P6 – Wills, Probate and Private Client

Professional Stage

2026 - 2027

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The aim of this module is to give you an in-depth knowledge and understanding of the law and procedure relating to wills and probate, with a particular focus on administering estates. In addition, the module develops your knowledge and skills in relation to contentious probate, powers of attorney, applications to the Court of Protection and Inheritance (Provision for Family and Dependants) Act claims. On completion of the module, you will be able to draft wills, powers of attorney and applications for a grant of representation, make an application to the Court of Protection, apply the provisions of a will/rules of intestacy, and administer both simple and taxable estates and understand the risks and how to minimise them.

The module covers:

1. Powers of Attorney and Deputies
2. Introduction to the Court of Protection
3. Tax - inheritance tax, capital gains tax and income tax
4. Grants of representation
5. Administration of Estates - liability and protection of personal representatives
6. Administration of the Estate - IHT forms
7. Stages of estate administration
8. Inheritance (Provision for Family and Dependants) Act 1975
9. Unmarried parties (in outline)
10. An Introduction to contentious probate
11. Profitable probate practice

Learning Outcomes

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

1. Consider a client's circumstances and advise on appropriate provisions to include in a Lasting Power of Attorney for Property and Financial Affairs and a Lasting Power of Attorney for Health and Welfare and be able to draft the documents.
2. Consider a client's circumstances and advise on the relevant application to the Court of Protection and draft the documents.
3. Explain the key provisions relating to inheritance tax (IHT), capital gains tax (CGT) and income tax and demonstrate understanding through tax calculations.
4. Draft a range of documents, including anapplication for a grant of representation and inheritance tax forms and advise a client on appropriate procedures and next steps for the administration of an estate.
5. Identify the procedures required to carry out the administration of both a simple estate and a taxable estate from taking instructions to final distribution to the beneficiaries.
6. Determine when a claim might be made under the Inheritance (Provision for Family and Dependants) Act 1975 and recognise when a matter might become contentious.
7. 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: P6
TQT: 300 hours

Prerequisite knowledge: Foundation Stage Introduction to Property and Private Client and Advanced Stage Wills, Probate and Private Client

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

- General updates to syntax
- 1a) Addition- 'Living wills/advance directives- and differences
- 2a) Expansion-'Applications to the Court'
- 3b) Addition - 'Basic calculations'
- 6a) Addition - 'The different types of excepted estate'
- 6a) Removal - 'The difference between exempt excepted estates and low value estates'
- 8a) Addition – 'What the court will consider'

1. Powers of Attorney and Deputies	In the private client department, you must understand capacity and be able to take instructions and advise on Lasting Powers of Attorney (LPA) and know what steps to take if there is no Power of Attorney in place. Therefore, you will need to know the following: a) Lasting powers of attorney • Principles of the Mental Capacity Act 2005 • Capacity to make the LPA • Health and Welfare ○ Living wills/advance directives – and differences • Property and Financial Affairs • Online applications v paper applications • The role of the attorney • Lay attorneys v professional attorneys • Acting jointly v acting jointly and severally • The role of the certificate provider • The requirement for registration and the process • The role of the Office of the Public Guardian • The risk of duress and undue influence (recap) • The risk of fraud • Revocation b) Enduring Power of Attorney (EPA) (in outline) • What is an EPA? • A pre-01.10.07 EPA will be valid • Procedure for registration c) Appointment of a Deputy • Application procedure • The two types of Deputyships; entitlement to apply; introduction to the forms • Incapacity of surviving legal owner d) Capacity to make a lifetime gift • The test – Re Beaney [1978] • Gifts made by an attorney under an LPA • Section 12 Mental Capacity Act 2005 • When to make an application to the Court of Protection

