## Bibliography and further reading

- Association of the British Pharmaceutical Industry 2009. Community prescribing in the UK. Available at http://www.abpi.org.uk
- Academy of Medical Royal Colleges 2008. A code of practice for the diagnosis and confirmation of death. Available at http://www.aomrc.org.uk
- ACC 2009. Annual Report. Available at http://www.acc.co.nz
- Additional Protocol to the Convention of Human Rights and Biomedicine, on Transplantation of Organs and Tissues of Human Origin (2002). EU Council of Europe Convention. CETS No 186
- Age Concern. Turning your back on us older people and the NHS. Age Concern, London, 1999
- Allhoff F, Lin P, Moor J, Weckert J. Ethics of human enhancement: 25 questions and answers. *Studies in Ethics, Law and Technology* 2010; 4: 1–39
- Allison R. Doctor in organs sale scandal struck off. The Guardian, 31.08.2002
- Amarasekara K, Bagaric M. Euthanasia, morality and the law. Peter Lang, New York, 2002
- Appelbaum PS, Lidz CW, Meisel A. *Informed consent: Legal theory and clinical practice*. Oxford University Press, Oxford, 1987
- Audini B, Lelliott P. Age, gender and ethnicity of those detained under Part 2 of the Mental Health Act 1983. *British Journal of Psychiatry* 2002; 180: 222
- AvMA 2011. Implementation of patient safety alters: Too little too late. Available at http://www.avma.org.uk/data/files/patient\_safety\_alerts\_report\_feb\_11.pdf
- Bainham A. Children, the modern law (3rd edn). Jordan Publishing Ltd, Bristol, 2005
- Barbash GI, Glied SA. New technology and healthcare costs—the case of robot-assisted surgery. *New England Journal of Medicine* 2010; 363: 701–704
- Barker JH, Polcrack L. Respect for persons, informed consent and the assessment of infectious disease risks in xenotransplantation. *Medicine, Healthcare and Philosophy* 2001; 4: 53–70
- Baron C. Physician-assisted suicide should be legalised and regulated. Boston Bar Journal 1997; 41: 15
- Bartlett P. A test of compulsion in mental health law: Capacity, therapeutic benefit and dangerousness as possible criteria. *Medical Law Review* 2003; 11: 326–352
- Bartlett P. Blackstone's guide to the Mental €apacity Act 2005 (2nd edn). Oxford University Press, Oxford, 2008
- Bartlett P. A matter of necessity? Enforced treatment under the Mental Health Act. *Medical Law Review* 2007; 15: 86–98
- Bartlett P, Sandland R. *Mental health law: Policy and practice* (3rd edn). Oxford University Press, Oxford, 2007
- Beauchamp TL, Childress JF. *Principles of biomedical ethics* (6th edn). Oxford University Press, Oxford, 2009
- Bentley JP, Thacker PG. The influence of risk and monetary payment on the research participation decision-making process. *Journal of Medical Ethics* 2004; 30: 293–298
- Beyleveld Deryck, Brownsword Roger. My body, my body parts, my property? *Healthcare Analysis* 2000; 8: 87–99
- Beyleveld D, Brownsword R. *Human dignity in bioethics and biolaw*. Oxford University Press, Oxford, 2001
- Bloomstein JF. The use of financial incentives in medical care: The case for commerce in transplantable organs, in *Justice in healthcare: Comparative perspectives,* A Grubb, MJ Melham (eds). John Whiley, Son, 1995

Boseley S. 40,000 drug errors logged in a year. The Guardian 11.08.2006

Botros S. An error about the doctrine of double effect. Philosophy 1999; 74: 71-83

Brazier M. Liability of ethics committees and their members. Professional Negligence 1990; 6: 186

Brazier M. Liberty, responsibility and maternity. Current legal problems 1999a; 52: 359-391

Brazier M. Regulating the reproduction business? Medical Law Review 1999b; 7: 166-193

Brazier M, Miola J. Bye Bye Bolam: A medical litigation revolution? Medical Law Review 2000; 8: 85-114

Brazier M, Cave E. Medicine, patients and the law. Penguin, London, 2007

Brazier M. Exploitation and enrichment: The paradox of medical experimentation. Journal of Medical Ethics 2008; 34: 180-183

British Medical Association 2000. Organ Donation in the 21st century: Time for a consolidated approach. British Medical Association, London

British Medical Association 2009. The Confidentiality and Disclosure Health Information Toolkit. Available at http://www.bma.org.uk/images/confidentialitytoolkitdec2009\_tcm41-193140.pdf

The British Medical Association and The Law Society 2009. Assessment of Mental Capacity: A practical guide for doctors and lawyers (3rd edn). Law Society publishing, London

Buchanan A. Medical paternalism. Philosophy in Public Affairs 1979; 7: 49

Buchanan AE, Brock DW. Deciding for others: The ethics of surrogate decision-making. Cambridge University Press, Cambridge, 1989: 62-63

Buller T. Competence and risk relativity. Bioethics 2001; 15: 93-109

Caplan AL. Am I my brother's keeper? Suffolk University Law Review 1993; 27:1195

Capron AM. Informed consent in catastrophic disease research and treatment. University of Pennsylvania Law Review 1974; 123: 340 (at 4116-4117)

Case P. Confidence matters: The rise and fall of informational autonomy in medical law. Medical Law Review 2003; 11: 208-236

Chambers Dictionary (9th edn). 2003

Chapel A, Ziebland S, Macpherson A, Herxheimer A. What people close to death say about euthanasia and assisted suicide: A qualitative study. Journal of Medical Ethics 2006; 32: 706

Charuvastra A, Marder SR. Unconscious emotional reasoning and the therapeutic misconception. Journal of Medical Ethics 2008; 34: 193-197

Chief Medical Officer 2003. Making amends: A consultation paper setting out proposals for refining the approach to clinical negligence in the NHS. Available at http://www.dh.gov.uk

Christian Witting. National Health Service rationing: Implications for the standard of care in negligence. Oxford Journal of Legal Studies 2001; 21: 443

