

Enhancing consumer protection, reducing regulatory restrictions: will-writing, probate and estate administration activities

Summary of feedback to consultation on the provisional report and LSB response

This Summary of Responses may be of interest to:

Approved legal regulators

Providers of legal services

Legal representative bodies

Legal advisory organisations

Other third sector organisations

Consumer groups

Law schools/universities

Legal academics

Members of the legal profession

Accountancy bodies

Potential new entrants to the will writing, probate or estate administration markets

Think tanks

Political parties

Government departments

Introduction

1. This document summarises the responses received to consultation on our provisional report, draft guidance and impact assessments, which ended in November 2012. In the provisional report we outlined that we were minded to recommend that will-writing and estate administration activities be added to the list of reserved legal activities within section 12 of the Legal Services Act 2007 (the Act), and also that probate activities remain on that list. This work followed on from our previous consultation in July 2012. Fewer responses were received to the November consultation, and of those received many reflected previously defined positions and views. In total we received 25 responses to the November consultation. This number was made up of 5 responses from representative bodies of non-legal providers, 5 from representative bodies of legal providers, 3 from approved regulators, 3 from will writing trade bodies, 2 from law firms, 2 from unregulated providers, 2 from individuals, 1 from a legal training provider, 1 from a consumer organisation and 1 from a legal thinktank.
2. We have supplemented consultation with discussions with stakeholders in the market for wills, probate and estate administration. We are grateful for the additional information that has been provided by approved regulators, representative bodies, trade bodies and consumer groups.
3. As a result of the responses received and the views heard we have decided to recommend that will-writing should be made a reserved legal activity, with probate activities remaining unchanged. We will not be making a recommendation to the Lord Chancellor that estate administration activities should be reserved. Respondents have expressed near universal support for the reservation of will-writing. Many, including the Legal Services Consumer Panel, Which?, The Society of Trust and Estate Practitioners (STEP), the Society of Will Writers (SWW), the Institute of Professional Willwriters (IPW) and the Law Society, also support the reservation of estate administration activities.. However, several respondents argued against the extension of reservation to include estate administration activities. Over the course of the consultation period the LSB received various representations challenging the proportionality of reserving estate administration, including those from accountancy bodies and the British Bankers Association (BBA). It was suggested by some that the scale of the detriment identified did not warrant reservation extending to estate administration services and that accountants and banks are already subject to appropriate regulation outside of legal services regulation, which offers equivalent protections in some areas to that envisaged in our consultation. In their view the LSB had not fully appreciated the likely impact and difficulty of managing an overlap in regulation.
4. The will-writing trade bodies have undertaken surveys of will-writing companies in order to better understand how the market for will-writing and estate administration is structured among providers, and through that the potential impacts of our proposals. The survey results made clear that the market for will-writing consisted overwhelmingly of small firms. Only 14% of the SWW survey respondents indicated that they provided estate administration services as defined in our proposals, with many firms instead only giving advice on these services.
5. From these surveys and other sources including new information during consultation, the relatively small size of the unregulated sector providing the core legal activities of collecting, realising and distributing estate assets has become apparent. Our previous consumer research indicated that solicitors provide around 86% of paid for services. It

now seems clear that the remainder of the market is mainly made up of accountants, banks or subsidiary trust corporations and a small number of large independent trust corporations (largely unregulated). Representations from professional bodies and information from respondents show that the composition of estate administration differs markedly to the will-writing market, where a large number of mainly small independent and unregulated will-writing companies are believed to make up about 12% of the market. It can be concluded that most consumers use regulated providers, either within legal services or another sector, for estate administration activities rather than unregulated providers.

6. These findings have caused us to question whether the regulatory burden that would be imposed by the reservation of estate administration activities would be proportionate to the risk being posed by the relatively small number of unregulated providers. In line with the principle of better regulation that regulators should intervene only when necessary and remedies should be appropriate to the risk posed, we have decided not to recommend the reservation of estate administration activities to the Lord Chancellor at this stage. This adheres to the opinion expressed in the provisional report that in any situation where arguments are finely balanced between possible regulatory measures, the LSB would always opt for the measure least restrictive of competition.
7. This summary of responses should be read alongside our final reports for each of will-writing, estate administration and probate activities, in which our decisions are explained in more depth.
8. Many answers to the questions below did not differentiate feedback between will-writing and estate administration activities.

