



A6 – Wills, Probate and Private Client

Advanced Stage

2026 - 2027

A6: Wills, Probate and Private Client

The aim of this module is to give you knowledge and understanding of:

- the role of equity and trusts in relation to wills and probate;
- the law and procedure relating to wills and will drafting;
- how property passes on intestacy
- inheritance tax; and
- the law and procedure relating to the administration of an estate.

Throughout the module, you should be able to recognise risks and consider appropriate steps to mitigate risks.

The module covers:

1. Equity and trusts
2. Making a will
3. Will Drafting
4. Beneficial entitlement
5. Structure and contents of a will
6. Alteration and revocation of wills
7. Intestacy
8. Inheritance tax
9. Applying for the grant of representation
10. Estate administration
11. Claims against an estate

Learning Outcomes

By the end of this module, you will be able to:

1. Explain and apply the law relevant to equity and trusts, wills, and estate administration.
2. Understand the risks of will drafting and identify best practice to mitigate those risks.
3. When taking will instructions, identify the options available to a client, the consequences of those options to be able to draft a will and codicil.
4. Appreciate when an alteration or revocation of a will is valid or invalid.
5. Explain and apply the intestacy rules.
6. Explain and apply rules 20 and 22 Non-Contentious Rules 1987.
7. Undertake a simple inheritance tax calculation.
8. Plan and manage an estate administration.
9. Understand the risks of estate administration and identify best practice to mitigate those risks.
10. Explain when a claim may be made against an estate and apply the law in this area.
11. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics and obligations or other issues under the applicable Codes of Conduct

Candidates are expected to know the basic differences of the law in Wales as well as the law in England where they differ.

Linked online assessment: A6

Prerequisite knowledge – Subjects covered by the Foundation Stage Introduction to Property and Private Client module

Candidates will not be penalised for referring to previous versions of the law, thresholds, or rates if changes have occurred within the six months preceding the examination.

TQT: 180 hours

Module Resources

In addition to the course book, there is a reading list that accompanies the module along with an updates document, both located in the 'Study Guide and Content Updates (latest edition)' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

All CPQ candidates must read the relevant CILEx Regulation Education Standards Handbook

Details of updates included in 2026-2027 Module Specification

The module specification has been restructured under new headings. As part of the update, some of the content has been retained/re-worded or removed; other parts have been expanded on or added.

Additions for 2026-2027 Module Specification (2026-2027 module references)

- 1b) addition of: Settlor
- 1b) addition of: Will trusts, Fixed interest and Interest in possession trusts
- 1b) addition of: Charitable and Non-charitable purpose trusts

- 2b) addition of: s.11 Will Act 1837 – privileged wills
- 2d) addition of: Pressure exerted to overpower the free will of a testator
- 3a) addition of: Direct where assets should pass (avoid the intestacy rules)
- 3b) addition of: Third party referrer e.g. family members in Will instructions (including identifying risks)
- 3d) addition of: Sending the client a draft will with clear explanatory letter

- 4a) addition of: Letters of wishes
- 4b) addition of: Abatement

- 5a) addition of: Commencement
- 5b) addition of: Revocation- Avoid multiple valid wills
- 5c) addition of: Role is voluntary
- 5d) addition of: Role is voluntary
- 5h) addition of: Direction re payment of inheritance tax
- 5h) addition of: Longstop clause
- 5k) addition of: Risks

- 6c) addition of: Conditional revocation

- 7a) addition of: Entitlement to a grant under the Non-Contentious Probate Rules 1987
- 7a) addition of: Two administrators needed if there is a minor interest

- 8a) addition of: Inheritance tax
 - Calculating inheritance tax
 - Overview of business property relief and agricultural property relief
 - Spouse and charity exemption
 - Nil rate band, transferable nil rate band, residence nil rate band, and transferable residence nil rate band
 - Annual exempt amount
 - Potentially exempt transfers and lifetime chargeable transfers
 - Overview
 - Effect on NRB
 - Rate of IHT
- 9a) addition of: Initial steps
 - Identifying who can act as personal representative (including AML requirements)
 - Rule 20 NCPR 1987
 - Rule 22 NCPR 1987
 - Executors – not willing or able, renunciation and power reserved, and chain of representation s.7 AEA 1925
 - Valuing the estate - writing to asset and liability holders (including settling the deceased's pre-death tax position)
 - Registering the estate (if necessary) with HMRC
 - Identifying (including AML requirements) and contacting beneficiaries
 - Missing beneficiaries
 - Tracing agent/genealogist
 - Missing Beneficiary Insurance
 - Application to court – Re Benjamin Order
- 9b) addition of: Paying inheritance tax
 - Timescale
 - Options – direct payment scheme, instalment option, loans for PRs or beneficiaries, grant on credit
 - Advising executors of HMRC interest rates
- 9c) addition of: Grants of representation
 - Grant of probate, grant of letters of administration, grant of letters of administration with will annexed
 - Special grants e.g. grant of letters of administration *de bonis non*, limited grants
- 9d) addition of: Application procedure
 - Excepted estates v non-excepted estates
 - Professional v personal
 - Online v paper
- 10a) addition of: Administering the estate
 - Collecting in assets and paying debts
 - Taking instructions re whether assets are to be sold or transferred
 - Realising assets – bank accounts, sale of shares, portfolios etc
 - Income tax, CGT and IHT during the estate administration
 - Variations