Clark PA. Placebo surgery for Parkinson's disease: Do the benefits outweigh the risks? Journal of Law, Medicine and Ethics 2002; 30: 58

Clouser KD, Gert B. A critique of principlism. Journal of Medicine and Philosophy 1990; 15: 219-236

Coggon J, Brazier M, Murphy P, Price P, Quigley M. Best interests and potential organ donors. British Medical Journal 2008; 336: 1346

Commission of the European Communities. Nanosciences and nanotechnologies: An action plan for Europe 2005-2009. Brussels: Commission of the European Communities, COM 243, 2005. Available at http://ec.europa.eu/research/industrial\_technologies/pdf/nano\_action\_plan\_en.pdf

Conference of Medical Colleges and Faculties of the United Kingdom, working party on organ transplantation in neonates. DHSS, London, 1988

Conference of the Medical Royal Colleges 1976, Code of Practice 1983 and 1998. Available at http:// www.dh.gov.uk

Courts Administration of South Australia, Magistrates Court; Court Diversion Programme, 2005. Available at http://www.courts.sa.gov.au

Council for International Organisations of Medical Sciences 2002. International ethical guidelines for biomedical research involving human subjects. Available at http://www.cioms.ch

Council of Europe 2008. Access to safe and legal abortion in Europe. Resolution 1607

Cox J, King J, Hutchinson A, McAvoy P. *Understanding doctors' performance*. Radcliffe Publishing, Oxford, 2006

Declaration of Helsinki 2008. Ethical principles for medical research involving human subjects. Available at http://www.wma.net

Department of Health 1991. Guidelines in local research ethics committee. Available at http://www.dh.gov.uk

Department of Health 1994. Identification of potential donors of organs for transplantation. NHS Executive HSG (94) 41

Department of Health 1998. A code of practice for the diagnosis of brain stem death — including guidelines for the identification and management of potential organ and tissue donors. Available at http://www.dh.gov.uk

Department of Health 2000a. An investigation into conditional organ donation: the report. Available at http://www.dh.gov.uk

Department of Health 2000b. An organisation with a memory: Report of an expert group on learning from adverse events in the NHS. The Stationery Office, London. Available at http://www.dh.gov.uk

Department of Health 2001a. Good Practice and Consent. Available at http://www.dh.gov.uk

Department of Health 2001b. Governance arrangements for NHS Research Ethics Committees in 2001 (GAfREC)

Department of Health 2001c. Seeking consent: Working with children. Department of Health. Available at http://www.dh.gov.uk

Department of Health 2001d. Reforming the mental health act. Available at http://www.webarchive.nationalarchives.gov.uk

Department of Health 2003a. Confidentiality: NHS Code of Practice. Department of Health, London

Department of Health 2003b. Maintaining high professional standards in the modern NHS: A framework for the initial handling of concerns about doctors and dentists in the NHS. Available at http://www.dh.gov.uk

Department of Health 2004. 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. Available at http://www.dh.gov.uk

Department of Health 2005a. Creating a patient-led NHS. Department of Health, London

Department of Health 2005b. Research governance framework for Health and Social Care. Available at http://www.dh.gov.uk/

Department of Health (DH 080205), Available at http://www.dh.gov.uk/en/Publicationsandstatistics/ Publications/PublicationsLegislation/dh080205

Department of Health 2006a. Our health, our care, our say (Department of Health)

Department of Health 2006b. Integrated governance handbook. Available at http://www.dh.gov.uk/

Department of Health 2006c. Xenotransplantation Guidance. Department of Health, London. Available at http://www.dh.gov.uk

Department of Health 2008a. High quality care for all: NHS next stage review final report. Available at http://www.dh.gov.uk/

Department of Health 2008b. Our NHS, our future: Next Stage Review leading local change. May 2008. Available at http://www.dh.gov.uk/publications

Department of Health 2009a. Legal issues relevant to non-heartbeating organ donation. Available at http://www.dh.gov.uk/

Department of Health 2009b. Regulated fertility services: A commissioning aid. (June 2009). Available at http://www.dh.gov.uk/

Department of Health 2010a, Abortion Statistics 2009, Department of Health, London, 2010a, Available at http://www.dh.gov.uk/

Department of Health 2010b. Equity and excellence: Liberating the NHS. Available at http://www.dh.gov.uk

Department of Health 2010c. The NHS Constitution for England. Available at http://www.dh.gov.uk

Dobson R. Guidelines ignored on resuscitation decisions. *British Medical Journal* 1999; 319: 536

Donaldson LJ. Doctors with problems in an NHS workforce. British Medical Journal 1994; 3081: 277-1282

Dresser R. Missing persons: Legal perceptions of incompetent patients. Rutgers Law Review 1994; 46:

Dworkin R. Life's Dominion: An argument about abortion, euthanasia and individual freedom. Knopf, New York, 1993

Dyer C. British GP cleared of murder charge. British Medical Journal 1999; 318: 1306

Dyer C. Stem cell therapy doctor struck off by GMC. British Medical Journal 2010; 341: c5410

Eekelaar J. The importance of thinking that children have rights. IJLF 1992; 6: 221

Eekelaar J. White coats or flack jackets? Children and the courts again. Law Quarterly Review 1993; 109: 182-187

Elliott C. Doing harm: Living organ donors, clinical research and the tenth man. The Journal of Medical Ethics 1995: 21: 91-96

Elliston S. If you know what's good for you: Refusal of consent to medical treatment by children, in S McLean (ed), Contemporary Issues in Law, Medicine and Ethics. Ashgate, Dartmouth, 1996

Emson HE. It is immoral to require consent for cadaver organ donation. Journal of Medical Ethics 2003; 29: 125-127

Encouraging or assisting suicide: The implementation of Section 59 of the Coroner's and Justice Act 2009. Available at http://www.justice.gov.uk/

Erin CA, Harris J. An ethical market in human organs. Journal of Medical Ethics 2003; 29: 137-138

