



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher
Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

Unit 21 – Probate Practice

Question paper

January 2024

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- You must answer **all** questions.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone’s Statutes on Property Law 31st edition, Meryl Thomas, Oxford University Press, 2023.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Answer ALL questions

Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Explain to Chris, with reference to any applicable exemptions and reliefs, why there is unlikely to be any Inheritance Tax payable as a result of Ben's death.
(17 marks)
- (b) Advise Chris in relation to:
- his main duty as the executor of Ben's estate;
 - the powers he will have to run Ben's farming business during the administration of Ben's estate; and
 - the potential consequences of him exceeding those powers when administering Ben's estate.
- (6 marks)**
- (c) Describe the schedules that HMRC will require to be delivered along with the Form IHT 400 in respect of Ben's estate.
(5 marks)

(Total: 28 marks)

Question 2

Reference: Question relates to **Documents 1 and 2** of the case study materials.

Both Edith and David may wish to make a claim against Ben's estate as he made no provision for either of them in his Will.

- (a) Advise Chris:
- whether either or both of them may be able to make a claim against Ben's estate under the Inheritance (Provision for Family and Dependents) Act 1975;
 - the standard of financial provision that can be awarded in each case, if a claim is successful; and
 - the guidelines that the court will apply to any such claim.
- (18 marks)**
- (b) Chris has reached a settlement of the potential claims against Ben's estate under the Inheritance (Provision for Family and Dependents) Act 1975.

Explain to him the best method of formalising this settlement in relation to inheritance tax and what conditions apply.

(5 marks)

(Total: 23 marks)

Question 3

Reference: Question relates to **Document 3** of the case study materials.

- (a) Explain the aspects of due diligence that you will need to consider in preparation for the appointment with Keerat and Leshva. **(10 marks)**
- (b) Explain the matters you should consider when taking Leshva and Keerat's instructions to deal with the administration of Ikbir's estate and the steps you would take immediately after their appointment. **(18 marks)**
- (Total: 28 marks)**

Question 4

Reference: Question relates to **Document 4** of the case study materials.

At your meeting with Nigel Oakley regarding his new Will, you will need to cover the following matters.

- (a) Advise Nigel of the consequences of the different ways in which the gift of his coin collection to Thea could be worded in the Will and the effect of each of these. **(5 marks)**
- (b) Explain to Nigel:
- what would be the effect on the beneficial entitlement to the half share of residue to be shared between the children of Rory and Sophia if his executors were directed under the Will to hold it on trust:

 'for such of the children of Rory Oakley and of Sophia Smith who attain the age of 21 years and if more than one in equal shares absolutely'; and
 - how he could avoid this effect if it is not what he wants. **(9 marks)**
- (c) Advise Nigel of the different options he has to ensure that the method of signature of his Will meets the requirements of s9 (a) of the Wills Act 1837 and the practical consequences of each of these. **(7 marks)**
- (Total: 21 marks)**

End of the examination

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