] 1 FLR 21. Vol. 1, Family law reports. 2004.

226.

High Court of Justice Family Division 3 October 2014 Before: Mr Justice Moor Date: 3rd October 2014 Crown copyright. Kirklees Council v RE [2014] EWHC 3182 (Fam); [2015] 1 FLR 1316; [2015] 2 FCR 438. Kirklees Council v RE, SE (by his Guardian, Steven Anderson), Leeds Teaching Hospital NHS Trust.

227.

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). Kings College Hospital NHS Foundation Trust v MH.

228.

Heywood R. Parents and medical professionals: conflict, cooperation, and best interests. Medical Law Review. 2012 Mar 1;20(1):29-44.

229.

Hagger L. The child as vulnerable patient: protection and empowerment. Vol. Medical law and ethics. Farnham, Surrey, England: Ashgate Pub; 2009.

230.

Meyers DW. Wyatt and Winston-Jones: who decides to treat or let die seriously ill babies? Edinburgh Law Review [Internet]. 2005;9(2):307-16. Available from: <http://ezproxy.lib.gla.ac.uk/login?url=http://heinonline.org/HOL/Page?public=false&handle=hein.journals/edinlr9&collection=journals&id=313>

231.

Brazier M. An Intractable Dispute: When Parents and Professionals Disagree. *Medical Law Review*. 2005 Aug 19;13(3):412-8.

232.

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

Available from:

http://webarchive.nationalarchives.gov.uk/20120106063807/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4067204.pdf

233.

British Medical Association, Dawson Books. Consent, rights and choices in health care for children and young people [Internet]. London: BMJ Books; 2001. Available from:

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

234.

Larcher V, Craig F, Bhogal K, Wilkinson D, Brierley J. Making decisions to limit treatment in life-limiting and life-threatening conditions in children: a framework for practice: *Archives of Disease in Childhood*. 2015 May;100(Suppl 2):s1-23.

235.

Elliston S, Dawson Books. The best interests of the child in healthcare [Internet]. Vol.

Biomedical law and ethics library. London: Routledge-Cavendish; 2007. Available from:

<http://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780203940464>

236.

Gillick v West Norfolk and Wisbech Area Health Authority and another. Vol. 3, All England Law Reports. 1985.

237.

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

238.

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

239.

Re R (a minor) [1991] 4 All ER 177. Vol. 4, All England Law Reports. 1991.

240.

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

241.

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

242.

Re L (medical treatment: Gillick competency) [1998] 2 FLR 810. Vol. 2, Family Law Reports. 1998.

243.

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

244.

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. Nottinghamshire Healthcare NHS Trust v RC.

245.

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, Family Law Reports. 2015.

246.

V v F 1991 SCLR 225. Scottish Civil Law Reports.

247.

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

248.

Hagger L. Some Implications of the Human Rights Act 1998 for the Medical Treatment of Children. Medical Law International. 2003 Mar;6(1):25-51.

249.

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

250.

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

251.

Gilmore S, Herring J. 'No' is the Hardest Word: Consent and Children's Autonomy, (2011) 23 (1) C.F.L.Q. 3-25,. Child and family law quarterly [Internet]. 2011;23(1):1-152. Available from: 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=&q

uery=&scope=&resource=&toc=false&eventType=lcContent.loadDoc
Family_CFLQONLINE_CFLQ_2011_01_1

252.

Cave E, Wallbank J. Minors' capacity to refuse treatment: a reply to Gilmore and Herring. *Medical Law Review*. 2012 Sep 1;20(3):423-49.

253.

Alderson, P. Consent to Children's Surgery and Intensive Medical Treatment. *Journal of Law and Society* [Internet]. 1990;17(1):52-65. Available from: <http://ezproxy.lib.gla.ac.uk/login?url=http://heinonline.org/HOL/Page?public=false&handle=hein.journals/jlsocty17&id=60>

254.