Question 1: Do you agree with the scope of the proposed reserved will writing activities and estate administration activities? Can the scenarios provided in Annex 1 of the Provisional Report be caught within the scope of the proposed new reservations? What are the likely impacts of the scope of the proposed activities as described?

9. There was almost complete agreement that regulation of will-writing activities is needed given the evidence of detriment occurring, and many respondents also supported proposals for regulation of estate administration. Those not in favour of the reservation of estate administration activities included representatives of non-legal regulated providers, such as accountants and banks.
10. The Faculty Office queried the definition of will-writing activities, and along with the Notaries Society of England and Wales and the Society of Scrivener Notaries have pointed out that some wills would deal with assets located outside England and Wales. They questioned whether these wills would fall within the scope of the proposed reservation, and whether all providers would be able to recognise or deal with issues raised by foreign assets.
11. ***LSB response:*** *We note that the territorial extent of the Act is England and Wales. Therefore, the definitions of the reserved activities can only extend to England and Wales. A will written within England and Wales that could subsequently be proved by a Grant of Probate within this jurisdiction should be regulated under our proposals. With regards to competence issue in respect of will-writers and foreign law, all authorised persons should ensure that they only undertake work that is within their*

competence. The regulatory arrangements of the approved regulators should reflect that requirement.

12. Several respondents raised the issue of possible duplicate regulation and the problems this could create for providers subject to regulation outside the legal services sector. This was especially the case among bodies representing non-legal providers. ACCA cautioned that the proposal in its current form would risk accountants becoming subject to unnecessary duplicate regulatory oversight. ICAEW were of the same view, suggesting that although regulation through reservation would be appropriate for lawyers and unregulated providers, they opposed this approach for estate administration in particular when those activities are already carried out by regulated providers such as banks and chartered accountants. The BBA further highlighted complaints handling as being a particular area of potential confusion under overlapping regulatory frameworks. The Institute of Chartered Accountants of Scotland (ICAS) agreed with the scope of the suggested will-writing reservation but was worried that the proposals to reserve estate administration activities would impede well-regulated accountants from performing estate administration activities. They also felt that probate should fall within the scope of any reservation of estate administration rather than being a reserved activity in its own right. Mr Wilson Cotton, a chartered accountant, opposed the reservation of estate administration on the basis that it would create a monopoly and exclude suitably qualified persons and firms from operating in the sector, which would not benefit consumers. Several respondents argued that estate administration comprised a series of administrative tasks and it would be difficult to identify with any certainty those that should be within any definition of reserved legal activities.

13. **LSB response:** *Please see the impact assessments published alongside this document for details of the analysis of costs and benefits that underpins our final decisions. Likely impacts on business were a key consideration. Please see also paragraph 83 of the document “Sections 24 and 26 investigations: will-writing, estate administration and probate activities, Final reports”. We say here that the small market share of unregulated estate administration companies (as highlighted by respondents) was a factor in the decision not to recommend that estate administration be reserved. However, we have not seen evidence that the professional bodies regulating accountants target regulation according to risk profiles relating to estate administration activities, or how different accountants manage these risks.*

Please see paragraphs 25 of the document “Summary of feedback to the consultation paper and the LSB response” for the first formal consultation started in April 2012. This sets out our views on managing regulatory overlap. We said that the impacts should not be overstated; that overlap will be increasingly common in the multidisciplinary environment within the legal services market that the Act promotes and that overlaps can be managed through co-operation between regulators in different sectors. We remain of this view.