Ethical considerations for clinical trials of medicinal products conducted with the paediatric population (EC No 1901/2006)

Faden RR, Beauchamp TL, King NMP. A history and theory of informed consent. Oxford University Press, Oxford, 1986: 306-307

Fagerlin A, Schneider C. Enough: The failure of the living will. Hastings Centre Report 2004; 34: 30

Fann R, Teo J, Consent to medical treatment. Journal of Medical Ethics and Philosophy 2004; 29: 139

Featherstone K, Donovan JL. Why don't they just tell me straight, why allocate it? The struggle to make sense of participating in a randomised control trial. Social Science and Medicine 2002; 55: 709-719

Ferguson PR. Clinical trials in healthy volunteers. *Medical Law Review* 2008; 16:23–51

Ferguson PR. Patients' perceptions of information provided in clinical trials. Journal of Medical Ethics 2002; 28: 45

Ferner RE. Medication errors that have led to manslaughter charges. British Medical Journal 2000; 321: 1212-1216

Finnis J. The rights and wrongs of abortion: A reply to Judith Thomson. *Philosophy and Public Affairs* 1973: 2: 117-145

Finnis JM. Bland: Crossing the rubicon. Law Quarterly Review 1993; 109: 329

Finnis J. Misunderstanding the case against euthanasia: Response to Harris's first reply, in Euthanasia examined, Keown J (ed). 1995

Finnis J. Euthanasia, morality and the law. Leola Los Angeles Law Review 1998; 1: 1465

Finucane PM, Bourgeois-Law GA, Ineson SL, Kaigas TM. A comparison of performance assessment programmes for medical practitioners in Canada, Australia, New Zealand and the United Kingdom. Academic Medicine 2003; 78: 837-843

Forster AJ, Murff HJ, Peterson JF, Gandhi TK, Bates David Waller. The incidence and severity of adverse events affecting patients after discharge from hospital. *Annals of Internal Medicine* 2003; 138: 161–167

Fortin J. Accommodating children's rights in a post Human Rights Act Era. *Modern Law Review* 2006; 69: 299–326

Foster C. It should be, therefore it is. New Law Journal 2004; 154: 7151

Fox M. Research bodies: Feminist perspectives on clinical research, in S Sheldon, M Thomson (eds), Feminist perspectives on healthcare law. Cavendish, London, 1998

Francis RQC. The Michael Stone Enquiry—a reflection. Journal of Mental Health Law 2007; 15: 41

Frey RG. Distinctions in death, in J Dworkin, RG Frey, S Bok (eds), *Euthanasia and physician-assisted suicide: For and against*. Cambridge University Press, Cambridge, 1998

Fuchs VR. New priorities for future biomedical innovations. *New England Journal of Medicine* 2010; 363: 704–706

General Medical Council 1998. Seeking patients' consent: The ethical considerations. GMC, London.

General Medical Council 2002. Research: The role and responsibilities of doctors. GMC, London.

General Medical Council 2007. 0-18 years: Guidance for all doctors. Available at http://www.gmc-uk.org

General Medical Council 2008. GMC Consent: Patients and doctors making decisions together. Available at http://www.gmc-uk.org

General Medical Council 2009. Confidentiality. GMC, London

Gentleman D, Easton J, Jennett B. Brain death and organ donation in a neurosurgical unit: Audit of recent practice. *British Medical Journal* 1990; 301: 1203

Gewirth A. The community of rights. University of Chicago Press, Chicago, 1996

Gilligan C. In a different voice. Harvard University Press, Massachusetts, 1982

Gillon R. Medical ethics: Four principles plus attention to scope. British Medical Journal 1994; 309: 184

Gillon R. Futility—too ambiguous and pejorative a term. *Journal of Medical Ethics* 1997 December; 23(6): 339–340

Gillon R. Imposed separation of conjoined twins—moral hubris by the English courts? *Journal of Medical Ethics* 2001a; 27: 3–4

Gillon R. Is there a "new ethics of abortion"? Journal of Medical Ethics 2001b; 26 (Suppl 2): 5-9

Glannon W. Neuroethics. Bioethics 2006; 20: 37-52

Good Medical Practice (GMC, London, 2001) para 9

Government White Paper 'Reforming the Mental Health Act'. Available at http://webarchive.nationalarchives.gov.uk

Goyal M, Mehta RL, Schneiderman LJ, Segal AR. Economic and health consequences of selling a kidney in India. *Journal of the American Medical Association* 2002; 288: 1589–1593

Greeley HT. Defining chimeras .. and chimeric concerns. *American Journal of Bioethics* 2003; 3: 17–20

Green S. Coherence of medical negligence cases: A game of doctors and purses. *Medical Law Review* 2006; 14: 1

Griffiths J. Assisted suicide in the Netherlands: The Chabot case. *Modern Law Review* 1995; 58: 232–248

Grubb A. The incompetent patient (adult): *Bland* and the Human Rights Act 1998. *Medical Law Review* 2000: 342

Grubb A. Consent to treatment: The competent patient, in A Grubb, J Laing (eds), *Principles of medical law*, (2nd edn). Oxford University Press, Oxford, 2004, 131–203, at 200)

Grubb A. (ed.) Principles of Medical Law (2nd edn). Oxford University Press, Oxford, 2004

Grubb A, Laing J. Principles of medical law. Oxford University Press, Oxford, 2004

Gundle K. Presumed consent: an international comparison and possibilities for change in the United States. *Cambridge Quarterly of Healthcare Ethics* 2005; 14: 113

Gunn M, Smith MJ. Arthur's case and the right to life of a Down's syndrome child. Criminal Law Review 1985; 705

Gunn M. The meaning of incapacity. Medical Law Review 1994; 2: 8

Gunn MJ, Wong JG, Clare ICH, Holland AJ. Decision-making capacity. Medical Law Review 1999; 7: 296-306

Gurnham D. Losing the wood for the trees: Burke and the Court of Appeal. Medical Law Review 2006; 14: 253

