

**FOR IMMEDIATE RELEASE:
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Consultation shows demand for will-writing regulation

The LSB today announces the next steps in delivering greater protection to consumers of will-writing, probate and estate administration services.

In line with the outcome of public consultation on this issue, the LSB proposes to recommend to the Lord Chancellor that the list of 'reserved activities' in the legal sector be amended to include will-writing and estate administration, as well as probate.

The LSB has concluded that:

- will-writing and estate administration activities should be reserved, predominantly on consumer protection grounds
- that new regulation must be proportionate, risk based and flexible so as to enable a variety of different types of providers to continue to provide services, and
- existing regulation should be improved and better targeted – which means that existing approved regulators and licensing authorities will need to be designated to regulate those newly reserved activities

These conclusions follow detailed responses to the consultation launched in April this year and the results of earlier investigations. The vast majority of responses were supportive of the LSB's initial proposals.

In line with the process required by the Legal Services Act 2007, the LSB must now conduct a final consultation on its draft proposals, to allow all interested parties and affected practitioners a further opportunity to comment. This will run for six weeks from today, closing on 8 November 2012.

The LSB will make recommendations to the Lord Chancellor early in 2013. The decision on whether or not to proceed with making will-writing, probate and estate administration 'reserved activities' will be the Lord Chancellor's .

Chairman of the Legal Services Board, David Edmonds, said:

“The number and range of high quality submissions we received demonstrates that there is professional, business and consumer support for proposals to regulate will-

writing. Only a small number of respondents did not, or took diverging views, and we have paid particular attention to them.

The support shown, the research we have done and evidence provided, confirms our view that we should recommend that will-writing and estate administration activities should be reserved, predominantly on consumer protection grounds. Lives can be seriously damaged by incompetence or misdemeanour in drafting a will or administering an estate.

This will be the first recommendation by the Board to bring new legal activities within the regulatory scope of the Legal Services Act 2007. It is not a step we take lightly. It will be targeted and proportionate.

This is about achieving better regulation: to support innovation and competition; to deliver consistent consumer protection; and ultimately to improve consumer confidence to choose and use legal services. We believe that these goals are best pursued by the regulation of will-writing, probate and estate administration.”

ENDS

For further information, please contact our Communications Manager, [Vincent McGovern](#), on 020 7271 0068.

Notes for editors:

1. The LSB's new consultation **Enhancing consumer protection, reducing regulatory restrictions: will-writing, probate and estate administration activities** can be found [here](#) and includes a number of supporting documents:
 - Provisional Report
 - Draft Guidance for prospective approved regulators and licensing authorities
 - Impact Assessment and Equality Impact Assessment
2. The consultation runs from 27 September until 8 November 2012.
3. A summary of feedback to the April 2012 consultation paper and the LSB's response can be found [here](#).
4. More background information on will-writing and estate administration consultation can be found [here](#).
5. The Legal Services Act ("The Act") created the Legal Services Board as a new regulator with responsibility for overseeing the regulation of legal services in England and Wales. The new regulatory regime became active on 1 January 2010.
6. The LSB oversees eight approved regulators, which in turn regulate individual lawyers. The approved regulators, designated under Part 1 of Schedule 4 of the 2007 Act, are the Law Society, the Bar Council, the Master of the Faculties, the Institute of Legal Executives, the Council for Licensed Conveyancers, the Chartered Institute of Patent Attorneys, the Institute of Trade Mark Attorneys and the Association of Costs Lawyers.
7. In addition, the Institute of Chartered Accountants in Scotland and the Association of Chartered Certified Accountants are listed as approved regulators in relation only to reserved probate activities.

8. The list of '**reserved legal activities**' (those that only qualified lawyers, such as a solicitor or barrister, can undertake) includes conveyancing, litigation, probate and advocacy. However, it does not include other common services such as will-writing, employment law or general legal advice.
9. The LSB's announcement on **will-writing and estate administration** continues a process begun in summer 2010, when the Board asked the Legal Services Consumer Panel to provide it with advice on consumers' experiences of the will-writing market. Since then, it has worked alongside the Panel (including through generating original research co-sponsored by the Solicitors Regulation Authority and the Office for Fair Trading) to develop a greater understanding of the way the will-writing market operates and problems that consumers face, including a mystery shopping exercise on the quality of wills produced by different types of provider.
10. The most recent initiative on this issue was the launch on the 23 April 2012 of a [consultation](#) on bringing will-writing and estate administration within the scope of the regulated sector.
11. The LSB's announcement on its approach to examining other gaps in legal services regulation follows a consultation issued in July 2011 "[Enhancing consumer protection, reducing regulatory restrictions](#)". The LSB is addressing this area because there are concerns about differing levels of consumer protection between different legal activities, without any clear rationale. The outcome of the LSB's work will be a consistent approach to deciding whether a legal service warrants 'reservation' and the consumer protection levels that go alongside that status.
12. The legal profession currently consists of 15,309 barristers, 119,641 solicitors and 12,145 individuals operating in other aspects of the legal profession such as conveyancing. The sector is currently valued at £25.49 billion per annum (total turnover in 2010). Around £1.07bn of the legal services market can be attributed to will-writing and estate administration services for the legal professionals - solicitors and these providers make up the majority of the supply-side of the market. The sector also comprises non-lawyers such as independent will-writing and estate administration companies, banks and building societies, accountants, independent financial advisers, charities, trade unions and other membership organisations. Some focus on will-writing alone, some estate administration. Others offer a full range of connected services. Some providers undertake all work in-house; others work in partnership with lawyers.