

Re C (Refusal of Medical Treatment)

[1994] 1 WLR 290

14/10/1993

Court

Family Division

Facts

The patient was diagnosed as a chronic paranoid schizophrenic while serving a sentence of imprisonment and transferred to a secure hospital. In September 1993 he was found to be suffering from an ulcerated foot which had become gangrenous and transferred to a general hospital, where a surgeon advised treatment by amputation of the leg below the knee, failing which his chance of survival was small. The patient refused his consent to amputation, but agreed to conservative treatment, as a result of which his condition improved. However, the hospital refused to give an undertaking that the leg would not be amputated at some time in the future.

On the patient's application for an injunction to prevent the amputation of his leg without his written consent:-

Held

Held, granting the injunction, that it had not been established that the patient's general capacity was so impaired by schizophrenia to render him incapable of understanding the nature, purpose and effects of the treatment advised and consequently his right of self-determination had not been displaced; that an individual was entitled to access to judicial determination by the court under its inherent jurisdiction by way of injunction or declaration that an individual was capable of refusing or consenting to medical treatment; that there was no reason why such relief should not extend to future circumstances; and that, accordingly, the applicant was entitled to an injunction to prevent the amputation of his leg by the hospital, or any other hospital to which he might be transferred in the future, without his written consent (post, pp. 295B-F, H-296B).

In re T. (Adult: Refusal of Treatment) [1993] Fam. 95, C.A. applied.

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