

Application for probate affiliate status



INTRODUCTION

All principals (ie, partners, members of an LLP or directors; or individuals or persons who are held out as being partners, members of an LLP or directors) must be;

- members of ICAEW;
- members of the Institute of Chartered Accountants of Scotland (ICAS);
- members of Chartered Accountant Ireland (CAI);
- members of another approved regulator under the Legal Services Act 2007 (the Act);
- accredited probate firm;
- registered auditors;
- DPB-licensed firms; or
- Affiliates of ICAEW under the Audit, DPB, Insolvency, LPA, LPS or Use of the description 'Chartered Accountants' Regulations.

If a principal is not one of the above they must be granted probate affiliate status by submitting this form. Please submit an application form for each principal who is to become a probate affiliate.

HOW TO COMPLETE THIS APPLICATION FORM

Fill in this form electronically, using the TAB key to move from one answer to the next. If you need more space for an answer, please attach additional sheets.

The firm's contact partner (who will be the Head of Legal Practice in a licensed firm) should complete sections 1 and 2 on the firm's behalf and sign section 8.

The person who is applying for probate affiliate status should complete sections 4 and 5 and sign section 7.

The person's referees should complete and sign section 6.

Where necessary, we give guidance before each section. Please read this before you complete the questions in each section.

If you have any questions as you are filling in the form, please call +44 (0)1908 546 302. This may avoid delays in dealing with your application.

If you are a licensed firm, you should consider if you also need to apply for approval of a non-authorised owner. You should refer to that application form to decide if the applicant for probate affiliate status is also a non-authorised owner (ie, partner, member of a LLP, director or shareholder) with a material interest.

If this application is for an individual who will be an authorised person, the Head of Legal Practice or the Head of Finance and Administration, you need to complete that application form as well.



1 FIRM DETAILS

Firm name

Firm number **C00**

2 DETAILS OF PRINCIPAL APPLYING FOR AFFILIATE STATUS

ICAEW use. A/

Title (eg, Mr, Mrs, Dr)

Surname of principal

First names of principal

Date of birth of principal

Address

Postcode/
zipcode

Home phone

Email (this will give you
access to icaew.com)Address of firm's office at
which affiliate will be locatedPostcode/
zipcode

3 CORPORATE APPLICANTS

Name of firm

Firm address

Postcode/
zipcode

Firm phone

Companies House
registration number

Principal		% of shares held	% of voting rights held
Management board		% of shares held	% of voting rights held

4 PREVIOUS AFFILIATE STATUS

Has ICAEW granted affiliate status to this person or body on a previous occasion, eg, audit registration?

YES NO

If 'Yes', please give details of the firm in which they were a principal and the dates they were an affiliate.

Name of previous firm

Number of previous firm (if known) **C00**

Affiliate number (if known)
(seven digits)

From _____ to _____

5 FIT AND PROPER

Applicants for affiliate status are required to demonstrate that they are fit and proper.

Please answer the following questions and, if necessary, provide additional information in a covering letter or on a separate sheet. In the case of a corporate applicant, the answers should be for each shareholder, director or member.

There is no need to mention cautions or offences which are spent for the purposes of the Rehabilitation of Offenders Act 1974, offences committed before the age of 17 (unless committed within the last 10 years) or road traffic offences that did not lead to a prison sentence.

Financial integrity and reliability

1. Have you, within the last 10 years, in the UK or elsewhere, failed to satisfy any debt adjudged due and payable by you as a judgment debtor under an order of a court in the United Kingdom or elsewhere; or made any compromise arrangement with your creditors; or otherwise failed to satisfy creditors in full? YES NO

If 'Yes', please give details.

2. Have you ever been declared bankrupt or been the subject of a bankruptcy order by a court in the UK or elsewhere; or has a bankruptcy order petition ever been served on you? YES NO

If 'Yes', please give details.

If 'Yes', has this order been discharged? YES NO

3. Have you ever signed a trust deed for a creditor, made an assignment for the benefit of creditors or made any arrangement for the payment of a composition to creditors? YES NO

If 'Yes', please give details.

Convictions or civil liabilities

4. Have you at any time been cautioned for, or pleaded guilty to, or been found guilty of, any offences?

YES NO

If 'Yes', in the case of a caution, please give details of the offence and the date of the caution. In the case of a conviction, please give details of the court which convicted you, the offence, the penalty imposed and date of conviction and attach an additional sheet if necessary.

