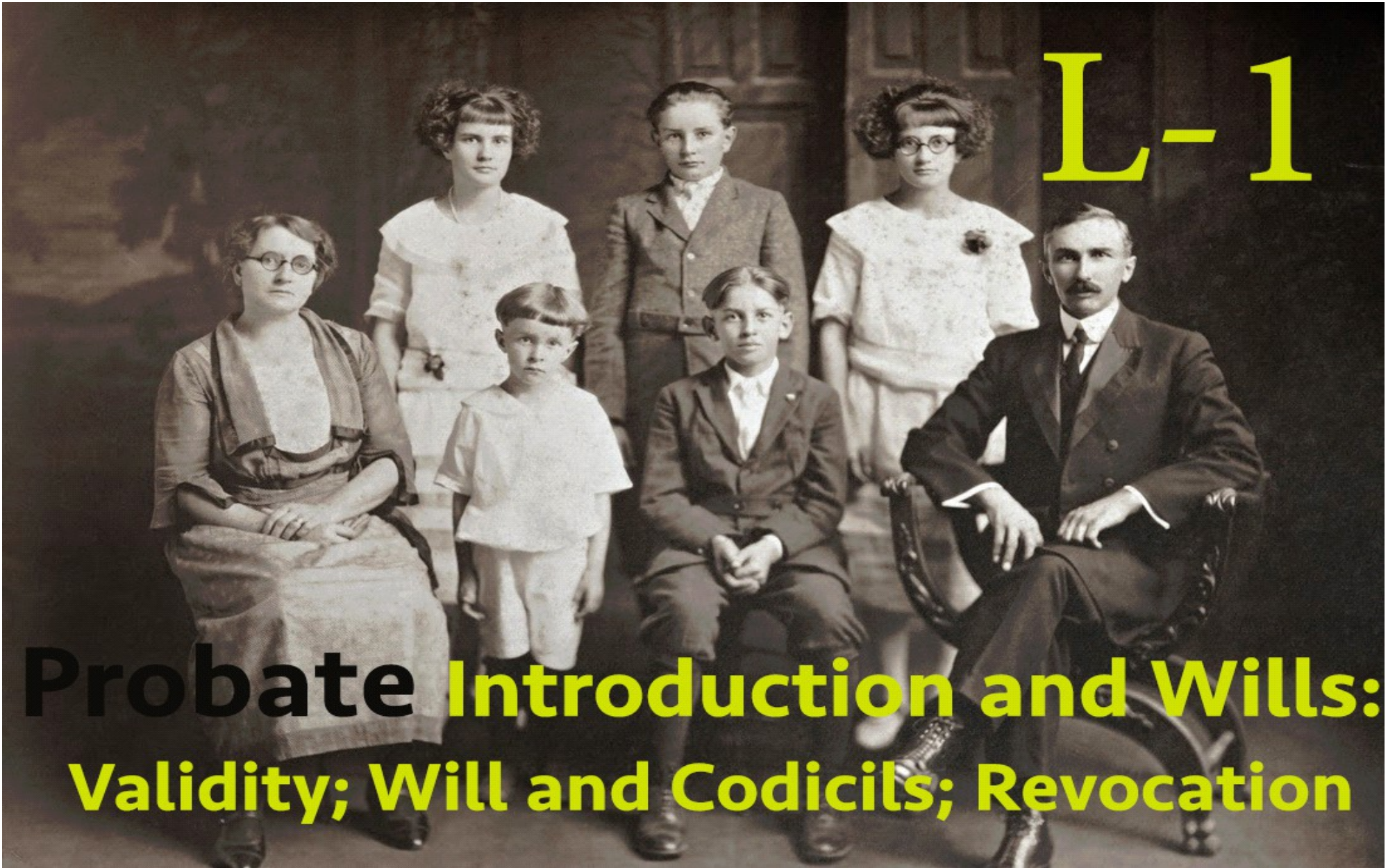


**L-1**



**Probate Introduction and Wills:  
Validity; Will and Codicils; Revocation**

# Abbreviations

PR – Personal representative

Tes – Testatrix

T – Trustee

B – Beneficiary

TA 2000 – Trustee Act 2000

WA 1837 – Wills Act 1837

CP – Civil partner

## 2) Intestacy

Order of Entitlement

Examples of Statutory Trust

Main Issues

## 1) Wills

Validity

Will and Codicils

Revocation

Alteration

Failure of gift

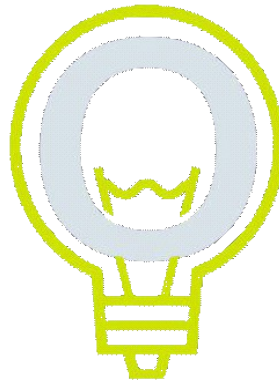
## 5) Rights of beneficiary

## 6) Estate

Outside of the estate

Payment of the debts

Distribution of the estate



## 3) Post-death variations

Types

Under I(PFD) Act 1975

## 4) Grants

Types

Limitations

Considerations

## 7) Duties, powers and liabilities of PR

Duties

Powers

Liabilities

Breaches of the duties

Protection

# The OSCE examines Outcomes C, D and F of the SRA's Day One Outcomes

## Pre-Grant

1. Validity, revocation and alteration of wills and codicils
2. Total and partial intestacy
3. Passing property: by will, intestacy, outside of the estate
4. Valuation of assets and liabilities
5. IHT

