



Policy on non-disclosure of material facts

It is the policy and obligation of the Probate Committee to apply the Probate Regulations. In taking decisions on authorisation and ongoing regulation the Committee places reliance on information provided by applicants and authorised or licensed firms and individuals being complete and accurate. To this end it offers guidance on the completion of application and other forms and stands ready to answer questions from firms or individuals where there is uncertainty on the interpretation of the forms or guidance.

In regard to “*fit and proper*” questions the forms state clearly that the Committee views very seriously non-disclosure of relevant information. They note that non-disclosure, if subsequently discovered by the Committee, could jeopardise a firm’s application or continuing accreditation. It is the responsibility of the firm to ensure that all information provided in conjunction with an application, and in any subsequent regulatory relationship should the application be successful, is complete, timely and accurate. It is not sufficient to argue that information is in the public domain or that it is available elsewhere in the Institute’s files: all information asked for in connection with an application or ongoing regulation should be provided directly to the Committee or its officials handling the application or the ongoing regulatory process.

Non-disclosure can be a deliberate attempt to hide facts that might be perceived to reduce the likely success of an application and to mislead the Regulator. It can also indicate a poor attitude to regulation or a lack of diligence and competence with regard to compliance, record keeping, administration and completion of documentation. In all of these cases the fitness and propriety of the firm and of the individual(s) signing off the application is called into question.