

What to consider when buying will writing services

Consumer guide

9 October 2024



Introduction

The Competition and Markets Authority (CMA) has produced this guide to help you when buying will writing services.

In the UK, anyone can write a will. This means that you can write it yourself or choose a will writing business to write it on your behalf.

Whichever option you choose, it is important that you understand what you are buying, and your rights if things go wrong.

This guide covers:

- your options when choosing a will writer
- what to keep in mind when buying a will writing service
- potential sources of help if things go wrong after your purchase

This is not a general guide to wills, or a complete guide to your rights as a consumer.

For further information on making a will and who to contact for advice on your consumer rights, see the links at the end of this guide.

Choosing a will writer

Some legal services are ‘reserved activities’ meaning they can only be carried out by regulated legal professionals, such as solicitors. For many other activities – such as will writing - there are no restrictions in the law on who can carry these out.

While it is helpful to have a range of options available, it is important that you pick the option that is right for you.

In general, your options for writing a will include:

- writing it yourself
- using a regulated professional to be your will writer
- using an unregulated professional will writer

There are examples on [Making a will: Write your will - GOV.UK \(www.gov.uk\)](http://www.gov.uk), including about when you should get professional advice if your will is not straightforward.

You are protected by general consumer protection law whichever type of provider you choose.

Differences between will writers

It is important to be aware that there are differences between the will writing services on offer. One type isn't necessarily better than another, and it is for you to decide whether the price, quality, experience, knowledge and protections on offer meet your needs.

Regulated professionals

Some will writers offer services as part of a regulated legal practice (for example, a solicitor's firm). There are different regulators depending on which part of the UK you live in (see below for more details).

If the will writer is regulated this means that:

- they have to follow codes of conduct and requirements set down by their regulator including the standards, training and qualifications they must meet
- you could complain to the Legal Ombudsman (in England and Wales) or Scottish Legal Complaints Commission (in Scotland) or the Law Society of Northern Ireland, about certain problems with the service you receive, if the business itself does not resolve them
- you may have access to compensation either through the will writer's own insurance or through a legal regulator's compensation scheme.

Unregulated professional will writers

You can also choose a professional will writer who is not regulated and who may offer a lower priced alternative. Some will writers belong to self-regulatory bodies which have their own rules, complaint handling services and training standards.

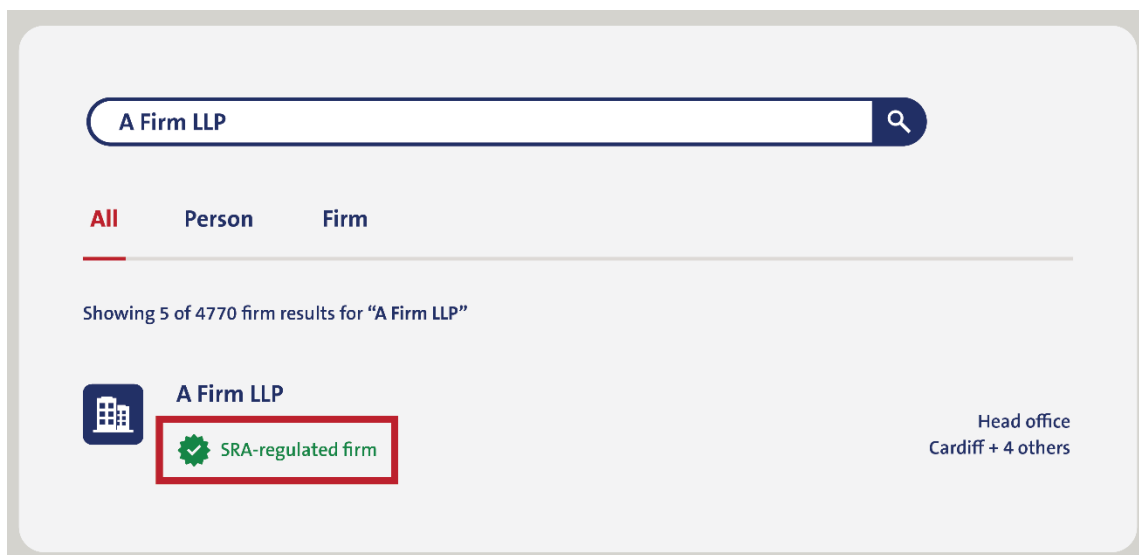
There is a list of self-regulatory bodies at the end of this guide.

What you should know before you purchase a will writing service

Getting the right information

Check for yourself if the will writer is regulated, or a member of a self-regulatory body, by checking the website of the regulator or self-regulatory body (see the links at the end of this guide). Some businesses might appear on the website of a regulator because they employ regulated professionals, but the business itself may not be regulated. This may be the case, for example, for some businesses in England and Wales that appear on the Solicitors Regulation Authority's (SRA) website.

