



THE NOTARIES SOCIETY OF ENGLAND AND WALES

SUBMISSION TO THE CONSUMER PANEL FOR THE LEGAL SERVICES BOARD ("LSB") CONSULTATION CONCERNING THE REGULATION OF WILL WRITERS

The Notaries Society is pleased to submit the following response to the Provisional Report and Impact Assessment published by the LSB.

We have had the benefit of seeing the response of the Society of Scrivener Notaries ("SSN"), and we agree with the points raised.

However, there are some points made which we would wish to expand.

1. **Question 1 – Definition of Scope of Activity**

We heartily agree that "the thoughts and feelings of the consumer seem to be a rather vague measure for defining where the law begins".

The views of consumers will, in each individual case, be highly subjective and the views of one consumer may differ greatly from those of another.

Their views will be influenced by their past experiences, not on objective criteria based on consideration of all the issues, and will also be based upon their expectations (which may, themselves, be objectively unreasonable).

Surely the definition of the law should be based upon objective criteria.

For all of these reasons we re-iterate most strongly the submission made by the SSN.

2. **Question 1 – Foreign Law – Advice**

Many foreign jurisdictions have "forced heirship" rules; these are unknown in the UK which, by contrast, has complete testamentary freedom.

It is, therefore, eminently possible that the only proper advice may well be not to make a Will for such a jurisdiction, and to allow its Intestacy Rules to take their course.

3. Question 1 – Foreign Law – Impact

We agree most strongly that the omission from the Provisional Report and Impact Assessment of foreign law, which must continue to be a major factor in consumer needs, is unfortunate, especially given the evidence previously submitted.

We look forward to working with the LSB, the SSN and the Master of the Faculties in addressing these issues.

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