

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

---

## Bioethics, Medicine and the Criminal Law

In recent years, debates have arisen concerning the encroachment of the criminal process in regulating fatal medical error, the implementation of the Corporate Manslaughter and Corporate Homicide Act 2007 and the recent release of the Director of Public Prosecution's assisted suicide policy. Consequently, questions have been raised regarding the extent to which such intervention helps, or if it in fact hinders, the sustained development of medical practice. In this collection, Danielle Griffiths and Andrew Sanders explore the operation of the criminal process in healthcare in the UK as well as in other jurisdictions, including the USA, Australia, New Zealand, France and the Netherlands. Using evidence from previous cases alongside empirical data, each essay engages the reader with the debate surrounding what the appropriate role of the criminal process in healthcare should be, and aims to clarify and shape policy and legislation in this under-researched area.

DANIELLE GRIFFITHS is a research fellow at the University of Manchester.

ANDREW SANDERS is Professor of Criminal Law and Criminology at the University of Birmingham.

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

### *Cambridge Bioethics and Law*

This series of books was founded by Cambridge University Press with Alexander McCall Smith as its first editor in 2003. It focuses on the law's complex and troubled relationship with medicine across both the developed and the developing worlds. Since the early 1990s, we have seen in many countries increasing resort to the courts by dissatisfied patients and a growing use of the courts to attempt to resolve intractable ethical dilemmas. At the same time, legislatures across the world have struggled to address the questions posed by both the successes and the failures of modern medicine, while international organisations such as the WHO and UNESCO now regularly address issues of medical law.

It follows that we would expect ethical and policy questions to be integral to the analysis of the legal issues discussed in this series. The series responds to the high profile of medical law in universities, in legal and medical practice, as well as in public and political affairs. We seek to reflect the evidence that many major health-related policy debates in the UK, Europe and the international community involve a strong medical law dimension. With that in mind, we seek to address how legal analysis might have a trans-jurisdictional and international relevance. Organ retention, embryonic stem cell research, physician-assisted suicide and the allocation of resources to fund healthcare are but a few examples among many. The emphasis of this series is thus on matters of public concern and/or practical significance. We look for books that could make a difference to the development of medical law and enhance the role of medico-legal debate in policy circles. That is not to say that we lack interest in the important theoretical dimensions of the subject, but we aim to ensure that theoretical debate is grounded in the realities of how the law does and should interact with medicine and healthcare.

#### Series Editors

Professor Margaret Brazier,  
*University of Manchester*

Professor Graeme Laurie,  
*University of Edinburgh*

Professor Richard Ashcroft,  
*Queen Mary, University of London*

Professor Eric M. Meslin,  
*Indiana University*

#### Books in the series

Marcus Radetzki, Marian Radetzki, Niklas Juth  
*Genes and Insurance: Ethical, Legal and Economic Issues*

Ruth Macklin  
*Double Standards in Medical Research in Developing Countries*

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

---

Donna Dickenson

*Property in the Body: Feminist Perspectives*

Matti Häyry, Ruth Chadwick, Vilhjálmur Árnason, Gardar Árnason

*The Ethics and Governance of Human Genetic Databases: European Perspectives*

Ken Mason

*The Troubled Pregnancy: Legal Wrongs and Rights in Reproduction*

Daniel Sperling

*Posthumous Interests: Legal and Ethical Perspectives*

Keith Syrett

*Law, Legitimacy and the Rationing of Healthcare*

Alastair Maclean

*Autonomy, Informed Consent and the Law: A Relational Change*

Heather Widdows, Caroline Mullen

*The Governance of Genetic Information: Who Decides?*

David Price

*Human Tissue in Transplantation and Research*

Matti Häyry

*Rationality and the Genetic Challenge: Making People Better?*

Mary Donnelly

*Healthcare Decision-Making and the Law: Autonomy, Capacity and the Limits of Liberalism*

Anne-Maree Farrell, David Price and Muireann Quigley

*Organ Shortage: Ethics, Law and Pragmatism*

Sara Fovargue

*Xenotransplantation and Risk: Regulating a Developing Biotechnology*

John Coggon

*What Makes Health Public?: A Critical Evaluation of Moral, Legal, and Political Claims in Public Health*

