



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

Unit 14 – Probate Practice

Question paper

June 2022

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) You have examined Alyson's 2018 Will and concluded that it is not valid.
- (i) Explain the legal formalities for validly executing a Will. **(7 marks)**
 - (ii) State why Alyson's Will is not valid. **(1 mark)**
- (b) Given that Alyson's Will is not valid, explain:
- (i) how her estate will be distributed; **(7 marks)**
 - (ii) why it will be distributed in that way. **(3 marks)**

Kathryn is concerned that Alyson has unknown debts that may come to light.

- (c) Explain what action Kathryn should take to protect herself from liability for any such debts and why. **(6 marks)**

(Total: 24 marks)

Question 2

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

Following his meeting with Adam, Mr Hooper had concerns about his testamentary capacity so he has written to Adam's doctor, Dr Grahame, requesting a medical assessment. He has asked Dr Grahame to prepare a report on Adam's testamentary capacity, specifically covering the test in Banks v Goodfellow (1870).

(a) Draft a note to accompany the letter to Dr Grahame setting out this test.

(4 marks)

Dr Grahame has telephoned to say that she is confident that Adam has capacity to make a Will. Mr Hooper asks you to assist with the preparation of the draft Will.

(b) Identify the key points that will be included in the clause appointing the executor.

(6 marks)

Additional information

Mr Hooper has completed the Will for Adam and has sent it to him for approval. While waiting to hear back from Adam, Mr Hooper received a phone call from Rudra Anand to say that Adam suffered a mild stroke yesterday and has been taken into hospital. He is still being assessed but is very weak, and Rudra would like to get the Will finalised as soon as possible. Rudra wants Mr Hooper to bring the Will to the hospital so that Adam can sign it.

(c) Taking into account your initial instructions from Adam and this new information:

(i) explain the potential problems which arise;

(6 marks)

(ii) identify the steps you should take to protect against any potential claims relating to this Will.

(5 marks)

(Total: 21 marks)

Turn over

Question 3

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

- (a) Identify the type of legacy contained in clause 3 of Peter's Will **and** explain whether it will take effect.
(5 marks)
- (b) Explain why a grant of letters of administration with the Will annexed is appropriate in this case **and** explain who is entitled to apply for it.
(7 marks)
- (c) Explain the Inheritance Tax consequences of the gifts made by Peter during his lifetime.

[Note to candidates: You do not need to provide a mathematical calculation.]

(8 marks)

The administration of the estate is proceeding well and you now have valuations of all assets and liabilities.

- (d) Describe what you must submit to HMRC before you can apply for the Grant of Representation.
(5 marks)

(Total: 25 marks)

End of the examination

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