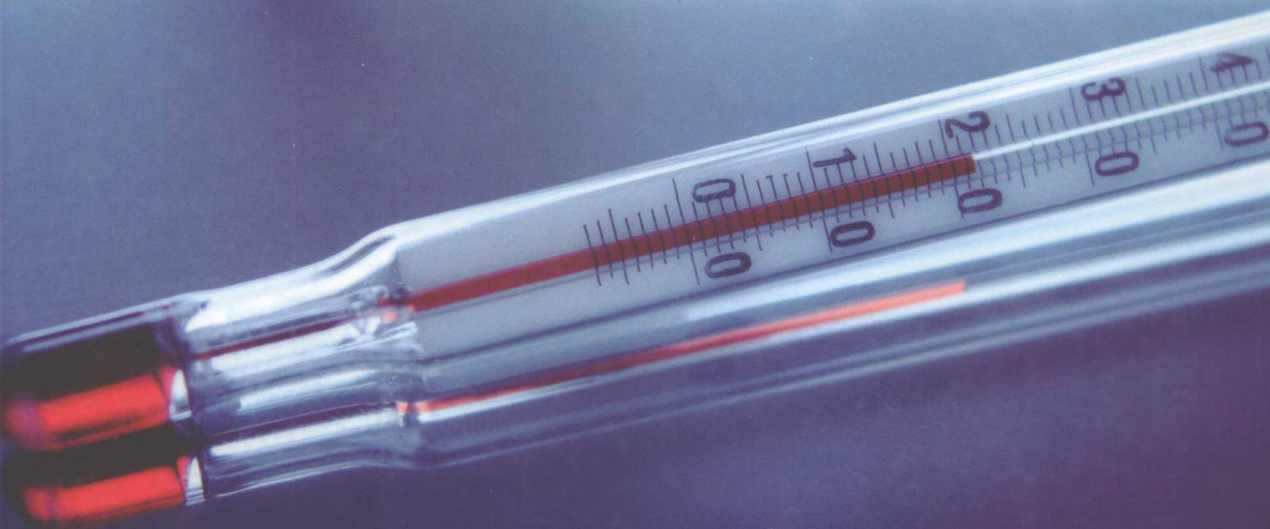


TEXT, CASES AND MATERIALS ON MEDICAL LAW AND ETHICS

FOURTH EDITION



MARC STAUCH AND KAY WHEAT
WITH JOHN TINGLE

Text, Cases and Materials on Medical Law and Ethics

FOURTH EDITION

Marc Stauch MA (Oxon), Dr jur (Göttingen)

Solicitor, Lecturer and Research Fellow
Leibniz University of Hannover,

and

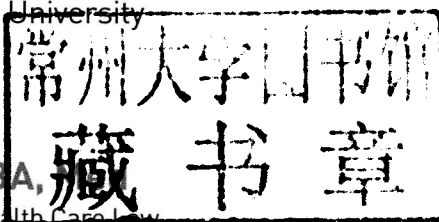
Kay Wheat BA

Solicitor, Reader in Law
Nottingham Trent University

with

John Tingle BA,

Barrister, Reader in Health Care Law,
Nottingham Trent University



Fourth Edition published 2012
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada
by Routledge
711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2012 Marc Stauch and Kay Wheat

The right of Marc Stauch and Kay Wheat to be identified as authors
of this work has been asserted by them in accordance with sections 77 and 78
of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or
reproduced or utilised in any form or by any electronic, mechanical,
or other means, now known or hereafter invented, including
photocopying and recording, or in any information storage or
retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or
registered trademarks, and are used only for identification and
explanation without intent to infringe.

First Edition published by Cavendish Publishing 1998
Third Edition published by Cavendish Publishing 2005

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

Stauch, Marc.

Text, cases and materials on medical law and ethics / Marc Stauch and
Kay Wheat with John Tingle.—4th ed.
p. cm.

ISBN 978-0-415-58231-5 (hbk)—ISBN 978-0-415-58230-8 (pbk) 1. Medical
laws and legislation—England. 2. Medical care—Law and
legislation—England. 3. Medical ethics. I. Wheat, Kay. II. Tingle,
John. III. Title. IV. Title: Medical law and ethics.

KD3395.S73 2011

344.4204'1—dc23

2011002330

ISBN: 978-0-415-58231-5 (hbk)

ISBN: 978-0-415-58230-8 (pbk)

Typeset in Joanna
by RefineCatch Limited, Bungay, Suffolk



Printed and bound in Great Britain by the MPG Books Group

Preface

Medical law is an exciting and challenging subject, whose dilemmas are the focus of intense and ongoing public debate. The fact that it is a relatively young discipline, which must attempt to keep pace with the constant advance of medical science, makes it of considerable jurisprudential interest. Moreover, the questions which it addresses are ones of fundamental human concern, bearing directly upon the lives of each of us and the shape of the society we inhabit. In this regard, there are few other legal subjects that so clearly display the interaction between law and ethics.

Text, Cases and Materials on Medical Law and Ethics aims to draw together a wide range of material (much of it very recent), including extracts from statutes, judgments and academic commentaries. It is primarily designed for use as a core text by law students taking medical (or health care) law at undergraduate level. However, it is hoped that it may also be of interest to postgraduate students, including those in the burgeoning field of bioethics, as well as to health care professionals.

While the authors take collective responsibility for the book, primary responsibility for the individual chapters was as follows: Marc Stauch, Chapters 3, 6, 7, 8, 11 and 12; Kay Wheat, Chapters 1, 2, 4, 5, 9 and 10.

Crown copyright is reproduced with the permission of the Controller of Her Majesty's Stationery Office. Every effort has been made to trace copyright holders, but if any have been inadvertently overlooked, the publishers will be pleased to make the necessary arrangements.

In this new, fourth edition, we have aimed to take account of developments in the law up until 1 January 2011.

Marc Stauch and Kay Wheat
2011

Acknowledgements

Grateful acknowledgement is made to all the authors and publishers of copyright material which appears in this book, and in particular to the following for permission to reprint material from the sources indicated:

Cambridge University Press for extracts from Keown, John, *Abortion, Doctors and the Law: Some Legal Aspects of the Legal Regulation of Abortion in England from 1803 to 1982* (1988), © 1988 Cambridge University Press, reproduced with permission; Maclean, Alastair, *Autonomy, Informed Consent and Medical Law. A Relational Challenge* (2009), © Alastair Maclean 2009, published by Cambridge University Press, reproduced with permission.

Michael Cavadino for extracts from *Mental Health Law in Context: Doctors' Orders?* (Dartmouth, 1989), pp. 138–41. Reproduced by permission of the author.

Pearson for extracts from Glover, Jonathan, *Causing Deaths and Saving Lives* (Pelican, 1977). Copyright © 1977 Jonathan Glover. By permission of Pearson.

Routledge/Taylor and Francis for extracts from Lamb, David, *Organ Transplants and Ethics* (1990), © 1990 David Lamb; Fennell, Phil, *Treatment without Consent* (1996), © 1996 Phil Fennell. Reproduced by permission of Taylor and Francis Books UK.

