

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

Unit 14 – Law of Wills and Succession

Question paper

January 2026

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

Instructions and information

- It is recommended that you take **15** 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.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- 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 make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book – Blackstone's Statutes on Property Law, 32nd edition, Meryl Thomas, Oxford University Press, 2024
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

SECTION A

Answer at least one question from this section.

1. In *Guardhouse v Blackburn* (1866) it was stated that when a testator properly executes a Will, a rebuttable presumption arises that the testator had knowledge and approval of the Will.

Critically analyse the circumstances in which this presumption may be rebutted and explain what must be proved to achieve this.

(25 marks)

2. A Will is a written document expressing the wishes of the testator as to who will inherit their property. However, the testator's assets and family circumstances may change in the years that follow.

Critically evaluate the ways in which a testator's wishes under a Will may not be met when a gift fails owing to ademption and lapse.

(25 marks)

3. The rules on intestacy aim to deal with the distribution of a person's assets based on how it is thought a typical person would have bequeathed their assets had they made a Will.

Critically assess whether the provision made for a surviving spouse under the current rules of intestacy reflects this statement and whether that provision is sufficient.

(25 marks)

4. Critically evaluate, with reference to case law:

- (a) the common law test for mental capacity to make a Will and the impact which the Mental Capacity Act 2005 has had on this test;

(18 marks)

- (b) the rule in *Parker v Felgate* (1883) and whether it is an acceptable departure from the general rule as to when a testator must have mental capacity in order to make a valid Will.

(7 marks)

(Total: 25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Stuart Jones is the brother of Naomi Smalley, who died in December 2025. Stuart has consulted you for advice regarding his sister's Will. The home-made Will, which was validly executed in 2010, appointed Stuart to be the executor. The Will contained the following gifts:

£10,000 NS

- (i) I leave [REDACTED] to my son, Leo.
£10,000
- (ii) I leave £5,000 to my daughter, Yolanda.
- (iii) I leave my piano to my friend, Imogen.
- (iv) I leave my flat in Oxford to Leo and Yolanda.
- (v) I leave my residuary estate to my husband, Barry, and should he predecease me, to my grandchildren upon them reaching the age of 18.

All the alterations in Clauses (ii) and (iii) are in Naomi's handwriting and are in ink.

The two witnesses to Naomi's Will do not recall seeing the alterations when they signed her Will.

Naomi's husband, Barry, died in 2019. Naomi did not remarry. She was survived by her two children, Yolanda and Leo. Yolanda has two children, aged 14 and 18 years old. Leo is unable to have children due to a medical condition.

Naomi had been a talented pianist. She still had the small upright piano that she inherited from her mother in 2005 in her home. It is worth £1,000. Ten years ago, Naomi bought a baby grand piano, which is now worth £12,000. Three years ago, when Naomi moved to a smaller house, she asked Yolanda to have the baby grand piano in her home as a temporary measure. She told Stuart that she planned to sell this piano and give the money to her grandchildren. However, she became ill and died before she could organise the sale.

The flat was bought by Naomi and Barry 12 years ago when Leo was studying in Oxford. After Leo had completed his degree, the flat was rented to Alex, Leo's friend, who had obtained a medical research job at Oxford. Three years ago, Naomi granted Alex an option to purchase, exercisable within three months of her death. Last week, Alex contacted Stuart to inform him that he (Alex) was exercising the option to purchase.

Advise Stuart as to the validity and effect of each of the gifts in Naomi's Will.

(Total: 25 marks)

Turn over

Question 2

Paul Ransome has informed us that Thierry Dubois, his friend of over 50 years, died just after Christmas following a road traffic accident. Thierry left a Will dated June 2021 under which he appointed Paul his executor.

Thierry, an art expert, owned a number of properties. Each property in his portfolio involved a commercial art gallery selling original paintings and each gallery had a residential flat above it, also owned by Thierry. Thierry lived in Flat 12A, Market Street, Kempston above one of his art galleries.

Thierry's Will was a simple one. He left a bequest of £100,000 and one of his properties to Paul, and then left the remainder of his estate to be shared between several named charities that supported and promoted aspiring artists.

Thierry's Will was drawn up by his solicitor and executed at the solicitor's office. Thierry had never married and had no surviving family and no dependants.

Thierry's assets include the following:

• Bank accounts	£56,000
• Flat – 12A Market Street, Kempston	£645,000
• 10 commercial properties – art galleries	£4,800,000
• 9 residential flats	£2,100,000
• Personal possessions	£75,000

Thierry managed all his properties himself. He enjoyed visiting each gallery, and each flat, on a regular basis.

