

Mason
& McCall Smith

LAW AND MEDICAL ETHICS

Second edition



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Second Edition

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Preface

The advances in medical techniques and the consequent public reaction have been so rapid in recent years that the first edition of this book was outdated almost before it appeared in the bookshops. We have had the new Mental Health Acts, the Warnock Committee has reported, Mrs Gillick and Mrs Sidaway have been heard in the House of Lords and sterilisation has become a legal issue of very great importance.

We are therefore grateful to our publishers for agreeing to a second edition in a comparatively short time. Our text has been extensively re-written to include new case material and it is gratifying to note that our expectations have been realised in the majority of instances in which we previously had to hazard opinion as to the route the law would follow. We have very much revised the chapters on psychiatry and the law in the light of the Mental Health Acts, while the section on reproductive medicine is now dominated by the Warnock Report and the consequent flurry of actual or attempted legislation. Concepts of medical confidentiality have been greatly affected by measures such as the Police and Criminal Evidence Act and the Data Protection Act; further experience has caused us to modify our views in some areas – such as the neonatal period; and we have thought it important to include a chapter dealing with the treatment of the aged, a type of practice which is likely to expose an increasing number of legal and ethical issues. The second edition is longer, and contains more footnotes, than the first but we hope it has retained its intended character of a handbook rather than a textbook.

We hope we have responded satisfactorily to criticisms and we thank our reviewers and many friends for help in this respect. Circumstances have dictated the replacement of Mrs MacDonald with an inanimate and less even-tempered word processor but she has remained a tower of strength in a 'moonlighting' capacity. We are, as ever, grateful to a number of colleagues who have looked at our material and have proffered much helpful advice; we still believe that it is unwise to name them individually but we would make an exception in the case of Mr Alex Bannerman whose work in the library on our behalf has been ever-prompt and uncomplaining.

Finally, it is right that we thank the Faculty of Law in the University of Edinburgh for their expression of faith in re-employing our geriatric half and, thereby, making this follow-up possible.

JKM
RAMcCS
Edinburgh 1987

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