You will be able to tell if the whole business is regulated by the SRA because it will have a green tick and 'SRA-regulated firm' by its name on the SRA's ['Solicitors Register'](#) page (and it may also have the SRA's clickable logo on its own website).



Regardless of their status, it is important that will writers give you the right information to help you make an informed decision.

If they haven't already given you this information, ask the will writer – whoever they are – to provide you with details and evidence of:

- ✓ Any qualifications, training or experience that they have
- ✓ Any ongoing training or development that they carry out
- ✓ Their status (for example, are they a professional will writer, solicitor, other legal professional, or a sales representative?)
- ✓ Their complaints handling process and what options are available to you if things go wrong
- ✓ If they have professional indemnity insurance. For example, some self-regulatory bodies require their members to have a minimum cover of £2 million in place. If not, you might not be able to recover compensation from the business if things go wrong
- ✓ Whether the services they provide are suitable for the part of the UK you live in.
- ✓ You should also check whether the will writer is:
 - drafting the will for you
 - using someone else or another business to draft the will
 - providing a template that you need to fill out (perhaps via an online form)

If it's not clear from the website or the information provided, ask the business these questions and get any clarification in writing.

Shop around and compare will writers so you can see what each one offers. If you are able, try and get quotes from at least three different will writers. You should think about whether the service being offered is right for you and your circumstances, as the cheapest quote may not be the one that best suits your needs.

Be clear on the costs of the service

Check how the charges for the will writing service are calculated. For example:

- if it is a one-off fee, what is included or excluded?
- if the will writer charges an hourly rate, is there an agreed limit to the overall cost?
- what will you pay in total?

It is against the law for businesses to advertise a price but then introduce additional (non-optional) fees later in the sales process. If this happens, remember you don't have to accept the service and can compare prices with other providers.

Take a screenshot, download a copy or keep a hard copy of the details of the service and price you have been quoted for, in case of future disputes.

You might be aware that there are different schemes offering free wills – for example, Free Wills Month (which takes place twice a year, in March and October) and Will Aid (which

takes place in November each year). These usually offer to cover the cost of writing simple or basic wills but ask for a voluntary donation to charity. If your will is likely to be complex, a fee may apply so you should check beforehand. You should also check the other points in this guide, which are still relevant even if you go through one of these schemes.

Terms and conditions

There can be lots of unfamiliar words and phrases when it comes to wills, which can be confusing. If you are unsure what a word means, don't be afraid to ask the will writing business to explain the meaning to you in plain language.

It is also important that you understand the terms and conditions that come with a will writing service and read these carefully before you sign up to anything.

We have highlighted some websites which may help you understand these terms at the end of this guide.

There are also some things to look out for, especially in the small print, that could suggest the will writing business is not trustworthy. For example, they might:

- require you to pay charges that you have not agreed to upfront, or change prices without your agreement
- put an unfair limit on how much compensation (or damages) they must pay if they cause something to go wrong with your will. For example, a business may say that they are only liable up to a specific amount (such as the cost of the will), when the losses from a badly drafted will could far exceed that
- require you to sign a disclaimer which puts pressure on you to buy a service that you don't need or want
- claim to have legal experts that will check your will, but then say in their small print that they don't actually provide legal advice

Extra services or costs

Some will writers may offer other services alongside the drafting of a will. Although you might be told about these extra services, they aren't necessary for a valid will.

This could include a will writer offering to be appointed as an executor of the will. An executor is a person named in a will who sorts out the estate of the person who has died and carries out their wishes. Your estate will be charged for using a professional executor when the services are eventually required.

You could choose someone in your family to be an executor instead. Some people may decide to choose a professional executor, but this isn't a legal requirement and using a professional executor will involve additional costs.

Some things to bear in mind when considering choosing an executor include:

- changing your mind later on would require amendments to your will and could involve administrative costs
- depending on the terms of the appointment, your estate may be charged fees you did not expect
- it may not be easy for your beneficiaries to agree a replacement executor (and some professional executors may charge a fee for stepping aside)

- an executor may not be legally allowed to step aside if they have started to carry out the role
- if you have your will drafted now naming a non-professional executor (such as a family member), this will allow them to decide whether to get professional advice in the future if they need it, rather than committing now

You may also be invited to buy other services, such as will storage, will update subscriptions and complex estate planning services.

Remember, although you might be told about these extra services, they aren't necessary for a valid will and you don't have to buy these services from the same business that is writing your will.

