

Consent Issues in Adults and Paeds

by

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Abstract

The general legal and ethical principle for adult patients of sound mind is that legally valid consent must be obtained before treatment to a patient is undertaken. In order for the patient's consent to be legally valid, the consent must be real or informed in nature. This requires patient to be given "sufficient" information about the treatment. Patient must know what he or she is consenting to and the nature, purpose and inherent risks of the proposed treatment must be understood by the patient. The current trend amongst the courts in many jurisdictions have been to attach greater weight to the patient's right of self-determination as it is the right of every human being to make decisions which affect his own life and welfare and to decide on what risks he is willing to undertake. With regards to children, parental consent is required as children are considered to be legally incompetent to give their own consent. However, there are several circumstances stated under the Child Act 2001 in which parental consent can be overridden and may no longer be necessary.

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