

# *Application to appoint authorised individual; Head of Legal Practice; or Head of Finance and Administration*



To ensure we have all the information we need to process your application, please ensure you are completing the latest version of this form. The most up to date version is linked from [icaew.com/regulatoryapplications](https://www.icaew.com/regulatoryapplications), or please email [regulatorysupport@icaew.com](mailto:regulatorysupport@icaew.com) for a copy.

We aim to provide a decision on your application as soon as possible. This is usually within 8-12 weeks of receiving a fully completed application form and all supporting documentation.

## **INTRODUCTION**

This form is for accredited probate firms that wish to appoint a new authorised individual. An authorised individual is one who is authorised to conduct, or control the undertaking of, probate work on behalf of an accredited probate firm.

The form is also for licensed firms seeking to appoint a Head of Legal Practice (HoLP) or a Head of Finance and Administration (HoFA).

An application is needed even if the individual was previously approved as an authorised individual in another accredited probate firm, or if the individual was previously appointed as HoLP or HoFA in a firm licensed to carry on reserved legal activities under the Legal Services Act 2007 (the Act).

An accredited probate firm is either:

- a. an **authorised firm**: all principals\* (ie, directors, partners or members of an LLP) and shareholders need to be individually authorised to conduct probate work; or
- b. a **licensed firm**: not all principals or shareholders of the firm are authorised, although at least one principal must be.

\* If you are applying to become an accredited firm, and if a principal of your firm is a corporate body, please call +44 (0)1908 546 302 for further information.

An accredited probate firm must appoint a contact partner. If that accredited probate firm is a licensed firm, this will be the HoLP. A licensed firm must also appoint a HoFA.

The duties and responsibilities of an authorised individual, a HoLP or a HoFA are set out in the Probate Regulations.

Before an individual can act as an authorised individual, HoLP or HoFA, they must apply to ICAEW. The individual may not act as an authorised individual, HoLP or HoFA until the firm has received formal notification from ICAEW that their application has been approved.

If this application is for authorised individual status and the individual's probate qualification makes them eligible to apply under probate regulation 4.1(c) (section 3 (c) of this form), you must include a basic Disclosure and Barring Service check for the individual (see [www.gov.uk/db](https://www.gov.uk/db)) which was made within three months of the date of the application. If the application is for HoLP or HoFA, a standard check will need to be carried out for which a fee is payable by you. We will undertake such checks.



## HOW TO COMPLETE THIS APPLICATION FORM

The firm's contact partner (who will be the HoLP in a licensed firm) should complete sections 1-5 on the firm's behalf and sign section 10.

If a firm is applying to become accredited for probate for the first time, the individual who is proposed to act as the contact partner or HoLP should complete sections 1-5.

The individual to be appointed should complete sections 6-9 and sign section 11.

Where necessary, we give guidance before the section. Please read this before you complete the question.

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.

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

### 1 FIRM DETAILS

Firm name

Firm number **C00**

### 2 INDIVIDUAL TO BE APPOINTED

**Authorised individuals (AIs):** the individuals who can undertake, or control the undertaking of, probate work on the firm's behalf. Only principals and employees can be AIs, not consultants or subcontractors.

**Head of Finance and Administration (HoFA):** the individual appointed by a licensed firm and who is responsible for taking all reasonable steps to ensure that the firm complies with the requirements in regulation 3.8 (clients' assets) and who is not disqualified under the Legal Services Act 2007 from acting as a HoFA and who must report any breach of those requirements to ICAEW as soon as reasonably practicable.

**Head of Legal Practice (HoLP):** the authorised individual appointed by a licensed firm who is responsible for taking all reasonable steps to ensure that:

- the licensed firm and its principals and employees comply with their duties under these regulations (other than regulation 3.8); and
- non-authorised persons do not do anything which causes or substantially contributes to any breach of these regulations by the firm or by any authorised person who is a principal or employee of the firm;

and who is not disqualified under the Legal Services Act 2007 from acting as a HoLP and who must report any breach of those requirements to ICAEW as soon as reasonably practicable.

For definitions of a HoFA and a HoLP, please see section 1 of the Probate Regulations which can be found at [icaew.com/probate](http://icaew.com/probate)

In relation to licensed firms, the Act requires the HoLP to be an authorised individual. There is no requirement for the HoFA to be an authorised individual, although it is generally expected that they will hold an appropriate accountancy or finance qualification.

Professional body: if the individual is a member of a professional body please give its name.

Which status is this application for?