Haddow G. Because you are worth it? The taking and selling of transplantable organs. Journal of Medical Ethics 2006; 32: 324-328

Hagger L. Some implications of the Human Rights Act 1998 for the medical treatment of children. Medical Law International 2003; 6: 25-51

Hansson MG, Dillner J, Bartram CR. Should donors be allowed to give broad consent in future biobank research? Lancet Oncol 2006; 7: 266-269

Hare RM. Abortion and the golden rule. *Philosophy and Public Affairs* 1975; 4: 201–222

Harris J. The value of life: An introduction to medical ethics. Routledge, London, 1985

Harris J. Clones, genes and immortality: Ethics and the genetic revolution. Oxford University Press, Oxford, 1998

Harris J. Organ procurement: Dead interests, living needs. Journal of Medical Ethics 2003a; 29: 130-134

Harris J. Consent and end-of-life decisions. Journal of Medical Ethics 2003b; 29: 10-15

Harris J. Enhancing Evolution: The Ethical Case for Making Better People. Princeton University Press, Princeton, 2007

Harvey J. Paying organ donors. Journal of Medical Ethics 1990; 16: 117-119

Hayry M. Neuroethical theory. Cambridge Quarterly of Healthcare Ethics 2010; 19: 165

Healey P, Samanta J. When does the "Learning curve" of innovative interventions become guestionable practice? European Journal of Vascular and Endovascular Surgery 2008; 36 (3): 253-257

Healthcare Commission. Responses to the Healthcare Commission Consultation and Complaints. 2004. Healthcare Commission. Available at http://www.cgc.org.uk/redirection.html

Herring J. Children's abortion rights. *Medical Law Review* 1997; 5: 257

Herring 2008 Medical Law and Ethics. Oxford University Press, Oxford

HFEA Code of Practice (8th edn) 2008. Available at http://www.hfea.gov.uk

High quality care for all. Available at http://www.nrls.npsa.nhs.uk/resources/collections/never-events/

Her Majesty's Treasury 2007, 2007 Pre-budget report and comprehensive spending review. Available at http://www.webarchive.nationalarchives.gov.uk

HM Treasury. Budget Report, June 2010. Available at http://www.hm-treasury.gov.uk

Hofmann B. Broadening consent—and diluting ethics? Journal of Medical Ethics 2009; 35: 125-129

Holm S, Takala T. High hopes and automatic escalators: A critique of some new arguments in bioethics. Journal of Medical Ethics 2007; 31: 1-4

House of Commons Public Accounts Committee 2009. Reducing healthcare associated infection in hospitals in England: 52nd report of session 2008/09. Available at http://www.publications. parliament.uk/

House of Lords Select Committee (2005) on the Assisted Dying for the Terminally III Bill. House of Lords. TSO, London, 2005

HTA 2004 Code of Practice. Code of Practice 2 (donation of solid organs for transplantation) Available at http://www.hta.gov.uk

HTA Code of Practice 1 2009. Available at http://www.hta.gov.uk

Hu JC. Gu X, Lipsitz SR. Comparative effectiveness of minimally invasive versus open radical prostatectomy. Journal of the American Medical Association 2009; 302: 1557-1564

Hughes J. Xenografting: Ethical issues. Journal of Medical Ethics 1998; 24: 18

Human Fertilisation and Embryology Authority 2006. Choices and boundaries. Available at http://www.hfea.gov.uk

Huxtable R. *Euthanasia*, *ethics* and the law: From conflict to compromise. Routledge-Cavendish, Abingdon, 2007

Jackson E. Whose death is it anyway? Euthanasia and the medical profession. *Current Legal Problems* 2004; 57: 415

Jackson E. Degendering reproduction. Medical Law Review 2008; 16: 346-368

Jarvis R. Join the club. Journal of Medical Ethics 1995; 21:199

Jecker NS, Pearlman A. Medical futility: Who decides? *Archives of Internal Medicine* 1992; 152: 1140–1144

Jones J. Bad blood: The Tuskegee syphilis experiment. The Free Press, New York, 1981

Jones M. The Bolam test and the responsible expert. Tort Law Review 1999; 7: 226-250

Judicial Studies Board 2010, Guidelines for the Assessment of General Damages in Personal Injury Cases. 10th edn

Kass LR, Lund N. Physician-assisted suicide, medical ethics and the future of the medical profession. Duquesne Law Review 1996; 35: 395

Kaye J, Martin P. Safeguards for research using large scale DNA collections. *British Medical Journal* 2000; 321: 1146

Kennedy I. Treat me right. Oxford University Press, Oxford, 1991

Kennedy I, et al. The case for presumed consent in organ donation. *The Lancet* 1998; 351: 1650–1652

Kennedy I, Grubb A. Medical Law (3rd edn). Butterworths, London, 2000

Keown J (ed). Euthanasia examined. Cambridge University Press, Cambridge, 1995

Keown J. Euthanasia in the Netherlands: Sliding down the slippery slope? in *Euthanasia examined*. Cambridge University Press, Cambridge, 1995a

Keown J. Restoring moral and intellectual shape to the law under *Bland. Law Quarterly Review.* 1997; 113: 482–503

Keown J. Dehydration and human rights. Cambridge Law Journal. 2001; 60: 53

Keown J. *Euthanasia, ethics and public policy: An argument against legalisation.* Cambridge University Press, Cambridge, 2002

Keown J. Morning after pills, miscarriage and muddle. Legal Studies 2005; 25: 296-319

Keown P, Mercer G, Scott J. 2008. Retrospective analysis of hospital episode statistics, involuntary admissions under the Mental Health Act 1983, and number of psychiatric beds in England 1996–2006. *British Medical Journal* 2008; 337:1837

Kerridge IH, Saul P, Lowe M, McPhee J, Williams D. Death, dying and donation: Organ transplantation and the diagnosis of death. *Journal of Medical Ethics* 2002; 28: 89–94

Kirklin D. The role of medical imaging in the abortion debate. Journal of Medical Ethics 2004; 30: 426

