



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 2026

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 – ***Blackstone’s Statutes on Property Law, 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.

SECTION A

Answer at least one question from this section.

1. To be valid, a Will is normally expected to comply with the legal formalities of s9 Wills Act 1837. However, in certain circumstances those formalities may not apply.

Critically evaluate, with reference to statute and case law, the following exceptions, which allow an informal gift of property to be made that is both valid and effective on death:

- (a) Privileged Wills;

(18 marks)

- (b) Donatio mortis causa.

(7 marks)

(Total: 25 marks)

2. The concept of testamentary freedom means that, in general, a person is entitled to leave their property to whoever they choose. However, this can cause problems and it is possible for the courts to change the provision made by a person's Will if certain requirements are met.

Critically analyse, with reference to statute and case law, who is a 'child' for the purposes of the Inheritance (Provision for Family and Dependants) Act 1975 and how the courts assess a claim by a 'child'.

(25 marks)

3. "The question is not, of course, what the testator meant to do when he wrote his Will, but what the written words he uses mean in the particular case - what are the 'expressed' intentions of the testator". Viscount Lord Simon in Perrin v Morgan (1943).

Critically analyse, with reference to statute and case law, the rules of construction that will be applied by the court when a testator has failed to make their wishes clear in their Will.

(25 marks)

4. A testator with full testamentary capacity is free to revoke their Will but, to be effective, the revocation must comply with certain requirements.

Critically evaluate, with reference to statute and case law, the ways in which a Will may be validly revoked.

(25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Anne Bolton moved to a care home in February 2026, following the death of her husband. She had been diagnosed with Parkinson's disease and could not manage at home any more, although mentally she was still very alert. Following the move, she decided to make a new Will, which her granddaughter Kyra was happy to type for her. The new Will read as follows:

<p>This is the last Will of Anne Bolton</p> <p style="text-align: right;"><i>An..n...e...B.....</i></p> <ol style="list-style-type: none">1. I appoint my cousin Vincent Roberts to be my executor.2. I give Vincent Roberts £1000 in recognition of him undertaking the role of executor.3. I give £1000 to my good friend Peggy Masters.4. I give the rest of my estate to my grandchildren Tony and Kyra and Xander and Rosie when they become 21 years of age. <p>Dated: 21 May 2026</p> <p>Witnessed: <i>Peggy Masters</i> Witnessed: DOROTHY MASTERS</p>

Anne asked her good friend Peggy, and Peggy's daughter Dorothy, to visit her so that they could witness the new Will.

When they arrived, Anne said that she was finding it hard to hold a pen and write but would try to sign the Will. Dorothy offered to help Anne. Anne accepted this offer and managed to start signing, but even with Dorothy's help could not manage to complete her signature and said, "There, that'll have to do." Peggy then signed as a witness. Dorothy was about to sign when her mobile phone rang. She was expecting an important call and left the room to answer her phone. Dorothy returned and said she had to leave to deal with an urgent matter and simply wrote her name in capitals on the Will.

A week later, Anne had a fall and was taken to hospital where she died.

Kyra, is aged 25 years. Tony is aged 30, Xander is aged 17 and Rosie is aged 15.

Anne's cousin Vincent is in hospital having suffered a stroke. He has told Tony that he is not well enough to act as executor.

Advise Tony as follows:

- (a) whether Anne's Will has been validly executed;
(14 marks)
- (b) what action is required in relation to Vincent's decision not to act as executor;
(5 marks)
- (c) how the legacies in Clauses 2, 3 and 4 of the Will should be dealt with.
(6 marks)

(Total: 25 marks)

Question 2

James Short has consulted you for advice regarding his father, Harry Short. His father, who was only 58 years old, died unexpectedly a week ago after being involved in a serious road traffic accident whilst on holiday in Spain.

James said that he had been encouraging his father to start planning for the future, including making a Will. But his father had said that there was plenty of time for that when he returned from his holiday.

Harry was a successful businessman. He was a property developer who specialised in small-scale luxury developments. The business enabled him to enjoy a good lifestyle and to indulge in his passion for classic cars. He owned several classic cars, including a classic E Type Jaguar valued at £85,000, a Bentley valued at £67,000 and an Aston Martin valued at £80,000. His home, Helmsley Manor, is valued at around £4,500,000. It is registered in Harry's sole name.

Harry was married to James' mother, Celia, for 27 years, but Celia had divorced Harry five years ago when she discovered that for the past 20 years, he had been having an on-off affair with his secretary. As a result of the affair, Harry had another son, Nathan, who is 19 years old.