2. Introduction to the Court of Protection	It is essential to have knowledge of the role of the Court of Protection and its procedures, give initial advise and be able to advise a client about it. Therefore, you will need to know the following: a) Court of Protection • The role of the Court of Protection • Statutory Wills • Deprivation of Liberty Safeguards - in summary • Applications to the Court including contentious applications
3. Tax - inheritance tax, capital gains tax and income tax	To be effective in a Private Client role, you will understand the three main taxes involved with Wills and Probate and will be able to do calculations to advise clients appropriately. This is a high-risk area with strict deadlines. Therefore, you will need to know the following: a) Inheritance Tax (IHT) • Inheritance Tax - the basic principles of the charge to IHT • Nil-rate band; transferable nil rate band; impact of lifetime gifts • 36% rate of IHT • Residence nil rate band; transferable residence nil rate band, impact of lifetime gifts; contrast the definition of 'children' in relation to Wills with that in relation to the residence nil rate band (the latter includes stepchildren and foster children) • What is within the IHT estate and what is excluded property • Foreign property - in outline • Lifetime transfers - potentially exempt transfers, chargeable transfers, gifts with reservation of benefit • Principles of valuation and the special valuation rules for certain assets including debts • Exemptions and reliefs • Taper relief • Simple and complex IHT calculations • Liability to pay IHT and where the burden falls • The timeframe for payment and the instalment option • Apportionment of the IHT bill • Key principles of IHT relating to trusts • Anti avoidance provisions: o Gifts with reservation of benefit o Pre-owned asset regime – in summary o Disclosure of tax avoidance schemes (DOTAS) - in summary o General anti abuse rule (GAAR) - in summary

	b) Capital Gains Tax (CGT)
	• The basic principles
	• CGT to the date of death
	  ○ Exemptions and reliefs
	  ○ Allowable losses
	  ○ Dates for payment
	• Considerations for personal representatives
	  ○ Reliefs
	  ○ Incidental costs of disposal: SP2/04 (IRC v Richard's Executors) – in outline
	  ○ Appropriations (recap) and s.41 Administration of Estates Act 1925 – in outline
	  ○ Basic calculations
	  ○ Dates for payment
	• Considerations for beneficiaries
	• Considerations for trustees
	
	c) Income tax
	• The basic principles
	• Income tax to the date of death
	  ○ Basic calculations
	  ○ Dates for payment
	• Considerations for personal representatives
	  ○ Simple and complex estates
	  ○ Trust Registration Service – when to register
	  ○ Basic calculations
	  ○ Dates for payment
	  ○ Spouses and ISA's
	• Considerations for beneficiaries
	• Considerations for trustees

4. Grants of representation	In the private client department, you must be able to advise clients on the different types of Grants of Representation and which is relevant for their particular circumstances and be able to draft an application for a Grant of Representation. Therefore, you will need to know the following: a) Grants of representation • When a Grant might not be needed; mutual recognition; s36 Law of Property Act 1925 no severance of the legal estate allows a surviving co-owner who may have no right to the sale proceeds can obtain unregistered title deeds from a bank; banks releasing funds to non-Personal Representatives • Resealing existing Grants • The three main grants of representation – probate, letters of administration with Will annexed and letters of administration • How the chain of representation works • Order of entitlement to the Grant

	• Limited and special Grants • Capacity to be a Personal Representative; R35 NCPR; s116 Supreme Court Act 1981; s 50 Administration of Justice Act 1985 • Maximum and minimum numbers of Personal Representatives • When additional affidavit evidence is required • Renunciation and power reserved b) The process of making the application for the Grant • Excepted v non-excepted estates (see section 7) • Professional v personal applications • Postal applications ○ Forms PA1A and PA1P ○ Preparation of affidavits/evidence ○ Grants in Welsh and bilingual grants • Online applications; the firms My HMCTS account; documents required
5. Administration of Estates - Liability and protection of Personal Representatives	You must be able to advise clients on their liabilities on taking up the role of personal representative and the options available to protect them and mitigate risk. Therefore, you will need to know the following: a) Duties and protection of personal representatives • The duty of personal representatives to collect in assets and administer the estate according to the law • The statutory powers given to personal representatives and common modifications to those powers • Administrative actions that can be taken by beneficiaries against personal representatives • Raising funds to pay inheritance tax • Protecting personal representatives from creditors and other claimants
6. Administration of the Estate - IHT Forms	To work in a private client department, you must be able to identify and complete the relevant IHT forms. Therefore, you need to know the following: a) Excepted estates • The different types of excepted estate • Pre-31 December 2021 – use of forms IHT205 and IHT217 – in outline • Current procedure – record estate value on the grant application b) Non-excepted estates • When must an IHT400 be used • The schedules and the level of information required • Complete an IHT400 • Complete a corrective account (form C4) • Agricultural relief • Business relief • Clearance certificate (form IHT30)

