

Application for a Firm's Legal Activities Certificate (UK) – Probate

This form should be completed if you wish your firm to be registered by ACCA to carry on probate activities under the Legal Services Act 2007. Please note that all the partners/directors and shareholders must be authorised for probate activities.

Please read carefully the guidance at <http://www.accaglobal.com/practising> and then click on the link 'Legal services' before completing this form. If you have any questions about this form please contact Authorisation (tel: +44 (0)141 534 4175, email: authorisation@accaglobal.com). Please use BLOCK CAPITALS and black ink throughout and retain a photocopy of the completed form for future reference. Please allow up to 30 working days for your application to be assessed.

Return the form to authorisation@accaglobal.com or to: Authorisation, ACCA, 110 Queen Street, Glasgow G1 3BX, United Kingdom. Please note that all Firm's Legal Activities Certificates are issued on a calendar year basis and are valid until 31 December each year only.

Data protection

We may use your personal data for the purposes of:

- administration of your application for a Firm's Legal Activities Certificate
- regulation of the firm and to contact nominated individuals
- responding to enquiries and investigating complaints
- complying with our regulatory obligations.

You can update your information by contact ACCA at any time. We may share information with our suppliers and our auditors. Please note that for individuals based outside the UK, your information will be held in ACCA's main information systems which are located in the EU and may be accessed by ACCA's local office in your country of residence.

For more information on how your information and rights are respected, please see our [privacy notice](#) (<http://www.accaglobal.com/privacy>), or contact privacy@accaglobal.com

REGISTRATION DETAILS

A Contact partner/director (this is the partner/director with whom ACCA will correspond, and who will be responsible for probate compliance)

Full name _____

ACCA membership number (if known/applicable)

B Name of firm _____

Firm's ACCA reference number (if known/applicable)

C Composition of firm

Please tick one box only (please refer to point K of the conditions of issue on page 2 for guidance)

My firm is controlled by authorised persons and contains ACCA partners/directors.

My firm is controlled by authorised persons and contains **no** ACCA partners/directors.

CONDITIONS FOR THE ISSUE OF A FIRM'S LEGAL ACTIVITIES CERTIFICATE

In signing this section of the form I confirm that I have read and understood the conditions for the issue of a firm's legal activities certificate, and that:

A Fit and proper persons

none of the matters or events referred to in the Chartered Certified Accountants' Global Practising Regulation (GPR) 8 or regulation 8 of the Legal Activities Regulations 2018 applies to my firm or to any person referred to in GPR 8;

B Professional indemnity insurance

my firm holds professional indemnity insurance as required by or regulation 9 of the Legal Activities Regulations 2018 and, following the expiry of my firm's current policy, my firm will renew it on terms complying with that regulation. Details of the name of the insurer and the policy number are provided in the appropriate part of the form;

C Maintenance of competence

all persons responsible for probate work undertaken by my firm are aware of GPR 10 and regulation 10 of the Legal Activities Regulations 2018 and I will ensure that they maintain an appropriate level of competence through continuing professional development;

D Continuity of practice

my firm has made arrangements complying with GPR 11 and regulation 11 of the Legal Activities Regulations 2018 for the continuity of the practice in the event of the firm's dissolution, winding-up or liquidation in the partnership agreement or memorandum & articles of association, or by entering into a written agreement with another firm that is authorised to carry on probate activities. Details of the continuity arrangements are provided in the appropriate part of the form;

E Notification

my firm agrees to comply with GPR 12 and regulation 12 of the Legal Activities Regulations 2018 and to notify in writing to ACCA all matters specified in that regulation and will provide such notification at least 28 days in advance of the relevant event. I undertake to notify ACCA immediately in the event of any information previously supplied to it in support of my application ceasing to be true, accurate or complete, or in the event of any change in circumstances, or any event which may call into doubt the validity of my application, or the continuation of any certificate granted;

F Conduct in public practice

my firm will comply with GPR 13, regulation 13 of the Legal Activities Regulations 2018, ACCA's Code of Ethics and Conduct and all technical and ethical standards/guidelines applicable;

