



Probate Committee

TERMS OF REFERENCE

ACCOUNTABILITY

1. The Probate Committee reports to the ICAEW Regulatory Board (IRB).

MEMBERSHIP

2. The Committee is made up of 10 members of whom half are lay members.
3. The chair of the Committee is a lay member and will have a casting vote where required.
4. A lay member is defined as a person who is not and never has been -
 - (a) an authorised person in relation to an activity which is a reserved legal activity under the Legal Services Act 2007, for example, a solicitor or barrister
 - (b) a person authorised to provide services which are regulated claims management services under the Compensation Act 2006
 - (c) an advocate in Scotland;
 - (d) a solicitor in Scotland;
 - (e) a member of the Bar of Northern Ireland;
 - (f) a solicitor of the Court of Judicature of Northern Ireland.
5. Half the members of the committee will be practitioners with expertise in the regulated areas.
6. ICAEW office-holders are disqualified from membership of the Committee in accordance with Principal Bye-law 44. The Regulatory Appointments Policy applies to this Committee, and therefore ICAEW Council and Board members may not serve on the Committee.

POWERS AND AUTHORITIES

7. The IRB has delegated responsibility for the following activities to the Committee:
 - a) ICAEW's functions as an approved regulator and licensing authority as set out more fully in the Probate Regulations, which include:
 - considering and determining applications for probate accreditation;
 - considering and determining applications for authorised individual, Head of Legal Practice, Head of Finance and Administration, non-authorised owner or probate affiliate status;
 - monitoring compliance with the Probate Regulations;
 - taking regulatory action as required to secure compliance with the Probate Regulations;
 - referring matters to ICAEW's disciplinary committees as required;

- compiling and maintaining a register of licensed firms and supplying this information to the Legal Services Board as required.
- b) ICAEW's functions under the Probate Compensation Scheme Regulations in determining applications for grants;

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8. The Committee will operate in accordance with the Probate Regulations and Probate Compensation Scheme Regulations.
9. In discharging its functions the Committee will have regard at all times to the public interest, and the regulatory objectives and requirements of the Legal Services Act 2007.
10. The Committee will have a quorum of five members, the majority of whom will be lay members.
11. There will be a review of the Committee's membership and function every 3 years.