

EXPLANATORY NOTE

(This note is not part of the Order)

Section 23 of the Solicitors Act 1974 (c.47) (“the 1974 Act”) makes it an offence for a person who is not a solicitor, barrister or public notary (or an employee of such a person) to draw up or prepare papers on which to found or oppose a grant of probate or a grant of letters of administration. Section 55 of the Courts and Legal Services Act 1990 (c.41) (“the 1990 Act”) makes an exception to section 23 of the 1974 Act in relation to any person who has been granted an exemption from those provisions by an “approved body”.

Section 55(3) of the 1990 Act provides that an “approved body” is a professional or other body which has been approved by the Secretary of State under Schedule 9 to the 1990 Act. The procedure under that Schedule requires the Secretary of State to consult the Legal Services Consultative Panel set up under section 18A of the 1990 Act (paragraph 1) and the President of the Family Division (paragraph 2). He must also be satisfied (paragraph 4) that the organisation to be approved has in place suitable arrangements to protect consumers.

Having followed the procedure required by Schedule 9 to the 1990 Act, this Order approves the two bodies listed in article 2(2) to grant exemptions under section 55 of the 1990 Act.

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