



# Documentation

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Chester v Afshar. [2004] UKHL 41

## Chester v Afshar. [2004] UKHL 41

- Mr Afshar said that he discussed with Miss Chester the outcomes of having surgery and not having surgery, that he showed her where the disc was and what it was doing to the nerve roots and why he recommended surgery.

# Chester v Afshar. [2004] UKHL 41

- Miss Chester's account ... was that she told Mr Afshar that she had heard a lot of horror stories
- The reply which she got from [Mr Afshar], as a throw away line, was that he had not crippled anybody yet.

# Chester v Afshar. [2004] UKHL 41

- The trial judge preferred Miss Chester's version of events



In re T. [1993] Fam. 95

## In re T. [1993] Fam. 95

- Miss T. told the staff nurse that she did not want a blood transfusion, that she used to be a Jehovah's Witness ... The staff nurse said that she had thought it strange that this statement should have been volunteered "out of the blue" moments after her mother had arrived.

## In re T. [1993] Fam. 95

- Dr. F. saw Miss T. and said "Do you object to blood transfusions? " She replied "Yes." Dr. F. said "Does that mean that you do not want a blood transfusion?" Miss T. said "No." Afterwards Miss T. said "You can use other things though, can't you, like sugar solutions?"

# In re T. [1993] Fam. 95

- As Dr. F. was leaving, the midwife produced a form of refusal of consent to blood transfusions which Miss T. signed and the midwife countersigned.
- [Miss T] simply signed blindly.

## In re T. [1993] Fam. 95

- ... there is abundant evidence ... that Miss T. was not in a physical or mental condition which enabled her to reach a decision binding on the medical authorities

## In re T. [1993] Fam. 95

- [The forms] will be wholly ineffective ... if the patient is incapable of understanding them, they are not explained to him and there is no good evidence (apart from the patient's signature) that he had that understanding and fully appreciated the significance of signing it.

## In re T. [1993] Fam. 95

- Miss T.'s father ... decided to seek the assistance of the court. ... [I]t was a ... praiseworthy initiative. It was also one which, in all the circumstances, should have been taken by the hospital ... If Miss T. survives, the credit for her survival will be [her father's].

# Summary

- Documentation does not indicate that consent has been given or refused
- It is not irrefutable
- It merely provides strong evidence to support the clinician's view