- Authorised individual
  Head of legal practice/authorised individual
  Head of Legal Practice
  Head of finance and administration/authorised individual
  Head of Finance and Administration
  Authorised Individual/Head of Legal Practice/Head of Finance and Administration

Name

Name of all professional bodies

Professional body member numbers (if known)

Individual's email address

Individual home address

Postcode/  
zipcode

Address of firm's office that individual will be located at

Postcode/  
zipcode

Date of birth

Is this individual  a principal in the firm?  an employee?

Confirm which address you would like to be shown on ICAEW's records as your primary address  Firm address  Home address

If an employee, who do they report to?

Does this individual hold a practising certificate? YES NO

### 3 AUTHORISED INDIVIDUAL QUALIFICATIONS

Applicants for designation as authorised individual (AI) and Head of Legal Practice (HoLP) (who must also be an AI) should complete this section.

#### (a) Applications under regulation 4.1(a)

An individual who is a member of ICAEW (or other eligible accountancy body\*) who has attended a course and passed an assessment which covered at least the subjects set out in regulation 4.1(a)

\* Institute of Chartered Accountants of Scotland | Chartered Accountants Ireland | Chartered Accountants Australia and New Zealand | South African Institute of Chartered Accountants | Institute of Chartered Accountants of Zimbabwe | Canadian Institute of Chartered Accountants

Please give details of:

the title of the course attended

the provider of the course

the length of the course  
(if studied by webinar please state)

the content of the course

how the course was assessed

the provider of the assessment

the pass mark of the assessment

the mark the individual was  
awarded for the assessment

Please attach a copy of the individual's certificate confirming that they have attended the course and passed the assessment for the SWAT UK certificate in Probate and Estate Administration.

Details of the experience the individual has had in relation to wills, probate and estate administration (if any) over the last 24 months.

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**(b) Applications under regulation 4.1(b)**

An individual who holds a qualification issued or recognised by an approved regulator (other than ICAEW) that entitles the individual to undertake probate work

Qualification held by individual

The approved regulator that issued  
or approved the qualification

Date the qualification was granted

Details of the experience the individual has had in relation to wills, probate and estate administration (if any) over the last 24 months.

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**(c) Applications under regulation 4.1(c)**

An individual who is otherwise qualified to undertake probate work so as to satisfy ICAEW that it should approve their designation as an authorised individual

Please give details of:

the course or qualification  
attended/held by the individual

the provider of the course or body which  
issued or approved the qualification

the date the individual attended the course  
or the date the qualification was granted

the course or qualification content (continue on a separate sheet if necessary)

how the course or qualification  
was assessed

name of assessment provider

the pass mark of the assessment

the mark the individual was awarded for  
the assessment

Please attach a copy of the individual's certificate confirming that they have attended the course and passed the assessment or have been awarded the qualification.

Details of the experience the individual has had in relation to wills, probate and estate administration (if any) over the last 24 months

How many additional sheets have  
you attached?

I have provided evidence that the individual's qualification covers all the Probate Regulation 4.1c qualification criteria except:

- the Legal Services Act 2007 and how it applies to probate work (1.1); and
- ICAEW guide to dealing with vulnerable clients (2.8).

I therefore confirm that the individual has read and understood the information relating to these two criteria. These can be found in the further information section at [icaew.com/probate](https://www.icaew.com/probate)

## 4 HEAD OF FINANCE AND ADMINISTRATION QUALIFICATIONS (HoFA)

**Please give details of your qualifications relevant to this role (for example accountancy or financial qualifications).**

Qualification held by individual

Qualification granted by

Date the qualification was granted

Please attach a copy of the individual's certificate confirming that they have been awarded the qualification.

## 5 MAINTAINING COMPETENCE

Will individual training records be maintained for the applicant?

YES NO

Please mark those activities which are, or will be, used by the individual to maintain competence and keep up to date on probate legislation, regulation and related matters.

Online/e-learning	Update services	DVD subscription	In-house courses	In-house technical discussion groups	Training consortium or another firm's in-house courses
ICAEW or district society courses	Other commercial courses	Local discussion groups	Private reading: technical papers, accountancy journals, legal journals, articles, newsletters		
Access to technical library	Focused discussion with more experienced colleagues		Other (please give details)		

The individual to be appointed should complete sections 6 to 9 as appropriate.

## 6 PREVIOUS STATUS

Have you previously been approved as an authorised individual or HoLP?