- 10b) addition of: Duty to beneficiaries
 - Update
 - Interim estate accounts
 - Interim distributions
 - Minor beneficiaries – infant receipt clause, setting up a trust s.42 AEA 1925
- 10c) addition of: Finalising the estate
 - Timing of distribution (best practice - 6 months from grant re I(PFD)A 1975 claims)
 - Distribute estate according to will or rules of intestacy
 - Transfer/assent of assets
 - Appropriating assets – s.41 AEA 1925
 - HMRC clearance/deemed clearance
 - Final estate accounts
 - Final distribution
 - Receipts to discharge the PR
- 11a) addition of: Validity of will – lack of (in outline):
 - Knowledge and approval
- 11b) addition of: Inheritance (Provision for Family and Dependants) Act 1975
 - Time limit
 - Who can bring a claim
 - What they can claim
 - What the court will take into account when considering a claim
 - Orders awarded by the court – in outline
- 11c) addition of: Effect a claim has on the estate administration
 - PR to act impartially, beneficiaries to defend claim
 - Timescale
 - Managing PR and beneficiary expectations
 - Distributions from the estate

Removals from 2025-2026 Module Specification (2025-2026 module references)

- 2a) removal of: Why have a trust- client motivations
- 2c) removal of: Types of trust- personal injury trusts
- 5e) removal of: Foreign element – Elections that can be made if property in Spain
- 5h) removal of: Other Wills
- 6b) removal of: CPR Part 8
- 11a) removal of: The position of co-habitees

1. Equity and trusts

To work in this area in practice, you need an awareness of the role of equity and be able to identify and explain the nature and operation of various trusts. Therefore, you will need to know the following:

- a) Common law and equity
 - How and why the law of equity developed
 - The relationship between the common law and equity today
- b) Trusts
 - The creation of trusts
 - Difference between settlor, trustee and beneficiary
 - The duties, remedies, liabilities and power of trustees
 - The rights, remedies and powers of beneficiaries
 - Express trusts
 - Created during lifetime
 - Will trusts
 - Fixed interest trusts
 - Interest in possession trusts
 - Discretionary trusts
 - Purpose trusts
 - Beneficiary principle
 - Charitable purpose trusts
 - Non-charitable purpose trusts
 - Gifts to unincorporated associations
 - The four options
 - Secret and half secret trusts
 - When and how created
 - Risks
 - Alternatives
 - Resulting and constructive trusts
- c) Equitable remedies - in outline

2. Making a will

You need to understand the law underlying the validity of wills and the formalities for making a will.

- a) Testamentary capacity
 - Test for testamentary capacity - Banks v Goodfellow (1870)
 - Intention to make a will
 - Burden of proof - Key v Key [2010]
 - Capacity to execute a will - Parker v Felgate (1883)
 - The golden rule
 - Obtaining a report on capacity from a medical professional
 - Mental Capacity Assessment Training

	b) Format and structure of a Will • s.9 Will Act 1837 - writing, intention to give effect, signed and witnessed • Signature, signature by another • Attestation clause • s.11 Will Act 1837 - privileged wills c) Knowledge and Approval • Presumption in favour • Absence of presumption - deaf testator, inability to write, blind, illiterate, directed another to sign on their behalf, English not testator's first language. d) Duress and undue influence • Pressure exerted to overpower the free will of a testator
3. Will Drafting	When taking instructions for the preparation of a will and drafting a will, you need to understand the purpose of making a will, the options available to a client and recognise and mitigate any risks. a) Purpose of a Will • Direct where assets should pass (avoid the intestacy rules) • Choosing who to administer the estate - executor • Appointing guardians • IHT planning • Care home fee planning b) Will Instructions (including identifying risks) • Taking instructions from your client (including AML requirements) ◦ Including testator's personal information (including marital status, family conflict etc) • Assessment of testamentary capacity/golden rule • Third party referrer e.g. family members • Recognising and avoiding conflicts of interest • Clients whose first language is not English • Requirement for speed if preparing a 'death bed' Will • Recognising duress and undue influence • Will draftsman's capabilities • Duty of care - White v Jones [1995] • Signature; Payne v Payne [2018]; signature by another • With intent; Marley v Rawlings [2014] • Dealing with a notice of severance when testator wishes to gift land held as joint tenants • Seek clarification as to why financial provision has not been made for certain potential beneficiaries/discuss claims and letters of wishes c) Mirror wills and mutual wills • The differences • Implications of a mutual will