Mark Taylor

*Genetic Data and the Law: A Critical Perspective on Privacy Protection*

Anne-Maree Farrell

*The Politics of Blood: Ethics, Innovation and the Regulation of Risk*

Stephen Smith

*End-of-Life Decisions in Medical Care: Principles and Policies for Regulating the Dying Process*

Michael Parker

*Ethical Problems and Genetics Practice*

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

---

William W. Lowrance

*Privacy, Confidentiality, and Health Research*

Kerry Lynn Macintosh

*Human Cloning: Four Fallacies and their Legal Consequence*

Heather Widdows

*The Connected Self: The Ethics and Governance of the Genetic Individual*

Amel Alghrani, Rebecca Bennett and Suzanne Ost

*Bioethics, Medicine and the Criminal Law Volume 1: The Criminal Law and Bioethical Conflict: Walking the Tightrope*

Danielle Griffiths, Andrew Sanders

*Bioethics, Medicine and the Criminal Law Volume 2: Medicine, Crime and Society*

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

# Bioethics, Medicine and the Criminal Law Volume II

*Medicine, Crime and Society*

---

*Edited by*

Danielle Griffiths and Andrew Sanders



**CAMBRIDGE**  
UNIVERSITY PRESS

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,  
Singapore, São Paulo, Delhi, Mexico City

Cambridge University Press

The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by

Cambridge University Press, New York

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781107021532](http://www.cambridge.org/9781107021532)

© Cambridge University Press 2013

This publication is in copyright. Subject to statutory exception  
and to the provisions of relevant collective licensing agreements,  
no reproduction of any part may take place without  
the written permission of Cambridge University Press.

First published 2013

Printed and bound in the United Kingdom by the MPG Books Group

*A catalogue record for this publication is available from the British Library*

*Library of Congress Cataloguing in Publication data*

Bioethics, medicine, and the criminal law : medicine, crime, and  
society / [edited by] Danielle Griffiths, Andrew Sanders.

p. cm. (Cambridge bioethics and law)

ISBN 978-1-107-02153-2 (Hardback)

1. Physicians–Malpractice. 2. Medical personnel–Malpractice.
  3. Criminal law 4. Bioethics. I. Griffiths, Danielle. II. Sanders, Andrew, 1952.
- K4365.B56 2013  
344.04'11–dc23

ISBN 978-1-107-02153-2 Hardback

Cambridge University Press has no responsibility for the persistence or  
accuracy of URLs for external or third-party internet websites referred to  
in this publication, and does not guarantee that any content on such  
websites is, or will remain, accurate or appropriate.

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

---

This book is dedicated to the memory of  
Peter Gooderham

Cambridge University Press  
978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society  
Edited by Danielle Griffiths and Andrew Sanders  
Frontmatter  
[More information](#)

---



Contents

<i>List of contributors</i>	<i>page</i> xi
<i>Foreword by Peter Skegg</i>	xvi
<i>Acknowledgements</i>	xviii
<i>List of abbreviations</i>	xix
1. Introduction	1
DANIELLE GRIFFITHS AND ANDREW SANDERS	
<b>Part I Historical perspectives</b>	<b>11</b>
2. Healthcare serial killings: was the case of Dr Harold Shipman unthinkable?	13
BRIAN HURWITZ	
3. ‘The sleep of death’: anaesthesia, mortality and the courts from ether to <i>Adomako</i>	43
BARRY LYONS	
4. Getting mixed up in crime: doctors, disease transmission, confidentiality and the criminal process	65
JAMES CHALMERS	
<b>Part II Criminal errors</b>	<b>79</b>
5. Victims’ voices, victims’ interests and criminal justice in the healthcare setting	81
ANDREW SANDERS	
6. Medical manslaughter and expert evidence: the roles of context and character	101
OLIVER QUICK	
	ix