Following his divorce, Harry met Sarah and after a whirlwind romance they married in January 2022. Sarah has a daughter, Ria, from a previous relationship. Harry was very fond of Ria and treated her as his daughter. However, his relationship with Sarah had recently deteriorated and he was seriously considering divorce at the time of his death.

It has also emerged that several years before Harry married Celia, he had another relationship which also produced a child, Delia. Sadly, Delia died in 2020 after a short illness. She was survived by a son now aged 16 years and a daughter now aged 12 years.

Advise James who will be responsible for administering the estate and who will inherit under the rules of intestacy.

(25 marks)

Question 3

Umar Malik died two weeks ago. His Will named his two sons, Bilal and Faisal Malik, as executors. They have requested advice regarding the Will, which they found amongst their father's papers. The Will contains the following gifts:

<i>£30,000</i>	
1. To my daughter Zoya £20,000	<i>Umar Malik</i>
2. To my beloved niece £20,000	
3. To my nephew Waqaz £20,000	
4. To my great friend Gary my shares in BP and Shell	
5. The remainder of my estate after the payment of my funeral and testamentary expenses to my grandchildren in equal shares when they reach the age of 21 years.	

Bilal and Faisal confirm that the amendment to gift 1 is in their father's handwriting and is in ink.

Umar had one sister, whom he always referred to as his "beloved" sister. She and her husband died 20 years ago in a tragic accident, leaving two children, Waqaz aged 4 and Isha aged 2. Umar and his wife had brought Isha up with their own children. Umar had several nieces, the daughters of his brother, but he always referred to Isha as his "beloved" niece.

Waqaz is Isha's older brother. He was also brought up by Umar but as time went on, Umar increasingly found his behaviour challenging. Two years ago, Umar and Waqaz had a serious argument, which led to Waqaz storming out of the house. The family have had no contact with him since then. Friends of Bilal have told him that they have seen messages on social media that indicate that Waqaz has moved to Sheffield.

Umar did hold shares in BP and Shell. He had bought them on the advice of Gary and had been very pleased with their performance. However, he had sold them all several years ago.

Bilal has two children and Faisal also has two children. Their children are all adult and are aged over 21 years. Zoya has one child who is adopted and is 8 years old and she is expecting another child.

Advise Bilal and Faisal as to the validity of the gifts in the Will and of any action that they need to take as executors regarding the gifts.

(25 marks)

Question 4

Leonard Wiltshire died a week ago after a short illness. His son Frank has contacted you for advice.

Leonard was married to Olivia for 56 years and together they had built up a very successful farming business. Frank has worked on the farm since leaving school in return for a modest wage. His parents had promised that he would inherit the farm in recognition of his contribution to the business.

In 2010, Leonard and Olivia made Wills leaving their estates to each other. On the death of the survivor, Frank was to inherit the farm and their daughter, Yvonne, who was not interested in the farm and had married a wealthy husband, was to receive the remainder of their assets. Frank was named as executor.

As his parents grew older, Frank took over responsibility for running the farm and provided additional help for his parents. Yvonne, who had a busy social life, rarely visited.

Olivia died 12 months ago. As she had managed the household and their financial affairs, Leonard found life without her very difficult. Frank realised that his father needed help. He discussed this with Yvonne, who suggested that Leonard needed a live-in carer. She suggested her best friend, Erica, who was newly divorced and looking for work. Frank agreed. Erica moved in with Leonard six months ago.

Following his father's death, Frank discovered that two months ago, Leonard had made a new, validly executed Will. This Will included a legacy of £100,000 to Erica "in recognition of all the care and help she has given me over the past years". The remaining assets, including the farm, were bequeathed to Frank and Yvonne in equal shares. Yvonne and Erica were named executors.

This new Will was drafted by a Will writer, Quinten Somerville, rather than by the family solicitors. Quinten told Frank that he had understood that Erica was Leonard's wife. She was present during discussions, helping Leonard to answer questions about his assets and family. Leonard had said that the farm was his only asset of any value and was worth only £2 million, as Frank had not managed it well. He said Frank had not worked hard enough to inherit the farm, while Yvonne had been a very good daughter. Frank has now provided the latest farm accounts, showing a farm value of £8 million, together with statements showing his father had investments of £475,000.

Advise Frank how Leonard's mental capacity and his knowledge and approval might affect the validity of the Will drafted by Quinten.

(25 marks)

End of the examination