YES NO

If 'Yes', please fill in one row for every firm in which you were authorised and indicate which body regulated the firm. If you ceased to be an authorised individual and/or HoLP more than six months ago, please give, on a separate sheet, a brief summary of the work you have undertaken in the intervening period (if any) and how you will ensure your probate knowledge is up to date.

Firm name	Firm number (if known)	Firm's regulatory body	Authorised individual or HoLP	Period as authorised individual or HoLP		Reason for ceasing as authorised individual or HoLP
				From	To	

Firm name	Firm number (if known)	Firm's regulatory body	Authorised individual or HoLP	Period as authorised individual or HoLP From            To	Reason for ceasing as authorised individual or HoLP
How many additional sheets have you attached?					

## 7 PREVIOUS STATUS

Have you previously been approved as HoFA?

YES

NO

If 'Yes', please fill in one row for every firm in which you were the HoFA and indicate which body regulated the firm.

Firm name	Firm number (if known)	Firm's regulatory body	Period as HoFA From            To	Reason for ceasing as HoFA
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## 8 DISQUALIFICATION

Have you previously been disqualified from being a principal, employee, HoLP or HoFA of a firm eligible to be licensed under the Act?

YES

NO

If 'Yes', please give details of the dates you were disqualified, the reason for the disqualification, and whether you are still disqualified.

## 9 FIT AND PROPER

The Act requires individuals to be fit and proper to carry out probate work. An individual who is to be appointed as a HoLP, HoFA or AI must satisfy ICAEW that they are fit and proper.

If you have any doubts about your fit and proper status, please call +44 (0)1908 546 302 for advice.

If you answer 'Yes' to any question in this section, you will not automatically be refused approved status. The Probate Committee may, however, wish to make further enquiries before reaching a decision.

If the Probate Committee subsequently finds out about any matters which you did not disclose, this will be viewed very seriously. It could jeopardise your approved status.

If you answer 'Yes', you will need to give further details on a separate sheet.

Questions 1-9 apply to the individual to be appointed as an authorised individual, HoLP or HoFA. Questions 10-15 apply to the individual's current firm and any previous firms (including sole practices) in which the individual was a principal at the time any of the listed events occurred.

The word 'firm' indicates all sole practitioners, principals, sole directors, sole shareholders of a corporate practice, authorised individuals and previous practices.

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

Applicants for HoLP and HoFA should answer all questions and disclose spent convictions and cautions but should not disclose protected\* cautions or convictions or road traffic offences that did not lead to a prison sentence.

\* The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) was amended in May 2013 to bring it in line with the European Convention on Human Rights. The main changes were the introduction of 'protected' cautions and convictions. As a result of the changes, questions we ask about convictions and cautions do not apply to protected cautions and convictions. Failure to disclose such convictions and cautions cannot be considered as prima facie evidence of dishonesty. The Disclosure and Barring Service (DBS) will filter any protected convictions and cautions, so they will not appear on standard disclosures.

Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website at [gov.uk/government/publications/dbs-filtering-guidance](http://gov.uk/government/publications/dbs-filtering-guidance)

### 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 UK or elsewhere; or made any compromise or arrangement with your creditors; or otherwise failed to satisfy creditors in full?

YES

NO

- |   |     |    |
|---|-----|----|
| 2. Have you ever been declared bankrupt or been the subject of a bankruptcy court order in the UK or elsewhere, or has a bankruptcy petition ever been served on you?         | YES | NO |
| 3. If 'Yes', has this order been discharged?  | YES | NO |
| 4. Have you ever signed a trust deed for a creditor, made an assignment for the benefit of creditors, or made any arrangements for the payment of a composition to creditors? | YES | NO |

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### Convictions or civil liabilities

- |   |     |    |
|---|-----|----|
| 5. Have you at any time been cautioned for, or pleaded guilty to, or been found guilty of, any offence? | 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. Please attach additional sheet if necessary.

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|--|-----|----|
| 6. 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 |
| 7. 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 |

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### Good reputation and character

- |   |     |    |
|---|-----|----|
| 8. Have you ever been   |     |    |
| a. refused (or been a 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 |
| b. investigated about 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 |
| c. the subject of disciplinary procedures by a professional body or employer resulting in a finding against you;  | YES | NO |
| d. reprimanded, excluded, disciplined or publicly criticised by any professional body which you belong to or have belonged to;  | YES | NO |
| e. refused entry to or excluded from membership of any profession or vocation;  | YES | NO |

f. dismissed from any office or employment or asked to resign from any office, employment or firm;	YES	NO
g. reprimanded, warned about future conduct, censured, disciplined, or publicly criticised by any regulatory body, or any officially appointed enquiry or any other body concerned with the regulation of a financial, professional or other business activity; or	YES	NO
h. 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
9. Are you currently undergoing any investigation or disciplinary procedures as described above?	YES	NO

Questions 10-15 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 listed events occurred.