Kuhse H, Singer P. Individuals, humans and persons: The issue of moral status, in P Singer et al (eds), Embryo experimentation. Cambridge University Press, Cambridge, 1990

Kuhse H, Singer P. Bioethics: An anthology. Helga Kuhse, Peter Singer (eds). Blackwell, Oxford, 2006

Law Commission. Family law review of child law: Custody Number 96. 1986 HMSO. Available at http://www.lawcommission.wordpress.com/1986/10/01/00001

Law Commission 1995a. Consent and the criminal law (law com no. 139, 1995)

Law Commission 1995b. Report on mental incapacity (Law Commission No 231)

Law Commission (1997) Aggravated, Exemplary and Restitutionary Damages (Law Commission No 247), London HMSO

Learning from Bristol: The report of the public enquiry into children's heart surgery at the Bristol Royal Infirmary 1984–1995 CM 5207 2001. Available at http://www.bristol-enquiry.org.uk/

- Lemmens T, Elliott C. Justice for the professional guinea pig. American Journal of Bioethics 2001; 1: 51-53
- Lesser H. The patient's right to information, in Margaret Brazier, Mary Lobjoit (eds), Protecting the vulnerable: Autonomy and consent in healthcare. Routledge, London, 1991
- Lewis P. Feeding anorexic patients who refuse food. *Medical Law Review* 1999: 7: 21–37
- Lewis P. Procedures that are against the medical interests of incompetent adults, Oxford Journal of Legal Studies 2002: 22: 575-618
- Lloyd Thomas AR, Fitzgerald M. Reflex responses do not necessarily signify pain. British Medical Journal 1996: 313: 797-798
- London AJ. Equipoise and international human subjects research. *Bioethics* 2001; 15: 312–332
- Lovell MA, Mudaliar MY, Klineberg PL. Intrahospital transport of critically ill patients: Complications and difficulties. Anaesthesia and Intensive Care 2001; 29: 400-405
- Lowe N, Juss S. Medical treatment—pragmatism and the search for principle. *Modern Law Review* 1993; 56: 865-872
- Lurie P, Woolfe SM. Unethical trials of interventions to reduce perinatal transmission of the Human Immunodeficiency Virus in developing countries. New England Journal of Medicine 1997; 337: 853-856
- Magnusson RS. Euthanasia: Above ground, below ground. Journal of Medical Ethics 2004; 30: 441-446
- Mason. Contemporary issues in organ transplantation, in S McLean (ed), Contemporary issues in law, medicine and ethics. Dartmouth, Aldershot, 1996: 117-141
- Mason JK, Laurie G. Mason and McCall-Smith's law on medical ethics. Oxford University Press, Oxford, 2006
- Mason JK. The troubled pregnancy: Legal rights and wrongs in reproduction. Cambridge University Press, Cambridge, 2007
- McCarthy D. Blumenthal D. Stories from the sharp end. Case studies in safety improvement. *Millbank* Quarterly 2006; 84: 165-200
- McDonagh EL. My body, my consent: Securing the constitutional right to abortion funding. Albany Law Review 1999; 62: 1057
- McGuinness S, Brazier M. Respecting the living means respecting the dead too. Oxford Journal of Legal Studies, 2008; 28(2): 297-316
- McHale JV. Regulating genetic databases: Some legal and ethical issues. Medical Law Review 2004; 12:70
- McHale JV. Regulating nanotechnology: New legal challenges? Eurohealth 2007; 13(2): 4-6
- McLean S. Old law, new medicine. Pandora, London, 1999
- McNaughton D. Consequentialism, in Routledge Encyclopaedia of Philosophy, E Craig (ed). London, Routledge, 1998
- Medical Research Council 2001. MRC Human tissue and biological samples for use in research operational ethical guidelines. MRC Ethics series, 2001
- Medical Research Council 2004. Medical research involving children. Medical Research Council. Available at http://www.mrc.ac.uk/
- Medical Research Council 2007. Medical Research Council ethics guide: Medical research involving adults who cannot consent. Medical Research Council. Available at http://www.mrc.ac.uk
- Menikoff J. Organ swapping. Hastings Centre Report 1999; 29: 28–33
- Mental Health Act 1983 Code of Practice. Available at http://www.dh.gov.uk
- Michalowski S. Advance refusals of life-sustaining medical treatment: The relativity of an absolute right. Modern Law Review 2005; 68: 958
- Mill, John Stuart. On Liberty (first published 1859). Watts and Co, London, 1929
- Monahan J, Steadman HJ, Silver E, Appelbaum P, Clark-Robbins P, Mulvey EP, Roth LH, Grisso T,

Banks S. Rethinking risk assessment: The MacArthur study of mental disorder and violence. Oxford University Press, Oxford, 2001

Montgomery J. Confidentiality and the immature minor. Family Law 1987; 10: 101

Montgomery J. Rhetoric and Welfare. Oxford Journal of Legal Studies (1989); 9: 395

Montgomery J. Law and the demoralisation of medicine. Legal Studies 2006; 26: 185

Morris A. Spiralling or stabilising? The compensation culture and our propensity to claim damages for personal injury. *Modern Law Review* 2007; 70: 349

Morrison D. A holistic approach to clinical and research decision-making. *Medical Law Review* 2005; 13: 45

Mudur G. Kidney trade arrest exposes loopholes in India's transplant laws. *British Medical Journal* 2004; 328: 246

Mulcahy L. Mediating medical negligence claims: An option for the future? HMSO, London, 1999

Mulcahy L. Disputing Doctors: The socio-legal dynamics of complaints about doctors. Open University Press, Buckingham, 2003

Nacro. Multi-agency partnership working and the delivery of services to mentally disordered offenders—key principles and practice. Nacro, London, 2005

Najarian JS, Chavers VM, McHugh LE, Matas AJ. 20 years or more of follow up of living kidney donors. *The Lancet* 1992; 340: 807–810

National Audit Office. A safer place for patients: Learning to improve patient safety. National Audit Office, London, 2005