5. Have you ever been the subject of any civil action relating to your professional or business activities which has resulted in a judgment or finding against you by a court, or a settlement (other than a settlement consisting only of the dismissal by consent of a claim against you and the payment of its costs) being agreed?

YES NO

If 'Yes', please give details.

6. Have you ever been disqualified by a court from being a director, or from acting in the management or conduct of the affairs, of any company?

YES NO

If 'Yes', please give details.

Good reputation and character

7. Have you, in the UK or elsewhere, ever been refused (or been the principal in a firm that has been refused) the right or been restricted in the right to carry on any trade, business or profession for which a specific licence, registration or other authority is required?

YES NO

If 'Yes', please give details.

8. Have you, in the UK or elsewhere, ever been the subject of an investigation into allegations of misconduct or malpractice in connection with your professional activities, which resulted in a formal complaint being proved but no disciplinary order being made? YES NO

If 'Yes', please give details.

9. Have you, in the UK or elsewhere, ever been the subject of disciplinary procedures against you resulting in a finding by a professional body or employer? YES NO

If 'Yes', please give details.

10. Have you, in the UK or elsewhere, ever been reprimanded, excluded, otherwise disciplined or publicly criticised by any professional body to which you belong or have belonged? YES NO

If 'Yes', please give details.

11. Have you, in the UK or elsewhere, ever been refused entry to, or excluded from, membership of any profession or vocation? YES NO

If 'Yes', please give details.

12. Have you, in the UK or elsewhere, ever been dismissed, or asked to resign, from any office, employment or firm? YES NO

If 'Yes', please give details.

13. Have you, in the UK or elsewhere, ever been reprimanded, warned about future conduct, censured, disciplined, or publicly criticised, by any regulatory authority, or any officially appointed enquiry, or any other body concerned with the regulation of a financial, professional or other business activity?

YES NO

If 'Yes', please give details.

14. Have you, in the UK or elsewhere, ever been the subject of a court order at the instigation of any regulatory body, or any officially appointed enquiry concerned with the regulation of a financial, professional or other business activity?

YES NO

If 'Yes', please give details.

15. Are you currently undergoing investigation or disciplinary procedures as described in 8, 9 or 10?

YES NO

If 'Yes', please give details.

Questions 16 - 21 apply to your current firm and any previous firms (including sole practices) in which you were a partner, member, director or shareholder at the time any of the events occurred.

Financial integrity and reliability

16. In the last 10 years, did any such firm make any compromise or arrangement with its creditors, or otherwise fail to satisfy creditors in full?

YES NO

If 'Yes', please give details.

17. In the last 10 years, was any such firm the subject of any insolvency proceedings?

YES NO

If 'Yes', please give details.

Civil liabilities

18. In the last five years, was any such firm the subject of any civil action relating to its professional or business activities which resulted in a judgment or finding against it by a court, or a settlement (other than a settlement consisting only of the dismissal by consent of a claim against it and the payment of its costs) being agreed?

YES NO

If 'Yes', please give details.

Good reputation and character

19. In the last 10 years, was any such firm:

- a. convicted by a court of any criminal offence; YES NO
- b. refused or restricted in the right to carry on any trade, business or profession for which a specific licence, registration or other authority is required; YES NO
- c. refused entry to any professional body or trade association, or did it decide not to continue with an application; YES NO
- d. reprimanded, warned about future conduct, disciplined or publicly criticised by any professional or regulatory body; YES NO
- e. made the subject of a court order at the instigation of any professional or regulatory body; YES NO
- f. investigated on allegations of misconduct or malpractice in connection with its professional or business activities that resulted in a formal complaint being proved but no disciplinary order being made? YES NO

20. Is any such firm currently undergoing any investigation or disciplinary procedures as described above?

YES NO

If 'Yes', please give details.

21. Is there any other information relevant to any of the questions above which you wish to disclose to ICAEW?

YES NO

If 'Yes', please give details.

Questions 22-26 apply to corporate body applicants only.

22. Has the corporate entity ever been the subject of an effective resolution passed by the shareholders (or, in the case of a limited liability partnership, by its members) for it to be wound up or had a winding-up order made against it on grounds of insolvency?

