



LIVING WILLS

Avonside
63 High Street
Tewkesbury
Gloucestershire GL20 5BJ
(t) 01684 850750
(f) 01684 297717

Elizabeth Hall
13 The Southend
Ledbury
Herefordshire HR8 2EY
(t) 01531 633222
(f) 01531 631666

www.dflegal.com

If you are admitted to hospital when unconscious or unable (either on a temporary or permanent basis) to make your own decisions about your treatment or to communicate your wishes e.g. if you have a car accident, a stroke or develop dementia, doctors have a legal and ethical obligation to act in your best interests. One exception to this is if you have made an advance decision refusing treatment. If this decision is valid and applicable to the circumstances, medical professionals providing your care are bound to follow it – whether or not they think it is in your best interests.

The term 'living will' can be used to refer to either an advance decision or an advance statement:

- an advance decision is a decision to refuse treatment
- an advance statement is any other decision about how you would like to be treated.

Only an advance decision is legally binding, but an advance statement should be taken into account when deciding what is in your best interests.

Advance decisions to refuse treatment are covered by the Mental Capacity Act 2005 that became part of law in April 2007. By law, a valid advance decision refusing life-saving treatment means that you cannot be treated; if a doctor does treat you, legal action could be taken against them.

To find out about making an advance decision, including one saying you do not want treatment to keep you alive contact our Wills, Probate and Trust department.

Next Stage....

Should you require any further information or seek to instruct us, please do not hesitate to contact David Ferraby at **dferraby@dflegal.com** or on 01684 850750

Please note:

This guide contains information on current legal issues at the time of printing. There may be subsequent changes to which has not been incorporated in this Guide. Please note that this information is supplied as a guide only and therefore its contents should not be applied to any particulars or relied on without legal or other professional advise.