Wiley-Blackwell for extracts from Hursthouse, R., *Beginning Lives* (1987), © 1987 Rosalind Hursthouse; Fortin, J., 'Legal protection for the unborn child', *The Modern Law Review*, 51:1 (1988), pp. 54–83; Keown, J., 'The ashes of AIDS and the phoenix of informed consent', *The Modern Law Review*, 52:6 (1989), pp. 790–800; Fox, Marie and McHale, Jean, 'In whose Best Interests?', 60:5 (1997), pp. 700–709; Thomson, J.J., 'A Defence of Abortion', *Philosophy and Public Affairs*, 1:1 (1971), pp. 47–66.

Hart Publishing for extracts from Stauch, Marc, *The Law of Medical Negligence in England and Germany* (2008), © Marc Stauch 2008. Reproduced by permission of Hart Publishing and the author.

Oxford University Press for extracts from Otklowski, Margaret, *Voluntary Euthanasia and the Common Law* (1997), p. 160, 173, 206, 462; Skegg, P.D.G., *Law, Ethics and Medicine* (1998), p. 40, pp. 110–112; Culver, C.M. and Gert, B., *Philosophy in Medicine* (1982), p. 66, 146; Grubb, Andrew (ed.), *Principles of Medical Law*, 2nd edn (2004); Kuhse, Helga, *The Sanctity-of-life doctrine in Medicine* (1987), pp. 16–20; Downie, R.S., 'Traditional Medical Ethics and Economics in Health Care: A Critique' in Mooney, Gavin and McGuire, Alistair eds, *Medical Ethics and Economics in Health Care* (1989), pp. 40–55.

BMJ for extracts from Stauch, M., 'Causal authorship and the equality principle: a defence of the acts/omissions distinction in euthanasia', *Journal of Medical Ethics*, 26 (2000), p. 237; Wilkinson, S. and Garrard, E. 'Bodily integrity and the sale of human organs', *Journal of Medical Ethics* (1996) 22, pp. 334.

Harper Collins/Fourth Estate for extracts from Dworkin, R., *Life's Dominion: An Argument About Abortion and Euthanasia* (1993), © Ronald Dworkin 1993; Glover, J. et al, *Report to the European Commission on Reproductive Technologies, Fertility and the Family* (1989), London: Fourth Estate.

Thompson Reuters for extracts from the *Australian Law Journal and Reports*, *Section of Health v JWB & SMB* (1992), 66, ALJR 300.

Routledge for extracts from Stone, D., *Confidentiality, Access to Health Records and the Human Rights Act* (1998), in Garwood-Gowers, Austen, et al, *Healthcare: The Impact of the Human Rights Act* (1998), London: Cavendish Publishing, 2001.

Every effort has been made to trace and contact copyright holders prior to publication. If notified, the publisher will undertake to rectify any errors or omissions at the earliest opportunity.

Table of Cases

A

A, Re [1992] 3 Med LR 303, Fam Div ... 521, 522

A (Children) (Conjoined Twins: Surgical Separation), Re [2001] Fam 147, CA ... 565, 592

A (Mental Patient: Sterilisation), Re [2000] 1 FLR 549 ... 194, 195

A v C [1985] FLR 445, CA ... 357, 358

A and Others v National Blood Authority [2001] 3 All ER 289 ... 290, 291, 548

A, B & C v Ireland (Application No 25579/05) [2010] ECHR 25579/05; 29 BHRC 423; [2010] All ER (D) 206 (Dec) ... 391

A Health Authority v X and others [2001] EWCA Civ 2014 ... 204, 231

AB v Leeds Teaching Hospital Trust [2004] EWHC 644 (QB) ... 269, 525

AB v Scottish National Blood Transfusion Service 1993 SLT 36 ... 549

AC, Re (1990) 573 A 2d 1235 (USA) ... 93

AK (Medical Treatment: Consent), Re [2001] 1 FLR 129 ... 579

Abbas v Kenney [1996] 7 Med LR 47 ... 129

Adoption Application (Payment for Adoption), Re [1987] Fam 81; [1987] 2 All ER 826 ... 363

Aerts v Belgium (2000) 29 EHRR 50; 5 BHRC 382 ... 417

Agar-Ellis, Re (1883) 24 Ch D 317 ... 169

Airedale National Health Service Trust v Bland [1993] AC 789; [1993] 1 All ER 821 ... 74, 76, 86, 87, 90, 95, 112, 153, 155, 558, 560, 562, 572–4, 576–8, 587, 595, 596, 598–602, 605, 608, 616, 619

Alcock v Chief Constable of South Yorkshire Police [1992] 1 AC 310; [1991] 4 All ER 907 ... 256

Allan v Mount Sinai Hospital (1980) 109 DLR (3d) 634 (Canada) ... 117

Allin v City and Hackney Health Authority [1996] 7 Med LR 167 ... 256

American Cyanamid Co v Ethicon Ltd [1975] AC 396 ... 232

An Hospital NHS Trust v S and Others [2003] EWHC 365 (Fam) ... 603

Appleby v Sleep [1968] 2 All ER 265 ... 244

Appleton v Garrett [1997] 8 Med LR 75 ... 117

Alpert Rubber Co v Manning (1917) 866 LJ Ch 377 ... 205

Application of President and Directors of Georgetown College Inc 331 F 2d 1000 (DC Cir), cert denied; 377 US 978 (1964) (USA) ... 87

Arndt v Smith [1997] 2 SCR 539 (Canada) ... 130

Ashcraft v King 278 Cal Rptr 900 (1991) (USA) ... 548

Ashcroft v Mersey Regional Health Authority [1983] 2 All ER 245 ... 273

Ashingdane v United Kingdom (1985) 7 EHRR 528 ... 142, 143, 434

Associated Provincial Picture House v Wednesbury Corporation [1947] 2 All ER 680 ... 58–60, 62, 66, 67, 268, 311, 441, 450

Attorney General v Guardian Newspapers (No 2) [1990] AC 109 ... 202, 206, 207, 209, 231, 232

Attorney General's Reference (No 3 of 1994) [1997] 3 WLR 421 ... 404

B

B (A Minor) (Wardship: Medical Treatment), Re [1981] 1 WLR 1421, CA ... 177, 384, 389, 584–6, 594

B (A Minor) (Wardship: Sterilisation), Re [1988] AC 199; [1987] 2 All ER 206 ... 14, 139, 147, 148, 182, 183, 187, 192, 195, 510

