



**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 2023**

**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 30th edition, Meryl Thomas, Oxford University Press, 2022
- 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 **Document 1** of the case study materials.

- (a) Explain the risks involved in preparing draft Wills for your clients on the basis of the information given to you in the email from Marcus Wu. In your answer, you should also explain the actions you would take to deal with these risks.

**(20 marks)**

**Mrs Price then telephones you and asks what would happen if she died before her husband and he wanted to change his Will for some reason so that Beatrice would not benefit.**

- (b) Advise Mrs Price.

**(5 marks)**

- (c) Explain what steps you would take in relation to the execution of the Wills, bearing in mind that Mr Price is partially sighted. In your answer, you should explain why these steps are required.

**(5 marks)**

**(Total: 30 marks)**

### Question 2

Reference: Question relates to **Document 2** of the case study materials.

- (a) Advise Rajid as to the basis of the claim he could make against his Mother's estate, the orders that he would be seeking from the court and his chances of success with his claim?

**(20 marks)**

- (b) Explain whether, and if so why, you have any concerns as to the validity of the Will in light of Rajid's comments?

**(5 marks)**

**(Total: 25 marks)**

### Question 3

Reference: Question relates to **Documents 3 and 4** of the case study materials.

- (a) Calculate the inheritance tax payable and also explain when it would need to be paid.

**(15 marks)**

- (b) Draft a letter to the client, seeking the information you need to complete Form PA1P.

**(10 marks)**

**(Total: 25 marks)**

### Question 4

Reference: Question relates to **Documents 5 and 6** of the case study materials.

- (a) Explain what powers are given to the Trustees by statute in relation to investment of the trust money. In your answer you should also explain how they would comply with these powers.

**(10 marks)**

- (b) Advise the personal representatives in relation to what they need to do to protect themselves if any debts or liabilities that they do not know about come to light.

**(5 marks)**

- (c) Explain how the personal representative will need to deal with the payment to Max. In your answer, you should also explain what record, if any, you would keep after making the payment.

**(5 marks)**

**(Total: 20 marks)**

**End of the examination**

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