



**Martin Wilkinson**

**Solicitors**



**INFORMATION for CLIENTS**



## **INFORMATION for CLIENTS**

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The Solicitors' Code of Conduct 2007 can be seen at <http://rules.sra.org.uk/>



## **REGULATORY INFORMATION**

The following information is information we are required by the Solicitors Regulation Authority to give you.

We are not authorised by the Financial Services Authority. However, we are included on the register maintained by the Financial Services Authority so that we can carry on insurance mediation activity, which is broadly the advising on, selling and administration of insurance contracts. This part of our business, including arrangements for complaints or redress if something goes wrong, is regulated by the Solicitors Regulation Authority. The register can be accessed via the Financial Services Authority website at [www.fsa.gov.uk/register](http://www.fsa.gov.uk/register).

The Law Society is a designated professional body for the purposes of the Financial Services and Markets Act 2000 but responsibility for regulation and complaints handling has been separated from the Law Society's representative functions. The Solicitors Regulation Authority is the independent regulatory body of the Law Society and the Legal Complaints Service is the independent complaints handling body of the Law Society.

## **WHO WILL HANDLE YOUR MATTER OR TRANSACTION?**

You will be told who will handle your matter. All work at this office is done under the supervision and direction of Mr. Martin Wilkinson, Principal of the firm. If you are in any way dissatisfied with the service we have provided for you, we wish to be the first to know, and you have every right to inform us. Should you be unhappy with our service, please let us know by contacting the person handling your matter. Where he or she is unable to resolve the problem, you will then be referred to Mr. Martin Wilkinson. We operate an internal complaints handling system of which you will be given a copy on request. If you make a complaint, you will be told in writing (i) how the complaint will be handled; and (ii) within what timescales they will be given an initial and/or substantive response. We will try to resolve any problem as quickly and satisfactorily as possible. If for any reason we are unable to resolve the problem between us, then please note that the Solicitors Regulation Authority also provides a complaints and redress scheme.

## **IDENTIFICATION EVIDENCE**

You will be aware that we are required to see evidence that you are who you say you are as soon as practicable after you instruct us. This normally involves our meeting you and taking copies of a passport or photocard driving licence as evidence of identity, and a recent bank statement (but not one printed from the Internet) or utility bill as evidence of your address. We have to certify that we have seen the originals of these identification documents. We have a form detailing what forms of identification evidence would be acceptable and that can be completed by other solicitors (who would doubtless charge a fee) if you are unable to come to our offices.

## **POTENTIAL CONFLICTS OF INTEREST**

As solicitors, we are under a professional and legal obligation to keep the affairs of our clients confidential, as well as a duty to disclose to our clients all information in our possession that is material, and to act in the best interests of our clients.

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This is one example of the kind of conflict that can arise and the situation that can arise if it does. Banks, building societies and other mortgage companies often instruct us to act for them in relation to mortgage work where we are also acting for the person taking out the mortgage. Sometimes we have known a person taking out a mortgage to instruct us not to tell the mortgage lender (for which we are also acting) something that the person has told us or that we have found out about some other way. That immediately gives rise to a conflict between our duty of confidentiality to the borrower client and our duty of disclosure to the mortgage lender client. In such a case we have to ask the borrower client to authorise us to make the disclosure to the mortgage lender. If the borrower client will not authorise us to do so, we have to cease to act.

Similar problems can arise if we are acting for joint owners or buyers of a property together and they cannot agree between themselves what they wish to do or wish us to do for them, in which case we may have to require either or both joint clients to be advised independently by other solicitors.

### **MONEY LAUNDERING DISCLOSURE**

Our obligation as solicitors to keep the affairs of our clients confidential, however, is subject to a statutory exception: recent legislation on money laundering and terrorist financing has placed solicitors under a legal duty in certain circumstances to disclose information to the National Criminal Intelligence Service. Where we know or suspect that a transaction on behalf of a client involves money laundering, we may be required to make a money laundering disclosure.

