



CHIEF EXAMINER REPORT

JUNE 2026

LEVEL 6 UNIT 14– LAW OF WILLS AND SUCCESSION

The purpose of the report is to provide candidates and training providers with guidance as to the key points candidates should have included in their answers to the June 2026 examinations.

The 'suggested points for responses' set out points that a good (merit/distinction) candidate would have made.

Candidates will have received credit, where applicable, for other points not addressed.

Chief Examiner Overview

Candidates should develop a strong working knowledge across the entire specification.

In addition to acquiring the required knowledge, candidates must also develop the skills needed to produce high-quality examination answers. This includes demonstrating knowledge at the standard and level of detail expected at Level 6, as well as showing understanding through critical analysis in Section A questions and application in Section B questions.

During the examination, candidates should read each question carefully and ensure they answer exactly as instructed, taking account of the mark allocation. Questions with lower mark allocations require proportionate responses; for example, a question worth 5 marks can achieve a maximum of 5 marks and therefore does not require the same level of detail as a higher-mark question.

Candidate Performance and Suggested Points for Responses

It is noted that the low numbers of candidates taking the Level 6 exams limits the scope for constructive feedback to be given and for firm conclusions to be reached. Therefore, feedback on candidate performance may be limited.

Section A

Question 1	25 Marks
Candidate responses on privileged Wills demonstrated a reasonable level of knowledge and understanding although some detail was lacking. However, knowledge and understanding on <i>donatio mortis causa</i> was limited.	
Suggested Points for Response Question 1a:	18 marks
• s9 Wills Act 1837 (WA 1837) detail of formalities and age requirement of 18 for a valid Will • s11 Wills Act 1837 (WA 1837) grants British military personnel the right while in actual military service to make oral and informal Wills known as privileged Wills without requiring the normal formalities • s11 WA 1837 extended this right to mariners at sea reflecting the higher risks of sudden death facing members of the Royal Navy and Merchant Navy • The right to make privileged Will has also been extended to RAF personnel • Privileged Wills can be made by service personnel and merchant seamen and will be valid even after many years of peace • Actual military service is a question of fact in each case. In <i>Re Wingham</i> [1949] it was held that actual military service means active military service, in other words such service directly concerned with operations of war which is/has been in progress or is imminent. For example, where a soldier who is in a training camp and could be posted to the operational area at any time. • A soldier may be in actual military service as soon as he receives orders in connection with the war and may remain in actual military service after the war has ended. The soldier does not have to be in a warzone when making a privileged Will <i>Re Colman</i> [1958] • In <i>Re Anderson</i> [1958] the Court said that a formal state of war need not exist, it was sufficient for there to be a warlike operations • Mariner means members of the Royal Navy or the Merchant Navy or someone else who is employed on board a ship (1) e.g. In the <i>Goods of Hale</i> (1915) • 'At sea' has a wide interpretation and can include anyone attached to a ship e.g. In the <i>Goods of McMurdo</i> (1868) • To establish the exceptional circumstances of privileged status, it is not sufficient simply to prove that the testator came within one of the above categories. The Court must be satisfied that the words used conveyed testamentary intent • The testator need not be conscious of making a Will so long as the words indicate testamentary intention <i>Re Stable</i> [1919] • s15 WA 1837 does not apply to a privileged Will because it does not need to be witnessed to be declared valid <i>Re Limond</i> [1915] • Alterations to a privileged Will are presumed to have been made during privileged status • Credit reference to the Law Commission Report on Wills Recommendation 11 • There is less justification for privileged Wills today because those in the services today are educated and are encouraged to make Wills. There now is easy to access simple Will forms both paper based and electronic. The extension of the right beyond military personnel e.g. a typist on board a ship can no longer be justified.	

Suggested Points for Response Question 1b:	7 marks
• A <i>donatio mortis causa</i> is a gift made in contemplation of death that only becomes fully effective on death • To be valid the gift must comply with three requirements set out in <i>Cain v Moon</i> (1896); <i>King v Dubrey</i> (2015) • The gift must be made in contemplation of death, though not necessarily expectation of impending death e.g. <i>Re Craven's Estate (No 1)</i> (1937), <i>Re Lillingston</i> (1952), <i>Gardner v Parker</i> (1818), <i>Wilkes v Allington</i> (1931). The contemplation of impending death must be real but need not be reasonable • The gift must be conditional on death – so revocable until death, and not effective if donor does not die • There must be delivery of the subject matter if a physical item or evidence of title amounting to a surrender of possession e.g. handing over keys to a car e.g. <i>Woodard v Woodard</i> (1995), or keys to a house with information about location of deeds <i>Sean v Headley</i> (1991). Delivery can be to an agent of donee <i>Mills v Shields</i> (1948)	

