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Living Wills are also known as Advance Decisions or Advance Directives. The term “Living Will” can be misleading; it is not a Will and does not deal with a person’s estate.

What is a Living Will?

It is a statement detailing what medical treatment you would not wish to receive should you lose mental capacity or the ability to communicate in the future. It is legally binding in both England and Wales.

Who can make a Living Will?

Anyone who is aged 18 years or over and has the mental capacity to do so.

Should it be in writing?

Yes if you are refusing life-saving treatment for the Living Will to be legally binding it must be in writing, signed and witnessed. Irrespective of whether you are refusing such treatment, we would always recommend that your Living Will complies with these requirements to avoid possible problems in the future.

What are the advantages of having a Living Will?

It enables you to keep control in the future when you are unable to speak for yourself. You can specify the medical treatment and procedures that you do not wish to receive, for example, blood transfusions, resuscitation and the use of life- saving treatments, whether existing or yet to be developed.

Are there any limitations?

- You cannot refuse basic care or nursing needs.
- You cannot ask for specific medical treatment.
- You cannot choose someone to make decisions for you.
- You cannot refuse treatment for a mental health condition.

Points to consider?

A Living Will can be revoked at any time or updated. You need to ensure that your medical team are aware that you have a Living Will in place. A copy should be given to your doctors and other relevant care givers and family members. If travelling, take a copy with you.

The Living Will needs to be carefully considered and drawn up to ensure that your wishes are covered in light of future medical advances and to avoid any ambiguity.

Are there any alternatives?

If you wish to appoint one or more individuals to make decisions for you should you lose mental capacity in the future, a Health and Welfare Lasting Power of Attorney would be appropriate. You can give your attorneys the ability to give or refuse consent to life-sustaining treatment. This offers a greater deal of flexibility in an ever-changing world.



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How can Greenwoods GRM help?

The Private Client Team can advise you on the best course of action to meet your individual needs and requirements.

Contact +44 (0)1733 887665 and ask to speak to a member of our Private Client Team.

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