7. Stages of Estate Administration	It is important to understand the different stages of administering an estate. Therefore, you will need to know the following: a) Initial instructions • Who is the client? • The terms of the retainer • Anti-money laundering requirements for personal representatives, trustees and beneficiaries • Data Protection requirements affecting personal representatives and trustees • Funeral instructions; who can make funeral decisions • Interpret and apply the provisions of a Will; tax consequences of the provisions • Applying the order of beneficial entitlement under s.46 Administration of Estates Act 1925 • Identifying the beneficiaries; the risks of relying on family members to identify beneficiaries (particularly when there is an acy or class gift); the use of tracing agents b) Assets and liabilities • Establishing assets and liabilities • Digital assets (identifying, valuing and managing) – in outline • Foreign property • Interim finance whilst Grant application being prepared; raising finance to pay IHT • Assets that can be dealt with before the Grant • Dealing with assets including considerations when selling assets • Transferring assets • Assents c) Administration • Payment of legacies • Finalising all taxes • Timescales and payment • Preparing estate accounts • Dealing with an insolvent estate; the strict order of distribution; protecting the personal representative d) Changing the distribution of an estate • Deeds of variation • Why make a deed of variation • Timeframe: within 2 years of death; before exchange of contracts on the sale of any land within the estate • Required parties • Disclaimers • Tax consequences • Tax declaration • Drafting points

8. Inheritance (Provision for Family and Dependants) Act 1975	You need to be able to recognise a potential Inheritance Act claim during the administration of an estate and during the Will making process, be able to give initial advice and highlight the risk of delay on an actual claim. Therefore, you will need to know the following: a) Inheritance (Provision for Family and Dependants) Act 1975 • Preliminary requirements • Domicile • Basis of claim • Time limits • Position of Personal Representative • Categories of Applicants • The standard of provision • Guidelines for the court for all applicants • Additional guidelines for certain applicants • What the court will consider • Different orders open to the court • Anti-avoidance measures
9. Unmarried parties (in outline)	It may be necessary to deal with the estate of a party who was in a couple at the date of death but was unmarried. You must recognise the particular risks and issues which may commonly arise. Therefore, you will need to know the following: a) Unmarried couples • Jointly held property; joint tenants; tenants in common • Children from earlier relationships • Intestacy implications • Potential claim against the estate under Inheritance (Provision for Family and Dependants) Act 1975 • Residence nil rate band where estate in excess of £325,000; tax implications
10. An Introduction to Contentious Probate	You must be able to recognise a potentially contentious matter, be able to give initial advice and highlight the risk of delays. Therefore, you will need to know the following: a) Contentious probate • Caveats; when to use; how to enter them; how to deal with a caveat if acting for the Personal Representative • Citations; the three types; subsequent procedure • Standing searches; when to use; procedure to apply • Recognising the risks and when to refer the matter to a contentious probate specialist

	b) Awareness of the types of issues which might arise • Claims about fraud • Duress • Lack of testamentary capacity c) Awareness of CPR (CPR 57 entitled Probate, Inheritance, Presumption of Death and Guardianship of Missing Persons)
11. Profitable Probate Practice	To maximise fee earning opportunities in a potentially less profitable area. Therefore, you will need to know the following: a) Profitable probate practice • How to carry out profitable private client work • Estimating probate costs • Providing costs updates • Converting opportunities into successful new profitable work • Cross selling work • Managing work efficiently • Dealing with emotional clients in a sympathetic, timely manner • Transparency Rules (in outline)