Garwood-Gowers A, Tingle J, Lewis T. *Healthcare law: the impact of the Human Rights Act 1998*. London: Cavendish; 2001.

255.

Norrie KMck. 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*. 1991;36.

256.

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

257.

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

258.

Bridge C. Religious Beliefs and Teenage Refusal of Medical Treatment Case. *Modern Law Review* [Internet]. 1999;62(4):585–94. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/modlr62&collection=journals&id=599>

259.

Cave E. Maximisation of Minors' Capacity. *Child and Family Law Quarterly* [Internet]. 2011;23(4):431–49. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/chilflq23&collection=journals&id=437>

260.

Adolescents and informed consent | Nuffield Foundation [Internet]. Available from: <http://www.nuffieldfoundation.org/adolescents-and-informed-consent>

261.

Jackson E. *Medical law: text, cases, and materials*. 3rd ed. Oxford: Oxford University Press; 2013.

262.

Thomson LDG, Cherry J, McManus JJ. *Mental health and Scots law in practice* [Internet]. Second edition. Edinburgh: W. Green; 2014. Available from: <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>

263.

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

264.

Cave E. *Determining Capacity to Make Medical Treatment Decisions: Problems*

Implementing the Mental Capacity Act 2005. Statute Law Review. 2015 Feb 1;36(1):86–106.

265.

Donnelly M. Best interests, patient participation and the Mental Capacity Act 2005. Medical Law Review. 2008 Dec 15;17(1):1–29.

266.

Donnelly M. Capacity assessment under the Mental Capacity Act 2005: Delivering on the functional approach? Legal Studies [Internet]. 2009 Sep;29(3):464–91. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/P?h=hein.journals/legstd29&i=468>

267.

Heywood R. Revisiting Advance Decision making Under the Mental Capacity Act 2005: A Tale of Mixed Messages. Medical Law Review. 2015 Mar 1;23(1):81–102.

268.

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. 2009 Sep 1;17(3):377–409.

269.

Maclean AR. Advance Directives and the Rocky Waters of Anticipatory Decision-making. Medical Law Review. 2008 Jan 24;16(1):1–22.

270.

Maclean AR. Advance directives, future selves and decision-making. Medical Law Review. 2006 Sep 8;14(3):291–320.

271.

Wrigley A. Proxy consent: moral authority misconceived. *Journal of Medical Ethics*. 2007 Sep 1;33(9):527–31.

272.

F v West Berkshire Health Authority [1990] 2 AC 1. *1 In Re F. (Mental Patient: Sterilisation).

273.

Re T (adult: refusal of medical treatment) [1992] 4 All ER 649. Vol. 4, All England Law Reports. 1992.

274.

Lord Donaldson of Lymington M.R. , Butler-Sloss and Staughton L.JJ. 1992 July 22, 23, 24; 30(c) Incorporated Council of Law Reporting for England & Wales. Re T. (Adult: Refusal of Treatment) [1992] 3 W.L.R. 782. *95 In Re T.

275.

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

276.

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. *290 In re C. (Adult: Refusal of Treatment).

277.

Edwards R, Butterworths (Firm). Butterworths medico-legal reports. London: Butterworths; 1992.

278.

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

279.

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

280.

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

281.

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

282.

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

283.

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

284.

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

285.

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

286.

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

287.

3212 Court of Protection 15 June 2012 Before: The Honourable Mr Justice Peter Jackson
Date: 15 June 2012 Crown copyright. [A Local Authority v E and others [2012] EWHC 1639.
A Local Authority, E (by her Litigation Friend the Official Solicitor) v A Health Authority, E's
Parents.

288.

Re AA [2012] EWHC 4378 (COP).

289.

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

290.

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

291.

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

292.

Mental Capacity Act 2005. Mental Capacity Act 2005 c. 9.

293.

Mental Capacity Act 2005 Code of Practice (2007) [Internet]. Available from:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf

294.

