

**A RESPONSE BY THE FELLOWSHIP OF PROFESSIONAL WILLWRITERS AND
PROBATE PRACTITIONERS**

THE LEGAL SERVICES BOARD CONSULTATION ON ORAL AND WRITTEN
REPRESENTATIONS AND THE ALTERATION OF RESERVED LEGAL ACTIVITIES

DATED: 23rd OCTOBER 2009

INTRODUCTION

The Fellowship of Professional Willwriters and Probate Practitioners has been formed to act as a representative and regulatory body for its members. The Fellowship will be applying for approved regulatory status under the Legal Services Act 2007 for probate activities.

1. This response has been prepared by the President of the Fellowship, after consultation with the Chair of the Regulatory Board and members of the Executive Committee.

2. The Fellowship is pleased to be given the opportunity to consider the Legal Services Board (LSB) approach to oral and written representations and the alteration of reserved legal activities, and provides its considered opinion below.

Question 1 – Do you agree with the approach taken to making oral representations and giving oral evidence?

Opinion:

Yes

Question 2 – Bearing in mind the Regulatory Objectives, the Better Regulation Principles, and the need to operate efficiently in relation to the Freedom of Information Act please could you suggest improvements to the process.

Opinion:

The key objectives in dealing with applications should be fairness, consistency and transparency. The LSB is able under the Draft Rules, to exercise discretion e.g. it can refuse to consider, or to continue its consideration of an Application if it believes that it has not received all the information it requires.

It may well be appropriate to:

- 1.) Allow an applicant to appeal if this discretion is exercised

- 2.) Allow new 'unknown' regulators to make oral representation where it feels necessary in order to fully explain their background and its relevance to the Application.