

FOR IMMEDIATE RELEASE

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LSB ANNOUNCES FIRST STATUTORY INVESTIGATION INTO WILL-WRITING

The Legal Services Board - the independent body overseeing the regulation of lawyers in England and Wales – is today announcing the start of a statutory investigation into how best to protect consumers in the will-writing, probate and estate administration markets.

Today's announcement 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.

The Board yesterday considered the advice of the Panel and the research report. The Panel's report highlighted many problems faced by consumers when buying a will and the qualitative research demonstrated that too many wills, written by both solicitors and unregulated will-writers, failed to reflect what the client intended and made other basic errors.

The Board has therefore concluded that it should begin a formal statutory investigation to identify what changes there may need to be to regulation in these three markets. This is the first time that the Board has used its powers under Sections 24 and 26 of the Legal Services Act 2007 to examine whether a specific activity should be added to the list of reserved activities – meaning those services which can only be provided by persons authorised by approved regulators in the legal services market. The Board will shortly notify the Lord Chancellor and begin wider

discussions under the provisions of those sections so that it can determine whether reservation is appropriate and what regulatory arrangements should flow from that.

In the meantime the Board is asking the current regulators and trade bodies to explore the immediate steps that can be taken within the existing regulatory structures to raise standards across the market place.

Chairman of the Legal Services Board David Edmonds said:

“The Board is grateful for the thorough analysis which has been produced by Baroness Hayter and her Panel. On the basis of these findings, and the evidence we have seen, we agree that there is a prima facie case to start a statutory investigation into regulation, not just of will-writing but also of estate administration and probate. This will be the first time that this process has been used and we will be consulting widely on responses to these findings, which clearly indicate consumer detriment across wills produced by different types of providers.

Importantly, solutions will need to be targeted at the actual problems – it is clear from the results of the mystery shopping exercise - and the Consumer Panel’s analysis - that the challenges are common to all providers and that a monopoly for solicitors is not the answer. We are asking the existing regulators and trade bodies to explore the steps that can be immediately taken to raise standards across the market place.”

For more information please contact Craig Jones, Media and Public Affairs Manager, on craig.jones@legalservicesboard.org.uk or by calling 020 7271 0068 / 07702 428210.

Notes for editors:

1. The advice from the Legal Services Consumer Panel can be found on the [Panel's website](#), with the [research](#) underpinning their recommendations accessible on the website of the LSB.
2. The Legal Services Consumer Panel was established under the Legal Services Act 2007 to provide independent advice to the Legal Services Board about the interests of consumers of legal services in England and Wales. The Legal Services Board wrote to the Panel on 9 September 2010 asking for its advice in this area. A [copy](#) of the commissioning letter is available.

3. The relevant statutory provisions concerning changes to the list of reserved legal activities can be found at [Section 24](#) and [Section 26](#) of the Legal Services Act 2007.
4. 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.
5. 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.
6. 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.
7. The legal profession currently consists of some 15,000 barristers, 119,000 solicitors and 12,000 individuals operating in other aspects of the legal profession such as conveyancing. The sector is currently valued at £24.74 billion per annum (total turnover in 2009).