Question 2	25 marks
A number of candidate responses did not start with the key requirements for a claim (<i>locus standi</i>, testator domiciled in UK, failure to make reasonable provision). Some responses that included reference to domicile were confused about whose domicile was relevant. Additionally, some responses did not address the question of 'who is a child'.	
Suggested Points for Response:	
• Explanation that under Inheritance (Provision for Family and Dependents) Act 1975 (I(PFD)A 1975) a claim can be made against the estate by children and others In order to succeed in a claim under (I(PFD)A 1975) an applicant must: ○ prove the deceased died domiciled in England and Wales ○ prove that they have <i>locus standi</i> – fall within one the six categories in s1(1) • The applicant must convince the court that the Will, or intestacy, failed to make reasonable provision • Categories include a child of the deceased, a person treated as a child of the family • Children include illegitimate, children adopted by the deceased and children <i>en ventre sa mere</i> • Children does not include a natural child adopted by another or stepchildren • A person may not be a child but may be treated as a child of the family, e.g. a child for whom the deceased stood in the role of parent so step-child is not a child but can claim as a person treated as a child of the family, as can a child of a cohabitee; the courts will consider treatment as a child beyond the subsistence of the marriage e.g. <i>Re Callaghan</i> (1985), <i>Leach v Lindeman</i> (1985) • Alternatively, a claim may be brought by step-children etc as “a person maintained by the deceased” where the deceased was making a substantial contribution towards the needs at the time of death • There is no age limit for children claiming but courts used to look for special circumstance such as a moral obligation disabled or working in family business for low wage if an adult child claimed; <i>Re Coventry</i> (1979); so adult children in work and earning were unlikely to be successful • However in <i>Espinosa v Bourke</i> (1999) Court of Appeal held that claims by an adult child were to be treated the same as any claimant and the common guidelines applied • The applicant must also show that the Will, or intestacy failed to make reasonable provision – which involves a two-stage process: ○ Has Will, or intestacy, failed to make reasonable financial provision? if so, what is reasonable financial provision? Maintenance involves more than subsistence, but does not generally	

involve a capital sum *Ilott v Mitson* (2011). Reasonable provision is judged objectively and at the time of death e.g. *Re Goodwin* (1968), *Re Hancock* (1998)

- Under the common guidelines s3(1) I(PFD)A (1975) the court must consider the financial resources (income and capital) and needs of the applicant, the obligations and responsibilities of the applicant and of any beneficiary under the Will or intestacy; the court must also consider the obligations and responsibilities of the deceased towards the applicant and any beneficiary; the court must consider the size of the testator's estate and their obligations and responsibilities, e.g. *Re Jennings* (1994), *Stephanides v Cohen* (2002), *Re Goodchild* (1996)
- In addition to the common guidelines, for "child" applicants the court must also consider the education of the child s3(3) I(PFD)A 1975

Question 3

25 marks

Data too limited for valid feedback.

Suggested Points for Response:

- General approach of courts is to interpret actual words used by testator and to avoid writing or re-writing the Will
- There are two approaches – the strict literal approach looking at meaning of words used and using the dictionary meaning which may not reflect testator's wishes and more liberal approach of looking at what words used meant to the particular testator in the context of the Will as a whole which may be viewed as more creative e.g. *Re Rowland* (1962), *Scale v Rawlins* (1892), *Re Jones* (1998)
- Discuss that a word may be given its normal grammatical meaning e.g. *Perrin v Morgan* (1943) or a secondary meaning may be indicated e.g. *Re Davidson* (1949), *Re Smalley* (1929), *Thorn v Dickens* (1906); the "armchair rule" and deciding meaning from circumstances at time the Will is executed e.g. *Boyes v Cook* (1880), *Charter v Charter* (1874); words with more than one meaning are given most probable meaning which does give the judge wide discretion e.g. *Re Everett* (1944), *Re Purnchard's Will Trust* (1948)
- Technical words and phrases are given their technical meaning e.g. *Re Cook* (1948)
- Generally, extrinsic evidence is not allowed as that would render s9 WA1837 meaningless however extrinsic evidence has been allowed in some situations such as where there is latent ambiguity e.g. *Re Jackson* (1933); the position is now covered by s21 Administration of Justice Act 1982 (AJA 1982) which allows extrinsic evidence of testator's intention where a word is meaningless, or where there is latent or patent ambiguity e.g. *Re Williams* (1985) *Tyrell v Tyrell* (2002), *Spurling v Broadhurst* (2012), *Pinnel v Anison* (2005)
- Construction of successive interest and presumption re spouse s22 AJA 1982 e.g. *Harrison and Anr v Gibson and others* (2006)
- Rule in *Lassence v Tierney* (1849)
- Subsidiary rules – inconsistent clauses, court leans against intestacy, *eiusdem generis*, *falsa demonstratio*
- Credit reference to Modernising Wills Law Recommendation 26 that s20 AJA 1982 be extended to allow rectification of a Will where it fails to achieve testator's intention
- Gifts to "children", or other relatives, now includes illegitimate s19 Family Law Reform Act 1987 (FLRA 1987) and adopted children Adoption and Children Act 2002 (ACA 2002) and legitimated children
- Class closing rules e.g. *Pearks v Mosley* (1880)