- B v Barking Havering and Brentwood
Community Healthcare NHS Trust [1999] 1
FLR 106 ... 431
- B v Croydon Health Authority [1994] 2 WLR
294 ... 107, 438, 440, 441, 455
- B v France (1992) 16 EHRR 1 ... 66
- B, Ms v An NHS Trust Hospital (2002) 152 NLJ
470; [2002] EWHC 429 (Fam) ... 90, 104,
110, 573, 576
- Bailey v Ministry of Defence [2008] EWCA Civ
883 ... 280
- Ball v Wirral HA [2003] Lloyd's Rep Med 165
... 260
- Banks v Goodfellow (1870) LR 5 QB 549 ... 102
- Barker v Corus Ltd [2006] UKHL 20 ... 280
- Barnett v Chelsea and Kensington Hospital
Management Committee [1969] 1 QB 248;
[1968] 1 All ER 1068 ... 245, 248,
275–7, 284
- Barr v Matthews (1999) 52 BMLR 217 ... 398
- Belchertown State School Superintendent v
Saikewicz 373 Mass 728 (1977); 370 NE 2d
417 (1977) (USA) ... 153, 595
- Bellinger v Bellinger [2003] 2 All ER 593 ... 76
- Bellotti v Baird 443 US 662 (1979) (USA)
... 212
- Birch v University College London NHS
Foundation Trust [2008] EWHC 2237 (QB)
... 126
- Bland, *See* Airedale National Health Service Trust
v Bland—
- Blyth v Bloomsbury Health Authority [1993] 4
Med LR 151 ... 122, 124
- Bolam v Friern Hospital Management Committee
[1957] 1 WLR 582 ... 63, 119–24, 152,
153–6, 177, 187, 200, 257, 261–266, 271,
272, 296, 396, 442, 455, 484, 599, 605
- Bolitho v City and Hackney Health Authority
[1998] AC 232; [1997] 4 All ER 771, HL
... 266, 268, 269, 273, 285, 286, 296, 484
- Bonner v Moran 126 F 2d 121 (1941) (USA)
... 511
- Bonnington Castings Ltd v Wardlaw [1956] AC
613; [1956] 1 All ER 615 ... 276, 279, 285
- Bourhill (Hay) v Young [1943] AC 92 ... 409
- Bouvia v Superior Court 179 Cal App 3d 1127
(1986) (USA) ... 89, 577
- Boynton v Burglass 590 So 2d 446 (USA)
... 230
- Breen v Baker (1956) *The Times*, 27 January ... 84
- Breen v Williams [1995] 6 Med LR 385 (Cth)
... 240, 241
- Briody v St Helen's and Knowsley Area Health
Authority [2001] EWCA Civ 1010 ... 357
- British Pregnancy Advisory Service v Secretary
of State for Health [2011] EWHC 235
(Admin) ... 404
- British Steel Corporation v Granada Television
Ltd [1981] 1 All ER 417 ... 219
- Brongersma case Dutch Supreme Court,
24.12.2002; NJ 2003/167 (Netherlands)
... 612
- Brophy v New England Sinai Hospital 497 NE 2d
626 (1986) (USA) ... 91
- Brown v Lewisham and North Southwark HA
[1999] Lloyd's Rep Med 110 ... 287
- Brushnett v Cowan [1991] 2 Med LR 271 ... 115
- Buck v Bell 274 US 200 (1927) (USA) ... 182
- Bull v Devon Area Health Authority [1993] 4
Med LR 117 ... 68, 260
- Burke v GMC, *See* R (On the Application of
Burke) v GMC—
- Burton v Islington Health Authority [1993] QB
204; [1992] 3 All ER 833, CA ... 408
- ## C
- C (A Child), *Re* [2002] 1 FLR 1008 ... 364, 384
- C (A Minor), *Re* [1998] 1 Lloyd's Rep Med 1
... 173, 175
- C (A Minor) (Evidence: Confidential
Information), *Re* (1991) 7 BMLR 138 ...
221, 224
- C (A Minor) (Wardship: Medical Treatment),
Re [1989] 2 All ER 782, CA ... 585
- C (A Minor) (Wardship: Surrogacy), *Re* [1985]
FLR 846 ... 355
- C (Adult: Refusal of Treatment), *Re* [1994] 1
WLR 290; [1994] 1 All ER 819 ... 100–2,
105, 107, 168, 440, 576, 579
- C (HIV Test), *Re* [1999] 2 FLR 1004 ... 179
- C (Welfare of a Child: Immunisation), *Re* [2003]
EWCA Civ 1148 ... 179
- C v C [1946] 1 All ER 562 ... 214
- C v S [1988] 1 All ER 1230, CA ... 389, 392

Campbell v Mirror Group Newspapers Ltd [2004] 2 AC 457 ... 207, 215

Canterbury v Spence 464 F 2d 772 (1972) (USA) ... 114, 118, 121, 122, 128

Caparo Industries plc v Dickman [1990] 2 AC 605; [1990] 1 All ER 568 ... 249, 255, 256

Capital and Counties v Hants County Council [1997] QB 1004; [1997] 2 All ER 865 ... 248, 261

Cassidy v Minister of Health (Fahrni, Third Party) [1951] 2 KB 343; [1951] 1 All ER 574 ... 245, 248, 273

Centre for Reproductive Medicine, The v Mrs U [2002] EWCA Civ 565 ... 113, 316

Chappel v Hart (1998) 72 ALJR 1344 (Cth) ... 130, 133

Chatterton v Gerson [1981] QB 432; [1981] 1 All ER 257 ... 79, 114, 116, 117, 129

Chester v Afshar [2004] UKHL 41, HL; [2002] EWCA Civ 724; [2002] 3 All ER 552, CA ... 124, 128, 130, 131, 133, 287, 478, 484

Chin Keow v Government of Malaysia [1967] 1 WLR 813 ... 264, 271

Clark v MacLennan [1983] 1 All ER 416, HC ... 270, 271

Clunis v Camden and Islington Health Authority (The Jonathan Zito case) [1998] 2 WLR 902; [1998] 3 All ER 180 ... 288, 453

Colak v Germany (Application No 07714/01 (2009) (Unreported) ... 204, 223

Colavito v New York Organ Donor Network (No 2) 438 F 3d 214 (2006) (USA) ... 545

Colavito v New York Organ Donor Network (No 3) 8 NY3d 43 (2006) (USA) ... 545

Colonel Munjaz v Mersey Care NHS Trust (1) The Secretary of State for Health and (2) The National Association for Mental Health (MIND), and S v Airedale NHS Trust and (1) The Secretary of State for Health and (2) The National Association for Mental Health (MIND) [2003] EWCA Civ 1036 ... 437

Cork v Kirby Maclean Ltd [1952] 2 All ER 402 ... 275

Cornelius v De Taranto [2002] EMLR 6, CA ... 232

Cossey v United Kingdom (1991) 13 EHRR 622 ... 66

Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374 ... 58

Cozens v Brutus [1973] AC 854 ... 419

Crawford v Board of Governors of Charing Cross Hospital (1953) *The Times*, 8 December ... 258

Cruzan v Director, Missouri Health Department 111 L Ed 2d 224 (1990) (USA) ... 577

Cull v Royal Surrey County Hospital (1932) 1 BMJ 1195 ... 74, 117

Curran v Bosze 566 NE 2d 1319 (1990), Illinois Sup Ct (USA) ... 485, 512

D

D (A Child Appearing by her Guardian Ad Litem) (Respondent), Re [2005] UKHL 33 ... 343

D (A Minor) (Wardship: Sterilisation), Re [1976] Fam 185; [1976] 1 All ER 326; [1976] 2 WLR 279 ... 183, 184, 188

D (Medical Treatment: Mentally Disabled Patient), Re [1998] 2 FLR 22 ... 603

D v Berkshire County Council [1987] 1 All ER 20, HL ... 411

D v National Society for the Prevention of Cruelty to Children [1977] 1 All ER 589 ... 222