	d) Risk management • Face to face meetings • Use of checklists • Attendance notes • Sending the client a draft will with clear explanatory letter • Capacity report • Deadlines • Seeking supervision e) Foreign Property • How it passes on death • Implications of making a will where an existing foreign will exists • EU Succession Regulation (Brussels IV) f) Assets that pass independently of a will or the rules of intestacy • Examples - life insurance, death in service payments, pensions, property subject to a <i>donatio mortis causa</i> etc • Who will inherit the asset • Jointly owned assets – joint tenants in equity v tenants in common • When severance of a joint tenancy is required • Consider nominations
4. Beneficial entitlement	When preparing a will for a client, you need to understand and explain the different types of beneficial entitlement and the rules surrounding gifts and the failure of gifts. a) Legacies • Specific, general, demonstrative, and pecuniary legacies • s.24 Wills Act 1837 • Vested v contingent • Successive interests • Certainty of objects and subject matter • Class gifts • Class closing rules and early closing • Gifts to minors • Gender recognition • Surrogacy and fertilisation treatment • Letters of wishes b) Failure of gifts • Lapse • Ademption • Commorientes rule – s.184 LPA 1925 • s.33 Will Act 1837 • s.15 Wills Act 1837 • Forfeiture • Uncertainty • Abatement • Illegal, immoral, or contrary to public policy

	c) Will trusts • Uses • The role of trustees • Discretionary v fixed interest trusts
5. Structure and content of a will	When drafting wills, you will need to understand the structure of a will, options available to a client, and highlight any potential risk or conflict to be able to draft a will for the client. a) Commencement • Identifying the testator (including alias) • Extended to include foreign property • Made in contemplation of specific marriage/civil partnership b) Revocation • Avoid multiple valid wills c) Appointment of executors and trustees • Lay vs professional • Responsibility • Conflicts • Role is voluntary d) Guardians • Parental responsibility • Joint Guardians • Choice of guardians • Role is voluntary e) Legacies • Specific, general, demonstrative, and pecuniary legacies • Burden of IHT • Vested v contingent • Expenses - transport and insurance f) Gifts to the draftsman • Professional Conduct • Law Society Guidance g) Charitable gifts • Identification • Cy-près doctrine • Tax benefits (exempt, 36% rate) h) Residuary gifts • Provision for payment of debts and legacies • Direction re payment of inheritance tax • Vested v contingent

	• Substitutional gifts • Longstop clause • Gifts to minors i) Administrative Powers • Trustee Act 2000 • Receipt clause – charity and infant • Business • Investment • s.31 and s.32 Trustee Act 1925 and modifications to these provisions • Appropriation without consent • Consultation with beneficiaries s.11 Trusts of Land and Appointment of Trustees Act 1996 • Standard Administrative Provisions • STEP administrative provisions j) Survivorship clauses • S.184 Law of Property Act 1925 • IHT considerations k) Charging clauses • Purpose • Risks • Law Society Guidance l) Attestation clauses • Standard and special
6. Alteration and revocation of wills	A testator may wish to alter or revoke their will. You may also come across invalid alterations or revocation on a testator's death, therefore you need to be able to recognise such cases and advise a client accordingly. a) Alterations to Wills • Alterations - s.21 Wills Act 1837 • Revival - s.22 Wills Act 1827 • Extrinsic evidence – s.21 Administration of Justice Act 1925 • Interpretation of a will • Incorporation by reference - doctrine of incorporation • Republication (and how this can affect interpretation and construction of an earlier will) • Rectification - s.20 Administration of Justice Act 1982 b) Codicil • Content of a codicil • The risks of making a codicil • Formalities

