**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 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.

- 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.

- 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 2025-26 33rd edition, Meryl Thomas, Oxford University Press, 2025***

- 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 Marcus why Andrew's estate will be an **exempt excepted** estate.

*(20 marks)*

(b)     Describe the information needed to be included in an application for a Grant of Probate to Andrew's estate.

*(10 marks)*

*(Total: 30 marks)*

**Question 2**

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

(a)     Explain to Marcus who will apply for a Grant of Representation to Fyodor's estate and how the estate will be distributed.

*(10 marks)*

(b)     Explain to Holly why Kempstons cannot accept instructions from her in connection with Fyodor's estate.

*(5 marks)*

(c)     Explain to Marcus:

- who might make a claim under the Inheritance (Provision for Families and Dependants) Act 1975 against Fyodor's estate and the category of claimant each of them would be;
- the matters the court would take into account in considering each of their applications; and
- how the Personal Representatives of Fyodor's estate can protect themselves from personal liability in respect of such claims.

*(15 marks)*

*(Total: 30 marks)*

**Question 3**

Reference:    Question relates to **Documents 5, 6 and 7** of the case study materials.

(a)    Advise Lena who would be entitled to apply for a Grant of Representation to James' estate if Lena decides to renounce her right to act as an executor.

*(8 marks)*

(b)    Explain the order in which James' assets should be used to pay off his debts, funeral and testamentary expenses.

*(7 marks)*

(c)    Advise the personal representative(s) of James' estate how they can obtain a good receipt for the legacy James left for Paula.

*(5 marks)*

*(Total: 20 marks)*

**Question 4**

Reference:    Question relates to **Documents 5, 7 and 8** of the case study materials.

Lena is anxious to ensure that as little Inheritance Tax as possible is payable on her estate when she dies and to pass on as much money as possible to her grandchildren, Nathan and Paula, during her lifetime.

(a)    Advise Lena whether it would be more advantageous to:

- Accept her inheritance from James' estate and make lifetime gifts of money to Nathan and Paula;
- Disclaim her inheritance from James' estate; or
- Vary the terms of James' Will.

*(15 marks)*

(b)    Explain how the Residence Nil Rate Band could reduce the Inheritance Tax payable by Lena's estate.

*(5 marks)*

*(Total: 20 marks)*

**End of the examination**

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