Some points to keep in mind about extra services or costs:

- estate planning and trusts services can be complicated and involve different elements. When it comes to these services you should not make any rushed decisions. Consider getting a second opinion and/or doing your own research before purchasing. There can be serious unintended consequences if these products are not suitable for your circumstances
- it is important to store the original copy of a will safely and securely. See links at the end of this guide for more information, including how to store a will with HM Courts and Tribunals Service (HMCTS)
- for will storage services - check where the physical original copy of the will is to be stored, the cost of this and what will happen to the will if the business stops trading. You may also want to ask if there are fees for removing the document from storage, for example if you need to amend your will
- some businesses offer subscription services (for example, in relation to will storage or will updates). If you are offered a subscription service, make sure you are clear about whether the subscription will auto-renew, how you will be charged, and how you can cancel the subscription before and after it renews
- finally, check any contracts or sales webpages to make sure you aren't being automatically signed up for any additional services (for example some businesses may automatically 'pre-tick' a check box to say 'yes' to a service you don't actually want)

Know your rights

If you are thinking about buying a will writing service but want to talk this through, you may want to ask upfront how long any appointment will take and ensure the business representative sticks to this time.

You shouldn't be pressured into buying a will or anything else connected with this. If you are, ask the salesperson or will writer to leave if the conversation happens in your home, or say that you are ending the call if it is over the phone.

If you are meeting a will writer at home, they shouldn't stay longer than they have agreed with you or than is necessary. If you feel uncomfortable at any point, end the appointment and ask the person to leave.

If you pay using a credit or debit card you may be able to access additional remedies (such as a refund) directly through your bank or credit card provider, though the protections can differ between providers and types of card. See, for example, this [Financial Ombudsman resource](#) for more information.

You also have a 14-day cooling-off period to change your mind and receive a full refund if you purchase a will writing service online, or away from the will writer's business premises. If you require a will more urgently, you can request the business to provide it earlier, but you may lose your refund rights when doing so. You should not be pressured into making such a request by the business.

If a business has not informed you about your right to cancel and how to exercise it, then the 14-day period is extended by up to a year or will run from the date the business has informed you of that option (if earlier).

If things go wrong after your purchase

If things go wrong, or you are unhappy with the service you receive, the first point of contact should be the business that you have bought will writing services from.

If they are regulated or a member of a self-regulatory body there may be other forms of support and help available. There are links below to the websites of legal services regulators and self-regulatory bodies for will writers.

Who to contact for advice on your rights under consumer protection law

If you need help with a consumer problem in England and Wales, you can contact the Citizens Advice consumer service on **0808 223 1133** (or contact **0808 223 1144** to speak with a Welsh speaking adviser). A trained adviser can give you advice over the phone. As well as giving you advice, the consumer service can pass information about complaints to Trading Standards. You can also [chat with them online](#), [use an online form](#) or consult the [online guide to consumer rights](#).

In Scotland you can contact Advice Direct Scotland on **0808 164 6000** or visit [advice.scot](#). You can also contact Citizens Advice Scotland on **0800 028 1456** for the [Scottish Citizens Advice Helpline](#) or go to [Citizens Advice Scotland](#) for online-advice.

In Northern Ireland, you can contact Consumerline on **0300 123 6262** or visit the [Consumerline website](#).

Sources of advice on making a will

[Making a will: Overview - GOV.UK \(www.gov.uk\)](#)

[Making a will - Citizens Advice](#)

[Wills - Citizens Advice](#) (Scotland)

[Making a will | nidirect](#) (Northern Ireland)

[Making a Will – Remember A Charity](#)

[How to store a will with HM Courts and Tribunals Service \(HMCTS\) - GOV.UK \(www.gov.uk\)](#)

Self-regulatory bodies for will writers

Please note: the bodies below are voluntary 'self-regulatory' organisations formed by businesses in the sector. Each body's approach to membership requirements varies.

We list them here for reference. The views expressed by these organisations do not necessarily reflect the opinion of the CMA. The CMA is not responsible for and does not endorse the content available on other websites.

In England, Wales and Northern Ireland:

[The Institute of Professional Willwriters \(IPW\)*](#)

[The Society of Will Writers](#)

In Scotland:

[The Institute of Scottish Professional Willwriters \(ISPW\)](#)

[The Scottish Society of Will Writers](#)

Across the UK:

[The British Estates Succession and Trust Practitioners \(BEST\) Foundation](#)

[The Society of Trust and Estate Practitioners \(STEP\)](#)

* The Institute of Professional Will Writers has a Code of Practice for its members that has been approved by the Chartered Trading Standards Institute. For more information about this see: [Institute of Professional Willwriters | The Approved Code Scheme \(tradingstandards.uk\)](#)

Legal services regulators

Note: this is not an exhaustive list. Some will writers may also be regulated by non-legal regulators such as the Financial Conduct Authority.

[Solicitors Regulation Authority](#)

[CILEx Regulation](#)

[Law Society of Scotland](#)

[Law Society of Northern Ireland](#)

Complaint handling organisations for regulated professionals

[Legal Ombudsman](#)

[Scottish Legal Complaints Commission](#)

[Law Society of Northern Ireland](#)

These materials do not constitute legal advice and should not be relied upon as such.