

Advance Decisions to Refuse Treatment

What is an Advance Decision to Refuse Treatment?

An Advance Decision to Refuse Treatment (Advance Decision) is a formal document in which you set out in advance particular types of medical treatment you do not want to receive if in the future you become incapable of communicating your own wishes.

Are Advance Decisions legally enforceable?

Previously, an Advance Decision, also known as a "living Will", was not legally enforceable, although Court cases indicated that it would add weight to the evidence of your wishes. As from 1 October 2007 however, Advance Decisions have been put on a statutory basis so they are now legally enforceable.

How do I decide what treatments the Advance Decision should cover?

An Advance Decision must specify the treatment that is to be refused and it can also set out the circumstances in which the refusal will apply, for example, if there is no chance of a cure. The Advance Decision will only apply if the proposed treatment is specifically referred to in the Advance Decision. If there is any doubt that the Advance Decision does not refer to the medical conditions the person is actually experiencing, the Advance Decision may not be valid. It is therefore important to set out clearly the treatment and circumstances. You may wish to consult your doctor or health practitioner before coming to any decisions about the provisions you would like included.

Why would I want an Advance Decision?

An Advance Decision allows you to make decisions about your future healthcare if you are concerned that you will not have the mental capacity to make such decisions in the future. It will ensure that your wishes are taken into account if difficult decisions about your treatment need to be made. It can also assist your family and close-friends at what is likely to be a distressing time.

How does an Advance Decision interact with a Personal Welfare Lasting Power of Attorney?

Under a Personal Welfare Lasting Power of Attorney (LPA) you can appoint a person (your attorney) to make decisions on welfare matters on your behalf if you do not have the mental capacity to make such decisions. Depending on the terms of the LPA your attorney can decide what medical treatment you are to receive and can refuse life sustaining treatment.

If you have made an Advance Decision it may become invalid if you later make an LPA which confers authority on your attorney to refuse consent to treatment to which the Advance Decision relates. An Advance Decision made after an LPA will override the LPA in respect of the particular named treatments.

How do I make an Advance Decision?

We can help you make an Advance Decision, although as mentioned above, you may wish to also seek advice from your doctor or health practitioner. For further information please contact:



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