

Leeds Day Private Client

Solicitor vs an unregulated will-writer to make your Will!

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The Society of Trust and Estate Practitioners (STEP) has conducted a survey, the results of which indicate that two-thirds of its members have encountered 'incompetence or dishonesty' on the part of unregulated will – writing companies in the past year. As a result, STEP has renewed its calls for better consumer protection.

Responses from 693 STEP members showed that two-thirds had come across hidden fees which were not outlined in the stated price of a will, and 63% had experienced a will-writing company going out of business and disappearing with their clients' wills. Just over a third of respondents said they had seen cases where incompetence had led to significantly higher tax bills.

Examples of malpractice highlighted by the research included one company that approached young mothers in shopping malls and told them that their children would be taken into care if they died without a will. In another case, a consumer was charged £12,000 up front for executor services, and the firm then went out of business, with the family unable to recoup the money.

Whereas Solicitors are regulated by the Solicitors Regulation Authority and have professional indemnity insurance to protect their clients when things go wrong, the same does not apply to will-writing companies.

STEP chief executive David Harvey said: 'This research shows how widespread cowboy will-writers have become, and it is clear those who charge a fee for writing a will should now be regulated. They must have an appropriate qualification, and they must have proper indemnity insurance. Soon the consumer will be protected by new regulation in Scotland, and this benefit needs to be extended to cover the rest of the UK.'

The Legal Services Board launched a review of unregulated will-writing in June, and is seeking evidence of consumer harm. The Scottish parliament is currently going through the process of regulating non-lawyer will-writers through the Legal Services (Scotland) Bill.

The Private Client Department at Leeds Day are very experienced in advising our clients on all matters relating to Wills and are happy to assist in preparing and reviewing Wills as required. If we can assist you please do not hesitate to contact us at any of our offices.

Contacts

For further information, please contact your usual Leeds Day contact or

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