14. Numerous respondents including Which?, the Law Society and the Society of Notaries argued that the scope of the proposed scope of reserved will-writing activities did not go far enough and that the drafting of trusts and powers of attorney should be included. We received a number of responses that queried the boundaries of the proposed reserved activities. The Society of Will Writers and Estate Planning Practitioners (SWW) noted that the proposals did not appear to contain provisions

covering the activities of instruction-takers, and that these providers should take responsibility for their actions and any advice offered to consumers. Some respondents raised concern about the proposal to include “legal activities provided ancillary to the writing of a will”. Concerns included that such a definition would not provide certainty to providers about where the boundary would fall – particularly in relation to the provision of including inheritance tax advice. Respondents including the Association of Taxation Technicians and the Chartered Institute of Taxation argued the importance of ensuring that any definition did not capture providers who provide inheritance tax advice as part of their wider tax advisory service but who do not write wills.

15. **LSB response:** *We are grateful to respondents who supplied interesting and helpful scenarios and additional information to assist us with our scenario building. Please see paragraphs 34 and 58- 61 plus Annex 1 of the document “Sections 24 and 26 investigations: will-writing, estate administration and probate activities, Final reports” for further information about the proposed scope of reserved will-writing activities (should the Lord Chancellor accept our recommendation). The exact definition of any new reserved activity will be determined during the statutory drafting process, which is beyond the Board’s remit. Drafting legislation to capture a series of activities is challenging. As with any legislative provision there is no form of words that can offer absolute certainty as to its impact in every possible factual situation. Whether or not a provider is considered to be carrying out a reserved legal activity will turn on the facts in each case. Please see also the paragraph 23 of the “Summary of feedback to the consultation paper and the LSB response” from the first formal consultation for details of the reasons why the separate legal activities of drafting trusts and powers of attorney are outside of the proposed scope of reserved “will-writing activities”.*

Question 2: What are your views on the options for implementation that we have described?

16. We set out four options for implementing a new reserved legal activity:

- a. Option 1 - Process set out in Section 25 of the Act. In short, this mechanism allows bodies to apply to the LSB to be approved as regulators and licensing authorities for the newly reserved legal activity and for successful applicants to authorise providers before restrictions come into effect. All prospective regulators and licensing authorities will have to demonstrate that they meet the LSB’s Schedule 4 and Schedule 10 tests including of probity, capacity and capability.
- b. Option 2 –The Lord Chancellor may make an order reserving a legal activity but with transitional provisions protecting anyone who conducted the new reserved legal activities without authorisation. This transitional period would need to be formally brought to an end, by a further order of the Lord Chancellor.
- c. Option 3 - The Lord Chancellor may make an order reserving a legal activity but with transitional provisions for entities and individuals who are authorised persons for other reserved legal activities before the coming into force of the order, as well as those who were members of prescribed associations or regulated by other bodies. Again this transitional period would need to be formally brought to an end, by a further order of the Lord Chancellor.

- d. Option 4 - Grandfathering of existing approved regulators and licensing authorities to be approved in relation to reserved will-writing activities

17. The Law Society argued that the possible timescale of two years before implementation was unacceptable due to the evidence of consumer detriment being caused. They reiterated their earlier suggestion that the Solicitors Regulation Authority should be passported through as an approved regulator in respect of the proposed new reserved activities. Respondents including the Law Society and the Faculty Office urged the LSB to further consider the use of option 4. It was argued that it would be disproportionate to the risks posed to require current approved regulators to tailor their wider regulatory arrangements for will-writing activities. Other respondents expressed concern at the lack of a fixed end date to the transitional period. The Institute of Professional Willwriters (IPW) in particular noted that the proposed transitional process of following the pace of the sector risked taking forever and suggested that in order to ensure compliance among firms a clear deadline needed to be set. The Society of Trust and Estate Practitioners (STEP), the Legal Services Institute and the BBA each agreed that option 2 would be the most efficient approach, with Law Skills noting that although option 3 would provide transitional protection for consumers, it agreed with the LSB's concerns around possible restriction of competition in the market. ICAS felt that option 1 should be adhered to, while ACCA questioned whether option 3 had been ruled out too readily.

