



## EXECUTIVE SUMMARY ON ADVANCE DIRECTIVES IN SOUTH AFRICA

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### Used terms

- Living Will
- Advance Directive

There is currently no specific regulation relating to ADs in South Africa. A bill entitled “Euthanasia and the rights of the terminally ill” is currently being prepared. It has yet to be presented to parliament. Even so, ADs have been used in South Africa for some time, and according to “The Living Will Society” more than 43,000 people across the country have signed ADs through their organisation.

## LEGAL FRAMEWORK

No specific law regulating Advance Directives or the appointment of a healthcare proxy exists in South Africa. Some organisations, such as “The Living Will Society”, are based on the concept of informed consent for the use of ADs as it is a patient's common law and a right under South Africa's constitution.

However, the designation of a healthcare proxy can not be recognised as, under Common Law, such appointments are rendered invalid when the patient becomes mentally incapacitated.

A bill entitled “Euthanasia and the rights of the terminally ill” is currently awaiting introduction to Parliament with the aim of legalising the situation with regard to ADs which, in actual fact, already exist in South Africa.



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### GENERAL FEATURES

Although, as has already been said, there is still no law in South Africa covering the validity of ADs, they are accepted by both citizens and health care professionals.

The [South African Medical Association](#) has created a [medical practice guide on ADs](#) to aid doctors in dealing with these documents. As a result of the fact that doctors are quite cautious and considerate with this issue they normally seek advice from this association.

Doctors are under no obligation to fulfil the wishes declared in an AD, however, it is recommended that those who are against the use of ADs inform the patient of their objection and remove withdraw from the case, transferring the patient to another doctor.

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No national ADs register exists, meaning that it is not possible to identify the exact number of ADs registered by South African citizens, however, according to "The Living Will Society", more than 43,000 people across the country have signed ADs through their organisation.



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### MORE INFORMATION ON SOUTH AFRICA

More information about Advance Directives in South Africa can be found via the following organizations:

- The Living Will Society (SAVES) [www.livingwill.co.za](http://www.livingwill.co.za). This society is a not-for-profit organisation formed in 1974. It provides information on all issues relating to ADs in South Africa.
- Alzheimers' South Africa. [www.alzheimers.org.za](http://www.alzheimers.org.za). This South African association works in the fields of Alzheimer's and dementia, providing support, education, training and up-to-date, scientifically-sound information on matters pertaining to all forms of dementia. This association also deals with decision making [www.alzheimers.org.za/AboutAlz/Legfin](http://www.alzheimers.org.za/AboutAlz/Legfin)

### BIBLIOGRAPHY

#### Books

Not found

#### Articles

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- ❑ Landman WA, Henley LD. Legalizing advance directives in South Africa. [S Afr Med J. 2000 Aug; 90\(8\):785-7](#)



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- McQuoid-Mason D. Advance directives and the National Health Act. [S Afr Med J.](#) 2006 Dec; 96(12):1236-7

### Advance Directives Collaboratory 2.0

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