YES NO

If 'Yes', please give details.

23. Has the corporate entity ever had an administration order made against it on grounds of insolvency?

YES NO

If 'Yes', please give details.

24. Has the corporate entity ever had a receiver appointed by a creditor or by a court on the application of a creditor?

YES NO

If 'Yes', please give details.

25. Has the corporate entity, in the UK or elsewhere, ever been refused the right or been restricted in the right to carry on any trade, business or profession for which a specific licence, registration or other authority is required? YES NO

If 'Yes', please give details.

26. Is the corporate entity currently undergoing investigation or disciplinary procedures as described in 8, 9 or 10? YES NO

If 'Yes', please give details.

6 DECLARATION BY TWO CHARTERED ACCOUNTANTS

I confirm that, in my opinion, the applicant is a fit and proper person to be granted probate affiliate status with ICAEW.

First referee

Name

Firm name

ICAEW ICAS CAI

Membership number

Date of qualification

I have known the applicant for

Signature

Date

Second referee

Name

Firm name

 ICAEW ICAS CAI

Membership number

Date of qualification

I have known the applicant for

Signature

Date

7 SIGNATURE AND CONFIRMATIONS OF THE APPLICANT FOR PROBATE AFFILIATE STATUS

I hereby apply to the Council to be accepted as an affiliate of ICAEW under ICAEW's Probate Regulations.

I certify that the details provided in this application are correct.

I know of no reason why there should be any doubts regarding my being a fit and proper person to be an affiliate of ICAEW.

If accepted as an affiliate, I undertake to comply with the Royal Charter, bye-laws and regulations which, at the time of acceptance and thereafter, are in force.

In particular, I will:

- observe and uphold the ethical and professional standards of ICAEW;
- perform faithfully and promptly any service that I am retained or employed to undertake in my professional capacity;
- provide promptly and willingly all such information and assistance as I am able, if asked to do so by ICAEW in pursuance of its duties; and
- pay the appropriate annual affiliate fee when due.

I understand that I shall not be entitled to call myself a chartered accountant and that probate affiliate status does not confer any rights, acknowledgements, status or designatory letters on an affiliate or entitle an affiliate to be publicly represented as having such.

I acknowledge that, if accepted as a probate affiliate, I shall be subject to the disciplinary processes of ICAEW for any failure to comply with its bye-laws or regulations, or the undertakings in this application.

Full name of applicant

Signature

Date

8 SIGNATURE AND CONFIRMATIONS OF THE FIRM'S CONTACT PARTNER OR HEAD OF LEGAL PRACTICE (HOLP)

I certify that, to the best of my knowledge and belief, the information in or provided with this application is a true and accurate statement of the firm's and the individual's circumstances

Full name of the firm's
contact partner or HoLP

Signature

Date

9 ADDITIONAL NOTES

The Royal Charter, bye-laws, Probate Regulations and Guidance and Code of Ethics are published at [icaew.com/regulations](https://www.icaew.com/regulations). The probate contact partner or HoLP in your firm should keep a copy of the Probate Regulations and Guidance.

Now return your signed and completed form, with any additional sheets, to:

Regulatory Support
ICAEW, Metropolitan House
321 Avebury Boulevard
Milton Keynes
MK9 2FZ UK

T +44 (0)1908 546 302

E regulatorysupport@icaew.com

We will send you an acknowledgement when we receive your application.

USING YOUR PERSONAL INFORMATION

We will treat your personal information in accordance with data protection legislation. We will use your information to carry out our responsibilities as a regulator and as a professional body. We may, either as required by law or to carry out those responsibilities, share your information to comply with the requirements of government departments, agencies and regulators.

Where necessary, we may transfer your information outside the European Economic Area (EEA) eg, to one of our offices. These countries may not have similar data protection laws to the EEA so, if we do transfer your information, we will take the necessary steps to ensure that your privacy rights are still protected.

For more information about our data protection policy, please go to [icaew.com/dataprotection](https://www.icaew.com/dataprotection)

The Institute of Chartered Accountants in England and Wales (ICAEW), incorporated by Royal Charter RC000246 with registered office at Chartered Accountants' Hall, Moorgate Place, London EC2R 6EA