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

2006. Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006/1832.

295.

Adults with Incapacity (Scotland) Act 2000. Adults with Incapacity (Scotland) Act 2000 asp 4 (Scottish Act).

296.

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

297.

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

298.

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

299.

Stephens v Avery and others. Vol. 2, All England Law Reports. 1988.

300.

W v Egdell and others. Vol. 1, All England Law Reports. 1990.

301.

Re Z (a minor) (freedom of publication). Vol. 4, All England Law Reports. 1995.

302.

Campbell v MGN Limited. Campbell v MGN Limited.

303.

Hunter v Mann. Vol. 2, All England Law Reports. 1974.

304.

R (on the application of Axon) v Secretary of State for Health. *539 Regina (Axon) v Secretary of State for Health (Family Planning Association intervening).

305.

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

306.

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

307.

Z v Finland (1998).

308.

MS v Sweden (1998).

309.

TV v Finland (21780/93).

310.

Duncan v Medical Practitioners Disciplinary Committee. Vol. 1 NZLR 513, New Zealand Law Reports. 1986.

311.

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

312.

Stephens v Avery and others. Vol. 2, All England Law Reports. 1988.

313.

Attorney General v Guardian Newspapers and others (No 2). Vol. 3, All England Law Reports. 1988.

314.

Ackroyd v Mersey Care NHS Trust. Vol. 73.

315.

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

316.

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

317.

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

318.

Palmer v Tees HA (2000).

319.

Tarasoff v. Regents of University of California.

320.

C v Dr Cairns. Lloyd's law reports: Medical. 2003;90.

321.

Osman v UK.

322.

Reisner v. Regents of University of California.

323.

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

324.

Pd v Dr Nicholas Harvey.

325.

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

326.

Mason and McCall Smith's Law & medical ethics. Tenth edition. Oxford: Oxford University Press; 2016.

327.

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

328.

Herring J. Medical law and ethics [Internet]. 8th edition. Oxford: Oxford University Press; 2020. Available from:
<https://ezproxy.lib.gla.ac.uk/login?url=https://dx.doi.org/10.1093/he/9780198846956.001.0001>

329.

Kottow MH. Medical confidentiality: an intransigent and absolute obligation. Journal of Medical Ethics. 1986;12(3):117-22.

330.

Thompson IE. The nature of confidentiality. Journal of Medical Ethics. 1979 Jun 1;5(2):57-64.

331.

Roy Gilbar. Medical confidentiality and communication with the patient's family: legal and practical perspectives [Internet]. Vol. 24. 2012. p. 139-256. Available from:
<http://ezproxy.lib.gla.ac.uk/login?url=http://heinonline.org/HOL/Page?public=false&handle=hein.journals/chilflq24&id=203>

332.

Case P. Confidence Matters: The Rise and Fall of Informational Autonomy in Medical Law. Medical Law Review. 2003 Jun 1;11(2):208-36.

333.

Cooper v Turrell.

334.

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

335.

Dute J. Child Abuse, Human Rights and the Role of the Doctor. *European Journal of Health Law* [Internet]. 2009; Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?public=false&handle=hein.journals/eurjhlb16&id=127>

336.

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

337.

British Medical Association. Confidentiality and Disclosure of Health Information Tool Kit [Internet]. Available from: https://www.bma.org.uk/-/media/files/pdfs/.../ethics/confidentialitytoolkit_full.pdf?

338.

Confidentiality: good practice in handling patient information (2017) [Internet]. General Medical Council; Available from: https://www.gmc-uk.org/guidance/ethical_guidance/confidentiality.asp

339.

Decision tools and other learning materials [Internet]. General Medical Council; 2013. Available from: <https://www.gmc-uk.org/guidance/20473.asp>

340.

Department of Health. Confidentiality: NHS Code of Practice [Internet]. Available from: <https://www.gov.uk/government/publications/confidentiality-nhs-code-of-practice>

341.