18. **LSB response:** *Please see paragraphs 62- 68 of the document "Sections 24 and 26 investigations: will-writing, estate administration and probate activities, Final reports" for further information about the implementation of reserved will-writing activities (should the Lord Chancellor accept our recommendation). We propose that option 1 should be adopted to provide a structured process to develop the necessary momentum and smooth transition to full implementation. Please see paragraphs 43 – 48 of the document "Summary of feedback to the consultation paper and the LSB response" to the 23 April consultation for details of the reasons why the LSB considers that existing regulators must apply to be an approved regulator for will-writing activities. We remain of this view. Our investigation has found risks within will-writing activities that require targeted attention. This would be the basis for making will-writing activities a reserved legal activity. Any regulator wishing to authorise providers to undertake the reserved legal activity must be able to demonstrate that it understands the risks in this market and has arrangements proportionately targeted at those risks. This requires existing regulators to review their regulatory arrangements in that context, making changes where needed to meet designation acceptance criteria.*

Question 3: Do you agree with the initial assessment of the consequential amendments that would likely be needed? Are there any other consequential amendments you consider would be necessary?

19. Most respondents had no comment to this question. The Faculty Office suggested that the Public Notaries Acts of 1801 and 1843 could require amendment. STEP highlighted that the extension of legal privilege to those who may come from a non-traditional legal services background has proven controversial in other contexts. The Chancery Bar Association clarified that section 122 of the Senior Courts Act 1981 does not mention legal privilege 'because the section underpins the court's inquisitorial function in respect of the admission of wills to probate'.

20. ACCA argued that incorporating estate administration activities into the list of reserved activities by amending the probate definition did not seem an ‘appropriate evolution’ of the reserved legal activities. ICAEW also felt that amendment of probate activities to include estate administration would be inappropriate.

21. **LSB response:** *Please see paragraphs 69 and annex 2 of the document “Sections 24 and 26 investigations: will-writing, estate administration and probate activities, Final reports” for further information about the consequential provision for reserving will-writing activities. All feedback about consequential provisions will be considered as part of the implementation project should the Lord Chancellor accept our recommendation to reserve will-writing activities.*

Question 4: To prospective approved regulators: what legislative changes do you think will be required in order to implement regulatory arrangements for these activities (in line with the draft section 162 guidance)?

22. The Faculty Office expressed the view that no legislative changes needed to be made in respect of the activities of notaries. They argued that notaries were already authorised to undertake probate activities and that any extension to include estate administration activities should be a matter of definition. Further, the definition of notarial activities already encompassed will-writing and therefore specific legislative amendments were not required.

23. The Chartered Institute of Legal Executives and ILEX Professional Standards (together CILEx IPS) raised the point that the proposed section 162 guidance appeared mandatory in nature and the rules made by regulators implementing the LSB’s prescriptive requirements could risk clashing with the aims of outcomes focused regulation. They also stated that section 28 provides regulators with autonomy to choose the best way to regulate and that this should be reflected in the section 162 guidance. The BSB argued that in relation to draft guidance, appeals arrangements should remain consistent with the approved regulators’ existing appeal arrangements.

24. The SRA expressed concern that future approved regulators of currently unauthorised providers would lack powers of enforcement and intervention that it viewed as essential to effective regulation. These included powers granted under sections 93, 95, 99 and 102 of the Act, and schedule 14 to the Act. It was of the view that primary legislation would be needed to grant these powers to approved regulators that lacked them. IPW was not aware of any further legislative changes required, while SWW clarified that it did not intend to apply for approved regulator status.

25. **LSB response:** *Feedback will be considered as part of the implementation project should the Lord Chancellor accept our recommendation to reserve will-writing activities.*

Question 5: To prospective approved regulators: Will this guidance help you to develop proportionate and targeted regulation for providers offering will-writing and or estate administration activities? What challenges do you think that you will face?

