

Sent by email only to propertyandtrust@lawcommission.gsi.gov.uk



8 November 2017

Dear Sir/Madam

Making a will consultation.

The Legal Services Consumer Panel welcomes the opportunity to respond to the Law Commission's consultation on reviewing and updating the law on making a will. This comprehensive consultation covers various aspects of making a will, such as testamentary capacity and mental capacity, what makes a will valid, undue influence, electronic wills and storage.

In response, the Panel has enclosed its own report on wills¹ covering its views on the Law Commission's consultation. We have also highlighted our latest research findings on will-making which may provide additional insight to your analysis.

Differences in consumers' views on will-making

Our latest annual Tracker Survey results show that the second most used legal service by consumers in England and Wales over the past two years is will-writing (28%), not far behind conveyancing at 31%. Worryingly, the research shows that just 37% of England and Wales' population have made a will, roughly unchanged since 2013. However, residents in Wales (51%) are much more likely than those in England (36%) to have made a will.²

Another concern for the Panel is the significantly lower proportion of BME consumers who have made a will (23%) compared to White British consumers (45%). Specifically, those from a Pakistani (14%) or Black African (15%) group are least likely to have made a will. The Solicitors Regulatory Authority data³ highlighted that just 3% of BME users chose solicitors for wills and probate services, compared to 14% among the wider population.

Within the BME communities, cultural variances may well be in play. Research on consumer attitudes towards wills suggests that in addition to faith, other cultural factors include joint ownership of assets among Asian families, and the need to be compliant with Sharia law.⁴ Research from the Ministry of Justice on BME attitudes towards the civil justice system also found that participants preferred to resolve

¹ The Legal Services Consumer Panel, Regulating will-writing, July 2011.

² The Legal Services Consumer Panel, Tracker Survey data tables for general public, July 2017.

³ The Solicitors Regulatory Authority, Experiences of black and ethnic minority people using solicitors, 2008

⁴ The National Consumer Council, Finding the will, a report on will-writing behaviour in England and Wales, 2007.

problems within the family or community. Nonetheless, we remain concerned that there has been no concerted effort to address the gaps identified above. As modern life incorporates more complicated family structures, increased home ownership and the need to plan for care in later life, as the population ages, it is more important than ever to have a will and it is of concern for the Panel if the needs of some communities are not being properly served.

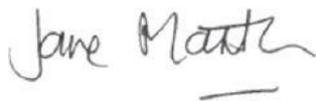
Proposals for reform must therefore consider issues around awareness, access, affordability, quality, consumer protection and redress should things go wrong.

We would be very happy to meet and discuss any aspect of this response in further detail. Please contact Lau Ciocan for further queries at lau.ciocan@legalservicesconsumerpanel.org.uk.

Yours sincerely

Dr Jane Martin

Chair

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style. Below the signature, there is a short horizontal line.