



WILLS & EXECUTRIES ACCREDITED PARALEGAL

The objective of the Status is to recognise the work carried out by accredited paralegals and trainee accredited paralegals and provide a formal accreditation. It will provide an assurance of high quality and standards to employers, other members of the legal profession and clients.

As an accredited paralegal or trainee accredited paralegal you must be aware of the general competencies applicable to all members, which can be found under Schedule D of the Scheme of Operations. These competencies cover the knowledge, skills, values and attitudes you are expected to exhibit as a member of the Accredited Paralegal Status.

Together with these general competencies, each practice area has its own scope of competence, skills, knowledge and understanding as shown below.

SCOPE OF ACCREDITED PARALEGALS COMPETENCE

A paralegal should be able to prepare a will and related documentation for a testator, and to progress the administration of an estate, acting for the executor/s from taking client's initial instructions through to completion of the will or completion of the administration, including simple Inheritance Tax calculations and preparation of Executry Account

Specifically, the paralegal should be competent to

- meet with and take clear instructions from clients, including in relation to survivorship destinations
- advise client on procedural aspects of making a valid will and on legal rights
- draft a will or codicil in accordance with the client's instructions
- correspond and liaise with other parties, relevant bodies and authorities, as required
- advise client on procedural aspects of administering an estate, whether testate or intestate
- prepare and file documentation required for the administration of an estate, including court documentation, required, and Executry Accounts
- make simple Inheritance Tax calculations

SCOPE OF ACCREDITED PARALEGALS SKILLS, KNOWLEDGE AND UNDERSTANDING

A paralegal eligible to qualify for the Accredited Paralegal Status in this practice area should be able to:

Demonstrate knowledge, understanding and awareness of:

- succession law
- the process of drafting and executing a valid will or codicil
- the rights and obligations of the testator
- the information which is required from a client when taking instructions for preparation of a will or codicil
- the range of will styles and in what circumstances each style would be appropriate
- the requirements for valid execution of a will or codicil
- the steps involved in administering an estate, whether testate or intestate
- legal rights
- survivorship destinations
- the rights and obligations of executor, beneficiary and other claimants in respect of an estate, whether testate or intestate
- beneficiaries without capacity
- the information required in order to carry out the administration of an estate, whether testate or intestate, including preparation of the inventory of the estate
- the procedure for obtaining a Bond of Caution and when this is required
- the procedure depending on whether the estate is testate or intestate, including court procedure, e.g. appointment of executor-dative
- the court and other deadlines and timescales for the particular type of administration,
- basic understanding of relevant taxes including Income Tax, Capital Gains Tax, and Inheritance tax in so far as they relate to estate administration
- the importance of accuracy in correctly designing individuals in a will
- the importance of having a will signed and witnessed correctly.
- the necessity for wills to be drafted promptly.
- the importance of providing accurate information to the court and to HMRC.
- a basic understanding of trusts
- the basics of Inheritance Tax Planning, including deeds of variation
- complete an Executory Account and to prepare distribution calculations.

Demonstrate knowledge, understanding and familiarity with the legislation relevant to this area.

The following is a non-exhaustive list of potential legislation for this practice area:

- the Requirements of Writing (Scotland) Act 1995
- Succession (Scotland) Act 1964 and specifically rights under intestacy
- Family Law (Scotland) Act 2006 as far as it relates to the succession rights of cohabitants
- Inheritance Tax Act 1984
- Children (Scotland) Act 1995
- Succession (Scotland) Act 2016

The above competencies are based on an accredited paralegal with a minimum of 1 years' experience. If you are applying as a trainee accredited paralegal, then you would be expected to be meeting these competencies after 1 year of training as we are aware you may not yet have had exposure to a full transaction.