

TERMS OF BUSINESS & INFORMATION

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Our Office

Our office is open 9.00 am to 5.00 pm Monday to Friday.

An answer service operates when the office is closed.

Appointments at home or after 5.00 pm can be arranged.

We aim to reply to correspondence promptly. E-mail – These are often answered outside office hours and if you prefer to have e-mail contact please tell us and provide us with your e-mail address and any other contact details including mobile.

Dealing with your matter

We will explain the work we need to carry out and explain the effect of any important documents.

We will keep you informed; advise of any delays or anticipated delays but avoid unnecessary costs by not writing to you for no good reason.

Inform you if our time or costs forecast needs revising due to additional work not known to us at the time of taking instructions.

Help from you:

- Please give us clear instructions and tell us of any important time limits.
- Make sure that we have understood each other correctly.
- Ask if you are unsure about anything.

Do not feel afraid to ask how the matter is progressing, but to help us plan our working day, unless it is urgent please write or e-mail rather than telephone. If you do telephone and we are unavailable to take your call, we will ring you back and an appointment can be made if you wish to see someone.

Our Charges if a fixed rate is not agreed:

- Our charges will be calculated according to:
 - a) The time spent by Solicitors and legal staff working on your file to administer the Estate and
 - b) A “value element” – This is a percentage of the gross value of the Estate, as the monetary value involved is one measure of the extent of the responsibility falling on the firm.

We review our charging rates in April, but unless the Estate reveals complications and we anticipate the period of administration to be a much lengthier process, the rates we now quote to you will apply throughout administration. Please be assured that with the majority of Estates the administration proceeds smoothly and when taking instructions, we are usually aware of anything unusual, i.e. foreign assets and property etc. which may be likely to delay the process. We will of course make contact and discuss should this apply to the matter we are dealing with for you.

“Time” and “Value”:

We give below the “Time” and “Value” factors we will apply when calculation our charges:

a) Working on your File – “Time”:

- Meetings, discussions and other work required to progress the administration of the Estate will attract the following hourly charging rates (excluding VAT). VAT payable to HMRC will be applied at the current rate (currently 20%):

Partners	£255.00
Other Solicitors	£205.00
Trainee Solicitors	£150.00
Chartered Legal Executives	£170.00
Legal Assistant	£ 95.00

- Time working on the file is calculated in Units each representing 6 minutes of time. (One unit (6 minutes) represents 10% of the hourly rate applied as above).
- Administration of the Estate will involve:

Telephone Calls (made and received by us)	Charged @ 1 unit
Short and routine Letter, E-mails, Faxes (written by us)	Charged @ 1 unit
Short and routine Letter, E-mails, Faxes (received by us)	Charged @ ½ unit

Longer / less routine letters (written and received by us) are charged according to the time spent preparing / considering them.

b) “Value element” - On the Estate and how this is calculated:

- 1% on the Gross Value of the Estate (excluding the value of the deceased’s home if this is owned); and
- 0.5% on the value of the deceased’s home.
- A reduced percentage will apply above £500,000 and separate details will apply to your case.

We will always consider adjusting the charges in cases where our fees would not be fair and reasonable to you.

Additional Expense:

Other expenditure will be necessary in dealing with the Estate. This will include fees (at cost) payable to others on which there is No VAT currently:

- Probate Registry Fee (for issuing A “Grant of Representation”) normally £273.00
- Additional court copies of the Grant of Representation document used to register for each asset – £1.50 per copy.
- Commissioner’s fee, also known as Oath fee (the charge for swearing the personal representatives’ documents if required) normally £7.00 per executor

If necessary – Fees for any valuations, Copy Deeds from the Land Registry in connection with property owned, or other such fees at cost to us, plus 20% VAT where applicable.

Inheritance Tax payable on any relevant estate can be calculated on the HM Government website at <https://www.gov.uk/guidance/hmrc-tools-and-calculators>

Amount of work required

A GRANT OF LEGAL REPRESENTATION & ESTATE ADMINISTRATION (Our Full Service) – Application will be made for either:-

- a) GRANT OF PROBATE – A Will has been made and the wishes/instructions will be followed.
- b) LETTERS OF ADMINISTRATION / PROBATE WITHOUT WILL – *No Will has been made or found (*Statutory Intestacy Rules will be followed).

(These are the official documents that, in most cases, may be required for an executor or personal representative to legally administer the estate).