National Council for Hospice and Specialist Palliative Care Services (1997). *Voluntary euthanasia: The Council's view.* NCHSPCS, London, 1997

National Institute for Health and Clinical Excellence (NICE, 2004) Fertility: Assessment and treatment for people with fertility problems, 2004. Available at http://www.nice.org.uk/

National Patient Safety Agency. Achieving our aims: Evaluating the results of the pilot 'Clean your hands' campaign. NPSA, London, 2004

National Patient Safety Agency 2004. Seven steps to patient safety: A guide for NHS staff. Available at http://www.npsa.nhs.uk/sevensteps

National Research Ethics Service (2008) Medicines for human use (Clinical Trials Regulations) 2008: Informed consent in clinical trials. Available at http://www.nres.npsa.nhs.uk

NCAS (2009) The first eight years. NCAS, London, 2009

Nelson JL. *Hippocrates' maze: Ethical explorations of the medical labyrinth*. Roman and Littlefield, New York. 2003

Neuberger J, Price D. The role of living liver donation in the United Kingdom. *British Medical Journal* 2003; 327: 676–679

Newdick C. Who should we treat? Oxford University Press, Oxford, 2005

NHS Blood and Transplant 2010. Monthly statistics. Available at http://www.organdonation.nhs.uk/

NHS Information Centre, July 2007. Community care statistics. Available at http://www.ic.nhs.uk/

NHS Information Centre, 2010. Community care statistics. Available at http://www.ic.nhs.uk/

NHSLA 2008. Reports and Accounts 2008. Available at http://www.nhsla.com/publications

NHSLA 2010. Reports and Accounts 2010. Available at http://www.nhsla.com/

Novack DH. Changes in physicians' attitudes towards telling a cancer patient. *Journal of the American Medical Association* 1979; 241: 897–900

NRES 2008. Standard operating procedures for RECs in the UK. Available at http://www.nres.npsa.nhs.uk Nuffield Council of Bioethics 1996. Animal-to-human transplants: the ethics of xenotransplantation.

Available at http://www.nuffieldbioethics.org/

Nuffield Council of Bioethics 2002. The ethics of research related to healthcare in developing countries. Available at http://www.nuffieldbioethics.org.uk

Nuffield Council on Bioethics 2003. Pharmacogenetics: Ethical issues. Available at http://www. nuffieldbioethics.org/

Oken D. What to tell cancer patients: A study of medical attitudes. Journal of the American Medical Association 1961: 175: 1120-1128

O'Neill O. Children's rights and children's lives. Ethics 1988: 98: 445

Oregon Department of Human Services http://www.oregon.gov/DHS/ph/pas/index.shtml (2010)

Organ Donation Taskforce 2008. Department of Health, London, 2008. Available at http://www.dh.gov.uk

Organ Donation Taskforce. Organs for transplants: A report from the Organ Donation Taskforce Department of Health, London, 2008. Available at http://www.dh.gov.uk

Organ Donation Taskforce. The potential impact of an opt-out system for organ donation in the UK: An independent report from the Organ Donation Taskforce. Department of Health, London, 2008. Available at http://www.dh.gov.uk

Organ Donation Taskforce. UK Transplant 2008. Available at http://www.dh.gov.uk

Otlowski M. Voluntary euthanasia and the common law. Oxford University Press, Oxford, 2000

Our NHS, Our future: NHS next stage review. Department of Health, 2008. Available at http://www. dh.gov.uk/

Palmer K. NHS reform: Getting back on track. King's Fund, London, 2006

Parfit D. Reasons and persons. Oxford University Press, Oxford, 1984

Park A. British Attitudes Survey. National Centre for Social Research, 2007

Parliamentary and National Health Services Ombudsman (2005) NHS funding for the long term care of elderly and disabled people (TSO)

Pattinson SD. Medical law and ethics. Sweet and Maxwell, London, 2006

President's Council on Bioethics. Controversies in the Determination of Death. President's Council on Bioethics, Washington, D.C.: 2008

Price D. The Human Tissue Act 2004. Modern Law Review 2005; 68: 798-821

Price D. Human tissue for transplantation and research: A model legal and ethical framework. Cambridge University Press, Cambridge, 2009a

Price D. What shape to euthanasia after *Bland*? Historical, contemporary and futuristic paradigms. Law Quarterly Review 2009b; 125: 142-174

Quigley M. A NICE fallacy. Journal of Medical Ethics 2007; 3: 465

Radcliffe-Richards J, Daar AS, Guttmann RD, Hoffenberg R, Kennedy I, Lock M, Sells RA, Tilney N. The case for allowing kidney sales. International Forum for Transplant Ethics. The Lancet 1998; 351: 1950-1952

Rawlins M. National Institute for Clinical Excellence and its value judgements. British Medical Journal 2004: 329: 224

Rawls J. A Theory of Justice. Harvard University Press, Harvard 2005

Raymont V, Bingley W, Buchanan A, David AS, Hayward P, Wessely S, Hotopf M, Prevalence of mental incapacity in medical in-patients and associated risk factors: Cross sectional study. The Lancet 2004; 364: 1421-1427

RCPCH 2004. Royal College of Paediatrics and Child Health. Withholding or withdrawing life-sustaining treatment in children: A framework for practice. Royal College of Paediatrics and Child Health. London, 2004

Rennie D. Education and debate. Dealing with research misconduct in the UK. British Medical Journal 1998; 316: 1726–1733

Research Governance Framework for Health and Social Care. Department of Health, London, 2001. Available at http://www.dh.gov.uk

Resuscitation Council (UK). Decisions relating to cardiopulmonary resuscitation, a joint statement with the British Medical Association, the Resuscitation Council (UK) and the Royal College of Nursing. 2001. Available at http://www.resus.org.uk/pages/dnar.htm

Resuscitation Council Guidance 2010. Resuscitation Guidelines. Available at http://www.resus.org.uk Robert JS, Bayliss F. Crossing species boundaries. American Journal of Bioethics 2003; 3: 1-13