D v United Kingdom (1997) 24 EHRR 423 ... 606

DH NHS Foundation Trust v PS [2010] EWHC 1217 (Fam) ... 158

Davis v Barking, Havering and Brentwood Health Authority [1993] 4 Med LR 85 ... 115

Davis v Davis 842 SW 2d 588 (1992) Tenn Sup Ct (USA) ... 319

Defreitas v O'Brien and Another [1995] 4 Med LR 108 ... 153

Delaney v Southmead Health Authority [1995] 6 Med LR 355 ... 274, 275

Department of Health and Community Services v JWB and SMB (1992) 66 ALJR 300 (Cth) ... 139, 146, 147, 151, 190

Devi v West Midlands Regional Health Authority (1981) CA, Transcript 491 ... 117

Distillers Co (Biochemicals) Ltd v Times Newspapers Ltd [1975] QB 613 ... 221, 224

Dobson v North Tyneside Health Authority and Another [1996] 4 All ER 474, CA ... 541

Donoghue v Stevenson [1932] AC 562 ... 409

Doodeward v Spence (1908) 6 CLR 406 (Cth)
... 541
Dorset Yacht Co Ltd v Home Office [1970] AC
1004 ... 254, 409
Doughty v General Dental Council [1988] AC
164 ... 52
Douglas v Hello! Ltd [2001] QB 967; [2000] 2
All ER 389, CA ... 206
Dwyer v Roderick (1983) 127 SJ 805 ... 264

E

E (A Minor) (Medical Treatment), Re [1991] 2
FLR 585 ... 196
E (A Minor) (Wardship: Medical Treatment),
Re [1993] 1 FLR 386 ... 73, 168
Elliot v Lord Joicey [1935] AC 209 ... 390
Emeh v Kensington, Chelsea and Westminster
Area Health Authority [1985] QB 1012 ...
252, 388
Estate of Johnson, In re 7 NYS 2d 81 (Sur Ct 1938)
(USA) ... 541
Evans v Amicus Healthcare Ltd [2004] EWCA Civ
727, CA ... 316, 318, 320, 343
Evans v United Kingdom (2006) 46 EHRR 321
... 318
Eve, Re [1986] 2 SCR 388 (Canada) ... 138, 147,
148, 153, 156, 183, 196

F

F, Re, See F (Mental Patient: Sterilisation), Re—
F (Adult: Court's Jurisdiction), Re [2000] 2 FLR
512; [2001] Fam 38 ... 139
F (In Utero), Re [1988] Fam 122, CA ... 320,
390, 412
F (Mental Health Act: Guardianship), Re [2000]
1 FLR 192 ... 139, 427
F (Mental Patient: Sterilisation), Re [1990] 2 AC 1
... 74, 137, 138, 150, 153–6, 183, 187, 191,
194, 196, 198, 486, 507, 508, 598, 600
F v R (1983) SASR 189 (Cth) ... 265, 266
F v West Berkshire Health Authority, See F
(Mental Patient: Sterilisation), Re—
Fairchild v Glenhaven Funeral Services [2003] 1
AC 32; [2002] 3 WLR 89 ... 279, 282, 283
Flattery, See Sidaway v Board of Governors of the
Bethlem Royal Hospital and the Maudsley
Hospital—

Francome v Mirror Group Newspapers [1984] 2
All ER 408, CA ... 206
Freeman v Home Office (No 2) [1984] 1 All ER
1036 ... 111, 476, 506
Frenchay National Health Service Trust v S
[1994] 2 All ER 403, CA ... 601
Furber v Kratter (1988) *The Times*, 21 July ... 455
Furniss v Fitchett [1958] NZLR 396
(New Zealand) ... 232

G

G (Persistent Vegetative State), Re [1995] 2 FCR
46 ... 601
G (Surrogacy: Foreign Domicile), Re [2007]
EWHC 2814 (Fam) ... 365
G v E [2010] EWCA Civ 822 ... 145
GF (A Patient), Re [1991] FCR 786: *sub nom* GF
(Medical Treatment), Re [1992] 1 FLR 293
... 196
GMC v Wisheart and others (Decision of the
GMC's PCC, 18 June 1998) ... 127
Gascoine v Ian Sheridan and Co (A firm) and
Latham [1994] 5 Med LR 437 ... 258
Gaskin v United Kingdom (1990) 12 EHRR 36
... 236, 237, 242
Gillick v West Norfolk and Wisbech Area Health
Authority [1986] 1 AC 112; [1986] 1 FLR 224;
[1985] 3 All ER 402, HL ... 100, 104, 159,
160, 162–8, 181, 211–13, 479, 510, 511
Glass v United Kingdom (2004) 39 EHRR 15;
[2004] 1 FCR 553 ... 180, 587
Gold v Haringey Health Authority [1988] 1 QB
481; [1987] 2 All ER 888 ... 122, 124, 484
Gonzales v Carhart 550 US 124 (2007) (USA)
... 387
Gouldsmith v Mid-Staffs General Hospital NHS
Trust [2007] EWCA Civ 397 ... 286
Greenfield v Irwin (A Firm) [2001] 1 WLR 1279
... 251
Gregg v Scott [2005] UKHL 2 ... 281, 283, 284
Grieves v F T Everard & Sons [2007] UKHL 39
... 284

H

H (A Healthcare Worker) v Associated
Newspapers Ltd and N (A Health Authority)
[2002] EWCA Civ 195 ... 216