Question 4	25 marks
This is a key topic area and with revocation by destruction being a significant area so this question should have provided candidates with the opportunity of providing a relatively straightforward answer. However, most candidate responses were limited in the level of detail/citation expected.	
Suggested Points for Response:	
• S20 Wills Act 1837 contains the rules for valid revocation. • Express revocation – a Will can be revoked by a revocation clause in a new Will or a codicil or document executed in accordance with s9 Wills Act 1837 • Implied revocation - a Will can be revoked by executing a new valid Will which disposes of the whole estate, e.g. <i>Pepper v Pepper</i> [1870] • S20 WA 1837 defines revocation by physical destruction - a Will or Codicil can be revoked by physical destruction • Destruction can be by burning, tearing or otherwise destroying e.g. <i>Cheese v Lovejoy</i> (1877) • Destruction may involve the whole Will or significant parts of the Will e.g. <i>Hobbs v Knight</i> (1938), <i>In the Estate of Nunn</i> (1936), <i>In the Estate of Adams</i> (1990) • The testator need not destroy the Will personally. S20 Wills Act 1837 allows someone else to destroy the Will provided they do this in the presence of the testator and by their direction e.g. <i>In the Goods of Dadds</i> (1857), <i>Re Kremer</i> (1965) • The testator must intend the Will to be revoked when destruction takes place, e.g. <i>Gill v Gill</i> (1909) • Intention to destroy is not the same as intention to revoke, e.g. <i>Perkes v Perkes</i> (1820) • Accidental destruction does not revoke a Will, e.g. <i>Re Booth</i> [1926] • Destruction of a Will due to a mistaken belief does not revoke the Will, e.g. <i>Re Southerden</i> [1925] • Revocation presumed - a Will or Codicil can be revoked by presumption where a Will, known to be in the possession of the testator, cannot be found at death after reasonable searches and enquiries, the presumption arises that the testator has destroyed it with the intention of revoking it e.g. <i>Lambell v Lambell</i> [1831]. The presumption can be rebutted with evidence to the contrary e.g. <i>Sugden v Lord St Leonards</i> [1876] • If a Will cannot be found it does not automatically mean that the testator intended to revoke - affidavit evidence that the Will was validly executed and was not validly revoked must be provided and evidence of the contents of the Will proved • Dependant relative revocation – if a testator makes a new Will intending to revoke an old Will but the new Will is not valid, then the old Will is not revoked but remains valid • In <i>Re Jones</i> [1976] the Court of Appeal posed a series of questions to be asked where a testator had destroyed their Will • S18(1) Wills Act 1837 as amended s18 Administration of Justice Act 1982 and the Marriage (Same Sex Couples) Act 2013 provide that a Will is revoked on the testator's marriage or civil partnership but a Will to be made in contemplation of marriage or a civil partnership is not revoked on that marriage	

