



## **Probate practice rights guidance**

This guidance will help:

- Chartered Legal Executives (Probate)
- CILEX Practitioners (ACCA-Probate)
- CILEX Probate Practitioners

understand the scope of their authorisation to undertake probate activities.

### **What am I authorised to do?**

CILEX Fellows with probate practice rights, CILEX Practitioners (ACCA-Probate) and CILEX Probate Practitioners are authorised to undertake probate activities as defined by the Legal Services Act 2007.

Paragraph 6, Schedule 2 of the Legal Services Act states the following:

- (1) 'Probate activities' means preparing any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales.
- (2) In this paragraph 'probate papers' means papers on which to found or oppose-
  - (a) a grant of probate, or
  - (b) a grant of letter of administration

The probate practice rights awarded are detailed on your annual Practising Certificate.

### **What am I not authorised to do?**

Your probate practice rights do not authorise you to undertake activities defined in the Legal Services Act 2007 as 'reserved instrument activities'. This includes the preparation of deeds which is often an important element of the delivery of probate administration and trusts service. 'Reserved instrument activities' can only be undertaken by CILEX Fellows with Conveyancing Practice Rights or CILEX Conveyancing Practitioners.

However, Schedule 3 of the Legal Services Act (2007) does allow for 'reserved instrument activities' to be carried out by unauthorised persons at the direction and under the supervision of another authorised individual.

Should you wish to undertake reserved instrument activities unsupervised, you will be required to seek authorisation of reserved instrument practice rights. For more information on how to

apply for these practice rights, please visit the CILEx Regulation website at: [Become a CILEx Practitioner - CILEx Regulation](#).