

SRA's Transparency Rules Webinar – 20 November 2018

FAQS & Useful Links

FAQs

Q The slide on Residential Conveyancing had a comment about Transfer of Title in divorce cases, but this wasn't explained. Is it a requirement to publish those costs, and is it the same in Probate matters?

A Transfer of Title in divorce cases is excluded from the requirement to publish prices. The SRA state at:

<https://www.sra.org.uk/solicitors/guidance/ethics-guidance/price-transparency.page#collapseOne>

'We do not consider transfers of equity (e.g. in divorce proceedings where the property is transferred from joint names into one of the parties' name as part of the financial settlement) to fall under the above. Of course, if you wish to include the price you would charge for this service you are able to do so'.

Probate

You are required to publish prices for probate work in relation to uncontested cases where all the assets are in the UK. This includes both testate and intestate and taxable and non-taxable. You will need to explain anything that could affect the price quoted (e.g. indicating there is a separate cost for preparing tax returns if it is not included) clearly on your website.

Q There was mention of including a link to the HMRC website for Probate matters. Please could you clarify what is required.

A The government website provides a number of calculators on behalf of HMRC. This includes calculators for inheritance tax. The link is on the Useful Links page below.

Many other organisations also provide calculators, but you may have to provide email addresses etc to obtain the information.

Q In respect of qualification and experience of staff. Is it ok to detail this on the individual staff profile pages?

A It is, providing it covers the specific work type – Probate/Conveyancing etc.

Q In regard to service, is it enough that we have our staff profiles on the website in for example the "Our Team" section, as we do already which details the qualifications and experience of each member of staff?

A As above, you will need to tailor the experience to the type of work undertaken.

Q With regard to the Conveyancing fees we need to set out on the website. I have covered examples for freehold and leasehold Conveyancing fees, do all also need to set out an example and fees for mortgages and re-mortgages?

A Yes

Q Can we state a start from price or do we need to set out all fee scales as our fees differ depending on the value of the property being sold or purchased?

A The SRA recognises that the charging models for these may well differ, dependant on the value/complexity of the estate. You will need to explain anything that could affect the price quoted (e.g. indicating there is a separate cost for preparing tax returns if it is not included) clearly on your website.

You can state that you anticipate that the work will take between X and X hours work at £X per hour with a total cost estimated at between £x & £x (+VAT). The exact cost will depend on the individual circumstances of the matter. For example, if there is one beneficiary and no property, costs will be at the lower end of the range. If there are multiple beneficiaries, a property and multiple bank accounts, costs will be at the higher end.

Q In relation to representation at a single hearing for Road Traffic Offences (does this naturally exclude Trials which *usually* involve a plea and a trial date fixed for later on?)

It's a bit confusing, as a single hearing potentially could be a trial hearing if the date was already fixed before the prospective client comes to the firm.

A You are required to provide price information for assistance in relation to summary only motoring offences under Part I of the Road Traffic Act 1988 and s89 of the Road Traffic Regulation Act 1984.

Be clear on the website that the price is for attendance and representation at a single hearing at the Magistrates Court only and that any other work is charged separately, if that is the case.

I would suggest something along the lines of the narrative on the SRA website:

'The key stages of your matter are based on the presumption that you have entered a guilty plea and have a date for your hearing.

- Meet with your solicitor to provide instructions on what happened.
- We will consider initial disclosure, and any other evidence and provide advice.
- Arranging to take any witness statements if necessary (this will have an additional cost, of X).
- We will explain the court procedure to you so you know what to expect on the day of your hearing, and the sentencing options available to the court.
- We will conduct any further preparatory work, obtain further instructions from you if necessary and answer any follow up queries you have.
- We cannot provide a timescale of when your hearing will take place, as this depends on the court listing for that day.
- We will attend court on the day and meet with you before going before the court. We anticipate being at court for [e.g. half a day].
- We will discuss the outcome with you. If advice is required on appeal, this will carry an additional cost.'

Useful Links

SRA Transparency Guides

<https://www.sra.org.uk/solicitors/resources/transparency.page>

HMRC Calculators and Tools

<https://www.gov.uk/guidance/hmrc-tools-and-calculators#inheritance-tax-and-bereavement>