26. The SRA considered that many of their rules and principles would already be suitable for use with the proposed new reserved activities, and felt that the LSB should not rule out carrying across any existing arrangements. It also argued that the requirement to

target arrangements at specific activities could conflict with the broader aims of outcomes focused regulation. The Law Society expressed the view that while the draft guidance was appropriate for new regulators, the LSB would have to show strong evidence of problems with the SRA's existing arrangements to refuse approval in respect of any newly reserved activities. The Law Society also commented that requiring the SRA to provide a set of rules applying only to providers of the newly reserved activities, instead of for the range of activities undertaken by solicitors, would be a wasteful use of resources. Further, the Law Society viewed a new appellate body as unnecessary, arguing instead that appeals regarding the SRA's decisions (for solicitors and their firms), were best considered by the Solicitors Disciplinary Tribunal. They suggested that other regulators should be able to set up equivalent bodies. CILEx IPS also raised the issue that in the guidance it is unclear whether the LSB intends for the single appellate body to have jurisdiction over decisions of approved regulators as well as licensing authorities. CILEx IPS perceived this requirement as challenging, and requiring a change to the regulatory arrangements of approved regulators who were not also licensing authorities. The BSB felt that the LSB had not made a sufficiently strong case to justify the introduction of a single appellate body.

27. STEP stated that they had not ruled out applying for approved regulator status, but were also considering collaboration with other prospective regulators. STEP foresaw challenges in educating consumers about the implications of the new regime, and also in meeting a regulator's duty to promote all of the regulatory objectives while concentrating on a relatively narrow area of legal services. IPW expressed disappointment at what it considered vague language used in the guidance, which it saw as leaving scope for either gold plating or a race to the bottom among regulators.

28. **LSB response:** *The draft guidance will be reviewed in light of the feedback received should the Lord Chancellor accept our recommendation to reserve will-writing activities. Please see also the LSB response to question 2 about existing approved regulators.*

Question 6: Do you agree that having mandatory regulation for all firms in the market will improve consumer confidence?

29. Many respondents agreed that regulation will improve consumer confidence. The Legal Services Institute suggested that public confidence may have been negatively affected by a number of stories in the media about unscrupulous providers operating in the market. While the Legal Services Institute agreed that mandatory regulation would likely improve consumer confidence and market growth, it also stated that this should be supplemented with consumer education in order for consumers to fully reap the benefits of reform. The Faculty Office agreed that consumer confidence would be improved by mandatory regulation, but qualified that agreement by stating that confidence would only be maintained if appropriate action was taken against providers operating without appropriate authorisation. Which? felt strongly that having mandatory regulation would improve consumer confidence and reduce negative publicity about firms providing inadequate services.

30. The SRA, CILEx IPS, BSB and IPW all agreed that consumer confidence would be improved by mandatory regulation of all providers. IPW argued that a failure to regulate would run the risk of reducing consumer confidence in a whole range of legal services due to the fact that most consumers assume all providers are already regulated. CILEx IPS felt that the availability of access to the Legal Ombudsman would impact positively upon consumer confidence.

31. **LSB response:** *Improving consumer confidence was a policy objective for these investigations as set out in the impact assessments published alongside this document. We consider that the final recommendations for the different activities as set out in the document “Sections 24 and 26 investigations: will-writing, estate administration and probate activities, Final reports” provide a proportionate response to the problems identified by the investigations and will meet this policy objective.*

Question 7: What business impacts (both positive and negative) do you envisage will occur with the proposed reservation of will-writing and estate administration? How will any such impacts affect your business?

32. CILEx IPS expected that having mandatory regulation in place would create a level playing field among providers, with most changes impacting more significantly on currently non-regulated businesses. Law Skills noted that some operators, including solicitors, would not be able to continue without a radical overhaul. However, they also made the point that this process should have a positive effect overall. Mr Wilson Cotton was concerned that there may be a negative impact if charities assisting vulnerable people were prevented from doing so by regulation.

33. Which? and IPW, while supporting our proposals, noted that regulatory costs would, ultimately, be passed onto consumers. IPW and SWW suggested that the costs and impacts are likely to be higher than the LSB has estimated. In particular, this related to implementing suitable compensation arrangements for estate administration activities were they to become reserved. The higher costs would relate to the need to develop a capital base for a new scheme for currently unregulated providers, which would likely entail high initial contributions. The IPW have signalled to the LSB that they have had difficulty finding an affordable option that would place bearable financial burdens on providers.