Paul was aware that he had been appointed the executor but thought that he had time to talk to Thierry about taking on the role and about how he should do it. He is particularly concerned to know what he can and cannot do with regard to the properties as there is no provision for their management in the Will.

Although Paul is retired, he is concerned at the amount of work that will be involved. He has started sorting out Thierry's paperwork and has found credit card statements and unpaid invoices; and today insurance renewal notices for three properties arrived in the post. He is considering asking his son, who works for a local estate agent, to help.

Advise Paul as to:

(a) the action he must take if he is to act as executor and progress the administration of Thierry's estate, and of the duties and responsibilities that acting as an executor will involve; **(13 marks)**

(b) whether there are personal risks for him if he acts as executor and of any steps that he might take to minimise such risks. **(12 marks)**

(Total: 25 marks)

Question 3

Chandice, aged 76, died on 2 January 2026. She had been unwell for over a year. Her main asset is Priory Cottage, a three-bedroomed house she inherited from her parents. It is valued at £550,000. She also has bank accounts and savings totalling £150,000.

When Chandice became unwell, she made a Will appointing Kaya, her best friend, as executor. The Will includes several small legacies to friends with the residue of the estate gifted to a local hospice. There was no gift to her only daughter, Jenna.

Kaya was not surprised that Chandice had failed to include her daughter in her Will. Jenna and her mother became estranged many years ago because of Jenna's choice of boyfriend and their lifestyle. Jenna was intending to go to university until she met Daniel, an environmental activist. Instead, she moved in with him and did not go to university. Chandice, a single parent, was devastated and had barely spoken to Jenna for 20 years.

Jenna and Daniel live in a small, rented flat. They have two children, aged 12 and 10 years old. Jenna works part time for a local environmental charity. Daniel is unemployed. He has always maintained that holding down a job would restrict his freedom to join in protest activities.

Jenna was not happy when Kaya informed her of the contents of the Will. She said that she could not understand why her mother would give the residue to the hospice when her mother rarely donated to any charity and had not needed hospice care.

Eithan, Chandice's close friend for over 10 years, has also spoken to Kaya and inquired about Chandice's Will. Eithan suffers from a serious lung condition. A year ago, the block of flats where he lived was undergoing a major renovation, which was creating dust that made his condition much worse. Chandice suggested that Eithan move in with her on a temporary basis. The arrangement worked well. Eithan's lung condition improved when he was living in Priory Cottage and Chandice suggested they make the arrangement permanent. When Chandice became ill, Eithan was able to provide support – shopping and cooking, taking her to medical appointments and managing the house and garden. Eithan has a workplace pension and is in the process of selling his flat.

Advise Kaya of the potential entitlement of Jenna and Eithan to claim against the estate under the Inheritance (Provision for Family and Dependants) Act 1975 and whether their claims are likely to be successful.

(Total: 25 marks)

Turn over

Question 4

Fiona Brian died two weeks ago. She left a duly executed Will dated May 2023, in which she appointed her sister, Grace Keithly, and brother, Robert Brian, to be her executors.

Fiona wrote her Will herself. It included the following bequests:

1. I leave 'Orchard Cottage' to my sister Grace Keithly, free of any mortgage or charge.
2. I leave my car to my brother Robert Brian.
3. I leave the sum of £10,000 to my nephew, Michael Brian.
4. I leave the sum of £10,000 to my niece, Willa Ford.
5. I leave the residue of my estate to St Christopher's, a local children's hospice.

Grace had lived with Fiona for the past ten years, and had been her carer during her last illness. Robert, a successful businessman, was aware of the bequest of Orchard Cottage to Grace and he had suggested to Fiona that it should be gifted free of mortgage.

Grace and Robert have provided you with the following list of Fiona's assets and liabilities:

ASSETS	LIABILITIES
<p>'Orchard Cottage', valued at £310,000</p> <p>Household contents and personal effects – £15,000</p> <p>Bank balances – £5,000</p> <p>Savings – £30,000</p> <p>Car – £5,000</p> <p>Life insurance policy taken out by Fiona 20 years ago – valued at £45,000. Robert named as beneficiary.</p>	<p>Mortgage on 'Orchard Cottage' – £20,000</p> <p>Several credit cards – total balances – £7000</p> <p>Funeral costs – £5,000 (estimated)</p> <p>Administration costs including legal fees – £8,000 (estimated)</p>

However, Fiona's Will does not contain any directions as to how her debts are to be settled.

Advise Grace and Robert of the order in which the assets of Fiona's estate should be used to pay the debts and liabilities, and how the estate will be distributed.

(Total: 25 marks)

End of the examination