Section B

Question 1	25 Marks
B1a: Candidate responses showed knowledge and understanding of s9 WA in action, although only one candidate was aware of <i>Payne v Payne v Payne</i> (2018) re acceptable signing by a witness. B1b: There was a lack of knowledge of how the situation of an executor not wishing to act should be addressed. B1c: Most candidates performed very well.	
Suggested Points for Response Question 1a:	14 marks
- To be valid a Will must comply with s9 Wills Act 1837 (WA 1837) - A Will must be “in writing” which can take many forms. Anne’s Will is acceptable as it is word processed - The Will must be signed by the testator who must have the intention of signing a Will. The courts have adopted a wide interpretation of signature e.g. <i>Re Chalcroft</i> (1948), <i>In the Goods of Savory</i> (1851); the signature does not have to be at the end of the Will provided testator intended signature to give effect to Will e.g. <i>Wood v Smith</i> (1992), <i>Weatherhill v Pearce</i> (1995); the testator can have some assistance signing provided they make a positive contribution to the signature e.g. <i>Barrett v Bem</i> (2012). Anne has signed but due to her arthritis had difficulty writing and needed help and did not complete the signature and has signed at the top but this would be a valid signature. Anne appears to have had an intention to sign as she said “There that’ll do”. - The signing must be done or acknowledged in the presence of two witnesses who must both be present at the time of signing and in this case Peggy and Dorothy were both present when Anne signed the Will. Witnesses must sign but not necessarily in the presence of each other. Peggy has validly signed the Will; Dorothy was present with Peggy when Anne signed the Will, she was not present when Peggy signed as witness and she has not signed but has printed her name but this is acceptable <i>Payne and Another v Payne</i> (2018) - The Will is valid	
Suggested Points for Response Question 1b:	5 marks
- As Vincent is not able to act as Executor he should renounce probate by completing a formal renunciation which should be lodged with the court - A grant of letters of administration with the Will annexed should be applied for as there is only one Executor and he is unable to prove the Will - The order of entitlement is set out in r20 NCPR. In this case it would be residuary beneficiaries who would be entitled to apply. So Tony and Kyra who are both adult should both apply. - As two of the beneficiaries are minors there will need to be two administrators	
Suggested Points for Response Question 1c:	6 marks
- Clause 2 – the gift is a pecuniary which is conditional on Vincent acting as executor so he will not be entitled if he does not act - Clause 3 – s15 WA 1837 prevents a beneficiary from receiving a legacy if they witnessed the Will. Peggy will not receive the legacy of £1000 - Clause 4 – Tony and Kyra are both over 21 and will each be entitled to inherit a 25% share absolutely. The two younger grandchildren have a contingent interest. They will each inherit a 25% share when they become 21	

Question 2	25 marks
Candidate responses, generally, demonstrated knowledge and understanding of the area, although some failed to discuss the personal chattels in the detail required and/or failed to address the issue of the family home.	
Suggested Points for Response:	
• Where a person dies intestate the order of entitlement to a grant is found in r22 NCPR 1987; where there is a surviving spouse they are entitled to apply for the grant, and then the children; Sarah as surviving spouse will be entitled to apply for a grant • As there are minor children, two administrators Will be required and James or Nathan could apply with Sarah as they are Harry's adult children • Rules on intestacy are found in AEA 1925 as amended and the Intestates' Estates Act 1952 (IEA 1952) and ITPA 2014 • When a person dies wholly, their assets become subject to a statutory trust under s33 AEA 1925 • Subject to the payment of funeral expenses and debts the PRs must distribute the estate in accordance with s46 AEA 1925 as amended • Where there is a surviving spouse they must survive the testator by 28 days before they can inherit • Where there is a surviving spouse and issue the spouse will inherit all of the personal chattels of the testator as defined by s55(1)(x) AEA 1925, a statutory legacy of £322,000 plus interest from the date of death and half of residue absolutely; the remaining half share of residue goes to the children on statutory trust • s55(1)(x) AEA 1925 distinguishes between personal chattels and other property owned for investment or for business purposes e.g. Re McCulloch Credit relevant discussion of Harry's - e.g. the classic cars are likely to be classed as investments so Sarah will not receive these, or their value, as they will form part of residue to be split with children or a case may be put forward for them simply being a personal interest of Harry's and so personal chattels going to Sarah • Harry had three children – James, Nathan and Delia. James will inherit 1/6 of the residue; Nathan is illegitimate but can inherit and will get 1/6; Delia pre-deceased her father but left two children who will inherit her 1/6 share, as they are minors their share would be held in trust and a second PR would be required; Ria would not be entitled as she is a step-child, not a child. Ria could make a claim under the Inheritance (Provision for Family and Dependents) Act 1975 (I(PFD)A 1975) • The family home which is in Harry's sole name will also form part of the residue; S41 AEA 1925 gives the PR's the power to appropriate assets, including the family home to individual beneficiaries; Sarah has the right to request appropriation under the Intestates Estates Act (IEA) 1952; the right must be exercised in writing to the PR's within 12 months of the grant e.g. Kane v Ridley – Kane and others (1998); the family home will be valued at date of appropriation, equality money may need to be paid; Sarah can apply to have the house appropriated if she can afford it	