x	Contents	
7.	The road to the dock: prosecution decision-making in medical manslaughter cases	117
	DANIELLE GRIFFITHS AND ANDREW SANDERS	
8.	Psychiatric care and criminal prosecution	159
	NEIL ALLEN	
	<b>Part III Organisational perspectives</b>	<b>175</b>
9.	Involuntary automaticity and medical manslaughter	177
	PETER GOODERHAM AND BRIAN TOFT	
10.	Medical manslaughter: organisational liability	192
	CELIA WELLS	
11.	The Corporate Manslaughter and Corporate Homicide Act 2007 and maternal death: an opportunity to address systemic deficiencies in maternity services?	210
	PENELOPE J. BREAREY-HORNE	
	<b>Part IV International perspectives</b>	<b>227</b>
12.	From prosecution to rehabilitation: New Zealand's response to health practitioner negligence	229
	RON PATERSON	
13.	Doctors who kill and harm their patients: the Australian experience	248
	IAN DOBINSON	
14.	The role of the criminal law in healthcare malpractice in France: examining the HIV blood contamination scandal	265
	ANNE-MAREE FARRELL AND MELINEE KAZARIAN	
15.	The use and impact of the criminal process on the treatment of pain in the USA	280
	STEPHEN J. ZIEGLER	
16.	Exploring the tension between physician-assisted dying and palliative medicine	301
	ALEXANDRA MULLOCK	
	<i>Index</i>	320

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

## Contributors

---

NEIL ALLEN is a Lecturer in Clinical Legal Education at the University of Manchester and specialises in mental health, incapacity and human rights law. His published academic commentary on the Mental Health Act 1983, Mental Capacity Act 2005 and associated case law feature in books and journals. In addition to teaching students, he delivers training for health, social care and legal professionals and organisations. Also a barrister at Thirty Nine Essex Street Chambers (Manchester and London), Neil practises mainly in the Court of Protection, often in cases concerning deprivation of liberty issues. As Deputy Director of the Manchester Legal Advice Centre, he provides and promotes the provision of free legal advice to those most in need and also undertakes voluntary work as a trustee for legal and mental health charities.

PENELOPE J. BREAREY-HORNE is a Lecturer in Law at the School of Law, University of Essex. Her research interests include the Corporate Manslaughter and Corporate Homicide Act 2007 and health, social and custodial care.

JAMES CHALMERS is Professor of Law at the University of Glasgow, having previously taught at the Universities of Aberdeen and Edinburgh. He is the author of a number of books, including *Legal Responses to HIV and AIDS* (2008) and is currently editor of the *Edinburgh Law Review*.

IAN DOBINSON is a Senior Lecturer in the Faculty of Law at the University of Technology Sydney (UTS). Prior to joining the faculty in 2003, he was an Associate Professor at the School of Law, City University of Hong Kong. He has written, researched and taught extensively in the areas of criminal law and criminal justice. His major research (1983–9) on drugs and crime in Australia remains an important pioneering work in the area. During his thirteen years in Hong Kong, Ian developed a keen interest in Chinese Criminal Law and

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

## xii Contributors

since arriving at UTS has maintained both research and teaching links with leading law schools in China. Most recently he has been researching and publishing on the topic of negligent manslaughter.

ANNE-MAREE FARRELL is Associate Professor in the Faculty of Law at Monash University, Australia. She previously held academic positions at the University of Manchester and Lancaster University in the UK. Her research expertise lies generally in health law and policy, with specific interests in the regulatory governance of human biological materials (blood, organs and stem cells) and health technologies, as well as medical malpractice and patient safety. She has published widely in a range of internationally recognised journals and edited collections. Her books include *The Politics of Blood: Ethics Innovation and the Regulation of Risk* (Cambridge University Press, 2012); *Organ Shortage: Ethics Law and Pragmatism* (Cambridge University Press, 2011), co-edited with D. Price and M. Quigley; and *European Law and New Health Technologies* (forthcoming), co-edited with M. L. Flear, T. K. Hervey and T. Murphy.

PETER GOODERHAM was a Research Associate in the School of Law at the University of Manchester. He qualified in medicine in 1988 and set out on a career in general practice, but decided to study for an Open University law degree. In 2002, he completed his LLB and the following year he gave up clinical work to take up the post of Graduate Teaching Assistant at Cardiff Law School. He moved on to Manchester University in 2009 as a lecturer in healthcare ethics and law and then in 2010 became a Research Associate on the Arts and Humanities Research Council (AHRC) project. Peter tragically died suddenly in February 2011. He was awarded his PhD from Cardiff University posthumously in 2011.