- HE v A Hospital NHS Trust and AE [2003] EWHC 1017 (Fam) ... 582
- HL v United Kingdom (2005) 40 EHRR 32, ECJ ... 141, 145, 417, 435, 450
- HM v Switzerland (No 39187/98, § 48) ECHR 2002-II ... 143
- Halushka v University of Saskatchewan (1965) 52 WWR 608 (Canada) ... 483
- Hardman v Amin [2000] Lloyd's Rep Med 498 ... 253, 254
- Hart v Brown 289 A 2d 386 (1972) (USA) ... 512
- Hedley Byrne and Co Ltd v Heller and Partners [1964] AC 465; [1963] 2 All ER 575 ... 248
- Henderson v Merrett Syndicates Ltd [1994] 3 All ER 506 ... 248
- Hepworth v Kerr [1995] 6 Med LR 139 ... 134, 272, 287
- Herczegfalvy v Austria (1992) 15 EHRR 437 ... 440
- Hill v Chief Constable of West Yorkshire [1989] 1 AC 53; [1988] 2 All ER 238 ... 254, 255
- Hills v Potter [1984] 1 WLR 641 ... 130
- Holgate v Lancashire Mental Hospitals Board, Gill and Robertson [1937] 4 All ER 19 ... 255
- Holmes v Silver Cross Hospital 340 F Supp 125 (NDIII 1972) (USA) ... 87
- Hotson v East Berkshire Health Authority [1987] 1 AC 750, HL ... 280, 281, 283, 284
- Houston, Applicant [1997] 5 Med LR 237 ... 166
- Hucks v Cole [1993] 4 Med LR 393; (1968) *The Times*, 9 May, CA ... 267, 268
- Hunter v Hanley (1955) SC 200 ... 257, 271
- Hunter v Mann [1974] 1 QB 767; [1974] 2 All ER 414 ... 207, 225, 227, 228
- Hyman v Jewish Chronic Disease Hospital 251 NYS 2d 818 (1964) (USA) ... 488
- I**
- I v Finland (2009) 48 EHRR 31 ... 204, 223
- In the Matter of Claire Conroy 486 A 2d 1209 (1985) (USA) ... 86–8, 91, 92
- Initial Services Ltd v Putterill [1968] 1 QB 396 ... 219
- J**
- J (A Minor) (Wardship: Medical Treatment), Re [1990] 3 All ER 930; [1991] Fam 33; [1992] 4 All ER 614, CA ... 153, 175, 585, 586, 589, 591, 592, 596, 598
- J (A Minor) (Wardship: Medical Treatment), Re [1992] 4 All ER 614, CA ... 602
- J (Child's Religious Upbringing and Circumcision), Re (1999) 52 BMLR 82 ... 179
- J v C [1970] AC 668 ... 169, 178
- JD v East Berkshire Community Health NHS Trust [2005] UKHL 23 ... 257
- JS v An NHS Trust, JA v An NHS Trust [2002] EWHC 2734 (Fam) ... 152
- JT v United Kingdom [2000] 1 FLR 909 ... 428
- JT (Adult: Refusal of Medical Treatment), Re [1998] 1 FLR 48 ... 110
- Janaway v Salford Health Authority [1989] AC 537; [1988] 2 WLR 442 ... 397
- Jepson v Chief Constable of West Mercia Police [2003] EWHC 3318 (Admin) ... 385, 405
- Johnson v United Kingdom (1997) 27 EHRR 296 ... 447, 453
- Jonathan Zito Case, *See* Clunis v Camden and Islington HA—
- Jones v Berkshire AHA (1986) (Unreported) 2 July ... 251
- Jones v Manchester Corporation [1952] 2 All ER 125 ... 258
- Jones v Smith (1973) 278 So 2d 339 (USA) ... 392
- Joyce v Merton, Sutton and Wandsworth Health Authority [1996] 7 Med LR 1, CA ... 285
- K**
- K, Re (1985) 19 DLR (4th) 255 (Canada) ... 196
- KB (Adult) (Mental Patient: Medical Treatment), In Re (1994) 19 BMLR 144 ... 439
- KH and others v Slovakia Application No 32881/94, judgment April 2009 ... 242
- Kaimowitz v Michigan Department of Mental Health 42 USLW 2063 (1973) (USA) ... 476
- Kapfunde v Abbey National (1998) 46 BMLR 176 ... 249
- Kay v Ayrshire and Arran Health Board [1987] 2 All ER 417 ... 291
- Keenan v United Kingdom (2001) 33 EHRR 38 ... 417
- Kelly v Kelly 1997 SLT 896 ... 392
- Kent v Griffiths (No 3) [2001] QB 36 ... 248, 261, 497

Khawaja v Secretary of State for the Home
Department [1984] 1 AC 74 ... 441

Kirkham v The Chief Constable of the Greater
Manchester Police [1990] 2 QB 283; [1990]
2 WLR 987, CA ... 90, 455

L

L (Medical Treatment: Gillick Competency),
Re [1998] 2 FLR 810 ... 168

L v HFE Authority [2008] EWHC 2149 (Fam)
... 316

LC (Medical Treatment: Sterilisation), Re [1997]
2 FLR 258 ... 190

LaFleur v Cornelis (1979) 28 NBR (2d) 569
(USA) ... 244

Lee v Taunton and Somerset NHS Trust [2001] 1
FLR 419 ... 254

Leeds Teaching Hospitals NHS Trust, The v Mr A,
Mrs A, et al [2003] EWHC 259 (Fam) ... 342

Lewis v Secretary of State for Health & Redfern
[2008] EWHC 2196 (QB) ... 225

Lillywhite v University College University
Hospitals NHS Trust [2005] EWCA Civ 1466
... 275

Lindsell v Holmes (1997) *The Guardian*, 29 October
... 565

Lion Laboratories v Evans and Express
Newspapers [1985] QB 526 ... 220

Lipari v Sears, Roebuck & Co 497 FSupp.185
(D Neb 1980) (USA) ... 229

Little v Little (1979) 576 SW 2d 493 (USA)
... 512

Local Authority, A v MA NA and SA [2005]
EWHC 2942 (Fam) ... 159

Local Authority X v MM [2007] EWHC 2003
(Fam) ... 105

Local Authority v Mrs A, by her Litigation Friend,
the Official Solicitor, Mr A [2010] EWHC
1549 (Fam) ... 199

Loveday v Renton [1990] 1 Med LR 117 ...
291, 499

Lowns v Woods [1996] Aust Torts Rep 81–376
(Cth) ... 249

M

M (Child: Refusal of Medical Treatment),
Re (1999) 52 BMLR 124 ... 152

M v Calderdale and Kirklees HA [1998] Lloyd's
Rep 157 ... 247

M v South West London & St George's Mental
Health NHS Trust [2008] EWCA Civ 1112
... 449

M (A) v Ryan [1997] SCR 157 ... 225

MB (Adult Medical Treatment), Re [1997] 2 FLR
426, CA ... 95, 96, 98, 101, 105, 109, 110,
320, 413

MG v UK [2002] 3 FCR 413 ... 242

MM (A Child) (Medical Treatment), Re [2000] 1
FLR 224 ... 179

MS v Sweden (1997) 45 BMLR 133 ... 204

McCandless v General Medical Council [1996] 1
WLR 167 ... 51

McFall v Shimp 10 Pa D & C (3d) 90 (1978)
(USA) ... 72, 545

McFarlane v Tayside Health Board [2000] 2 AC
59; 1998 SLT 307 ... 250–3, 296

McGhee v National Coal Board [1973] 1 WLR 1;
[1972] 3 All ER 1008 ... 270, 271, 277–80

McInerney v MacDonald (1992) 93 DLR (4th)
415 (Canada) ... 241

Mackay v Essex Area Health Authority [1982] 1
QB 1166, CA ... 352, 388, 409, 411, 589

Madyun, Re (1986) (Unreported) ... 94

Maida Yetter, Re 96 D & C 2d 619 (1973) (USA)
... 106

Malette v Shulman (1990) 72 OR (2d) 417,
Ontario CA (Canada) ... 578

Malone v Commissioner of Police of the
Metropolis (No 2) [1979] 2 All ER 620 ... 219

Marc Rich & Co AG v Bishop Rock Marine Co
Ltd, The Nicholas H [1996] AC 211; [1995] 3
WLR 227 ... 255

Marriott v West Midlands HA [1999] Lloyd's
Rep Med 23 ... 265, 269

Marshall v Curry (1933) 3 DLR 260 (Canada)
... 138

Maynard v West Midlands Regional Health
Authority [1984] 1 WLR 634, HL ... 262,
265, 267, 268, 273

