



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 21 – Probate Practice

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.
- You must answer **all** questions.
- 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 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.
- 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 2025-26 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.

Answer ALL questions.

Question 1

Reference: Question relates to **Document 1** of the case study materials.

- (a) Advise Albert and Barbara of the two methods by which they could update their Wills and as to which method would be most appropriate for them to use. **(11 marks)**
- (b) Describe the two tests that can be used to determine whether or not Albert has the mental capacity to update his Will. **(9 marks)**
- (c) Explain to Albert and Barbara what the practical steps are that Kempstons can take to demonstrate Albert's mental capacity to update his Will. **(10 marks)**
- (Total: 30 marks)**

Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

- (a) Explain to Hakim and Imani:
- the conditions that Imani will need to meet to benefit from Hakim's Will as drafted in the event of Hakim's death; and
 - the conditions that any of Hakim's issue will have to meet to benefit from his Will as drafted in the event of his death.
- (10 marks)**
- (b) Explain to Hakim and Imani the differences and similarities in clause 7 of their draft Wills to the statutory powers their Trustees would otherwise have and the benefit(s) of including such a clause. **(8 marks)**

Hakim and Imani approve the draft Wills and make an appointment to see you to execute the Wills. When they come into the office, Hakim's right hand and wrist are strapped up as he injured them playing cricket. Hakim writes with his right hand. He is unable to write properly but will be able to hold the pen and make an attempt at a signature.

- (c) Explain to Hakim the steps you will take during and following execution of his Will to deal with his signature of it. **(7 marks)**

(Total: 25 marks)

Question 3

Reference: Question relates to **Document 4** of the case study materials.

- (a) Explain to Noreen why her understanding that the first £1 million of her estate will be free from Inheritance Tax is not correct. **(10 marks)**
- (b) Explain to Noreen the Capital Gains Tax consequences of:
- continuing to own the house in Bedford and the flat in Falmouth at the time of her death;
 - selling the house during her lifetime and moving into the flat;
 - continuing to live in the house and making a potentially exempt transfer of the flat to Quincy.
- (10 marks)**
- (c) Explain to Noreen when the executors of her estate would have to pay any Inheritance Tax payable on it. **(5 marks)**

(Total: 25 marks)

Question 4

Reference: Question relates to **Document 5** of the case study materials.

For the purposes of this question assume that a post-mortem has shown that Ryan was infertile so had not fathered any children.

- (a) Advise Shona what type of grant of representation will be needed for Ryan's estate and who should apply for it. **(6 marks)**
- (b) Advise Shona what further steps you will need to take before you can ascertain whether any Inheritance Tax is due on Ryan's estate. **(8 marks)**
- (c) Explain to Shona who will be entitled to Ryan's estate.

NOTE TO CANDIDATES: there is no need to make any calculations in your answer to this question.

(6 marks)

(Total: 20 marks)

End of the examination

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