

at least one session in the appropriate district hospital.¹² Three of the consultants in this study had none.

Although in the past many child guidance clinics have been included in NHS planning groups for community services, it is now necessary to question this, and to consider whether child mental health interests will not be better served by child psychiatric units both in the hospital and in the community joining together with adult psychiatric departments in the same unit of management.

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News Items

Professor K. Rawnsley

We offer our congratulations to the College President, Professor Kenneth Rawnsley, Welsh National School of Medicine, who was awarded the CBE in the New Year Honours list.

Clarifying a Legal Point

At a recent Public Policy Meeting the question of a doctor being subpoenaed to Court for his clinical files was discussed, and Dr Harry Hunter (Balderton Hospital, Newark, Notts) writes to clarify this point. It is hoped that it will be of some interest and help to members. (The example given is taken from *Criminal Law Review* and concerns the case *R. v Westacott*, August 1983). It indicates the proper method to be adopted by both defence and prosecution lawyers and doctors.

The Defendant was charged with rape. A witness summons *duces tecum* had been served on the complainant's general practitioner requiring his attendance at the trial and requiring him 'to produce medical records in your possession relating to the complainant'. This summons was drafted by the Crown Court in response to a letter from the Defendant's solicitors.

In compliance with the summons, the general practitioner brought the records to court, but he handed them to the Defendant's solicitor. The trial judge refused an application by defending counsel to be allowed to cross-examine the complainant on her medical history on the ground that on the facts of the case such cross-examination was not relevant and did not fall

within the principle of *Tooney v Metropolitan Police Commissioner* (1965) A-C 595. In the event, therefore, the general practitioner did not give evidence and the records themselves were not produced in evidence.

After the jury had retired, the judge indicated to both the defending and prosecuting counsel that it would only be in exceptional cases that a summons *duces tecum* would be issued for a witness to produce medical records relating to a complainant; and only when it was shown that there were substantial grounds for believing that such records contained relevant matters.

Where such a summons was issued, it should be made absolutely clear to the witness that he was only to produce the documents to the Court and not to disclose them to the legal advisers of the Prosecution or the Defence until the Court had decided whether they should be disclosed.

Audio-Cassettes on the Mental Health Act 1983

Professor Norman Tutt and Dr Henri Giller have produced, in conjunction with Professor Rolf Olsen, a set of C60 audio-cassettes on the new Act. The tapes provide: (i) a review of the issues which led to the campaign for legislative reform; (ii) a summary and interpretation of the Act; (iii) a discussion of the major provisions of the Act; and (iv) the duties and obligations placed upon the Approved Social Worker and Local Authority Social Services Departments.

The cost of the tapes is £15 per set and they are available from: Information Systems (Lancaster), Caton House, High Casterton, Kirkby Lonsdale, Cumbria.