Draft Order laid before Parliament under section 120(4) of the Courts and Legal Services Act 1990, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. XXXX

LEGAL SERVICES, ENGLAND AND WALES

The Probate Services (Approved Bodies) Order 2009

Made - - - -

Coming into force - - 1 August 2009

This Order is made under section 55(3) of, and paragraph 4 of Schedule 9 to, the Courts and Legal Services Act 1990(**a**).

The Secretary of State has considered the advice given to him by the Legal Services Consultative Panel and the President of the Family Division.

The Secretary of State is satisfied that the body named in this Order has such arrangements in force as are mentioned in paragraph 4 of Schedule 9 to the Courts and Legal Services Act 1990.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 120(4)(**b**) of that Act.

Accordingly the Secretary of State makes the following Order:

Citation and commencement

1. This Order may be cited as the Probate Services (Approved Bodies) Order 2009 and comes into force on 1 August 2009.

Approval of body

2. The Association of Chartered Certified Accountants shall be an approved body for the purpose of granting an exemption under section 55 of the Courts and Legal Services Act 1990.

(**a**) 1990 c. 41. "Secretary of State" in section 55(3) was substituted by S.I. 2003/1887, Schedule 2, paragraph 8(1)(c). Section 55 and paragraph 4 of Schedule 9 are repealed by the Legal Services Act 2007 on a date to be appointed.

(**b**) Section 120(4) was amended in so far as relevant by the Access to Justice Act 1999 (c. 22), Schedule 6, paragraphs 4 and 11(1) and (2).

Signed by the authority of the Secretary of State

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

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 of the Schedule) and the President of the Family Division (paragraph 2 of the Schedule). He must also be satisfied (paragraph 4 of the Schedule) 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 Association of Chartered Certified Accountants to grant exemptions under section 55 of the 1990 Act.

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