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 [Internet]. Available from: http://webarchive.nationalarchives.gov.uk/20121202102500/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4086960

342.

United Kingdom. Medical Negligence: Fact, Breach and Bolitho. Medical Law Review. 1999 Sep 1;7(3):327-56.

343.

Gilbar R, Foster C. It's arrived! Relational Autonomy Comes to Court: ABC v ST George's Healthcare NHS Trust [2017] EWCA 336. Medical Law Review. 2017 Oct 17;

344.

Gilbar R, Foster C. Doctors' Liability to the Patient's Relatives in Genetic Medicine. Medical Law Review. 2015 Oct 3;

345.

Mackay RR. Dangerous Patients: Third Party Safety and Psychiatrists' Duties - Walking the Tarasoff Tightrope. Medicine, Science and the Law [Internet]. 1990; Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?handle=hein.journals/mdsclw30&size=2&collection=journals&id=52>

346.

Almason AL. 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 [Internet]. 1997; Available from: 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

347.

Jones C. Tightropes and Tragedies: 25 years of Tarasoff. *Medicine, Science and the Law* [Internet]. 2003 Jan;43(1):13–22. Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/P?h=hein.journals/mdsclw43&i=13>

348.

Gavaghan C. A Tarasoff for Europe? A European Human Rights perspective on the duty to protect. *International Journal of Law and Psychiatry*. 2007 May;30(3):255–67.

349.

Gavaghan C. Dangerous Patients and Duties to Warn: a European Human Rights Perspective. *European Journal of Health Law*. 2007 Jul 1;14(2):113–30.

350.

Information Commissioner's Office [Internet]. ICO; 2017. Available from: <https://ico.org.uk/>

351.

Data Protection Act 1998.

352.

Health and Social Care Act 2001 c. 15 Arrangement of Act [Internet]. Health and Social Care Act 2001 c. 15. Available from: <https://www.legislation.gov.uk/ukpga/2001/15/contents>

353.

Human Rights Act 1998. Human Rights Act 1998 c. 42.

354.

European Convention on Human Rights.

355.

*R v Dica [2004] 3 All E.R. 593. Vol. 3, All England Law Reports. 2004.

356.

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

357.

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

358.

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

359.

05243 C2 Court of Appeal (Criminal Division) 8 May 2014 Before: Lord Justice Treacy Mr Justice Bean and His Honour Judge Lakin Date: Thursday 8th May 2014 Crown copyright. *R v Golding (David) [2014] EWCA Crim 889. Regina v David Golding.

360.

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

361.

*HMA v Kelly Friday, 23rd February 2001 (unreported). Available from: <https://news.bbc.co.uk/1/hi/scotland/1186093.stm>

362.

*HMA v Giovanni Mola 5th April 2007, (unreported). Available from:
https://news.bbc.co.uk/1/hi/scotland/edinburgh_and_east/6528885.stm

363.

*HMA v Giovanni Mola 5th April 2007, (unreported). Available from:
https://news.bbc.co.uk/1/hi/scotland/edinburgh_and_east/6338777.stm

364.

*HMA v Devereaux 25th February 2010, (unreported). Available from:
https://news.bbc.co.uk/1/hi/scotland/north_east/8519593.stm

365.

Italian man who intentionally infected more than 30 women with HIV jailed. Available from:
<http://www.independent.co.uk/news/world/europe/italian-man-hiv-infected-girlfriends-jailed-sentence-valentino-tullato-a8024166.html>

366.

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

367.

California reduces penalty for knowingly exposing someone to HIV. Available from:
<http://www.independent.co.uk/california-hiv-infecting-felony-misdemeanor-a7988261.html>

368.

People on HIV medication cannot transmit the virus, declares CDC. Available from:
<http://www.independent.co.uk/news/world/americas/hiv-medication-people-on-it-cannot-tra>

nsmit-virus-cdc-treatment-aids-a7990286.html

369.