If, while we are acting for you, it becomes necessary to make a money laundering disclosure, we may not be able to inform you that a disclosure has been made or of the reasons for it because the law prohibits 'tipping-off'. Where the law permits us to do, we will tell you about any potential money laundering problem and explain what action we may need to take.

YOUR INSTRUCTIONS FOR US TO ACT FOR YOU WILL CONSTITUTE YOUR CONSENT TO SUCH A DISCLOSURE BEING MADE IF THE NEED ARISES AND WAIVE YOUR RIGHT TO CONFIDENTIALITY IN SUCH AN EVENT. WE CANNOT ACCEPT INSTRUCTIONS TO ACT FOR ANY CLIENT UNLESS WE HAVE THIS CONSENT AND WAIVER.

### **COST OF OUR SERVICES**

We will, before or as soon as possible after receiving your formal instructions, inform you of the cost of our services, or indicate how they are to be calculated; and the time and mode of payment. We aim to update costs information at six month intervals in the rare cases where a transaction being dealt with by us continues that long, unless we have agreed to a set fee for the work (as we do in most residential conveyancing matters. There may be circumstances where we may be entitled to exercise a lien (i.e. withhold all or part of the money we may be holding for you or retain documents or property we may be holding on your behalf) for unpaid costs and/or any money we have paid out on your behalf. You will be informed if we do.

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### POLICY ON COMMUNICATION

We normally communicate with you (by letter, e-mail or telephone) only when we have significant information to report or we need you to do anything. We are prepared on request to report routinely whether or not there is anything to report. If you ask us to do so, we reserve the right to charge extra based on the time extra time it takes us.

Where the person dealing with your matter is not available you are free to leave a voice mail message, indicating whether you wish us to call back. If you do say you would like us to call back, we aim to do so as soon as possible and in any case within 48 hours of the message being left, excluding weekends and holidays. If you really need us to call sooner than that, please tell us when leaving the message, the reason for the urgency.

You will appreciate the work we do requires a considerable amount of concentration and time management. If we had a client who was prepared to pay sufficient in fees to cover all our bills including office rent, lighting and heating, telephones, the cost of acquiring and servicing computers and photocopiers, and paying our employees, we would be able to give that client our undivided attention and usually able to see that client without appointment and speak to that client every time he or she telephones. We would really love to be able to offer that level of service to all our clients. In real life, no client is willing to pay that level of fees. We, in common with any other practice, need to be handling a certain volume of work, below which the practice is not financially viable.

We are sure you would not wish the person handling your matter to be prevented from attending to your matter through being constantly distracted and interrupted by taking every incoming telephone call and seeing everyone who calls at the office without any appointment. You will appreciate that continually stopping what we are doing to pull files out of the queue for attention to answer enquiries rather than dealing with files in turn is a recipe for delay and chaos. **IF YOU NEED TO PAY A PERSONAL VISIT TO OUR OFFICES, PLEASE OBTAIN A PRIOR APPOINTMENT** as this helps us to plan our time effectively, to be able to render the best service possible to all our clients, including you.

### INTERNET AND E-MAIL POLICY

We fully embrace the use of the internet and e-mail as an efficient method of communication, and e-mail is our preferred method of communication.

However e-mail is not secure and it may be possible for unauthorised persons to intercept and read e-mails.

If any client communicates with us by e-mail we take that as consent by that client to communicate by e-mail both with the client and with other parties, other solicitors and estate agents about the client's matter, although we prefer a client to authorise us specifically to do so.

It is not our practice to encrypt e-mails.

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### **INSTRUCTIONS FOR SIGNING A DEED**

Please sign any deed we ask you to sign:

using your usual signature but including all your initials; and

ensuring you have your signature witnessed by an independent person aged 18 or over.

Your witness should not have the same surname as you.

Your witness must write his or her signature, name, address and occupation where shown. (If the document actually says what details the witness should write on it, follow those instructions; not all documents require the witness to state his or her occupation).