DANIELLE GRIFFITHS is a Research Fellow in the School of Law at the University of Manchester. She obtained an MA and PhD at the University of Manchester. Before joining the Law School at Manchester in 2009, she was a Research Fellow at Liverpool John Moores University. She has worked on numerous research projects looking at issues of crime and medical law, including the AHRC-funded project 'The Impact of the Criminal Process on Health Care Ethics and Practice'. She is now working on a Wellcome-funded project entitled 'The Human Body – Its Scope, Limits, and Future' at the Institute for Science, Ethics and Innovation. She has published in a wide range of journals on subjects including crime and healthcare, gender and the family.

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

## Contributors

xiii

**BRIAN HURWITZ** has been an NHS general practitioner in central London for thirty years and since 2002, Professor of Medicine and the Arts at King's College London, where he now directs the Centre for the Humanities and Health, a Wellcome Trust funded research unit. Based in the Department of English Language and Literature, he is also a member of the Health and Social Care Research Division of King's with research interests in narrative studies in relation to medical practice, ethics, law and the literary shape of case reports. In 2007, he was awarded an Honorary Chair in the Centre for Value, Ethics, Law and Medicine at the University of Sydney and in 2008, an Honorary Chair in the Schools of Humanities and Medicine at Hong Kong University. He is a Visiting Professor at the Institute of Neurology, Queen Square, University College London and prior to his current position at King's he was Professor of Primary Health and General Practice at Imperial College London.

**MELINEE KAZARIAN** is a PhD candidate who carried out research in support of the AHRC-funded project 'The Impact of the Criminal Process on Health Care Ethics and Practice', School of Law, University of Manchester. She read French law at the University Jean Moulin Lyon 3 in France as an undergraduate and completed a Bachelor's degree, having undertaken two diplomas in English law and American law. Melinee studied for one year at the University of Manchester as an Erasmus student before starting her PhD.

**BARRY LYONS** is a Consultant in Anaesthesia at Our Lady's Children's Hospital, Dublin and a Clinical Senior Lecturer in Medical Ethics, Trinity College Dublin. He obtained his PhD in 2011 and has published in a wide range of journals particularly on the subject of children, law and ethics.

**ALEXANDRA MULLOCK** is a Lecturer in Law at the University of Manchester. Previously Alex worked as a law teacher in the sixth form sector, before joining the University of Manchester in 2008. She completed her PhD in 2011 on the subject of end-of-life law and assisted dying, following a studentship on the AHRC-funded project 'The Impact of the Criminal Process on Health Care Ethics and Practice'. Her research interests lie within the field of medical law and criminal law and she is specifically interested in end-of-life law and human rights law in the context of health and public policy. She has published in a range of internationally recognised journals on matters such as end-of-life law, assisted suicide and Dutch assisted-dying law.

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

xiv Contributors

RON PATERSON is Professor of Health Law and Policy at the University of Auckland. He was New Zealand Health and Disability Commissioner 2000–10. With law degrees from Auckland and Oxford Universities, Ron was a visiting law professor at the Universities of Ottawa and British Columbia in the mid-1980s, before returning to the University of Auckland (1986–99). Ron is recognised internationally for his expertise in regulation of health practitioners, patients' rights and healthcare quality improvement. He gave evidence on 'safeguarding patients' as an expert witness before the Shipman Inquiry in England (2004). In 2004–5, he chaired two major health system reviews in Australia: the Review of the Assessment of Overseas-Trained Surgeons and the Review of National Arrangements for Safety and Quality of Health Care in Australia. Ron is co-editor of the textbook *Medical Law in New Zealand* (2006) and author of *The Good Doctor: What Patients Want* (2012).

OLIVER QUICK is a Senior Lecturer in Law in the School of Law at the University of Bristol. He obtained his LLB (Law and Politics) and his PhD from the University of Wales Cardiff. He was appointed as a Lecturer at Bristol in 2001 and as a Senior Lecturer in 2007. He teaches undergraduate and postgraduate courses in Criminal Law, Criminal Justice, Medical Law and Public Health Law, and has published numerous articles in these fields. He is co-author (with Nicola Lacey and Celia Wells) of *Reconstructing Criminal Law* (Cambridge University Press, 2010). He has carried out empirical research projects investigating how prosecutors and experts negotiate law and process in the context of the controversial crime of 'medical manslaughter'. Oliver has been a visiting scholar at the University of Western Australia (2006) and Boston University (2010). He is currently working on a monograph entitled *Regulating Safety and Trust in Healthcare*, to be published by Cambridge University Press.