34. Which? listed the positive benefits of reservation as being increased incentives for consumers to purchase services once they are aware of improved protections; greater competition between providers of all types resulting in greater efficiency and innovation; and fewer problems for the Probate Registry and HMRC due to consumers receiving higher quality advice.

35. **LSB response:** *As reported under question 1 above, impacts on business was a key consideration in the analysis of costs and benefits underpinning our final decisions. Those decisions have been informed both by feedback that reserving will-writing is likely to have a positive impact for many businesses and concerns raised around the proportionality of reserving estate administration by businesses in that market. Please*

see the impact assessments published alongside this document for further information.

Question 8: We are keen to understand the potential impacts of our proposals on equalities. Do you envisage any positive or negative impacts on equalities for either consumers and/or providers of will-writing and estate administration activities? Please provide details including of any evidence that you are aware of?

36. The SWW broadly agreed that the proposed reservation would not disproportionately negatively affect any particular consumers but cautioned that care should be taken to monitor identifiable consumer groups, such as the elderly, to ensure that future consumer detriment is minimised. This approach was endorsed by Which? who also stated in their submission that regulation should address problems in the sector and positively impact upon consumers where the OFT Consumer Codes had failed to do so.
37. The Law Society, while stating that they were not aware of specific evidence that the proposals would lead to a negative impact, suggested that the LSB's equalities assessment had been overly simplistic, and should have focused more on impacts on individuals with protected characteristics and less on the possible overall benefits of regulation. The BSB believed that there would be generally a positive impact on vulnerable clients because they would be better protected and that this would justify any negative impact on those being regulated. CILEx IPS questioned whether the LSB was aware of the demographic make-up of non-regulated providers, as it was likely that they would experience more significant impacts than the regulated community.
38. **LSB response:** *Please see the equalities statement within the will-writing activities impact assessment that sets out our analysis of impacts on equalities of our proposal to regulate. This highlights an absence of equalities information in relation to unregulated will-writing firms and their consumers who are likely to be impacted most by the proposed change. Overall we believe the impact will be positive across the market and that no protected group is likely to be disproportionately disadvantaged.*

Question 9: Do you envisage any specific issues arising from the proposals to impact negatively on consumers at risk of being vulnerable? Would any of the proposals actually increase their risk of becoming vulnerable?

39. Both STEP and the Legal Services Institute suggested that some consumers may be at an increased risk of being priced out of the market if the proposals resulted in higher costs for formerly unregulated providers. Which? noted that they had anecdotal evidence of inappropriate selling and advice relating to trusts and powers of attorney, and would like to see consumer detriment in this area investigated. Tenminutewill.co.uk pointed out the risk that online 'rogue traders' may still be able to operate and cause detriment to consumers. Moreover, they were concerned that unscrupulous providers could increase their activity to take advantage of a lack of regulation during the two year implementation period. ICAEW wondered whether

regulation would impose costs on legal advice charities that would restrict the number of potentially vulnerable people they could provide services to.

40. **LSB response:** *We are grateful to respondents for the views provided. Please see paragraphs 62 to 68 of the document “Sections 24 and 26 investigations: will-writing, estate administration and probate activities, Final reports” for details of our proposed transitional provision, which we consider should strike an appropriate balance between swift implementation and allowing sufficient time for the market to adapt in order to protect consumers. However, we note that the Lord Chancellor will be responsible for how our recommendation to reserve will-writing activities will be implemented, should the Lord Chancellor accept the recommendation.*
41. The Law Society felt that if regulatory standards were low but people relied on the badge of regulation then those people may be at a greater disadvantage than they are under the current regime. They urged that there should be appropriate enforcement and compliance mechanisms if the proposals are implemented. Further, the Chancery Bar Association suggested that will-writers should be trained to spot when a vulnerable testator is acting under undue influence, and also to be able to assess capacity to make a will.
42. **LSB response:** *The draft guidance to help prospective regulators of reserved will-writing activities develop their regulatory arrangements will be reviewed in light of the feedback received should the Lord Chancellor accept our recommendation to reserve will-writing activities.*