If you are signing the Deed on your own behalf, using your own signature, you need only one witness for each signature. (You may need more than one witness if you are signing a Deed for somebody else).

It does not matter whether the same person witnesses more than one signature on a Deed, or whether two or more signatures are witnessed by different people.

**PLEASE DO NOT WRITE IN ANY DATES, OR COMPLETE ANY BLANKS, OR MAKE ANY ALTERATIONS OR DELETIONS, UNLESS WE ASK YOU TO.**

**IF THE DEED HAS ANY PLAN ATTACHED TO IT, YOU MUST SIGN THE PLAN AS WELL, AFTER CHECKING THAT IT IS CORRECT.** Signatures on a plan need not be witnessed.

We can witness your signature if you sign in our presence.

**WE CANNOT WITNESS YOUR SIGNATURE UNLESS WE SEE YOU SIGN THE DEED.**

Please return the signed and witnessed Deed to us (unless we ask you to send it somewhere else). We may need it urgently.

IF THERE IS ANYTHING ABOUT THE DOCUMENT THAT SEEMS WRONG OR YOU DO NOT UNDERSTAND, PLEASE CONTACT US.

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## INSTRUCTIONS FOR SIGNING A WILL

### VERY IMPORTANT

Please read the Will carefully. If you are unsure about any aspect please contact us.

If you and somebody else are making "Mutual Wills", you must both sign your wills at the same time.

All signatures should be made in ink or by ball point pen. So should any small alterations to the Will (such as correcting the spelling of a name) if any are necessary. If we have made any error in preparing the final document and you draw it to our attention, we are prepared to let you have a corrected will for you to sign for no extra charge. It is however advisable to sign your will as soon as possible even if it contains hand written alterations that have been initialled, even if it is shortly to be replaced by a reprinted corrected will.

You must sign your Will in the presence of 2 Independent Witnesses aged over 18 years. These should not be :-

- 1) Anyone mentioned in your Will, or
- 2) Husbands or Wives of anyone mentioned in your Will.

The witnesses need not read the Will.

All 3 of you must remain present at the same time until the following procedure has been completed

- 1) You should date the Will in the appropriate place, just before where you sign at the end of the Will.
- 2) Any alteration should be initialled by you in the margin alongside the amendment.
- 3) You should sign your name with your usual signature at the end of the Will opposite the words "Signed by .....". You need not sign all your forenames or Christian names in full, but you should include all your initials.
- 4) Each witness should then sign his or her name where indicated and complete details of their addresses and occupations where provided.
- 5) If you have made any alteration the witnesses must also initial this in the same way as yourself.

Please then return the Will to us so we can check it and make up my copy of it. we can keep the original in our safe and send you a copy. If you do not wish us to keep the original Will, please tell us where you will keep it.

Do not affix anything to the Will with a paper clip or otherwise, as clip marks on a Will can give rise to questions as to whether other sheets of paper were attached that formed part of the Will when it was signed.

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## WHY EVERYONE NEEDS A WILL

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IF YOU DON'T MAKE A WILL:

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YOUR ESTATE COULD GO TO THE WRONG PEOPLE

\*\*

YOUR HEIRS MAY HAVE TO PAY INHERITANCE TAX

\*\*

YOU MAY NOT BE ABLE TO SAY WHO WILL LOOK AFTER YOUR CHILDREN

\*\*

YOU WON'T BE ABLE TO LEAVE SOMETHING TO PEOPLE WHO HAVE BEEN GOOD TO YOU

\*\*

ALL YOUR MONEY MAY GO TO DISTANT RELATIVES

\*\*

ALL YOUR MONEY MAY GO TO THE GOVERNMENT

\*\*

WHY NOT LET A SOLICITOR ADVISE YOU ABOUT YOUR WILL?

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CALL TODAY FOR AN APPOINTMENT  
OR A FREE INFORMATION PACK

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