

WILL WRITING CONSULTATION DOCUMENT

This Company (trading as The Fry Group but strictly Wilfred T Fry (Executor and Trustee) Ltd) is a Trust Corporation which commenced trading in the Probate/Will field in 1976. Our staff are broadly either trained in house or, for the most part, are / have been STEP Members, with some holding the Trust Deed Diploma of the Chartered Institute of Bankers.

We have long recognised that the issues that reserved activities impose on us. For instance, we have had to say to clients over the years that whilst we can write Wills, and undertake estate administration, we have had to outsource the reserved activity of the probate application, so the potential for change is welcome.

We have certainly seen evidence ourselves of poor quality work by both solicitors and unregulated will writers and welcome the further opportunity to comment on the proposed changes.

Question 1 – We have no observations to make beyond our response to the consultation.

Question 2 – We accept the need to rule out Option 4. We can also see the issues in regard to the extension of Parliamentary time causing problems with Option 1. It seems therefore that Option 2 is the favoured alternative but a transition as laid out in Paragraph 70 allowing only those entities and individuals who are authorised to conduct existing reserved probate activities to conduct newly reserved probate activities will severely limit competition and in our case, would stop us trading in the intervening period.

Consider which institutions are currently authorised to conduct existing reserved probate activities? As far as I am aware, that would only be the Solicitors' Regulatory Authority, the Council for Licensed Conveyancers and the Institute of Chartered Accountants for Scotland. Is there anyone else? I am not aware of it.

This seems to contradict the laudable comments in paragraph 62 and during the transitional period, this would be no different to historical models of legal services regulations as explained in paragraph 55, which is clearly not your intention. Option 3 would not have this problem.

Question 3 – We have no observations to make.

Question 4 – This question is clearly not directed at ourselves as a practitioner rather than a regulator.

Question 5 – This question is clearly not directed at ourselves as a practitioner rather than a regulator.

Question 6 – We agree

Question 7 – As we said in our response to the earlier consultation, we expect the costs to far exceed those quoted. Any requirement for our staff to take examinations will have costs and take up time (although we believe in the quality of our staff, and anticipate a high pass rate). There may also be changes to the way that we conduct our business, although we did not indulge in the unfair scenarios quoted in the two consultations. On the positive side, we anticipate that some firms will have to either dramatically raise their standards or cease trading, which clearly will be a positive outcome for firms like us determined to meet or exceed the new standards.

Question 8 - We foresee no particular impact from these proposals on equalities

Question 9 – We foresee no negative consequences for the vulnerable.

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