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Health and Social Care eBrief

Administrative & Public Law Group



Welcome to the July 2013 edition of No5 Chambers' Health and Social Care eBrief. In this eBrief we hope to share our knowledge and experience in health and social care law with our clients through articles on current and relevant issues written by members of our group of specialist practitioners. Our next eBrief will be October 2013.

In this issue [David Lock QC](#) reviews the changes afoot in the NHS as a result of the passing, and the almost complete implementation, of the Health and Social Care Act 2012. [Ramby de Mello](#) looks at the relationship between the right to have an abortion and Article 8 of the ECHR; and in a two part series article, [Adreeja Chatterjee](#) looks at the forced marriage legislation, and the issues that this has raised in the Court of Protection. If you have any comments which you would like to share about the eBrief please email marketing@no5.com.

[How has the NHS been changed by the Health and Social Care Act 2012?](#)

By [David Lock QC](#)

The recent publication of the Keogh review into 14 hospital trusts revealed a shocking number of death rates. The NHS is always guaranteed to raise passions and this recent review has led to unprecedented heated debates in the House of Commons as to who is to blame. Some disturbing findings revealed a spate of stillbirths, and raised some serious concerns about the whole way the trusts are being run.

David Lock QC recently gave an extensive lecture looking at the big themes in healthcare law in order to understand how the legal structure of the NHS has changed as a result of the passing, and the almost complete implementation, of the Health and Social Care Act 2012. An examination of this Act will be very important moving forward as the performance and future of the NHS is hotly debated.

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The Right To Have An Abortion And The European Convention

By [Ramby De Mello](#)

Most of the case law involving abortions under the European Convention of Human Rights ("ECHR") is brought under Article 8 of the Convention.

In the case of *(A, B and C v. Ireland [GC] [245])* the Strasbourg Court held that Article 8 cannot be interpreted as conferring a right to abortion; however it has found that the prohibition of abortion when sought for reasons of health or well being falls within the scope of the right to respect for one's private life and accordingly of Article 8.

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Forced Marriage and Court of Protection

By [Adreeja Chatterjee](#)

In this two part article, Adreeja Chatterjee provides an introduction to the forced marriage legislation. This article explores the 'typical' forced marriage scenario, and how this compares to scenarios which crop up in the Court of Protection – where the mental capacity of the bride or groom is at the heart of the case. There is also an exploration of the case of *[XCC v AA & Anor (Rev 3) [2012] EWHC 2183 (COP) (26 July 2012)]* – a case in which Adreeja appeared in the first part of the litigation, and which merits close scrutiny.

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Upcoming Court of Protection Seminars

Birmingham - 23rd October 2013 and **London** - 7th November 2013

Further details about these seminars will be released shortly. For further information when available, please contact marketing@no5.com. All upcoming seminars can be found at www.No5.com/seminars

Should you wish members of our team to present a seminar on a particular topic within the field of health & social care at your offices please contact the clerking team on public@no5.com

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For further information on the [Administrative and Public Law Group](#) at No5 Chambers and the service it can provide, please contact our clerking team on **+44 (0) 845 210 5555** or email public@no5.com.

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