This process will be followed by our full service of ESTATE ADMINISTRATION:-

Baldwin Wyatt offers a full administration of estate service, whether or not there is a Will in the estate. From obtaining the details of the assets and liabilities of the estate and obtaining the Grant of Representation, through to distributing the estate in accordance with the terms of the Will or the *Intestacy Rules and dealing with all the tax requirements. With this we will take all the paperwork and stress off your hands.

It is difficult when beginning the administration of most estates to give an exact indication of how much work will be involved to finalise the matter, but we try and base our estimate on the information and documentation given to us when we take our initial instructions from you. Most normal Estates have an administration period of several months with up to 10 to 15 hours work required to finalise; others where there are many assets can span a longer period and take much more work and time to reach conclusion.

In our covering letter we will give you our estimate, based on the information you provide. We will keep you up to date with the progress and will advise if we discover other factors which will increase the time we have given you in our estimate. You can set a maximum figure for costs not to exceed and we will inform you when that has been reached for you to decide if further work should be done or not.

It may be helpful if we briefly outline what has to be done before work is completed and the estate can finally be wound up. As a Personal Representative, you have the responsibility of administering the estate properly. This means establishing the extent of the estate; collecting the assets; paying the debts and distributing the balance. It is our job to help you with this. With the information you provide we will:

- Establish the value of the estate after all the bills are paid. Shares, property and valuable items may have to be professionally valued.
- Deal with any Inheritance Tax due – this has to be calculated, a special tax return completed and any tax paid before we can obtain the “Grant of Representation”.
- Apply for the “Grant of Representation” from the Probate Registry if necessary.
- Send copies of the “Grant of Representation” to Banks, Building Societies and others holding money or shares ownership and collect in the assets. Some items including any property may in certain circumstances need to be sold. We will of course discuss this with you.
- Pay estate money into our Client Account (where it will be subject to the protection of the Law Society’s and Solicitors Regulation Authority (SRA) rules).
- Pay outstanding bills.
- Pay legacies or transfer items under any Will.
- Prepare detailed accounts showing the assets collected and liabilities and legacies paid.
- Distribute the residue after deduction of our costs.
- Hand over the remaining entitlement to the Trustees for any future Trust, getting their receipts.
- Set up any necessary Will Trusts.

A GRANT OF LEGAL REPRESENTATION ONLY – (Our Part Service):-

Where the deceased has left a Will or not, Baldwin Wyatt Solicitors offers a fixed-fee service where we will deal with the application for the Grant of Representation and complete the compulsory HMRC Inheritance Tax forms, leaving you free to deal with the less technical aspects of the probate or administration process. The charges for this

normally will be £1500 plus VAT (currently at 20%) and plus the court fees and other fees referred to above.

With the information you provide we will:

- Establish the value of the estate after all the bills are paid. Shares, property and valuable items may have to be professionally valued.
- Deal with any Inheritance Tax due – this has to be calculated and a tax return completed and any tax paid before we can obtain the “Grant of Representation”
- Apply for the “Grant of Representation” from the Probate Registry if necessary.

It is important to remember that as executor or representative of the estate, you will then be responsible for collecting the funds, paying liabilities; dealing with taxation and finally distribution of the estate. This route may be less suitable for the executor required to administer the “complicated estate” consisting of multiple assets, shares and other investments. It has been the case that much more effort and expense can be incurred if complications arise later and we are asked to step-in and take over the administration.

Should we feel our “Part Service” may not be suitable, we will of course advise you of this, but you are of course free to make your own choice regarding our services.

Billing and Invoicing:

On a complicated Estate, we will submit interim bills during the administration, usually at the end of a certain stage of the administration process. This will keep you informed about charges, particularly on long running estates where in certain cases the tax position can take a while to finalise and where the DWP have involvement regarding benefits paid to the deceased etc. it may be several months before the situation crystallizes and we can make final payment to wind up the estate; finalise the estate account and present our bill.

If you approve them, both interim and final bills can be paid from the estate funds automatically and you will not need to make payment personally.

- If under certain circumstances a payment is required from you, please note that we are required to comply with the Money Laundering, Terrorist Financing, and Transfer of Funds (Information on the Payer) Regulations 2017 and it is our policy as a rule to only take payments “in Cash” of up to a maximum of £500. This is a discretionary policy and if for any reason this causes a problem, please speak to the supervising Partner dealing with your matter.

However, should this apply our preferred method of payment is cheque, debit card in person or by telephone and also by bank transfer; should you wish to pay by this method our bank details will be advised.

Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 as amended by the MLTF (Amendment) Regulations 2019

For the purposes of compliance with the Proceeds of Crime Act and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 as amended by the MLTF (Amendment) Regulations 2019 we require evidence of your identities and residence. Also, for the purposes of Stamp Duty Land Tax we will need your National Insurance Number or if you are buying as a Company then your Tax UTR number. It is most important that we comply with the legislation. Could you please let me have this documentation and information as soon as possible?

Confidentiality and Disclosure

We are professionally and legally obliged to keep your affairs confidential. However, solicitors may be required by statute to make a disclosure to the National Crime Agency where they know or suspect that a transaction may involve money laundering or terrorist financing. If we make a disclosure in relation to your matter, we may not be able to tell you that the disclosure has been made. We may have to stop working on your matter for a period of time and may not be able to tell you why. We may also have to disclose your file to our Regulatory Body or our Audit accountants who are also bound to keep matters confidential for you.

What to do if you are dissatisfied:

- Our firm is committed to providing a high quality legal advice and service to you as our Client and we sincerely hope that the work we have carried out for you is to your satisfaction. If there is any reason for you to be dissatisfied with any aspect of the service we have provided, please contact one of the Partners by telephone, e-mail or post to our office.
- We are happy to receive feedback from you whether compliments, suggestions to improve any part of our service or complaint for which we have a Complaints Procedure in place.

If you are not satisfied with our handling of your complaint or after 8 weeks from making a complaint, you can call the Legal Ombudsman on 03005550333 or enquiries@legalombudsman.org.uk or by post at PO Box 15870 Birmingham B30 9EB to consider your complaint. Please see our separate Complaints policy and procedure available on request. You may have a right to object to our bill by making a complaint to the same body and / or applying to the Court for an assessment of the bill under Part III of the Solicitors Act 1974. You should be aware that if all or part of the bill remains unpaid we may be entitled to charge interest. Your complaint must be made within 6 months to that body in most cases.

Baldwin Wyatt Solicitors is authorised and regulated by the Solicitors Regulation Authority (SRA) (Ref number 363788). The SRA code of conduct rules can be accessed via <https://www.sra.org.uk/newregs> We comply with the Provision of Service Regulations 2009 by displaying the required details of our Professional Indemnity Insurance at our office. Our VAT number is GB 792 734689.

It is with confidence however that we undertake to carry out the necessary work required to reach conclusion of the matter you have entrusted us with in an efficient and caring manner and of course to your satisfaction.

Providing exempt Financial Services and Insurance Mediation:

- We are not authorised by the Financial Conduct Authority.

If, while we are acting for you, you need advice on investments, we may have to refer you to someone who is authorised to provide the necessary advice.

However, we may provide certain limited investment advice services where these are closely linked to the legal work we are doing for you. This is because we are members of the Law Society of England and Wales, which is a designated professional body for the purposes of the Financial Services and Markets Act 2000.

The Solicitors Regulation Authority is the independent regulatory arm of the Law Society. The Legal Ombudsman deals with complaints against lawyers. If you are unhappy with any investment advice you receive from us, you should raise your concerns with either of those bodies.

With regards to mediation, we are included on the register maintained by the Financial Conduct Authority so that we may carry on insurance mediation activity, which is broadly the advising on, selling and administration of insurance contracts. This part of our business, including arrangements for complaints or redress if something goes wrong, is regulated by the Solicitors Regulation Authority (SRA). The register can be accessed via the Financial Conduct Authority website at www.fca.gov.uk/register.

Vetting of Files and Confidentiality:

External firms such as our Accountants or our regulatory body who are required carry out an audit and inspection report of our accounts at the end of each financial year or other organisations which may legally conduct audit or quality checks on our practice. These external firms or organisations are required to maintain confidentiality in relation to your file.

Distance Selling:

If we have not met with you at our office, the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 will apply to this file. This means you have the right to cancel your instructions to us with 14 working days of receiving this information in writing.

You can cancel your instructions by contacting us by post or by fax to this office.

Once we have started work on your file, you may be charged if you then cancel your instructions.

If you would like us to commence work on your matter, please sign, date and return our terms and conditions (PAGE 9 Only – headed “Our Business Terms”), which we provide in duplicate in order that you may retain a copy for your own records.

Commencement of our work:

If you have not already provided us with the necessary information, please let us have the following details:

Assets & Liabilities to include:

- Bank & Building Society Accounts
- Insurances
- Investments, including Premium Bonds and National Savings
- Pensions including state, private or work if applicable
- Property ownership
- Loans
- Credit cards
- Any other liabilities including the Funeral Account
- Our Charges will form part of the liability of the estate

SEPTEMBER 2023