ANDREW SANDERS is Professor of Criminal Law and Criminology in the School of Law at the University of Birmingham. He has held academic posts at several universities, including the Universities of Oxford, Bristol and Manchester. He took up his present post in January 2010. He is author of *The Case for the Prosecution* (with Mike McConville and Roger Leng) and *Criminal Justice* (with Richard Young and Mandy Burton), now in its fourth edition (2010). His research has included studies of prosecutions, the rights of suspects and victim involvement in criminal justice. He has been a member of the Parole Board (England and Wales) and Parole Commission (Northern Ireland) and has advised the EU Commission on EU-wide

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

## Contributors

xv

victim policy. He is now a member of the Criminal Justice Council and of the Bar Standards Board.

BRIAN TOFT is the Principal of Risk Partnerships, Emeritus Professor of Patient Safety at Coventry University and visiting Professor of Patient Safety at Brighton and Sussex Medical School. Educated at the Universities of Lancaster, Exeter and Cambridge, Brian holds several senior advisory positions, including membership of the World Health Organization European Regional Advisory Council on Patient Safety and Healthcare. Brian was the first non-physician to chair an external inquiry into the death of a patient in the National Health Service. He was presented with the Royal College of Radiologists Glyn Evans Memorial Lecture Medal for his work on ‘involuntary automaticity’ and awarded an OBE for his services to healthcare in the 2010 Queen’s Birthday honours list.

CELIA WELLS is Professor of Law in the School of Law at the University of Bristol. Her main research and writing is in the area of criminal law with a particular specialism in corporate criminal liability. She was joint editor of the Society of Legal Scholars flagship journal, *Legal Studies* (1999–2005) and is a long-serving member of the *Criminal Law Review* Editorial Board. Her work has been influential in the development of an organisational theory of corporate criminal liability and she has provided expert advice on corporate criminal responsibility to a number of national and international bodies.

STEPHEN J. ZIEGLER is an Associate Professor of Public Policy at Indiana University–Purdue University in Fort Wayne, Indiana. Trained as both a social scientist and attorney, Dr Ziegler conducts research and consults on the topic of opioid risk management (ensuring access while preventing abuse) and the impact of drug regulation and enforcement on the treatment of pain. He serves as a reviewer for several journals, including the *Journal of Opioid Management*, *Pain Medicine*, *Cancer* and the *Journal of Medical Ethics*. He has published in a variety of peer-reviewed journals with scholarship appearing in *Pain Medicine*, *Swiss Medical Weekly*, *Journal of Medical Regulation*, *Journal of Law, Medicine, and Ethics* and the *BMJ*. Prior to obtaining his law degree and PhD, Dr Ziegler worked as a police detective and as a Task Force Officer for the federal Drug Enforcement Administration.

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

## Foreword

---

*Peter Skegg*

Law and medicine have long intersected. It is only in recent decades, however, that the relationship of law to medical practice has received the sustained attention of more than a very few legal scholars.

The first British academic lawyer to develop a major interest in the relationship of law and medicine was also the greatest criminal law scholar of the twentieth century. Glanville Williams' *Sanctity of Life and the Criminal Law* was based on lectures he delivered in 1956 at Columbia University. It remains the best known of his contributions to what came to be known as medical law. However, it is his writings about the general principles of criminal law (and particularly the issue of criminal liability based on negligence) that have greatest relevance to some of the matters discussed in this volume.

The recent charging, trial and conviction of the late Michael Jackson's personal physician, Dr Conrad Murray, probably resulted in greater worldwide publicity about a case of 'medical manslaughter' than all previous cases combined. There is much in this fascinating volume that bears on such liability and the criminal liability of health professionals generally.

An especially welcome dimension of this volume is the way in which it draws upon the expertise of a wide range of academic disciplines and contributors. Although the experience and law of the UK (and especially England and Wales) are at the heart of much of this book, its approach is anything but insular. Information and perspectives from a range of other jurisdictions are provided. This adds to the value of this book, both within and beyond the UK.

