



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 14 – PROBATE PRACTICE*

Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

Question 1

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

Mr Andrews has prepared a letter to Sinead's doctor, Dr Fagan, requesting a report on Sinead's testamentary capacity.

- (a) To assist Dr Fagan, draft a note to accompany the letter, explaining the common law test in Banks v Goodfellow (1870).

(6 marks)

Dr Fagan has now telephoned to say that she is confident that Sinead has the capacity to make a Will, and that she will confirm this in writing over the next few days.

Mr Andrews asks you to assist with the preparation of a draft Will.

- (b) Explain:

- (i) what provisions need to be included in the Will to accommodate the fact that Sinead is blind;

(6 marks)

- (ii) what steps will need to be taken when Sinead executes the Will.

(4 marks)

- (c) Draft the clause for the gift to the Royal National Institute of Blind People (RNIB).

(6 marks)

(Total: 22 marks)

Question 2

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

Assume, for the purpose of this question, that Alice's Will is valid.

(a) Identify the type of legacy contained in clause 4 of the Will **and** explain whether or not it will take effect.

(6 marks)

(b) Identify which grant of representation is appropriate in relation to Alice's estate **and** explain who is entitled to apply for it.

(8 marks)

The appropriate grant of representation has now been obtained.

(c) Identify any **seven** steps that will need to be taken in order to complete the administration of Alice's estate.

(7 marks)

(Total: 21 marks)

Question 3

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

(a) Having examined Tina's Will, explain:

(i) how Tina's estate will be distributed;

(10 marks)

(ii) why it will be distributed in this way.

(5 marks)

(b) Identify which is the appropriate IHT form to send to HMRC in relation to Tina's estate **and** explain why this is the case.

(8 marks)

(c) Identify what you will need to submit to the Probate Registry in order to apply for the grant of representation in relation to Tina's estate.

(4 marks)

(Total: 27 marks)

End of Examination Paper