Robertson J. Second thought on living wills. Hastings Centre Report 1991; 21: 6

Robertson JA. Law, science and innovation: Introduction to the Symposium. Journal of Law, Medicine and Ethics 2010: 38: 175-190

Royal College of Gynaecologists. The care of women requesting abortion: Evidence-based clinical guidelines No 7, Royal College of Obstetricians and Gynaecologists, London, 2004

Royal College of Obstetricians and Gynaecologists (RCOG) 1996. Termination of pregnancy for foetal abnormality in England, Wales and Scotland. RCOG, London, January 2006

Royal College of Paediatrics. Child health: Ethics Advisory Committee guidelines for the ethical conduct of medical research involving children. Archives of Disease in Childhood 2000; 82: 177-182

Royal College of Paediatrics and Child Health 2004. Withholding or withdrawing life sustaining treatment in children: A framework for practice (2nd edition). Available at http://www.rcpch.ac.uk/ Publications/

Royal College of Physicians, Royal College of Physicians Working Group. The persistent vegetative state. Journal of the Royal College of Physicians of London 1996; 30: 119-121

Royal College of Physicians 2007. Guidelines on the practice of ethics committees in medical research with human participants. Royal College of Physicians, London, 2007

Royal College of Psychiatrists. Evidence submitted to the Joint Committee on the draft Mental Health bill. RCP, London, 2004

Royal College of Surgeons 2002. Good surgical practice

Sadler H. The living genetically unrelated kidney donor. Semin Psychiatry. 1971; 3: 86

Safer Healthcare. Available at http://www.saferhealthcare.org.uk/

Safer Patients Safety Initiative (The Health Foundation) Available at http://www.health.org.uk/

Samanta A, Samanta J, Gunn M. Legal considerations of guidelines: Will NICE make a difference? Journal of the Royal Society of Medicine 2003; 96: 133

Samanta A. Death, dying and the doctor: A dilemma at the bedside. Contemporary issues in law 2005;

Samanta A, Samanta J. The Human Rights Act 1998—why should it matter for medical practice? Journal of the Royal Society of Medicine 2005; 98: 404-410

Samanta A, Mello MM, Foster C, Tingle J, Samanta J. The role of clinical guidelines in medical negligence litigation: A shift from the Bolam standard? Medical Law Review 2006; 14: 321-366

Samanta A, Samanta J. Do not attempt resuscitation orders: The role of clinical governance. Clinical Governance. An International Journal 2007a; 13: 215–220

Samanta A, Samanta J. Safer patients and good doctors: Medical regulation in the 21st century. Clinical Risk 2007b: 13: 138-142

Samanta J. Lasting powers of attorney for healthcare under the Mental Capacity Act 2005; Enhanced perspective self-determination for future incapacity or a simulacrum? Medical Law Review 2009; 17(3): 377-409

Samanta J, Healey P. Calling time on abortion—a hopeful beginning or an untimely end? Contemporary Issues in Law 2005; 7: 281-300

Sauder R, Parker NS. Autonomy limits: Living donation and health-related harm. Cambridge Quarterly of Healthcare Ethics 2001; 10: 399-403

Savulescu J, Momeyer RW. Should informed consent be based upon rational beliefs? Journal of Medical Ethics 1997; 23: 282-288

Savulescu J. Procreative beneficence: Why we should select the best children. Bioethics 2001; 15: 412-426

Savulescu J. Deaf lesbians, designer disability and the future of medicine. British Medical Journal 2002; 325: 771-773

Scally G, Donaldson LJ. Clinical governance and the drive for quality improvement in the new NHS in England. British Medical Journal 1998; 317: 61-65

Science and Technology Committee 1995. Human Reproductive Technologies and the Law. 5th Report. Available at http://www.publications.parliament.uk/

Sen A. On ethics and economics. Basil Blackwell, Oxford, 1987

Sheldon S. Multiple pregnancy and reproductive choice R v Queen Charlotte Hospital, Professor Philip Bennett, North Thames Regional Health Authority and Socoal Services of Brentford and Hounslow LBC, ex parte Philys Bowman. Feminist Legal Studies 1997; 5(1): 99-106

Sheldon S. A responsible body of medical men skilled in that particular art ... rethinking the Bolam test, in S Sheldon, M Thompson (eds), Feminist perspectives on healthcare law. Cavendish, London, 1998

Sheldon S, Wilkinson S. Hashmi and Whitaker: An unjustifiable and misguided distinction. Medical Law Review 2004; 12: 137-163

Sherwin S. Feminism in bioethics, in Susan Woolf (ed), Feminism and Bioethics. Oxford University Press, Oxford, 1996

Singer P. Xenotransplantation and speciesism. Transplantation Proceedings 1992; 24: 728-732

Singer P. Practical ethics (2nd edn). Cambridge University Press, Cambridge, 1993

Smith R. All changed, changed utterly. British Medical Journal 1998; 316: 1917-1918

Smith R. The failings of NICE. British Medical Journal 2000; 321: 1363

Stanley JM. The Appleton Consensus: Suggested international guidelines for decisions to forego medical treatment. Journal of Medical Ethics 1989; 15(3): 129-136

Stauch M. Pregnancy and the Human Rights Act 1998, in Garwood-Gowers A, Tingle J. (eds). Healthcare law: The impact of the Human Rights Act 1998, Cavendish Publishing, London, 2001

Stavert J. Mental health, community care and human rights in Europe: Still an incomplete picture? Journal of Mental Health Law 2007; 16: 182

Stern K. Advance directives. Medical Law Review 1994; 2: 57-76

Sumner LW. Rights, in The Blackwell Guide to Ethical Theory. Hugh LaFollette (ed). Blackwell Publishers, Malden, Massachusetts, 2000

Sutrop M, Simm K. Public and private interests in the genomic era: a pluralistic approach, in J Gunning, S Holm and I Kenway (eds), Ethics, Law and Society Volume 4. Ashgate, Farnham 2009

Syrett K. Impotence or importance? Judicial review in an era of explicit NHS rationing. Medical Law Review 2004; 67: 289

