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Private Client UPDATE

Will writing to be regulated to protect the public

Will writing and estate administration services are to face strict regulation to protect consumers from sloppy and fraudulent practitioners.

The move comes after a long investigation by the Legal Services Board (LSB) – the body that oversees the regulation of legal services. The issue arose because at the moment, anyone can set up in business as a will writer, even though they have no qualifications, no insurance and are not regulated in any way.

Solicitors, on the other hand, have to be highly qualified and must abide by

a strict code imposed by the Solicitors Regulation Authority. The LSB investigation found that many wills were not drawn up properly and were not legally valid or failed to meet the client's requirements.

An LSB statement said: "We found consistent patterns of sloppiness, simple errors and poor communication. This often resulted in an unacceptable service. Too often consumers were subjected to unfair sales practices. There have also been well-documented examples of fraud and deception." The LSB proposals would see will writing and administration services



become "reserved activities". This means they will be regulated in the same way as many other legal services such as conveyancing and litigation.

The Chairman of the LSB, David Edmonds, said: "Making a will is something everyone should do. It is one of the most important actions that individuals take.

"We all should have a high degree of confidence in those entrusted with the task of writing our wills, advising us on the most appropriate actions, and ensuring that our wishes are carried out.

"Ultimately, people must be able to write a will with confidence, not fear. For that to be possible, everyone offering such services must deliver a baseline of consumer protection. This is not about extending regulation for the sake of it; it is about maintaining public confidence in an important legal process."

The LSB announcement follows a long campaign by the Law Society to have will writing regulated. A spokesman for the Law Society said: "Anyone, particularly people looking to commit fraud, can create a website that looks professional and has many testimonial recommendations.

"There are significant risks involved in allowing unqualified and unregulated will writers to have full control of an estate's assets. The estate administrator is responsible for important tasks which can be easily open to abuse and safeguards need to be put in place to protect the testator's estate from unscrupulous behaviour."

It's expected that the new rules will come into effect next year. In the meantime, anyone wishing to make a will should ensure they use a qualified and regulated provider.

Please contact us about the issues raised in this article or any aspect of wills and probate.

Right to Buy discounts of up to £75,000 now available

Discounts of up to £75,000 are now available for social tenants who want to buy their homes.

The revamped Right to Buy scheme came into effect on 3rd April and provides some tenants with discounts that are three times higher than were previously available. Up to 2.5million tenants could benefit.

The Government has pledged that homes sold under the scheme will be replaced by new properties for rent to ensure that there is no reduction in the number of affordable homes.

Housing Minister Grant Shapps said: "Tenants who have done well for themselves and want to get across the threshold to home ownership can now expect a discount of up to £75,000 to help them buy the home they live in.

Councils must ensure that their tenants are kept properly informed of the new opportunities, and offer a helping hand to those tenants who want to buy their property."

The Right to Buy scheme works on the basis that the longer a person has been a tenant, the bigger discount they get. They must have been public sector tenants for five years before they can



qualify. This tenancy can be in their current home or in a previous one, with a different landlord. For a house, tenants can get a discount of 35% on their current home after living in it for five years. For each extra year, they get an additional 1% discount up to a maximum of 60%.

For flats, tenants can get a discount of 50% after five years. For each extra year, they get an additional 2% discount up to a maximum of 70%.

Whatever percentage, the discount cannot exceed £75,000. This arrangement will result in far higher potential discounts for tenants across the country.

Please contact us about the issues raised in this article or any aspect of buying or selling a home.

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Promoting shared parenting agreements

The Government is to promote shared parenting agreements as part of a major overhaul of the family justice system.

The reforms being introduced by the Ministry of Justice (MoJ) are intended to strengthen parenting rights and reduce the time cases take to get through the courts.

The Children's Minister, Tim Loughton, said: "On the issue of shared parenting, we accept the need to clarify and restore public confidence that the courts properly recognise the joint nature of parenting.

"We will be legislating to emphasise the importance of children having an ongoing



relationship with both their parents after separation, where that is safe and in the child's best interests."

The MoJ has also pledged to speed up care and adoption cases and will introduce legislation to enable a six-month time limit to be set.

It also wants to promote mediation when appropriate.

An MoJ statement said: "We will make it mandatory for separating parents who propose court action to resolve a dispute about their child to have an initial assessment to see if mediation is something which would be suitable instead, to help them agree on the arrangements for their child.

"We will also examine how to give the courts more robust enforcement tools to combat failure to comply with judgments."

Please contact us if you would like more information about the issues raised in this article.

PM doubles funding for dementia research

Prime Minister David Cameron is to double the funding for research into dementia to £66m by 2015.

Mr Cameron, pictured right, said: "Dementia is simply a terrible disease. And it is a scandal that we as a country haven't kept pace with it."

No one can predict their future health but it is possible to take legal steps to protect your interests should your health deteriorate in the future. Every year thousands of people do this by creating a Lasting Power of Attorney (LPA).

LPAs enable you to nominate someone such as a family member or trusted associate to make decisions on your behalf if you ever lose the ability to do so yourself in the future through illnesses such as dementia.

The property and finance LPA allows you to appoint someone to look after your financial

affairs and the personal welfare LPA lets you grant an attorney authority over such matters as health care and the kind of treatment you receive.

There are safeguards to prevent the system being abused so you can prepare for the possibility of ill health secure in the knowledge that you can leave important decisions in the hands of someone you trust.

LPAs should be drawn up with the help of a solicitor to ensure that they accurately express your wishes and protect your interests.

Please contact us if you would like more information about Lasting Powers of Attorney.



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Work stress victim receives £76,000

A woman has received more than £76,000 compensation after she suffered psychiatric injuries due to stress at work.

The woman started working as an administrator for her employer in 2002. Within four years her role had increased and she had a number of responsibilities that were vital to the business.

In 2008, her employers put her in charge of their redundancy programme. She became overwhelmed by the role. An independent management consultant advised the employers that the woman was carrying out seven roles and needed help. Eventually the stress became

too much and the woman developed a major depressive disorder. She was signed off work with stress related illness and depression.

The woman sought compensation, saying that her employers had ignored her requests for support. She said that her major depressive disorder was a direct result of a breach of duty of care by her employers.

The company admitted liability and agreed to an out-of-court settlement of £76,843.

Please contact us about the issues raised in this article or any aspect of employment law.

Please contact us if you would like more information about the issues raised in this newsletter or if you need advice on any other legal matters.

Our newsletters are designed to highlight legal developments. They should not be taken as a comprehensive analysis of the law. Clients should always obtain professional advice before making decisions on legal matters.