organisations providing NHS services.

Mark Gould *London*

More information can be found at www.cpii.org

Loophole to be closed on recognition of qualifications

Health and social care regulators in the United Kingdom are welcoming the European parliament's decision to close a loophole which they believe could have posed a threat to patient safety.

Under plans to update existing European rules on the mutual recognition of qualifications, the European Commission had proposed that professionals trained in one EU country should be able to practise in another for up to four months without registering with the necessary authorities.

But critics feared this could prevent regulators from acting on complaints against foreign trained practitioners. In the United Kingdom, 10 bodies, including the General Medical Council, banded together to form the Alliance of UK Health Regulators on Europe to fight against the move to relax existing rules.

After careful lobbying of MEPs and EU governments, the alliance succeeded in persuading the European parliament this month to support amendments that would enable member states to insist that health professionals from abroad register with the appropriate authorities at the outset.

Rory Watson *Brussels*

New HIV cases in England and Wales increase by 20% in past year

The number of new cases of HIV diagnosed in England and Wales rose by 20% between 2002 and 2003, triggering anxiety among public health authorities.

"The year on year increase

we are observing in the number of newly diagnosed HIV infections is a cause for considerable concern," said Dr Barry Evans from the Health Protection Agency, which released the figures last week. "HIV is an infection that is here to stay."

So far, 5047 new HIV diagnoses have been recorded for 2003, compared with 4204 at the same time last year. This follows the 26% increase that took place from 2001 to 2002.

When all reports have been counted, the 2003 total for new diagnoses is expected to exceed 7000—the highest ever level—and unsafe sex was "undoubtedly the driving force," said the agency.

Stephen Pincock *London*

More information can be accessed at www.hpa.org.uk

Australia makes concessions on drug approvals after US pressure

Australia has bowed to pressure from the US government and agreed to major changes to its system of regulating drugs in a free trade agreement.

Public health advocates believe that the changes—promoted by the US drug industry—threaten the foundations of Australia's pharmaceutical benefits scheme. Under the scheme, drugs can be approved only if recommended by the independent Pharmaceutical Benefits Advisory Committee, with their price benchmarked against generic drugs that deliver comparable health benefits (31 January p 247).

Although the text of the agreement is not yet available, a US government briefing document states that the scheme will be amended by "including establishment of an independent process to review determinations of product listings."

Australia, to the alarm of consumer groups, has also agreed to "establish a Medicines Working Group that will provide for continued dialogue between the United States and Australia on emerging healthcare policy issues."

Bob Burton *Canberra*

Mothers suspected of killing their babies might be dealt with outside criminal system

Clare Dyer *legal correspondent, BMJ*

Mothers suspected of killing their babies could be dealt with outside the criminal justice system rather than prosecuted, suggested the new director of public prosecutions for England and Wales last week.

Ken Macdonald floated the idea in the wake of the appeal court judgment in January in the case of Angela Cannings, whose convictions for killing her two baby sons were quashed in December 2003.

Giving judgment, Lord Justice Judge said that there should not be prosecutions when reputable experts disagreed about the cause of death and there was no other cogent evidence.

Mr Macdonald said there was an "attraction" in removing such cases from the criminal process altogether, as happened in some European countries, where they went to a family law panel.

The Cannings case followed that of Sally Clark, whose convictions for killing her two infant sons were also quashed last year, and Trupti Patel, who was acquitted of killing her three babies. Concerns arose in all three cases that mothers could be wrongly convicted as a result of expert evidence that was too dogmatic.

A formal process bypassing the criminal justice system would require legislation, but it seems likely that cases involving the

deaths of several babies will require clear cut evidence before prosecutions go ahead in future.

Mr Macdonald has pledged to review personally all 15 pending prosecutions of parents or carers for the killing of a child aged under 2, to decide whether the cases should proceed. He said it was unlikely that these were all cases of unexplained sudden infant death—"some will be battered baby cases."

Another 258 cases in which parents or carers have been convicted over the past 10 years are being reviewed by the Criminal Cases Review Commission to see if they fall into the category highlighted by Lord Justice Judge.

Mr Macdonald, a former criminal defence QC who has never prosecuted, said: "One can hardly imagine a worse miscarriage of justice than a woman who has lost her baby, is then convicted of murder, and then sentenced to life in prison."

In civil cases, he said, joint experts were sometimes appointed to reach an independent conclusion rather than taking sides. But in criminal cases, he said, "the view has always been that the defendant is entitled to fight his or her corner and instruct his or her expert witness."

Normally in a criminal case there was other evidence apart from the expert's. But in cases hinging on expert evidence, "across all criminal cases, in an adversarial hearing where you have experts on each side, how is the jury to determine which expert is right?"

In the wake of the Cannings case, ministers promised also to review family court cases involving mothers who were not prosecuted but had their children taken into care on the evidence of expert witnesses. It was thought at the time that thousands of cases might be reopened, but judges and social services directors now expect only a few dozen cases at most to go to the courts.

Many children will have been adopted and adoption orders can be set aside only in the most exceptional circumstances, such as fraud or procedural error. □

Trupti Patel was acquitted of killing her three babies