Mohr v Williams (1905) 104 NW 12 ... 84

Moore v Regents of University of California 793
Pd 479 (1990) (USA) ... 543, 544

Moyes v Lothian Health Board [1990] 1 Med LR
463 ... 134

Murray v McMurchy (1949) 2 DLR 442
(Canada) ... 138

N

N (A Child), Re [2007] EWCA Civ 1053 ... 360
NHS Trust A v M, NHS Trust B v H (2001)
[2001] Fam 348 ... 604, 606
NHS Trust v D [2000] Lloyd's Rep Med 411
... 606
NHS Trust v D [2005] EWHC 2349 (Fam)
... 601
NHS Trust v J [2006] EWHC 3152 (Fam) ... 601
NHS Trust v M; NHS Trust B v H [2001] Fam
348; [2001] 1 All ER 801 ... 66
NHS Trust v MB [2006] EWHC 507 (Fam)
... 593
NHS Trust v T (Adult: Refusal of Medical
Treatment) [2004] EWHC 1279 (Fam)
... 105
Nettleship v Weston [1971] 3 All ER 581
... 258
Ng Chun Pui v Lee Chuen Tat [1988] RTR 298
... 273
Nicholson v Atlas Steel Foundry and Engineering
Co Ltd [1957] 1 All ER 776 ... 279
Norfolk and Norwich Healthcare (NHS) Trust v
W [1996] 2 FLR 613; [1997] Fam Law 17
... 94, 106
North Glamorgan NHS Trust v Walters [2002]
EWCA Civ 1792 ... 256
Nunnerley v Warrington HA [2000] PIQR Q69
... 254

O

O (A Minor) (Blood Tests: Constraint), Re; J
(A Minor), Re [2000] 1 FLR 418 ... 181
OBG & anor v Allan & others [2007] UKHL 21
... 205
O'Brien v Cunard Steamship Co (1891) 28 NE
266 (USA) ... 79
O'Brien v Prudential Assurance Co [1979] IRLR
140 ... 220
Osman v United Kingdom (1998) 29 EHRR 245
... 456, 605
Overseas Tankship (UK) Ltd v Morts Dock and
Engineering Co Ltd, *The Wagon Mound* [1961]
AC 388; [1961] 1 All ER 404, PC ... 286

P

P (A Minor), Re (1982) 80 LGR 301 ... 156,
178, 179
P (A Minor) (Wardship: Sterilisation), Re [1989]
1 FLR 182 ... 195
P (Minors), Re [1987] 2 FLR 421, HC ... 359
PD v Australian Red Cross Society (NSW Div)
(1993) 30 NSWLR 376 (Cth) ... 549
Palmer v Tees HA [1999] Lloyd's Rep Med 351,
CA ... 230, 254
Parkinson v St James and Seacroft University
Hospital NHS Trust [2002] QB 266; [2001] 3
WLR 376; [2001] EWCA Civ 530; [2001] 3
All ER 97 ... 251–3
Paton v Trustees of British Pregnancy Advisory
Services [1979] QB 276, HC ... 389–92,
395
Paton v United Kingdom (1980) 3 EHRR 408
... 391
Pearce v United Bristol Healthcare NHS
Trust [1999] PIQR P53, CA ... 123, 124,
126, 128
Pembrey v GMC [2003] UKPC 60 ... 196
Penney v East Kent HA [2000] Lloyd's Rep Med
41 ... 265
Perna v Pirozzi (1983) 457 A 2d 431 (USA)
... 85
Pfizer Corporation v Minister of Health [1965]
AC 512 ... 205
Philip v Ryan [2004] 1 IESC 105 (Ireland) ...
282
Pidgeon v Doncaster Health Authority [2002]
Lloyd's Red Med 130, Doncaster County
Court ... 288
Planned Parenthood v Casey 112 S Ct 2791
(1992) (USA) ... 386
Pountney v Griffiths [1976] AC 314 ... 436
Powell and Another v Boldaz and Others (1997)
39 BMLR 35 ... 256
Practice Note (Official Solicitor: Declaratory
Proceedings: Medical and Welfare
Proceedings for Adults Who Lack Capacity)
[2001] 2 FLR 158 ... 601
Pretty v United Kingdom (2002) 35 EHRR 1 ...
570, 606, 615, 617
Prince Albert v Strange (1849) 47 ER 1302
... 205

Q

- Q (Parental Order), *Re* [1996] 1 FLR 369 ... 362
- Quinlan, *Re* 70 NJ 10 (1976) (USA) ... 32, 153, 595

R

- R (A Minor) (Wardship: Consent to Medical Treatment), *Re* [1992] Fam 11; [1991] 3 WLR 592; [1991] 4 All ER 177, CA ... 104, 163, 166, 211
- R (Adult: Medical Treatment), *Re* [1996] 2 FLR 99, HC ... 590
- R v Adomako [1994] 5 Med LR 27 ... 54
- R v Amit Misra, R v Rajeev Srivastava [2004] EWCA Crim 2375 ... 55
- R v Arthur (1981) 12 BMLR 1 ... 585
- R v Ashworth Hospital Authority, *ex p* E [2001] All ER (D) 295 (Dec); (2002) QBD, Admin Court, 19 December 2001 ... 437
- R v Bodkin Adams [1957] Crim LR 365 ... 563–5, 618
- R v Bourne [1939] 1 KB 687 ... 378–80, 383, 394, 397
- R v Bournewood Community and Mental Health National Health Service Trust, *ex p* L [1998] 3 All ER 289 ... 141, 448, 449
- R v Broadmoor Special Hospital Authority and Another, *ex p* S and Others [1998] COD 199 ... 436
- R v Brown et al [1993] 2 All ER 75 ... 75, 76, 209
- R v Burdee (1916) 25 Cox 598 ... 488
- R v Cambridge Health Authority, *ex p* B (A Minor) [1995] 2 All ER 129; (1995) 23 BMLR 1, CA ... 61, 387, 452, 454
- R v Camden and Islington HA, *ex p* K [2001] EWCA Civ 240 ... 447, 454
- R v Carr (1986) *The Times*, 30 December ... 562
- R v Central Birmingham Health Authority, *ex p* Collier (1988) LEXIS Transcript, 6 January (Unreported) ... 60
- R v Central Birmingham Health Authority, *ex p* Walker, R v Secretary of State for Social Services and Another, *ex p* Walker (1987) 3 BMLR 32 ... 59, 60, 452
- R v Collins and Ashworth Hospital Authority, *ex p* Brady [2000] Lloyd's Rep Med 355 ... 92, 108, 441
- R v Cox (1992) 12 BMLR 38 ... 560, 561, 563
- R v Crozier (1990) *The Independent*, 11 May ... 219
- R v D [1984] AC 778 ... 162, 169, 171
- R v Department of Health, *ex p* Source Informatics Ltd [2000] 1 All ER 786 ... 209
- R v Dixon (Reginald) (1995) (Unreported) ... 396
- R v Duffy [1967] 1 QB 63 ... 90
- R v Ealing District Health Authority, *ex p* Fox [1993] 3 All ER 170 ... 68, 453
- R v East London and City Mental Health NHS Trust, *ex p* Brandenburg [2004] 1 All ER 400; [2001] EWCA Civ 239 ... 431
- R v Ethical Committee of St Mary's Hospital (Manchester), *ex p* Harriott [1988] 1 FLR 512, HC ... 311, 340
- R v Feggetter and Another, *ex p* Wooder [2002] EWCA Civ 554, CA ... 443
- R v Gardner and Another, *ex p* L [1986] 1 QB 1090 ... 449
- R v Gibbins (1918) 13 Cr App R 134 ... 574
- R v Hallstrom and Another, *ex p* W (No 2) [1986] 2 All ER 306 ... 432, 449
- R v Hertfordshire County Council, *ex p* Three Rivers District Council (1992) 90 LGR 526 ... 454
- R v Howard [1966] 1 WLR 13 ... 160
- R v Human Fertilisation and Embryology Authority, *ex p* Assisted Reproduction and Gynaecology Centre and H [2002] EWCA Civ 20 ... 312
- R v Human Fertilisation and Embryology Authority, *ex p* Blood [1997] 2 WLR 806, CA ... 148, 315
- R v Kelly and Lindsay [1998] 3 All ER 741 ... 541, 545
- R v Kirklees Metropolitan Borough Council, *ex p* C [1993] 2 FLR 187 ... 430
- R v Lord Saville of Newdigate, *ex p* A [1999] 4 All ER 860 ... 66
- R v Mental Health Review Tribunal and Another, *ex p* KB and Others (2002) 152 NLJ 672 ... 449
- R v Mental Health Review Tribunal, *ex p* H [2000] 1 WLR 1323, CA ... 454