G Monitoring

my firm is aware of the requirements of GPR 14 and regulation 14 of the Legal Activities Regulations 2018 and will supply all such information as is necessary to enable ACCA to complete its monitoring programme efficiently;

H Disclosure of information and register of firms carrying on probate activities

my firm will comply with regulation 17 of the Legal Activities Regulations 2018 and will supply to ACCA all necessary information to enable ACCA to comply with its obligations as an approved regulator under the Legal Services Act 2007;

I Complaints handling by firms

my firm is aware of the requirements of regulation 15 of the Legal Activities Regulations 2018 and will establish and maintain internal processes for handling complaints about probate work, cooperate with the Legal Ombudsman and comply with its decisions;

J Diversity

my firm agrees to collect, collate and publish data on the diversity of its workforce in accordance with guidance published by the Legal Services Board and will supply such information to ACCA on a periodic basis;

K Control of firm

my firm is controlled by authorised persons within the meaning of regulation 7 of the Legal Activities Regulations 2018 by virtue of the fact that all of the partners or all of the directors and shareholders of the firm are authorised persons, or all of the members and designated members of a LLP, are authorised persons, or if the firm's affairs are managed by a board of directors, committee or other management body, all of that body are authorised persons

L Legal Services Board

my firm agrees to be bound by the procedures, rules and guidance, as may be issued from time to time by the Legal Services Board in the exercise of its statutory functions.

(Where reference is made to the GPRs, applicants should note that they must also comply with the Legal Activities Regulations 2018 which form part of the UK Annex to the GPRs.)

SIGNATURE

PROFESSIONAL INDEMNITY INSURANCE AND CONTINUITY OF PRACTICE DETAILS

Professional indemnity insurance

I detail below the name of my firm's insurer and policy number/I enclose a quotation as evidence that I have applied for a policy and undertake to provide details of my policy number to ACCA once it has been confirmed.*

Insurance company

Policy number

* Delete as applicable

Continuity of practice

My firm has made arrangements for continuity of practice

in the partnership agreement or memorandum and articles of association

OR

with the following firm authorised to carry on probate activities

Name of firm

Professional body

Address

Town

County

Country

Postcode

If your firm practices in more than one country, your continuity arrangements must make provision for this. Please provide additional continuity of practice details on a separate sheet.

You must have a written agreement in place.

OFFICE DETAILS

The principal office address of this firm is

Town

County

Country

Postcode

Tel

Fax

Email

Website

Incorporated firms only: is this the firm's registered office?

Yes No

If no, please ensure that the firm's registered office is clearly indicated below or attached on a separate sheet.

Will probate work be undertaken from this office?

Yes No

The branch offices of this firm are (please continue on a separate sheet if necessary)

A

Town

County

Country

Postcode

Tel

Fax

Email

Website

Will probate work be undertaken from this office?

Yes No

B

Town _____ County _____

Country _____ Postcode _____

Tel _____ Fax _____

Email _____

Website _____

Will probate work be undertaken from this office? Yes No

PREVIOUS AUTHORISATIONS

Have you previously been granted/applied for probate authorisation from another body? Yes No

* You must tick 'Yes' if you (or any firm in which you were a partner/director) has made any form of application, including any application which was rejected or withdrawn, or which is still awaiting consideration.

If YES, please state

Name(s) of the body

Date of application _____

Was the application successful? Yes No

If NO, please state the reasons on a separate sheet and attach it to this form.

COMPOSITION OF FIRM

Continue on a separate sheet if necessary.

A ACCA partners/directors*

Office (ie principal or A, B, etc as above)	Name	ACCA membership no.
_____	_____	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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B Non-ACCA partners/directors*

Office (ie principal or A, B, etc as above)	Name	Professional qualification (if any)	Date of birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

C Non-partners/directors responsible for probate work*

Office (ie principal or A, B, etc as above)	Name	Professional qualification (if any)	Date of birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

* All Authorised Legal Activities Individuals (ALAI)

All partners/directors, shareholders and any employees (excluding subcontractors and consultants) wishing to be responsible for probate work, must register as ALAIs and complete a separate application form. The form is available on our website at www.accaglobal.com/practising and then choosing the link 'Practitioner Forms'. Please provide the number of ALAI applications you have enclosed with this application.

