Box 1. The scenario

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Under The Veterinary Surgeons Act 1966 (schedule three Amendment) Order 2002, anyone is allowed to provide f rst aid in an emergency for the purpose of saving life and relieving suf ering. The veterinary nurse could plead that by providing the diazepam, she was acting in the best interest of the dog by relieving suf ering as the dog stopped hitting its head on the f oor, thereby preventing further injury. However, as supported by Welsh (2003) administering a POM-V is not seen as a f rst aid measure. Despite the nurse still breaking two acts of parliament in order to relieve the dog's suf ering, the courts may take her good intentions into account.

Civil law

Civil law is concerned with losses suf ered by an individual, either as a result of a crime, or a failure to fulf l obligations towards another person (Gray and Wilson, 2006). In veterinary medicine the two main ways civil claims can be brought to court are through a breach of contract, or by negligence.

Breach of contract

Consent to treatment can be expressed in several ways including implied, oral and written. By the owner bringing their animal into the practice, it could be said that they are giving an implied consent to treatment. However, this is not an ideal situation, as the owner's understanding of what treatment their animal will receive is minimal, so if anything goes wrong during the treatment the client can claim that she was not fully informed. Therefore, any consent that is sought should be informed consent, and a contract entered into. For a contract to be formed, certain elements have to be met:

- Capacity
- An intention to be legally bound
- Of er and acceptance
- Consideration.

It could be argued that given how upset the owner was at the time, she lacked the capacity to understand what the veterinary nurse was asking her. But, by saying yes and agreeing to treatment it is accepted that the owner will fulfl her part of the contract.

In law, an ofer is defned as a statement of intent by the oferor to be legall   n   ent

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