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

370.

Crown Office and Procurator Fiscal Service. Prosecution policy on the sexual transmission of infection [Internet]. Available from:
http://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Guidelines_and_Policy/Prosecution%20policy%20on%20the%20sexual%20transmission%20of%20infection%20-%20July%2014.pdf

371.

Law Commission. Reform of Offences Against the Person Law Com No 361 2 November 2015 [Internet]. Available from:
<https://www.gov.uk/government/publications/reform-of-offences-against-the-person>

372.

Weait M. Intimacy and responsibility: the criminalisation of HIV transmission [Internet]. 1st ed. Abingdon: Routledge-Cavendish; 2007. Available from:
<https://www.vlebooks.com/vleweb/product/openreader?id=GlasgowUni&isbn=9780203937938>

373.

Stanton C. Maternal transmission of HIV infection: a crime against my child? Journal of Medical Ethics. 2015 May;41(5):375–8.

374.

Ryan S. Disclosure and HIV Transmission. The Journal of Criminal Law. 2015 Dec;79(6):395–410.

375.

Cowan S. Offenses of Sex or Violence? Consent, Fraud, and HIV Transmission. *New Criminal Law Review*. 2014 Jan 1;17(1):135-61.

376.

Weait M. Criminal Law and the Sexual Transmission of HIV: *R v Dica*. *Modern Law Review*. 2005 Jan;68(1):121-34.

377.

Matthew Weait. Knowledge, autonomy and consent: *R. v Konzani*. *Criminal Law Review* [Internet]. 2005; Available from: <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>

378.

Cherkassky L. Being Informed: The Complexities of Knowledge, Deception and Consent When Transmitting HIV. *The Journal of Criminal Law*. 2010 Jun;74(3):242-58.

379.

Samantha Ryan. Reckless transmission of HIV: knowledge and culpability. *Criminal Law Review* [Internet]. Available from: <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>

380.

Munro V 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* [Internet]. 2007;(1). Available from: <https://ezproxy.lib.gla.ac.uk/login?url=https://heinonline.org/HOL/Page?handle=hein.journals/chilflq19&size=2&collection=journals&id=112>

381.

The Juridical review.

382.

Hughes D. Condom Use, Viral Load and the Type of Sexual Activity as Defences to the Sexual Transmission of HIV. *The Journal of Criminal Law*. 2013 Apr;77(2):136–50.

383.

Chalmers J. Legal responses to HIV and AIDS [Internet]. Oxford: Hart Publishing Ltd; 2008. Available from:
https://ezproxy.lib.gla.ac.uk/login?url=http://dx.doi.org/10.5040/9781474200615?locatt=label:secondary_bloomsburyCollections

384.

Tadros V. Recklessness, Consent and the Transmission of HIV. *Edinburgh Law Review*. 2001 Sep;5(3):371–80.

385.

JR Spencer. Retrial for reckless infection. *The New Law Journal* [Internet]. 154(7129). Available from:
<https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/4FFX-CDX0-TWW R-G1FF-00000-00?context=1001073&identityprofileid=32QDCK57563>

386.

JR Spencer. Liability for reckless infection—part 1. *The New Law Journal* [Internet]. 154(7119). Available from:
<https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/4FFX-CDX0-TWW R-G0YB-00000-00?context=1001073&identityprofileid=32QDCK57563>

387.

JR Spencer. Liability for reckless infection—part 2. *The New Law Journal* [Internet]. 154(7121). Available from:
<https://plus-lexis-com.ezproxy.lib.gla.ac.uk/api/document/collection/uk/id/4FFX-CF00-TWW>

R-G01J-00000-00?context=1001073&identityprofileid=32QDCK57563

388.

Mawhinney GR. To Be Ill or to Kill: The Criminality of Contagion. *The Journal of Criminal Law*. 2013 Jun;77(3):202-14.