I have enclosed _____ ALAI applications with this form.

INCORPORATION DETAILS

This section is to be completed by incorporated firms only ie limited companies and, where applicable, limited liability partnerships.

A Share capital (not applicable to limited liability partnerships)

Authorised share capital[†] _____ shares of £ _____ each. Shares issued _____

[†] Not applicable to companies formed on or after 1 October 2009.

If there is more than one class of shares, please provide details on a separate sheet.

B Company registration number

Country in which registered _____

Date of latest annual return to Registrar of Companies _____

C Shareholders (not applicable to limited liability partnerships)

Name _____

Address _____

Postcode _____ Number of shares held _____

Name _____

Address _____

Postcode _____ Number of shares held _____

Continue on a separate sheet if necessary

TYPES OF PROBATE-RELATED SERVICES

Please indicate the types of probate-related services you intend to provide.

	Yes	No
Will-writing services	<input type="checkbox"/>	<input type="checkbox"/>
Provision of advice in connection with the drafting of wills (eg on IHT and trust planning)	<input type="checkbox"/>	<input type="checkbox"/>
Activities carried out before the application for a grant of probate or letters of administration (eg IHT calculations)	<input type="checkbox"/>	<input type="checkbox"/>
Assistance to an executor with estate administration	<input type="checkbox"/>	<input type="checkbox"/>
Estate administration as an executor	<input type="checkbox"/>	<input type="checkbox"/>

FEE

The fee for a Firm's Legal Activities Certificate is £250 per authorised probate individual (ACCA member and non-ACCA member).

Once your application has been fully processed we will send you an invoice for the fee. When you receive the invoice the simplest and quickest way to make a card payment is online via your firm's *myACCA* account. You will receive immediate acknowledgement that your payment has been received by ACCA. You can also make a card payment by telephone by contacting ACCA Connect on +44 (0)141 582 2000 once you have received the invoice.

CONFIRMATION

If you (or any of your firm's partners, directors or responsible individuals) have been subject to matters within the terms of Byelaw 8 and ACCA's Assessment and Investigations Departments are aware of this, you may sign and submit this form. If you are concerned that you (or any of your firm's partners, directors or responsible individuals) may be subject to matters under Byelaw 8 of which ACCA's Assessment and Investigations Departments are not already aware, please notify ACCA in writing to complaintassessment@accaglobal.com or The Adelphi, 1/11 John Adam Street, London, WC2N 6AU.

Following this notification you may sign and submit this form.

On behalf of my firm I confirm that there are no other persons responsible for probate work other than those named above. I confirm that my firm, and any specified person in relation to it who is not a member of ACCA, undertakes to be bound by the Charter, byelaws and regulations of ACCA insofar as they are applicable to it or him/her.

On behalf of my firm, I confirm that the information given in this form is true, accurate and complete to the best of my knowledge and belief after making all reasonable enquiries. I understand that a false declaration on this form may lead to disciplinary action being taken against me and/or my firm and/or may invalidate any decision relevant to this application. I confirm that I have read, and undertake to comply with, the conditions for the issue of a Firm's Legal Activities Certificate. I further confirm that I have not been subject to any criminal, disciplinary, regulatory or any other matters within the terms of byelaw 8 (liability to disciplinary action) that may call into doubt the validity of my application, which I have not already brought to the attention of ACCA's Assessment and Investigations Departments. I understand that I am required to disclose any unspent convictions and/or cautions that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). I am aware of, and will abide by, my continuing obligation to draw any such matters to ACCA's attention.