<b>Financial integrity and reliability</b>		
10. 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
11. In the last 10 years was any such firm the subject of any insolvency proceedings?	YES	NO
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<b>Civil liabilities</b>		
12. 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
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<b>Good reputation and character</b>		
13. 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; or	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
14. Is any such firm currently undergoing any investigation or disciplinary procedures as described above?	YES	NO
15. Is there any other information, relevant to any of the questions above, which you wish to disclose to ICAEW? If 'Yes', please supply details on a separate sheet.	YES	NO

## 10 SIGNATURE AND CONFIRMATION OF THE CONTACT PARTNER OR HEAD OF LEGAL PRACTICE

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.

I confirm that the individual named in this application:

- has been proposed as an authorised individual or HoLP or HoFA by me in my capacity as the contact partner of the firm whose name is given in section 1;
- is fit and proper to be a HoLP, HoFA or authorised individual (as appropriate); and
- is not able to act as a HoLP, HoFA or authorised individual until the firm has received formal notification from ICAEW that this application has been approved.

If the application is for the appointment of an authorised individual, I confirm that the named individual:

- is competent to conduct, and control the undertaking of, probate work; and
- is required by the firm to plan and control any probate work undertaken at the firm.

Signature of the contact partner of Head of Legal Practice

Name

Signature

Date

Signature of the managing or senior partner (if different contact partner)

Name

Signature

Date

If the application is for the appointment of a HoLP or HoFA, I confirm that the named individual:

- is competent to undertake this role;
- is of sufficient seniority to ensure that their instructions in relation to probate work are acted upon by the firm's principals and employees; and
- will have the freedom to report any breach of the Probate Regulations to ICAEW.

If this application is approved, I confirm that the individual will, at all times, be required to comply with the Probate Regulations.

I understand that none of ICAEW, its officers, staff, members of its Council or committees, their servants or agents can be held liable to the firm, a person, or an individual, in damages for any act or omission arising out of the performance of any of their functions under the Legal Services Act 2007, or connected with the granting of authorisation or a licence, the enforcement of the Probate Regulations or the monitoring of compliance with the Probate Regulations in any respect, unless the act or omission is shown to have been in bad faith.

## 11 SIGNATURE AND CONFIRMATION OF THE INDIVIDUAL TO BE APPOINTED

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 my circumstances.

If this application is approved, I undertake that I will, at all times, comply with the Probate Regulations.

I understand that, if I leave this firm, my status will cease. If I join another firm and intend to carry out work as a HoLP, HoFA or authorised individual, I will need to submit a fresh application.

I confirm that as the applicant I have undertaken and achieved the qualification as required by section three of this application form.

I acknowledge that ICAEW may make enquiries of or about me as it deems necessary, including carrying out verification checks of the information contained in this application.

I acknowledge that, if applying for authorised individual status under regulation 4.1(c) (section 3(c) of this form), I must include a Disclosure and Barring Service check (see [gov.uk/disclosure-barring-service](http://gov.uk/disclosure-barring-service)) which was made within three months of the date of this application.

I acknowledge that, if applying for HoLP or HoFA status, ICAEW will undertake a Disclosure and Barring Service check on me.

I understand that none of ICAEW, its officers, staff, members of its Council or committees, their servants or agents can be held liable to the firm, a person, or an individual, in damages for an act or omission arising out of the performance of any of their functions under the Legal Services Act 2007, or connected with the granting of authorisation or a licence, the enforcement of the Probate Regulations or the monitoring of compliance with the Probate Regulations in any respect, unless the act or omission is shown to have been in bad faith.

Signature of individual to be appointed

Name

Signature

Date

## 12 CHECKLIST

Before you return the completed application form, please check you have:

answered every question;

checked that sections 10 and 11 have been signed;

made a copy of the completed form for your records;

attached all additional sheets; and

included a Disclosure and Barring Service check for any authorised individual applying under probate regulation 4.1(c) (section 3(c) of this form).

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](mailto:regulatorysupport@icaew.com)

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

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

### 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 personal information to comply with the requirements of government departments, agencies and regulators. Where necessary, we may transfer your information outside the UK or European Economic Area (EEA) eg, to one of our offices. These countries may not have similar data protection laws to the UK 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](http://icaew.com/dataprotection)