Overseas Treatment for NHS Patients

"**Overseas Treatment for NHS Patients**" by ***Cara Guthrie*** (Outer Temple Chambers) and ***Hannah Volpe*** (Bevan Brittan LLP) *Journal of Personal Injury Law* J.P.I. Law (2006) No.1 Pages 12-20.

The article considers the legal position of patients and NHS trusts in the event of a clinical negligence action arising from substandard medical treatment received outside the UK. Reviews the main principles underpinning both the NHS Overseas Commissioning Scheme and the E112 scheme, and the likely outcome of actions in which an NHS trust argued that its duty of care did not extend to the clinical services given by an overseas provider, highlighting the approach adopted by the Court of Appeal in *A (A Child) v Ministry of Defence*. Discusses, with the aid of case law, the potential conflict of laws issues arising under the E112 scheme where the defendant was either the NHS or the overseas hospital concerned.

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