It is a strength of this book that the contributors do not adhere to one party line: some favour less reliance on the criminal law in the regulation of medical practice, others are not opposed to the criminal law having a more extensive role; at least in some contexts. The issue of criminal liability based on negligence extends far beyond the realm of medical practice. So, too, does the associated issue of whether the claim, 'I never gave the least thought to the risk', should, if believed, always result in the



acquittal of a cosmetic surgeon (or hunter) whose gross negligence results in another’s death.

This book provides a wealth of information and insights about the relationship of criminal justice systems to the provision of healthcare. Even for those with a long-standing interest in such matters, there is much in this volume that informs, challenges and stimulates. It will be a valuable resource for all who grapple with these difficult and important issues.

Cambridge University Press

978-1-107-02153-2 - Bioethics, Medicine and the Criminal Law Volume II: Medicine, Crime and Society

Edited by Danielle Griffiths and Andrew Sanders

Frontmatter

[More information](#)

## Acknowledgements

---

This edited collection is, along with its two companion volumes, one of the core outputs of an AHRC-funded project ‘The Impact of the Criminal Process on Health Care Ethics and Practice’. We gratefully acknowledge the AHRC’s support.

We are grateful to many people for their assistance in putting the volume together. In particular, we are indebted to Margot Brazier, who is always a great source of expertise, support and friendship. We have greatly benefited from her sustained encouragement and guidance in the course of writing the book, as well as during the lifetime of the AHRC project. We would like to thank Oliver Quick for his support throughout the project: his feedback is always invaluable, including his comments on our own paper that is included within this collection. We are also immensely thankful to the Crown Prosecution Service, and Neil Dalton in particular, for allowing us access to their case files and for their insightful comments on our work.

This book has benefited from Dominic de Cogan’s excellent assistance in copy-editing many of the chapters.

We would also like to thank our families and friends who have offered encouragement throughout the completion of the book. Danielle is particularly thankful for all of Ian’s love and support, and for Joseph, who arrived halfway through the production of the book and brightened life immeasurably. Andrew could not have played his part without the love, support and distractions provided by Jo, Molly and Sally.

Finally, Peter Gooderham commented on early versions of some of the chapters included in the collection and as a colleague and a friend was a great source of knowledge and support. Peter tragically died in the course of completing the collection and is greatly missed by us all.

# Abbreviations

ACC	Accident Compensation Corporation (New Zealand)
ACPO	Association of Chief Police Officers
AHN	artificial hydration and nutrition
CDS	continuous deep sedation
CEMACH	Confidential Enquiry into Maternal and Child Health
CEMD	Confidential Enquiries into Maternal Deaths
CID	Criminal Investigation Department
CMACE	Centre for Maternal and Child Enquiries
CMCH Act	Corporate Manslaughter and Corporate Homicide Act
CNST	Clinical Negligence Scheme for Trusts
CPB	Center for Practical Bioethics
CPS	Crown Prosecution Service
CQC	Care Quality Commission
CSA	Controlled Substances Act
DEA	Drug Enforcement Agency
DGS	Direction-Générale de la santé
DPP	Director of Public Prosecutions
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
GMC	General Medical Council
GNM	gross negligence manslaughter
HCP	healthcare professional
HDC	Health and Disability Commissioner (New Zealand)
HMO	Health Maintenance Organization
HRRT	Human Rights Review Tribunal (New Zealand)
HSE	Health and Safety Executive
HSWA	Health and Safety at Work Act 1974
LAG	Legal Action Group
LHB	Local Health Board
LNS	Laboratoire national de la santé
MCA	Mental Capacity Act 2005
MHA	Mental Health Act 1983

xx	List of abbreviations
MM	medical manslaughter
MPA	Medical Practice Act
NHSLA	National Health Service Litigation Authority
NPSA	National Patient Safety Agency
NZMLRG	New Zealand Medical Law Reform Group
ONDCP	Office of National Drug Control Policy
PAD	physician-assisted dying
PAS	physician-assisted suicide
PCT	Primary Care Trust
PWH	people with haemophilia
RJ	restorative justice
SCCTD	Special Crime and Counter Terrorism Division
SCD	Special Crime Division
SHOT	Serious Hazards of Transfusion
VNRBD	voluntary, non-remunerated blood donation