



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

Question paper

Unit 8 – Law of Wills and Succession

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.
- There are **two** sections in this question paper — Section A and Section B.
- You must answer **all** questions from Section A.
- There are three scenarios in Section B — you must choose **one** scenario and answer **all** questions relating to that scenario.
- This question paper is out of 60 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.
- 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

SECTION A

Answer all questions.

1. Identify **four** reasons why a person might make a Will.
(4 marks)
2. State whether a privileged Will made during a war remains valid after the war has ended.
(1 mark)
3. Explain why it is important to include a revocation clause in a Will.
(3 marks)
4. Describe the circumstances when a gift left in a Will would lapse.
(4 marks)
5. Explain the effect the later marriage or civil partnership of a testator would have on their existing Will.
(3 marks)
6. Explain what is meant by the term 'personal chattels'.
(4 marks)
7. Identify the circumstances when the chain of representation under s7(1) Administration of Estates Act (AEA) 1925 may be broken.
(3 marks)
8. Identify the circumstances when a Grant of Letters of Administration with Will Annexed is appropriate.
(3 marks)
9. Explain what would be required by a Registrar before they would issue a Grant of Probate of a Will that was accidentally burnt by the testator when under the influence of alcohol.
(3 marks)
10. State the surviving spouse standard of financial provision under the Inheritance (Provision for Family and Dependents) Act 1975.
(2 marks)

(Total Marks for Section A: 30 marks)

SECTION B

There are three scenarios — you must choose one scenario and answer all questions relating to that scenario.

Scenario 1

Barbara Clark, a widow, died in April 2023. Her Will read as follows:

‘This is the last Will and Testament of Barbara Clark

I revoke all former Wills and testamentary dispositions made by me

I appoint my husband Alfred Clark as the executor of my Will

If he does not survive me my children Julia Clark and Noah Clark are to act as my replacement executors

Provided he survives me by 28 days I give my estate to my husband Alfred Clark

If Alfred dies before me I leave my estate to my daughter Julia Clark and my son Noah Clark in equal shares

Executed by the above named Barbara Clark as and for her last Will in our joint presence and then by us in hers

Signed *Barbara Clark*

Dated 20th May 1983

Witnessed by *Jack Burton*

Fran Burton

At the date of her death, Barbara’s estate consisted of:

- her house, known as ‘The Rookery’, Swallows Lane, Bedford, valued at £750,000;
- a life insurance policy with a date of death value of £75,000;
- shares worth approximately £1,000;
- her Investor Special Bank Flexi Current account with a date of death balance of £22,000;
- her collection of china pottery owls worth about £300.

Barbara’s husband Alfred died in 1988, at the age of 45, after a long battle with cancer.

In 2004, Barbara’s son, Noah, also died from the same disease, leaving a six-year-old daughter called Helen. Helen is now married and her married name is Helen Skinner.

Julia has never married but has two young children, a girl called Daisy and a boy called Rob, aged five and seven respectively. She has taken her mother’s death badly and does not feel able to deal with the estate.

Turn over

Scenario 1 Questions

1. (a) Identify the formal requirements to make a valid Will.

(6 marks)

(b) Explain the purpose of an attestation clause in a Will.

(4 marks)

(c) Explain why Barbara has made a valid Will by applying the formal requirements to the facts of the scenario. Use **one** example from case law to illustrate your answer.

(7 marks)

(Total: 17 marks)

2. Explain who is entitled to Barbara's estate and why.

(7 marks)

3. Explain who may apply for a grant to deal with Barbara's estate.

(6 marks)

(Total Marks for Scenario 1: 30 marks)

Scenario 2

Nadi Patel died in early February 2023, aged 73, after a long and painful battle with cancer. Nadi left a son, Tijay Patel aged 50, and a daughter, Rupī Gohil aged 48. Tijay has two daughters, Eisa, who is 17 and Idha, who is 16. Rupī has a son, Vadin, who is 12.

