



**CILEX Level 3 Certificate in Law and Practice/
CILEX Level 3 Professional Diploma in Law and Practice**

Unit 14 - Probate Practice

Question paper

June 2023

Time allowed: 1 hour and 45 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.
- You must answer **all** questions.
- This question paper is out of 70 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.
- You are **not** allowed access to any statute books.
- 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.

Adam Webber confirms that the Will is valid and asks you to consider the Will and the attendance note.

- (a) Explain the effect of Oscar Brown acting as a witness to the Will.
(4 marks)
 - (b) Explain what details Adam Webber must find out about the ownership of Westwood House and why he needs to do so.
(5 marks)
 - (c) Identify the grant of representation appropriate in this estate and explain who is entitled to apply for it.
(7 marks)
 - (d) Explain what additional documentation may be required to accompany James's Will in an application for a grant, given the condition of his Will.
(4 marks)
- (Total: 20 marks)**

Question 2

Reference: Question relates to **Document 3** of the case study materials.

Following his meeting with Raj, Adam Webber tells you that in this case it will be vital to obtain medical assessment of Raj's capacity but Adam is worried that this might delay completion of the Will.

- (a) Explain why the firm should deal with Raj's instructions promptly and to whom the firm owes a duty of care.

(5 marks)

Adam Webber consults Raj's GP about Raj's capacity to make a Will.

- (b) Explain what tests the GP should take into account.

(6 marks)

- (c) Explain the potential inheritance tax consequences of the gifts that Raj has made to Eli, Beth and Jack during his lifetime.

(8 marks)

Adam Webber has asked you to help with the preparation of Raj's Will.

- (d) Draft the clause providing for the appointment of executors.

(6 marks)

(Total: 25 marks)

Turn over

Question 3

Reference: Question relates to **Documents 4 and 5** of the case study materials.

- (a) Explain why the note in **Document 4** is not a valid Will.

(3 marks)

- (b) Explain how the estate will be distributed given that there is no valid Will.

(9 marks)

Details of the estate have been collected and you are ready to apply for a grant of Letters of Administration. Jayne and Emilia intend to apply for a Grant of Letters of Administration together.

- (c) Explain why form IHT205 is the appropriate inheritance tax account to send to the Probate Registry in this estate.

(6 marks)

- (d) (i) Explain how the grant can be used to obtain the estate assets once it has been received by the personal representatives.

(3 marks)

- (ii) Explain when debts and legacies should be settled and how this should be correctly recorded.

(4 marks)

(Total: 25 marks)

End of the examination