Glossary of Terms

ACCA	Association of Chartered Certified Accountants. Approved regulator in relation to reserved probate activities
AR or approved regulator	A body which is designated as an approved regulator by Parts 1 or 2 of schedule 4, and whose regulatory arrangements are approved for the purposes of the LSA and which may authorise persons to carry on any activity which is a reserved legal activity in respect of which it is a relevant AR
Authorised Person	A person authorised to carry out a reserved legal activity
BSB	Bar Standards Board – the independent regulatory arm of the Bar Council
Consultation	The process of collecting feedback and opinion on a policy proposal
Consumer Panel or the Panel	The panel of persons established and maintained by the Board in accordance with Section 8 of the LSA (2007) to provide independent advice to the Legal Services Board about the interests of users of legal services
ICAEW	Institute of Chartered Accountants of England and Wales – the representative body for Chartered Accountants in England and Wales
ICAS	Institute of Chartered Accountants of Scotland – the approved regulator in relation to reserved probate activities
ILEX Professional Standards Board	Institute of Legal Executives – the independent regulatory arm of the Institute of Legal Executives
Impact Assessment	An assessment of the likely impact of a policy on cost, benefits, risks and the likely or actual effect on people in respect to diversity
Institute of Legal Executive	Representative body for Legal Executives
LSB or the Board	Legal Services Board – the independent body responsible for overseeing the regulation of lawyers in England and Wales
LeO	Legal Ombudsman - The single organisation for all consumer legal complaints
LSA or the Act	Legal Services Act 2007

OFT	Office of Fair Trading. A <u>non-ministerial government department</u> of the <u>United Kingdom</u> , which enforces both <u>consumer protection</u> and <u>competition law</u> .
OLC	Office for Legal Complaints. NPDB established by the Legal Services Act to establish an independent Legal Ombudsman Service (see LeO)
Principles of Better Regulation	The five principles of better regulation, being proportional, accountable, consistent, transparent and targeted
Regulatory arrangements	The rules and regulations that make up the conditions of authorisation and practice for authorised persons
Regulatory Objectives	<p>There are eight regulatory objectives for the LSB that are set out in the Legal Services Act (2007):</p> <ul style="list-style-type: none"> • protecting and promoting the public interest • supporting the constitutional principle of the rule of law improving access to justice • protecting and promoting the interests of consumers promoting competition in the provision of services in the legal sector • encouraging an independent, strong, diverse and effective legal profession • increasing public understanding of citizens legal rights and duties • promoting and maintaining adherence to the professional principles of independence and integrity; proper standards of work; observing the best interests of the client and the duty to the court; and maintaining client confidentiality.
Regulatory Rules or rule books	Set out a regulatory arrangements of Regulators
Reserved Legal Activity	Legal services within the scope of mandatory regulation by the Approved Regulators
SRA	Solicitors Regulation Authority - Independent regulatory body of the Law Society

Annex 1: List of respondents

Association of Chartered Certified Accountants (ACCA)

Austins Solicitors

Bar Standards Board (BSB)

British Bankers Association (BBA)

Chancery Bar Association (CBA)

Chartered Institute of Legal Executives and ILEX Professional Standards (joint response offered) (CILEx and IPS)

Chartered Institute of Taxation and Association of Taxation Technicians

Institute of Chartered Accountants in England and Wales (ICAEW)

Institute of Chartered Accountants in Scotland (ICAS)

Institute of Professional Willwriters (IPW)

Law Skills Ltd

Legal Services Institute (LSI)

Martyn Frost

Master of the Faculties

Notaries Society of England and Wales

Portology Ltd t/a tenminutewill.co.uk

Society of Trust and Estate Practitioners (STEP)

Solicitors Regulation Authority (SRA)

The Fry Group

The Law Society

The Society of Scrivener Notaries

The Society of Will Writers & Estate Planning Practitioners (SWW)

Wilson Cotton

Worthington Laird

Which?