

*“We at Rosalind Watchorn would always be happy to discuss with you the contents of any existing Living Will and any proposed alterations to it.”*



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A Living Will is the popular name for an instrument called “An Advance Directive”.

The purpose of a Living Will is to make your wishes clear in the event of serious accident, illness or mental incapacity when you may be unable to communicate and cannot take part in the decision about your own medical care.

#### **Medical care**

A Living Will is specifically designed to cover the area of medication and treatment in the circumstances outlined above.

Following widespread media coverage of certain recent cases, a growing number of people choose to make a Living Will.

#### **Why you may choose a Living Will**

- A Living Will enables you to make your own wishes clear whilst you are still able to do so.
- A Living Will can help your family make very difficult decisions at a time when they may be under great emotional stress.
- A Living Will saves your family from having to guess what your wishes might be at a time when you cannot express them yourself.
- A Living Will enables you to take some control of your future medical treatment

#### **Not a Will or LPA**

A Living Will is concerned only with the medical treatment that you wish to receive when you are unable to communicate. It is not concerned in any way with the disposal of your property or assets after death or the management of your financial affairs during lifetime. A Living Will is not a substitute for a Will or a Lasting Power of Attorney, both of which we would often recommend to clients

#### **The law**

In the absence of any indication of a patient's wishes, doctors have a duty to give appropriate treatment in the best interests of an incapacitated patient. Were the patient not incapacitated, he or she could refuse any treatment, even if that refusal were irrational. It has now been decided that such a refusal can be exercised in advance by a Living Will.

The British Medical Association has recognised that a Living Will is a legally binding document.

#### **We can help**

Should you wish, we would be happy to discuss with you the creation of a living will either separately or in conjunction with making a traditional Will or a Lasting Power of Attorney.

It may also be appropriate to discuss your Living Will with your GP who will be able to explain exactly what healthcare options might be available – if you make a Living Will, the fact that you have had a discussion with your GP would show that you are fully



aware of the decisions that you took and expressed in your Living Will, should a dispute arise about your true wishes.

In most cases, it is also practical to have the Living Will noted on your records and we would write to your GP to this effect (subject to your instructions).

You can always change the wishes stated in your Living Will, and indeed it would be sensible to review it on a regular basis in the same way as a traditional will should be reviewed.

If you change your mind about anything in a Living Will, you should destroy it and all copies of it.

If you wish to make another one, do so just as you did before, and make sure that any doctor treating you and those closest to you know what you have done.