

The most frequently asked questions about living wills

1. Is my living will legally enforceable?

Yes. Although there is no law that governs the use of living wills, under common law they are legally enforceable as long as they are drawn up whilst the patient is fully able, they apply to the patient's circumstances and have not since been changed.

2. How long is my living will valid for, and do I have to renew it?

Your living will is valid from the date you sign it, and stays valid until you change it. However, to show that it truly states your current wishes, we recommend that you update it every few years – the British Medical Association recommend every five years. You can do this by signing and dating the forms in the space provided.

3. Do I have to give a living will form to my solicitor?

No. A living will only deals with your medical treatment. It is entirely separate from documents such as your Will. However you may wish a copy to be kept by your Solicitor if they hold other documents.

4. Does my doctor have to sign my living will form?

No, this isn't necessary. However, we recommend that you doctor signs the form to show that he or she fully understands your wishes about treatment. Most important, make sure that a copy of your living will is placed in your medical records, and ensure that the relevant people know that it is there.

5. Can my family overturn my living will?

No. A living will is a statement of your wishes and cannot be contested by anyone else so long as it is valid – that is, it applies in the circumstances, you fully understood what you were requesting, and you have not subsequently changed it. This is why the form should be witnessed. If necessary, these witnesses could give evidence that you were mentally able when you signed the form.