



LIVING WILL

A Living Will only takes effect if you become unable to tell people your wishes about your medical treatment so you can no longer take part in decisions about it.

A Living Will can say in advance what your wishes are about medical treatment (these statements are called advanced directives) and appoint someone to take part in decisions about medical treatment on your behalf.

The Living Will is only about medical treatment. You cannot use it to say what you want to happen to your property after your death or to make funeral requests. You will need to make an ordinary Will to deal with those.

In England and Wales an advanced refusal of treatment is legally binding as long as the following conditions apply:-

- You made your refusal when you were mentally capable of making that kind of decision.
- You meant your refusal to apply in the kind of situation you envisaged as evidenced by your Living Will and you understood the consequences of your decision in that kind of situation.
- This really was your decision and you did not decide under someone else's influence.

You cannot insist on receiving any particular treatment.

The legal status of someone to take part in decisions about medical treatment on your behalf is uncertain but in practice doctors will pay attention to what this person says.

As a Living Will expresses important and very personal wishes please think about it carefully.

We strongly urge you to talk about it to a doctor. This is because a doctor will be able to explain what healthcare options are open to you.

If you make any advanced directives discussing with a doctor will also show that you are fully aware of the consequences you are taking and the doctor fully understands what you want in case there is a dispute.

You may also want to discuss your plans with other people (for example your spouse or your family).

The wishes stated in a Living Will will not be final, you can change them at anytime while you are still mentally capable of doing so. You do not have to do this in any particular form but if you do change your wishes it is wise to let your doctor and other people treating you have a copy of the revocation. You may choose to make a new Living Will on another form. Make sure that any doctor who is treating you and the people close to you know what you have done.

The British Medical Association has issued a statement supporting the use of Living Wills and doctors must take patients wishes into account. They must not give patients treatment which they do not want.

If you discuss your wishes with your GP then give their name, address and telephone number and this will appear on the form. A different doctor caring for you later may want to confirm your wishes by speaking to the doctor you discussed your Living Will with.

Make sure that people close to you, including your doctor have a copy of your Living Will and instructions on where to find the original.

If you have to go into hospital make sure that your doctor at the hospital knows that you have a Living Will and what it says. Ask for a copy of your Living Will to be added to your hospital notes and to the notes of any other doctor who is treating you.

AWG will be happy to discuss your requirements with you.

AUSTEN WHETHAM & GUEST

21 South Street
BRIDPORT
DT6 3NR

SRA No: 000463777

Tel: 01308 422236
Fax: 01308 427772
Email: info@awg-law.co.uk
www.awg-law.co.uk