Nadi died leaving a Will dated 15 September 2015, which read as follows:

‘This is the last Will and Testament of me Nadi Patel of 8 Glebe Avenue Colchester Essex CO1 2AU

1. I revoke all earlier Wills made by me
2. I appoint the partners in the firm of Kempstons Solicitors to be the executors and trustees of my Will
3. I leave the following legacies

To my daughter Rupī Gohil my diamond necklace with the pearl and diamond pendant which she has always admired

To my grandson Vadin Gohil the sum of £25,000

To my son Tijay Patel a hedge trimmer and garden shredder

To my friend Jasmine Galway of 10 Glebe Avenue Colchester Essex the sum of £10,000

4. I leave the rest of my estate equally between my dear granddaughters Eisa Patel and Idha Patel subject to each attaining 25 years of age

Dated 15 September 2015

Signed by Nadi Patel

in our joint presence and
then by us in hers

Nadi Patel

Jasmine Galway
10 Glebe Avenue
Colchester
Essex

Guy Galway
10 Glebe Avenue
Colchester
Essex’

Turn over

Scenario 2 Questions

1. (a) Identify the type of gift left to Rupi and explain whether or not it would take effect if the necklace had been stolen during a burglary the year before Nadi died.

(5 marks)

(b) Identify the type of gift left to Tijay and explain whether or not it would take effect if Nadi had given away her hedge trimmer and garden shredder before her death.

(5 marks)

(c) Explain whether Jasmine Galway would receive her legacy under the Will.

(3 marks)

(Total: 13 marks)
 2. Identify the type of gift left to Eisa and Idha and explain how this will be administered until Eisa and Idha attain the age of 25.

(6 marks)
 3. Explain the administrative clauses that will assist the executors in administering Nadi's estate with regard to:
 - (a) paying the legacy to Vadin;

(3 marks)
 - (b) paying the professional executors;

(3 marks)
 - (c) insuring 8 Glebe Avenue;

(2 marks)
 - (d) investing the sale proceeds of 8 Glebe Avenue.

(3 marks)

(Total: 11 marks)
- (Total Marks for Scenario 2: 30 marks)**

Scenario 3

Kevin died in December last year. He left an estate worth around £900,000, which included:

- Maple House, where he lived with his wife Mavis, valued at £300,000;
- cash investments with the local building society, totaling £245,000;
- stocks and shares managed through Sovereign Brokers, valued at £350,000;
- various personal items worth around £5,000.

All assets are held in Kevin's sole name.

Kevin and Mavis, who had been married for 50 years, had three children: Lewis, Carl and Thea.

Lewis is 42 and married to Orla. They have no children. Lewis is currently unemployed, having been made redundant from his job as a newspaper editor last year, but is hopeful of gaining employment soon.

Carl is 39, unmarried and has no children. Carl has recently had a kidney transplant and has given up work while he recovers.

Thea died three years ago. She left a husband, Paul, and two children, twins, Nicole and Dean (who are 20). Both Nicole and Dean are currently studying at university.

Despite a careful search, the family has been unable to find a will.

Last year, there was a major family argument which centered around how Nicole and Dean's university fees would be paid. Paul had expected Kevin and Mavis to help, but Carl and Lewis were against this, as it would be a substantial expense. Mavis sided with Paul and, as a result, Mavis is no longer on speaking terms with both Carl and Lewis. They have not been in touch with her since their father's death and have indicated that they simply want their shares of the estate as quickly as possible.

Mavis is now 75 and is having difficulty with everyday tasks due to arthritis, which is now affecting her spine. She is able to cope without help at the moment but can see that she will need care at home in the not-too-distant future.

Mavis has not been in paid employment since she married Kevin and has no income other than a very small state pension. She does have £20,000 in a bank account. Kevin always looked after the finances and made sure that Mavis had some money for housekeeping and for spending on herself.

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Scenario 3 Questions

[NOTE TO CANDIDATES: In answering Question 1, ignore any potential claim under the Inheritance (Provision for Family and Dependants) Act 1975.]

1. (a) Explain what Mavis can expect to receive from the estate and why. **(8 marks)**

- (b) Explain how the rest of the estate will be distributed. **(7 marks)**

(Total: 15 marks)

Mavis is worried that she may have to leave Maple House, where she has lived for most of the 50 years she was married to Kevin, so that it can be sold and the money split between the family, or find that she does not own the whole of the house in which she lives.

2. Explain how Mavis can be sure of receiving the whole of Maple House so that she remains in control of her home.

(6 marks)

3. Mavis is also concerned about not being entitled to enough money from Kevin's estate.

- (a) Explain whether, why and when she might be able to make a claim against the estate for further financial provision. **(3 marks)**

- (b) Identify **three** factors the court is likely to take into account in this case and explain how they will apply to Mavis' claim. **(6 marks)**

(Total: 9 marks)

(Total Marks for Scenario 3: 30 marks)

End of the examination

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