SIGNATURE

CHECKLIST

Before you send your application to ACCA please check you have:

- Signed the conditions on page 2
- Signed the confirmation on page 6
- Enclosed individual application forms for all partners/directors, shareholders and any employees wishing to be responsible for probate work.

Please return this form to authorisation@accaglobal.com or to:
Authorisation, ACCA, 110 Queen Street, Glasgow G1 3BX, United Kingdom.

BYELAW 8 – LIABILITY TO DISCIPLINARY ACTION

- 8 a** A member, relevant firm or registered student shall, subject to byelaw 11, be liable to disciplinary action if:
- i he or it, whether in the course of carrying out his or its professional duties or otherwise, has been guilty of misconduct;
 - ii in connection with his or its professional duties, he or it has performed his or its work, or conducted himself or itself, or conducted his or its practice, erroneously, inadequately, inefficiently or incompetently;
 - iii he or it has committed any breach of these byelaws or of any regulations made under them in respect of which he or it is bound;
 - iv in the case of a relevant firm, any person has in the course of the business of that firm committed any breach of these byelaws or of any regulations made under them in respect of which that person is bound;
 - v he is a specified person in relation to a relevant firm against which a disciplinary order has been made and which has become effective or which has been disciplined by another professional body;
 - vi he or it has been disciplined by another professional body;
 - vii he or it has made an assignment for the benefit of creditors, or has made an arrangement for the payment of a composition to creditors, or has had an interim order made by the court in respect of him, or is a specified person in relation to a relevant firm which has made such an assignment or composition or been wound up as an unregistered company, or entered into a voluntary arrangement, administration or liquidation, in each case where applicable under the Insolvency Act 1986, or other similar or analogous event has occurred in relation to him or it under applicable legislation;
 - viii he or it has failed to satisfy a judgment debt without reasonable excuse for a period of two months (the burden resting on him or it to prove such a reasonable excuse on the balance of probabilities) whether or not the debt remains outstanding at the time of the bringing of the disciplinary proceedings hereunder;
 - ix before a court of competent jurisdiction in the United Kingdom or elsewhere, he or it has pleaded guilty to, been found guilty of, or has accepted a caution in relation to, any offence discreditable to ACCA or to the accountancy profession; or
 - x before a court of competent jurisdiction in the United Kingdom or elsewhere, in any civil proceedings in which he or it has been a party or witness, he or it has been found to have acted fraudulently or dishonestly.
- b** Each of the paragraphs in byelaw 8(a) shall be without prejudice to the generality of any of the other paragraphs therein.
- c** For the purposes of byelaw 8(a), misconduct includes (but is not confined to) any act or omission which brings, or is likely to bring, discredit to the individual or relevant firm or to ACCA or to the accountancy profession.
- d** For the purposes of byelaw 8(a), in considering the conduct alleged (which may consist of one or more acts or omissions), regard may be had to the following:
- i whether an act or omission, which of itself may not amount to misconduct, has taken place on more than one occasion, such that together the acts or omissions may amount to misconduct;
 - ii whether the acts or omissions have amounted to or involved dishonesty on the part of the individual or relevant firm in question;
 - iii the nature, extent or degree of a breach of any code of practice, ethical or technical, adopted by the Council, and to any regulation affecting members, relevant firms or registered students laid down or approved by Council.
- e** For the purposes of byelaw 8(a)(ix), a copy of the certificate or memorandum of conviction or caution, and of any final judgment, ruling or determination given in the criminal proceedings, shall be conclusive proof of the conviction or caution, and of any facts and matters found, as the case may be.
- f** For the purposes of byelaw 8(a)(x):
- i where the person in question was a party to the proceedings, a copy of a certified judgment of the civil proceedings shall be conclusive proof of the facts and matters found;
 - ii where the person in question was a witness in the proceedings, a copy of a certified judgment of the civil proceedings shall be prima facie evidence of the facts and matters found.
- g** Subject to byelaw 8(f) above, any other finding of fact in any civil proceedings before a court of competent jurisdiction in the United Kingdom or elsewhere shall be admissible as prima facie evidence in any disciplinary proceedings.