	c) Revocation of Wills • s.18 Will Act 1837 - by marriage/civil partnership • s.18A Will Act 1837 - effect of divorce/dissolution of civil partnership • Revocation by a later will or codicil • s.20 Wills Act 1837 - destruction • Intention to revoke • Lost and destroyed wills and the presumption of revocation • R54 NCPD procedure • Conditional revocation
7. Intestacy	Where a person dies intestate, you will need to be able to explain and apply the intestacy rules, identifying who is entitled to the estate and who is entitled to administer the estate. a) Intestacy • The difference between intestacy and partial intestacy • How to avoid a partial intestacy • The order of beneficial entitlement – s.46 Administration of Estates Act 1925 • The statutory trusts – s.47 Administration of Estates Act 1925 • Entitlement to a grant under the Non-Contentious Probate Rules 1987 • Two administrators needed if there is a minor interest • The entitlement of spouses/civil partners and the 28-day survivorship condition; • Right of spouses/civil partners to require PR to appropriate the matrimonial home to them in part or full satisfaction of their entitlement under the Intestates' Estates Act 1952, Schedule 2 • Bona vacantia • Unclaimed estates list
8. Inheritance tax	a) Inheritance tax • Calculating inheritance tax • Overview of business property relief and agricultural property relief • Spouse and charity exemption • Nil rate band, transferable nil rate band, residence nil rate band, and transferable residence nil rate band • Annual exempt amount • Potentially exempt transfers and lifetime chargeable transfers ○ Overview ○ Effect on NRB • Rate of IHT

9. Applying for the grant of representation

There are many aspects to an estate administration. You will need to plan the estate administration, including identifying who can act as personal representative, advising what their duties are and what protection is available to them, and apply for the grant of representation. You will also need to identify any risks and mitigate those risks.

a) Initial steps

- Identifying who can act as personal representative (including AML requirements)
 - Rule 20 NCPR 1987
 - Rule 22 NCPR 1987
 - Executors – not willing or able, renunciation and power reserved, and chain of representation s.7 AEA 1925
- Powers, duties and liabilities of a PR – s.25 Administration of Estate Act 1925
- Protection available to personal representatives – s.27 Trustee Act 1925
 - when adverts can be placed – executor v administrator
- Taking instructions from the PR (including AML requirements)
- Valuing the estate - writing to asset and liability holders (including settling the deceased's pre-death tax position)
- Registering the estate (if necessary) with HMRC
- Identifying (including AML requirements) and contacting beneficiaries
- Missing beneficiaries
 - Tracing agent/genealogist
 - Missing Beneficiary Insurance
 - Application to court – Re Benjamin Order

b) Paying inheritance tax

- Timescale
- Options – direct payment scheme, instalment option, loans for PRs or beneficiaries, grant on credit
- Advising executors of HMRC interest rates

c) Grants of representation

- Grant of probate, grant of letters of administration, grant of letters of administration with will annexed
- Special grants e.g. grant of letters of administration *de bonis non*, limited grants

d) Application procedure

- Excepted estates v non-excepted estates
- Professional v personal
- Online v paper

10. Estate administration	Once you have obtained the grant of representation, you will need to administer the deceased's estate, considering the many factors of an estate administration, including the role of the personal representative, their duties to beneficiaries and best practice. You will also need to identify any risks and mitigate those risks. a) Administering the estate • Collecting in assets and paying debts • Taking instructions re whether assets are to be sold or transferred • Realising assets – bank accounts, sale of shares, portfolios etc • Income tax, CGT and IHT during the estate administration • The administrative year • Disclaimers and variations b) Duty to beneficiaries • Update • Interim estate accounts • Interim distributions • Minor beneficiaries – infant receipt clause, setting up a trust s.42 AEA 1925 c) Finalising the estate • Timing of distribution (best practice - 6 months from grant re I(PFD)A 1975 claims) • Distribute estate according to will or rules of intestacy • Transfer/assent of assets • Appropriating assets – s.41 AEA 1925 • HMRC clearance/deemed clearance • Final estate accounts • Final distribution • Receipts to discharge the PR
11. Claims against an estate	Understand the circumstances in which a person could bring a claim against an estate, and the consequences on the estate administration. a) Validity of will – lack of (in outline): • Knowledge and approval • Testamentary capacity • Formalities • Other claims b) Inheritance (Provision for Family and Dependents) Act 1975 • Time limit • Who can bring a claim • What they can claim • What the court will take into account when considering a claim • Orders awarded by the court – in outline

	c) The effect a claim has on the estate administration • PR to act impartially, beneficiaries to defend claim • Timescale • Managing PR and beneficiary expectations • Distributions from the estate
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