



Ministry
of Justice

DECISION NOTICE RE: EXTENSION OF THE RESERVED LEGAL ACTIVITIES

On 13 February 2013, The Legal Services Board (LSB) published its final report, "Sections 24 and 26 investigations: will-writing, estate administration and probate activities". In that report, the LSB recommended that the Lord Chancellor makes an order amending Section 12 of and Schedule 2 to the Legal Services Act 2007, bringing will writing activities within the definition of reserved legal activities under the Act.

Having considered the report containing the recommendation, the Lord Chancellor has decided not to make an order under section 24 of the Act in respect of will writing activities for the reasons set out below.

The evidence provided in the Report indicates that there is consumer detriment in the will-writing market, and that reservation of will writing activities as defined in the recommendation could address this detriment. However, it does not adequately demonstrate that reservation is the best solution, or that alternative measures have been sufficiently exhausted in seeking to address this detriment. To ensure that the costs/burdens of increased regulation are not imposed unnecessarily, further efforts should be made to see if such measures can be made more effective, before resorting to reservation. For example, there could be more targeted guidance for the legal profession and strengthening of existing regulation of authorised persons in this area, combined with voluntary regulation schemes and codes of practice for non-authorised providers. There could also be greater efforts made to educate consumers on the different types of provider and their respective protections and options for redress, as well as greater use of existing consumer protections.

Separately, work is ongoing to consider how the legal services regulatory landscape might be simplified and reduce any unnecessary burdens on the legal services sector, and as part of this review the Lord Chancellor will consider whether it might be appropriate to bring will-writing within the scope of legal services regulation. It would not be beneficial to add to the complexity of the regulatory landscape in advance of the outcome of this work.

Chris Grayling MP, Lord Chancellor and Secretary of State for Justice
14 May 2013