- R v Mental Health Review Tribunal for the South Thames Region ex p Smith [1999] COD 148 ... 432
- R v Mental Health Review Tribunal for West Midlands and North West, ex p Ashworth Hospital Authority and Others [2001] EWHC Admin 901 ... 448
- R v Mental Health Review Tribunal North and East London Region, ex p H (2001) (Unreported) 28 March, CA ... 447
- R v Mental Health Review Tribunal South West Region, ex p C [2002] 1 WLR 176 ... 449
- R v Mid Glamorgan Family Health Services Authority and Another, ex p Martin [1995] 1 WLR 110 ... 239, 240, 242
- R v Ministry of Defence, ex p Smith [1996] QB 517; [1996] 1 All ER 257 ... 58, 67, 441, 450
- R v North and East Devon Health Authority, ex p Coughlan [2001] QB 213, CA ... 64
- R v North and East Devon Health Authority, ex p Pow (1997) 39 BMLR 77 ... 64
- R v North Derbyshire Health Authority, ex p Fisher [1997] 8 Med LR 327 ... 62
- R v North West Lancashire HA, ex p A, D and G [1999] Lloyd's Rep Med 399, CA ... 50, 63, 65–7
- R v Nottinghamshire Healthcare NHS Trust and Others, ex p IH [2001] EWHC Admin 1037 ... 447
- R v Partnerships in Care Ltd, ex p A [2002] EWHC 529 (Admin); (2002) *The Times*, 23 April ... 452
- R v Portsmouth Hospital NHS Trust, ex p Glass [1999] Lloyd's Law Reports 367 ... 180
- R v Responsible Medical Officer Broadmoor Hospital and Others, ex p Wilkinson [2002] 1 WLR 419 ... 452
- R v Richardson (1998) 43 BMLR 21, CA ... 85, 86
- R v Secretary of State for Health, ex p Pfizer [1999] Lloyd's Rep Med 289 ... 64
- R v Secretary of State for Health, ex p Smeaton [2002] EWHC 610 (Admin) ... 400
- R v Secretary of State for Social Services, West Midlands Regional Health Authority and Birmingham Area Health Authority (Teaching), ex p Hincks and Others (1980) 1 BMLR 93, CA ... 58, 452
- R v Secretary of State for the Home Department and Another, ex p IH [2003] UKHL 59 ... 453
- R v Secretary of State for the Home Department, ex p Mellor [2002] QB 13; [2001] EWCA Civ 472, CA ... 312, 340
- R v Sheffield Health Authority, ex p Seale (1994) 25 BMLR 1 ... 59, 60, 312
- R v Smith (John) [1973] 1 WLR 1510; [1974] 1 All ER 376, CA ... 394, 396
- R v South Western Hospital Managers, ex p M [1994] 1 All ER 161 ... 431
- R v Stone [1977] QB 354 ... 574, 598
- R v Tabussum [2000] 2 Cr App R 328 ... 85, 86
- R v Wilson [1996] 3 WLR 125; (1996) *The Times*, 5 March; (1996) *Guardian*, 5 March, CA ... 208, 209, 219
- R v Woollin [1999] 1 AC 82 ... 564, 566
- R (On the Application of Ann Marie Rogers) v Swindon NHS PCT (Respondent) & Secretary of State for Health (Interested Party) [2006] EWCA Civ 392, CA ... 64
- R (On the Application of B) v Ashford Hospital Authority [2005] UKHL 20 ... 419, 441
- R (On the Application of Bristol-Meyers Squibb Pharmaceuticals Ltd) v National Institute for Health & Clinical Excellence [2009] EWHC 2722 (Admin) ... 49
- R (On the Application of Bruno Quintavalle on Behalf of Pro-Life Alliance) v Secretary of State for Health [2003] UKHL 13; [2002] 2 WLR 550; [2001] EWHC Admin 918, CA ... 329, 332
- R (On the Application of Burke) v GMC [2005] EWCA Civ 1003, CA; *Reversing* [2004] EWHC 1879 (Admin), Admin Ct ... 152, 574, 587, 588, 591, 603
- R (On the Application of Campbell) v GMC [2005] 1 WLR 3488 ... 53
- R (On the Application of DR) v Merseycare NHS Trust [2002] All ER (D) 28 (Aug) ... 432
- R (On the Application of H) v Mental Health Review Tribunal, North and North East London Region [2001] EWCA Civ 415 ... 432
- R (On the Application of H) v Mental Health Review Tribunal [2007] EWHC 884 (Admin) ... 446

