

What is a Living Will?

A Living Will is not a Will at all. Rather it is a statement setting out what should happen if you become incapable of making your own healthcare decisions. It is also known as an advance (medical) decision or advance directive.

Why might I want one?

It is often used to refuse life-sustaining treatment in case of terminal illness and incapacity. It increases your control over how you die, helps your doctor and can relieve distressed relatives of making decisions.

When will it take effect?

Only when/if you lack the capacity to consent to or refuse treatment.

Will Doctors obey it?

Healthcare professionals must follow a valid Living Will refusing medical treatment if it covers the particular circumstances.

There is no right to insist on receiving medical treatment.

What form must a Living Will take?

If it includes a refusal of life-sustaining treatment it must be in writing, signed and witnessed. Otherwise, it can even be oral, but a written statement is easier to prove.

If treatment is being refused, you should set out very clearly what treatment is being refused and in what circumstances.

It will not apply if:-

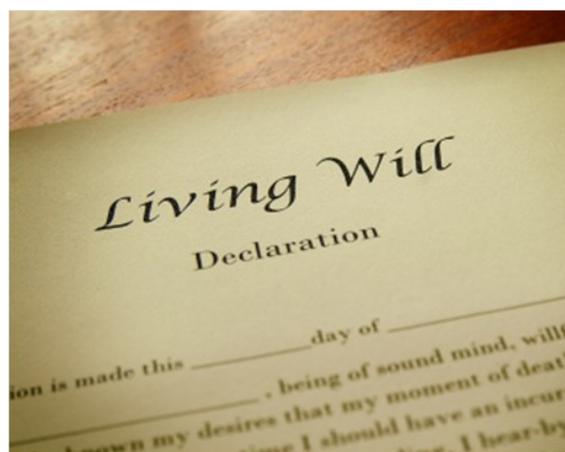
- The treatment in question differs from that referred to in the Living Will;
- The circumstances referred to in the Living Will do not exist

- There are reasonable grounds for believing that circumstances exist which you did not anticipate but which would have had a bearing on your decision had you done so.

What is the difference between a Living Will and a Health and Welfare Lasting Power of Attorney?

In a Living Will you expressly state your own wishes in relation to the medical treatment you wish to receive if incapable.

By contrast, in a Health and Welfare Lasting Power of Attorney (HWLPA) you (the Donor) delegate the healthcare decision making to one or more persons (the Attorneys) if you become incapable of making your own healthcare decisions. The Attorneys have power to give consent to, or refuse consent to, the carrying out or continuation of medical treatment. They can only give, or refuse, consent to the carrying out or continuation of life-sustaining treatment if the HWLPA specifically authorises them to do so.



What if a person signs a Health and Welfare Lasting Power of Attorney after signing a Living Will?

A HWLPA signed after a Living Will can overturn it to the extent it overlaps. To avoid this, care needs to be taken in the preparation of the HWLPA.

Who should I talk to if I want to proceed with a Living Will?

We can help you. You should also consider consulting those involved in your healthcare, such as your GP or Consultant. You might also wish to consult organisations with specialist knowledge of particular medical conditions.

Where should I keep my Living Will?

We can, if you wish, store your original Living Will on your behalf. It should be recorded in your medical records. Copies should also be passed to healthcare professionals involved with you and to close family members.

What if I change my mind?

A Living Will can be withdrawn or changed at any time so long as the person who signed it has the capacity to do so. It is advisable to do so in writing, and have the document witnessed, for certainty.

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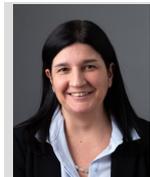
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