



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

**Unit 14 – Probate Practice**

**Question paper**

**January 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.

- (a) Identify the type of legacy contained in clause 4c of Robert's Will and explain whether or not it will take effect.

**(5 marks)**

- (b) Explain the Inheritance Tax consequences of the gifts made by Robert during his lifetime.

**(8 marks)**

The administration of the estate is proceeding well, and you now have valuations of all assets and liabilities. The Form PA1P is ready for Kimberley and Thomas to sign.

- (c) Draft the contents **only** of a letter to Kimberley and Thomas, which explains the purpose of the PA1P.

**(6 marks)**

Kimberley and Thomas have been contacted by a builder who did some work on Robert's house before his death. Robert had not paid for this work. They are concerned that there may be other debts that they do not know about.

- (d) (i) Identify which statutory notices should be published in order to protect the executors and where these notices should be published.

**(4 marks)**

- (ii) Explain what would happen if the statutory notices were not published.

**(3 marks)**

**(Total: 26 marks)**

## Question 2

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

Janet Eaton has concerns about Serena's testamentary capacity and is writing to her GP, Dr Baker, to request a medical assessment. She will ask Dr Baker to prepare a report on Serena's testamentary capacity to make her new Will, specifically covering the test in The Mental Capacity Act 2005.

- (a) Draft the contents **only** of a letter to Dr Baker, setting out and explaining this test. **(6 marks)**
- (b) Dr Baker has telephoned to say that he is confident that Serena has capacity to make a new Will and will send his written report in the next few days.

Janet Eaton has asked you to assist with the preparation of the Will.

- (i) Draft the clauses providing for the gifts to Rosie and Jasmine for inclusion in the Will. **(5 marks)**
- (ii) Identify the points that should be included in the clause making the gift to the RSPCA. **(6 marks)**

### Additional Information

Radha, Serena's daughter-in-law, has contacted Janet Eaton. She explained that Serena has been taken into hospital after a fall at home, hitting her head and breaking her arm. Initially the fall had left her confused and suffering from some memory loss. Radha says that Serena had discussed the Will with her and had told her that she wished to amend the Will to include a further gift of £10,000 to Radha. She asked that we amend the Will to reflect this. Radha will then take the Will to Serena to sign, once she is allowed to visit.

- (c) Identify the steps you should take to protect against future queries and potential claims relating to the Will and any amendments, taking into account the initial instructions from Serena and this additional information. **(6 marks)**
- (Total: 23 marks)**

**Turn over**

### Question 3

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

Following a meeting with Fred Lambert, you have considered Peter's 2021 Will and concluded that it is not valid.

- (a) Explain why Peter's Will is not valid.

**(3 marks)**

- (b) Explain how the estate would be distributed, given that Peter's Will is not valid.

**[NOTE TO CANDIDATES:** You do **not** need to provide a mathematical calculation.]

**(8 marks)**

The administration of the estate is proceeding well, and the grant of representation has been obtained.

- (c) (i) Identify the steps you would need to take if further assets came to light after the grant of representation has been issued.

**(2 marks)**

- (ii) Explain what steps should be taken to complete the administration of the estate.

**(8 marks)**

**(Total: 21 marks)**

**End of the examination**

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