- R (On the Application of H) v Secretary of State for Health [2005] UKHL 60 ... 451, 452
- R (On the Application of Haggerty and Others) v St Helen's Borough Council [2003] EWHC 803 (Admin) ... 64
- R (On the Application of John Wooder) v Dr Graham Fegetter and the Mental Health Act Commission [2002] EWCA Civ 554 ... 205
- R (On the Application of Josephine Quintavalle on Behalf of CORE) v HFEA [2005] UKHL 28, HL; [2002] EWCA Civ 667 ... 306, 322
- R (On the Application of M) v Secretary of State for Health [2003] EWHC 1094 (Admin) ... 428
- R (On the Application of Pfizer Limited) v Secretary of State for Health [2002] EWCA Civ 1566 ... 65
- R (On the Application of Pretty) v Director of Public Prosecutions (2001) 151 NLJ 1572; [2002] 1 All ER 1; [2002] 1 AC 800 ... 91, 568, 570, 615, 617
- R (On the Application of Pro-Life Alliance) v BBC [2003] UKHL 23 ... 66
- R (On the Application of Purdy) v DPP [2009] UKHL 45 ... 570, 615, 618
- R (On the Application of Quintavalle and CLC) v HFEA [2008] EWHC 3395 (Admin) ... 332
- R (On the Application of Sue Axon) v Secretary of State for Health and the Family Planning Association [2006] EWHC 37 (Admin) ... 213
- R (On the Application of Val Compton (on behalf of Community Action For Savernake Hospital)) v Wiltshire Primary Care Trust [2009] EWHC 1824 (Admin) ... 64
- R (On the Application of Watts) v Bedford Primary Care Trust (C-372/04) (2006) ECR I-4325 (ECJ) ... 65
- R (On the Application of Wilkinson) v RMO Broadmoor Hospital, The Mental Health Act Commission SOAD Doctor and the Secretary of State for Health [2002] 1 WLR 419 ... 443
- R (On the Application of Wirral Health Authority and Wirral BC) v Dr Finnegan and DE [2001] EWCA Admin 312 ... 431
- R (On the Application of Yvonne Watts) v (1) Bedford Primary Care Trust (2) Secretary of State for Health [2004] EWCA Civ 166 ... 65
- Rand v East Dorset HA [2000] Lloyd's Rep Med 181 ... 254
- Rasmussen v South Florida Blood Service 500 So 2d 533 (1987) (USA) ... 548
- Ratcliffe v Plymouth and Torbay HA [1998] Lloyd's Rep Med 162, CA ... 274
- Rabone v Pennine Care NHS Trust [2010] EWCA Civ 698 ... 90
- Rees v Darlington Memorial Hospital NHS Trust [2003] UKHL 52; [2002] 2 All ER 177 ... 252, 388
- Rees v United Kingdom (1988) 9 EHRR 56 ... 66
- Reeves v Commissioner of Police for the Metropolis [1999] 3 All ER 897; [1998] 1 All ER 381 ... 91
- Reibl v Robert A Hughes (1980) 114 DLR (3d) 1; [1980] 2 SCR 880 (Canada) ... 114, 121, 130
- Reisner v Regents of the University of California (1997) Med L Rev 250 ... 224, 230
- Reynolds v The Health First Medical Group [2000] Lloyd's Rep Med 240 ... 244
- Riverside Mental Health National Health Service Trust v Fox [1994] 1 FLR 614 ... 440
- Roberts v Nottinghamshire Healthcare NHS Trust [2008] EWHC 1934 (QB) ... 238, 239
- Rochdale Healthcare National Health Service Trust v C [1997] 1 FCR 274 ... 95, 105
- Rodriguez v Attorney General of British Columbia (1993) 82 BCLR (2d) 273 (Can) ... 567
- Roe v Minister of Health [1954] 2 QB 66 ... 273
- Roe v Wade 410 US 113 (1973) (USA) ... 32, 386
- Rogers v Whitaker [1993] 4 Med LR 79 (Cth) ... 119, 130
- Rose and Another v Secretary of State for Health and Another (2003) 69 BMLR 83; [2002] EWHC Admin 1593 ... 205, 350
- Rosenberg v Percival (2001) 75 ALJR 734; [2001] HCA 18 (Cth) ... 130
- Royal College of Nursing of UK v DHSS [1981] AC 800, HL ... 401, 403, 404
- Royal Wolverhampton Hospitals NHS Trust v E & RB and Others [2000] 1 FLR 953 ... 180

Roylance v GMC (No 2) [2000] 1 AC 311
... 53
Rufo v Hosking [2004] NSWCA 391 (Cth)
... 282
Ryman (1940) 139 Pa Superior Ct 212 (USA)
... 106

S

S (A Child) (Identification: Restriction on Publication), Re [2004] UKHL 47; [2004] 3 WLR 1129; [2004] 4 All ER 683 ... 180, 216
S (A Minor) (Medical Treatment), Re [1993] 1 FLR 376 ... 172, 173, 592
S (Adult: Refusal of Medical Treatment), Re [1992] 4 All ER 671; [1993] Fam 123 ... 88, 92, 93, 95, 96
S (Adult's Lack of Capacity: Carer and Residence), Re [2003] EWHC 1909 (Fam) ... 139
S (FC), Re [2004] UKHL 47; [2004] 4 All ER 683 ... 180
S (Hospital Order: Court's Jurisdiction), Re [1995] 3 All ER 290, CA ... 97, 139, 157, 203
S (Medical Treatment: Adult Sterilisation), Re [1998] 1 FLR 944 ... 195
S v S [1972] AC 24; [1970] 3 All ER 107 ... 150, 152, 480, 485
S-C (Mental Patient: Habeas Corpus), Re [1996] 1 FLR 548 ... 448
SG (A Patient), Re [1993] 4 Med LR 75 ... 197
SL (Adult Patient) (Medical Treatment), Re [2000] 2 FCR 452, CA ... 152, 155, 177, 195
SS (An Adult: Medical Treatment), Re [2002] 1 FCR 73 ... 198
Sabri-Tabrizi v Lothian Health Board (1997) 43 BMLR 190 ... 288
Saikewicz, *See* Belchertown State School Superintendent v Saikewicz—
Saltman Engineering v Campbell Engineering [1963] 3 All ER 413 ... 210
Savage v South Essex Partnership NHS Foundation Trust [2008] UKHL 74; [2009] 2 WLR 115; [2010] EWHC 865 (QB), QBD ... 90, 456
Schering Chemicals Ltd v Falkman Ltd [1981] 2 All ER 321 ... 216
Schloendorff v New York Hospital (1914) 105 NE 92 (USA) ... 74
Secretary of State v Robb [1995] 1 All ER 677; [1995] 2 WLR 722; [1995] Fam 127 ... 87, 88, 91, 92, 576
Secretary, Department of Health and Community Services, *See* Department of Health and Community Services v JWB and SMB—
Selfe v Ilford and District Hospital Management Committee (1970) 114 SJ 935 ... 90, 455
Sidaway v Board of Governors of the Bethlem Royal Hospital and the Maudsley Hospital [1985] AC 871; [1985] 1 All ER 643; [1985] 1 All ER 1018, HL ... 27, 35, 109, 114, 116, 119, 120, 122–4, 128, 240, 256, 257, 263, 265, 271, 478, 484
Simms v Simms and Another [2003] 2 WLR 1465; [2003] Fam 83 ... 272, 463
Sion v Hampstead Health Authority [1994] 5 Med LR 170 ... 257
Smith v Barking, Havering and Brentwood Health Authority [1994] 5 Med LR 285, QB ... 129
Smith v Southampton University Hospital NHS Trust [2007] EWCA Civ 387 ... 265
Smith v Tunbridge Wells Health Authority [1994] 5 Med LR 334 ... 123
Snyder v Mekhjian (1991) 593 A 2d 318 (USA) ... 549
St George's Healthcare NHS Trust v S [1999] Fam 26; [1998] 3 All ER 673 ... 97, 102, 426, 428, 431, 440, 441
State of Tennessee v Northern 563 SW 2d 197 (1978), Tenn Ct App (USA) ... 105
Stephens v Avery [1988] 1 Ch 449 ... 207, 209
Strunk v Strunk 445 SW 2d 145 (1969) Kentucky CA (USA) ... 507, 512
Superintendent of Belchertown State School v Saikewicz, *See* Belchertown State School Superintendent v Saikewicz—
Superintendent of Family and Child Service and Dawson, Re (1983) 145 DLR (3d) 610 (Canada) ... 590

T

T (A Minor) (Wardship: Medical Treatment), Re [1997] 1 All ER 906 ... 155, 173, 175, 177, 178