Szasz T. Law, liberty and psychiatry: An enquiry into the social uses of mental health practices Routledge and Keegan Paul, London, 1984

Takala T. Guest editorial: Introduction to philosophical issues in neuroethics. Cambridge Quarterly of Healthcare Ethics 2010; 19: 161-163

Tam BC, Knowles SR, Cornish BL, Fine N, Marchesano R, Etchells EE. Frequency, type and clinical importance of medication history errors at admission to hospital: A systematic review. Canadian Medical Association Journal 2005; 173: 510-515

Tännsjö T. Two concepts of death reconciled. Medicine, Healthcare and Philosophy 1999; 2: 41-46

Teff H. The action for "wrongful life" in England and the United States. International and Comparative Law Quarterly 1985a; 34: 423-441

Teff H. Consent to medical procedures: Paternalism, self-determination or therapeutic alliance. The Law Quarterly Review 1985b; 101: 432-453

Teff H. The standard of care in medical negligence—moving on from Bolam? Oxford Journal of Legal Studies 1998; 18: 473-484

The Expert Scientific Group on Phase One clinical trials: Final report. 2006. Available at http://www.dh.gov.uk

The National Health Service (General Medical Services) Regulations 1992 SI 1992/635 Schedule 2, para 4 (H)

The new NHS: Modern, dependable (1997) Department of Health. Available at http://www.dh.gov.uk/

Thompson, Barber, Schwartz. Adherence to advance directives in critical care decision-making: A vignette study. *British Medical Journal* 2003; 327: 1011

Thomson JJ. A defence of abortion. Philosophy and Public Affairs 1971; 1: 47

Thornton H. Clinical trials: A brave new partnership? Journal of Medical Ethics 1994; 20: 19

Titmuss RM. The gift relationship: From human blood to social policy. George Allen and Unwin, London, 1970

Truog RD. Brain death—too flawed to endure, too ingrained to abandon. *Journal of Law, Medicine and Ethics* 2007; 35(2): 273–281

Tur R. Legislative Technique and Human Rights: the sad case of assisted suicide. *Criminal Law Review* 2003; 3–12

UK Transplant 2005. Available at http://www.uktransplant.org.uk

UK Transplant 2007. Available at http://www.uktransplant.org.uk

UK Transplant 2008. Transplant activity in the UK 2007–2008 and the cost effectiveness of transplantation (UK Transplant, 2007). Available at http://www.uktransplant.org.uk

US Government Printing Office. Trials of war criminals before the Nuremberg Military Tribunals under Control Council Law No 10. US Government Printing Office, Washington, DC.: 1949

Veatch RM. The Basics of Bioethics (2nd edn). Prentice Hall, New Jersey 2003

Vehmas S. Parental responsibility and the morality of selective abortion. *Ethical Theory and Moral Practice* 2002; 5: 463–484

Verdon-Jones S, Weisstub D. Drawing the distinction between therapeutic research and non-therapeutic experimentation: Clearing a way through the definitional thicket, in David N Weisstub (ed), *Research on human subjects*: Ethics, law and social policy. Elsevier, Oxford, 1998: 88–110

Vincent C. Why do people sue doctors? A study of patients and relatives taking legal action. *The Lancet* 1994; 343: 1609–1613

Voluntary Euthanasia Society. Public opinion. Voluntary Euthanasia Society, 2003

Ward B, Tate P. Attitudes amongst NHS doctors to requests for euthanasia. *British Medical Journal* 1994; 308: 1332

Warren MA. On the moral and legal status of abortion. The Monist 1973; 1: 43-61

Welfare decisions for adults who lack capacity (2010) 2 FLR 158

Wilkinson TM. What's wrong with conditional organ donation? *Journal of Medical Ethics* 2003; 29: 163–164

Williams G. Textbook of criminal law. Stevens, London, 1978

Williamson L, Fox M, McLean S. The regulation of xenotransplantation in the United Kingdom after UKXIRA: Legal and ethical issues. *Journal of Law and Society* 2007; 34: 441–464

Wilson J, Tingle J (eds). Clinical risk modification: A route to clinical governance. Oxford, Butterworth, Heinemann, 1999

Witting C. National Health Service rationing: Implications for the standard of care in negligence. *Oxford Journal of Legal Studies* 2001; 21: 443

Wolf SM. Pragmatism in the face of death: The role of facts in the assisted suicide debate. *Minnesota Law Review* 1998; 82: 1063

Wolf SM, Kahn JP, Wagner JE. Using preimplantation genetic diagnosis to create a stem cell donor: Issues, guidelines and limits. *Journal of Law, Medicine and Ethics* 2003 31: 327–339

Woolf Lord. Access to Justice: Final report of the Lord Chancellor on the civil justice system. HMSO, London, 1996

Woolf Lord. Are the courts excessively deferential to the medical profession? *Medical Law Review* 2001; 9: 1–16

Woolfe SM, Kahn JP, Wagner JE. Using pre-implantation genetic diagnosis to create a stem cell donor: issues, guidelines and limits. *Journal of Law, Medicine and Ethics* 2003; 31: 327

World Health Organisation (2005). World Alliance for Patient Safety. Available at http://www.who.int/

World Health Organisation (2007). ICD-10 F60.2. Available at http://www.who.int

World Health Organisation. Guiding principles on human cell, tissue and organ transplantation (updated edition). Geneva, World Health Organization, 2008. Available at http://www.who.int/transplantation/ TxGP08-en.pdf

World Medical Association. Declaration of Helsinki: Ethical principles for medical research involving human subjects (2008). Available at http://www.wma.net

Wyatt J. Medical paternalism and the foetus. Journal of Medical Ethics 2001; 27: ii18-ii20

Youngner S. Who defines futility? Journal of the American Medical Association 1988; 260: 2094–2095

Youngner SJ, Lewandowski W, Macleish DK. Do Not Resuscitate orders—the incidence and implications in a medical intensive care unit. The Journal of the American Medical Association 1985; 253: 54-57