



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

June 2025

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.
- 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
- 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. Critically analyse:

(a) the different ways in which a Will can be revoked;

(20 marks)

(b) the doctrine of mutual Wills and the point at which such Wills cannot be revoked.

(5 marks)

(Total: 25 marks)

2. Critically evaluate the formal requirements for making a valid Will as prescribed by s9 Wills Act 1837.

(25 marks)

3. Critically analyse, with reference to case law, the principles governing legacies and devises, including how they can fail.

(25 marks)

4. Critically analyse, with reference to case law:

(a) the different types of grant of representation, including:

- the purpose of each type of grant;
- the circumstances under which each type of grant is appropriate;
- the circumstances under which a grant may be revoked;

(17 marks)

(b) the rules governing a personal representative's entitlement to a grant.

(8 marks)

(Total: 25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Leonard and Arthur had been friends for 20 years and Leonard is the executor of Arthur's Will.

Arthur was not married at the date of his death and did not have any children. He left his entire estate to the RSPCA as he had been an advocate for animal rights throughout his life.

After going through Arthur's documentation, Leonard discovered that Arthur had accumulated a significant amount of debt five years before he died, owing to the failure of his business. Leonard had not been aware of this previously and is uncertain what will be left in the estate following the payment of all of Arthur's debts. Leonard is also concerned about his liability as the executor and is considering whether he wants to act as the executor.

Leonard was aware that Arthur had a brother and sister but Arthur had no contact with them for many years and so Leonard is unaware if they are still alive.

Leonard has approached you to obtain some advice on the probate process and what he should do with regard to the debts of the estate.

Advise Leonard, with reference to case law and statute:

- (a) of his duties and responsibilities as an executor, his potential liability and how he can protect himself;

(15 marks)

- (b) how he should deal with the payment of debts and the potential impact of this on administering the Will in accordance with Arthur's wishes.

(10 marks)

(Total: 25 marks)

Turn over

Question 2

Emilia's mother, Diana, passed away in 2024. Emilia knew that her mother had made a Will several years ago. Emilia contacted the solicitor that drafted the Will as she could not find the original. Fortunately, the solicitor had the original Will stored.

Diana had appointed Emilia and her brother, Isaac, as the joint executors of the Will. Isaac has said that he is not sure whether he wants to act as an executor. He is concerned about any liability he may have acting as executor as he has some financial issues. Emilia and Isaac's father died in 2020 during the Covid-19 pandemic. Diana had made her Will after her husband had died to ensure that it was up to date.

Diana's Will includes the following:

- £200,000
1. I give the sum of ~~£150,000~~ £200,000 and my late mother's wedding ring to my sister, Rachel.
 2. I give my vintage wine collection to my son, Isaac.
 3. I give my pearl jewellery to be divided between any granddaughters that should survive me.
 4. I give my property, 129 Old Woolwich Road, to be divided equally between such of my grandchildren as should survive me.
 5. I give the remainder of my estate after payment of all my debts, liabilities, funeral and testamentary expenses to my children Emilia and Isaac absolutely.
 6. I declare that s33 of the Wills Act 1837 will apply to the provisions of my Will.

Emilia is aware that her mother wanted to increase the gift to Rachel but the alteration in the Will is not initialled; it was made in ink. Emilia queries this with the solicitor and she tells Emilia that her mother came in to view the Will a year ago to check it was accurate. Diana did not mention to the solicitor that she was going to make any alteration and neither did the solicitor see her alter the Will.

Emilia has no children. Isaac had a child who passed away six months ago. There are no other grandchildren.

Emilia and Isaac were not aware their mother had a vintage wine collection and do not know where she kept it. They have looked through the house and the papers but are unable to find it.

Advise Emilia on:

- (a) the validity of each of the gifts;

(15 marks)

- (b) who should take out the grant of representation to Diana's estate, the type of grant of representation needed and whether Isaac has to be an executor or not.

(10 marks)

(Total: 25 marks)

Question 3

Justin has come to see you for some advice. His partner of 15 years, Tamara, has recently passed away.

Tamara was diagnosed with a terminal illness in 2022. Justin told her that although they regarded themselves as being spouses they were not actually married and so it would be best for her to make a Will. Justin has found the Will that Tamara made but he also found a letter signed by Tamara accompanying the Will.

Tamara, who had divorced her husband 20 years ago, had two children by that marriage. Her children, Stephanie and Benjamin, are both adults.

Tamara had a close relationship with Stephanie but had not spoken to Benjamin since the divorce. Justin has a daughter from a previous marriage, Catherine, who treated Tamara as her mother.

Justin and Tamara co-owned a property as beneficial tenants in common, with the intention that the other would always be able to live in the property if one of them passed away, but their respective beneficial shares would each pass to their own children.

Tamara's Will includes the following clauses:

1. I give all the money I have in my bank accounts to my husband Justin.
2. I give my share of my house to my children.
3. I give the residue of my estate to my children.

The letter accompanying the Will states that Justin should be allowed to live in the house until he passes away or wishes to sell it. The letter also confirms that Tamara considered Catherine as one of her children for the purposes of the Will.

The letter confirms that these are Tamara's wishes and she wants them to be carried out on her death.

It may be necessary to make an application to the court for a declaration as to the interpretation of the Will and distribution of the estate.

Explain, with reference to case law and statute, the rules of construction that the court will use in ascertaining Tamara's expressed intention in relation to the letter.

(Total: 25 marks)

Turn over

Question 4

Urmi's biological father, Zane, has recently passed away. Zane came to the UK in 1977 with Urmi's mother and Urmi. Urmi was placed into foster care shortly after arrival in the UK. Urmi would see her mother every so often at the foster carer's house but did not see Zane, who had divorced Urmi's mother a year after their arrival in the UK.

Urmi contacted Zane when she reached the age of 18 and developed a good relationship with him.

In 1988, Zane married Maryam and they had two children, Kyle and George. Urmi had met Maryam, Kyle and George, and would often see them when she visited Zane. They had a good relationship as well.

Urmi is married with two children. She is an accountant and runs a business with her husband. They live in central London in a property they own outright.

In his Will, Zane left his entire estate to his two children, Kyle and George. There is no mention of Urmi in his Will.

Urmi has seen Zane's Will and notes that it was drafted a long time ago, when Zane and Urmi had not been as close as they became. Zane had always said to Urmi that he felt guilty for not being there for her as her father when she was a child. He said that he would always treat her the same as his other children moving forward, including leaving part of his estate to her on his death.

Advise Urmi, with reference to case law and statute, whether she can bring a claim against Zane's estate pursuant to the Inheritance (Provision for Family and Dependents) Act 1975 and, if so, the factors the court will consider.

(Total: 25 marks)

End of the examination

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