

Contents

<i>Preface</i>	vi
<i>About the author</i>	viii
<i>Acknowledgements</i>	ix
<i>Permissions</i>	x
1 Introduction	1
Prince Metternich – Medicine and Law’s Relationship – Medical Curriculum – Overview of History – Self- Regulation – Primary Legislation – Secondary Legislation – Common Law – Sir William Garrow – Apothecaries Act 1815 – Development of Legal Boundaries – Professional Membership – Quacks	
2 <i>Materiae philosophicae</i>	7
Rousseau – The Social Contract – Rights of Man – Convention of Human Rights – The Human Rights Act – American Constitution – Consent – Standards of Care – Confidentiality – Freedom – Society – General Will – Autonomy – Kant – Free Will – AJ Cronin – Bevan	
3 Medicine, law and society	13
George Crabbe – Relationship between Medicine, Law and Society – ‘Medico-legal’ – Hemingway – Medico-Legal Boundaries – Advances in Medical Science – European Law – Illich – Medicine as a Nemesis – Professional Monopoly – Deprofessionalisation of Healthcare – Nature of Professions – Being Professional – Professional Society – The Victorian Mandate – Litigation – Ethical Codes – Disciplinary Codes – GMC – NCAS	

- 4 The ancients' perspective of medicine: doctors and the law from 400 BCE to 1700 CE** 25
- Hippocrates – Hippocratic Oath – Aristotle – Galen – Roman Law – Religious Texts – Ancient Persia – Code of Hammurabi – Dark Ages – Tudor Law – Henry V – Henry VIII – Role of the Church – Royal College of Physicians – Apothecaries – Barber Surgeons – 16th and 17th-century Case Law – Restrictive Practice – Doctor Bonham – Doctor Tenant – Doctor Trigg
- 5 The evolution and legal recognition of the general medical practitioner** 35
- Jean-Paul Sartre – Quacks – Licences to Practice – Archbishop of Canterbury – Peter's Pence Act – 18th-century Punishment for Unlicensed Practice – *College of Physicians v Rose* – Society of Apothecaries – Apothecaries Act 1815 – Four Principles – Autonomy – Justice – Benevolence – Non-malevolence – Charter of James I – Poor Law Unions – General Practitioners – Pharmacy Bill 1851 – Medical Act 1858
- 6 The impact of the common law on the practice of medicine** 45
- Alexander Pope – Nature of Common Law – Doctrine of Precedent – Reasonable Man – House of Lords – Legal Perspective on Moral Issues – *Re MB* – *Re T* – Lord Donaldson – Lord Denning – *Re W* – *Roe v Minister of Health* – *Hatcher v Black* – Bolam – Bolam Test – *Bolitho* – *Chester v Afshar* – Informed Consent – 'But For' Test – Clinical Negligence – *Sidaway* – *Gregg v Scott* – Contraception for Minors – *Gillick* – *Gillick* Competence – Fraser Rules – *B (a child)* – *Mohr v Williams* – *Brishett v Cowan* – Tort of Battery – *Burke v GMC* – *Airedale Trust v Bland* – Withdrawal of Life-sustaining Treatment
- 7 The impact of statute law on the practice of medicine** 59
- Rudy Giuliani – Statutes – Statutory Instruments – Department of Health Circulars – GMC Codes of Practice – International Declarations and Conventions – NHS Act 2006 – Mental Health Act 2007 – Human Fertilisation and

Embryology Act 2008 – Health and Social Care Act 2008 – Lunacy Acts – Sanitary Acts – Copyright Acts – Contagious Diseases Acts – Vaccinations Acts – Poor Law Acts – Will Act – Apothecaries Act 1815 – Relationship between Case Law and Statute Law – Medical Treatment (Prevention of Euthanasia) Bill – Homicide Act 1957 – John Bodkin Adams – Leonard Arthur – Thomas Lodwig – Harold Shipman – Mental Capacity Act 2005 – Abortion Act 1967 – Compensation Act 2006 – Human Tissue Act 2004 – Bristol Royal Infirmary Inquiry – Royal Liverpool Children’s Hospital Inquiry – Mental Health Act 1983 – Therapeutic State – Licensing – Revalidation – Statutory Self-regulation – Police and Criminal Evidence Act 1984 – Terrorism Act 2000 – Prevention of Terrorism Act 2005 – Patient Confidentiality – Human Rights Act

8 The 21st-century perspective 69

WB Yeats – Harry Day – Professional Regulation – Regulatory Reform – Revalidation – Recertification – GP Commissioning – Reform of the GMC – Good Doctors, Safer Patients – Trust Assurance and Safety – Burden of Proof – Sliding Scale of Evidence – Human Rights Act 1998

9 Conclusion 79

Bibliography 87

Books – Course texts – Cases (England and Wales) – Cases (Commonwealth and Other Jurisdictions) – Summary of Informed Consent Cases – Jan 2000–Sept 2010 – Legislation (England and Wales) – European Legislation – Legislation (Commonwealth and Other Jurisdictions) – Journal Articles – Reports and Documents – Internet Articles – Newspapers and Magazine Articles – Miscellaneous Papers, Personal Correspondence and LLM Assignments