Question 3	25 marks
Candidate responses demonstrated varied levels of knowledge and understanding. Most were able to deal with Clause 1 and the altered amount well. But few recognised that the issue with Clause 2 was ambiguity which would require the court to apply rules of construction. Remaining clauses were relatively well discussed.	
Suggested Points for Response: • Clause 1 - the original amount of this pecuniary legacy has been amended and s21 Wills Act 1837 applies alterations to a Will must comply with S9 WA 1837 and be signed by testator and witnesses or court will presume made after Will executed and so invalid. The alteration to Clause 1 has been signed by Umar, but not by the witnesses. It will be treated as invalid but because the amended amount is apparent the original bequest will be honoured. Zoya will receive £20,000 • Clause 2 – PRs must ascertain who is a beneficiary under a Will and here there is latent ambiguity here – Umar had several nieces but referred to Isha as his “beloved” niece; the general approach to the construction of Wills is that words may be given their normal meaning e.g. Perrin v Morgan (1943) or their secondary meaning where it can be shown from surrounding circumstances that a testator used words in a secondary sense e.g. Re Davidson (1949), Re Smalley (1929), Thorn v Dickens 1906 this meaning can emerge from the armchair rule, e.g. Charter v Charter (1874) and by the admission of extrinsic evidence S21 AJA 1982. Here there is latent ambiguity and extrinsic evidence would be admissible to show that Umar viewed Isha as his “beloved” niece s21(1)(c) AJA (1982) • Clause 3 – Waqaz has not been in contact with his family for two years. As Executors, Bilal and Faisal must try to trace him, notices under s27 Trustee Act 1925 (TA 1925) may help but they will not provide protection against a later claim by Waqaz as they do know about him; alternatively they could take out indemnity insurance if he is not traced when they want to make a distribution • Clause 4 – this is a specific gift of shares and if the subject matter is sold or given away it will adeem and the beneficiary will receive nothing. Umar has sold the shares and so Gary will receive nothing • Clause 5 – this is a class gift where the size of each grandchild’s share depends on the number of grandchildren (1) class closing rules have been devised to determine the membership of the class, e.g. Pearks v Mosley (1880); the gift here is an immediate contingent gift because there are four grandchildren who already adult and have satisfied the contingency so the potential class of grandchildren able to benefit will close e.g. Andrews v Partington (1791). The four adult grandchildren will receive their share immediately. Zoya’s 8 year old adopted child will be entitled as a grandchild (Adoption and Children Act (2002)), and the child she is expecting when they become 21. If they do not reach the age of 21 their share will be divided among the other beneficiaries	

Question 4	25 marks
Candidate responses were varied with some showing a good level of knowledge and understanding.	
Suggested Points for Response:	
• For a Will to be valid a testator must have the mental capacity to make a Will • The test for a testator's mental capacity is found in Banks v Goodfellow (1870) and required a testator to have understood that : - He is making a Will to come into effect on death - The extent of his property, though need not have a perfect recollection, e.g. Schrader v Schrader (2013) - The moral claims on his generosity, though need not act on them e.g. Broughton v Knight (1873) • The courts will also take into account the Mental Capacity Act 2005 (MCA 2005) • Leonard was aware that the farm is a key asset, although his knowledge of its value is quite inaccurate and he seems to have forgotten about his investments • Leonard was aware of his son, but appears to have had a low opinion of him which appears to be unfounded; however he does not have to leave his son anything • Leonard also appears to be confused about how long Erica has been caring for him • Testator must not have been suffering from insane delusions e.g. Key v Key 2010 which recognised the impact of bereavement; here Leonard has been affected by the death of his wife and this may have led to his delusions about his son and his daughter which impacted on the Will he made • Credit reference to the Golden Rule and precautions that might be taken • Reasoned conclusion e.g. a claim that Leonard did not have mental capacity might have some merit (with reasons) or Leonard's mental capacity judged OK (with reasons) • A testator must also have knowledge and approval of the Will that they sign, e.g. Guardhouse v Blackburn (1866) • The burden is on the propounder of the Will to establish knowledge and approval but <i>prima facie</i>, due execution raises the rebuttable presumption of knowledge and approval of the Will e.g. Barry v Butlin (1883) so the burden passes to the challenger who must either show that the testator lacked knowledge and approval or that there were suspicious circumstances e.g. Wynczenko v Palucinska-Surowwka (2005) • A claim may also involve undue influence where to gifts made by a vulnerable person to another person with whom they have a relationship of trust e.g. Carpeto v Good (2002), Gill v Woodall (2010) • In Leonard's case, a number of factors could be cited to raise suspicion - his new Will was very different to his previous Will, Erica who receives a significant benefit under the Will was instrumental in arranging for Leonard to make a new Will and without involving the family solicitors, Erica helped Leonard answer Quinten's questions, Erica is also a very good friend of Yvonne who gains a major benefit from the new Will. Quinten was led to misunderstand Erica's role and how long she had known Leonard • The latest Will likely to be declared invalid due to undue influence and the previous Will declared valid, as in Schrader v Schrader	