## Application For The Grant

1. Types of grants;
2. Powers and duties of PRs
3. The main types of oaths

## Post-Grant

1. Collection and realisation of assets
2. Claims on the estate
3. Raising funds, payment debts and IHT
4. Pecuniary legacies, vesting of gifted property and distribution of residuary estate

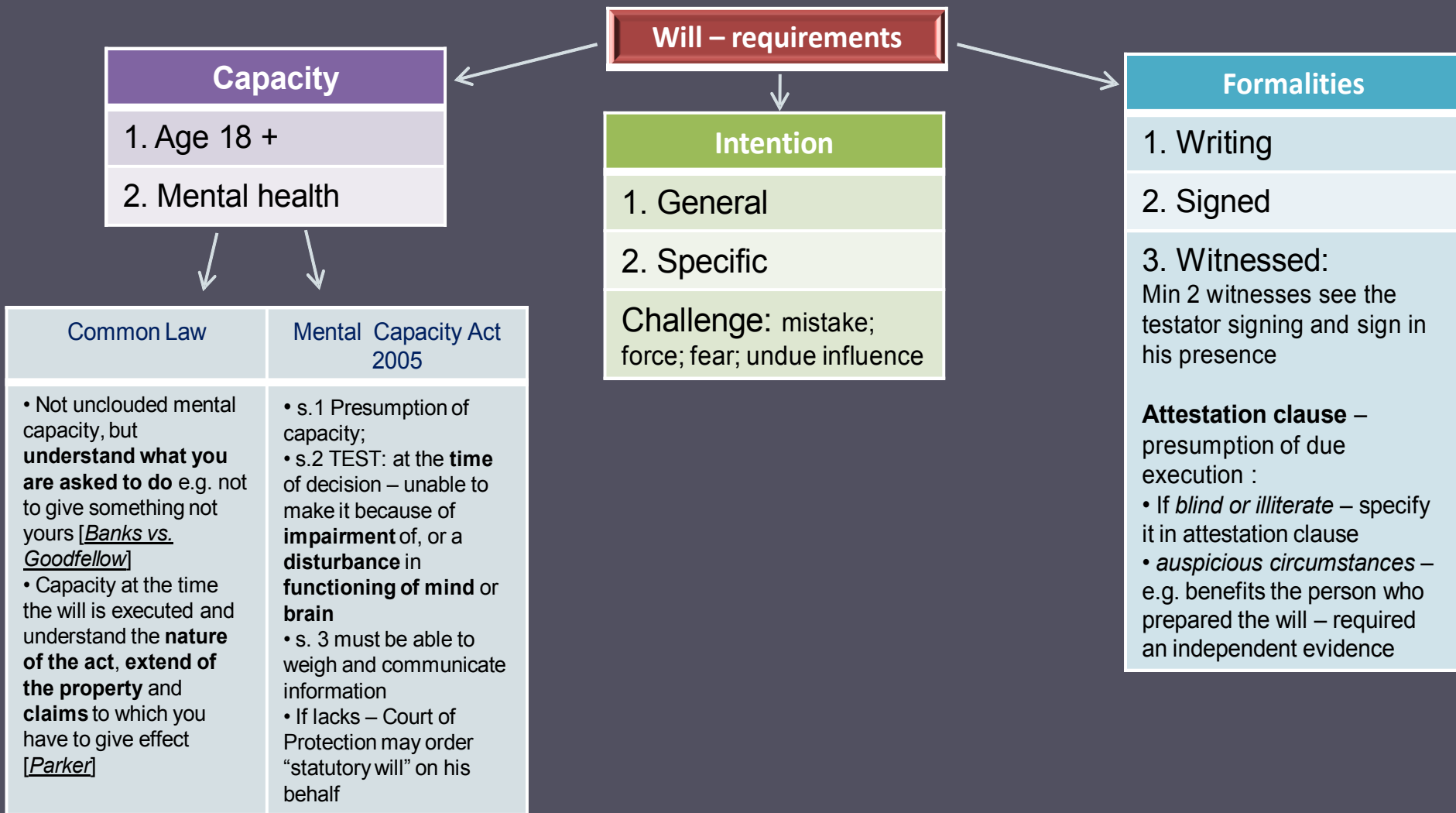
## Wills:

1. Validity
2. Will and Codicils
3. Revocation



# 1. Will

s. 9 of the Wills Act 1837



## 2. Will and Codicils

### Structure Of Will

1. Commencement : Tes's full name and address
2. Revocation
3. Appointment of executor or trustee:  
*Not paid until express charging clause or professional T s. 29 TA 2000*
4. Appointment of guardian(s): for minors
5. Clause disposing Tes's property:
  - *Legacies* – gift of chattels or personality
  - *Devises* – gift of real property
6. Date: if several wills, it will help to decide which will is later  
Date from which the will speaks:
  - Subjects/Property – immediately before the death – but words 'my', 'now', 'at present' – indicate contraintention;
  - Objects/Bs - from the date of execution of the will, exception – 'class gifts'
7. Attestation clause

### Codicil

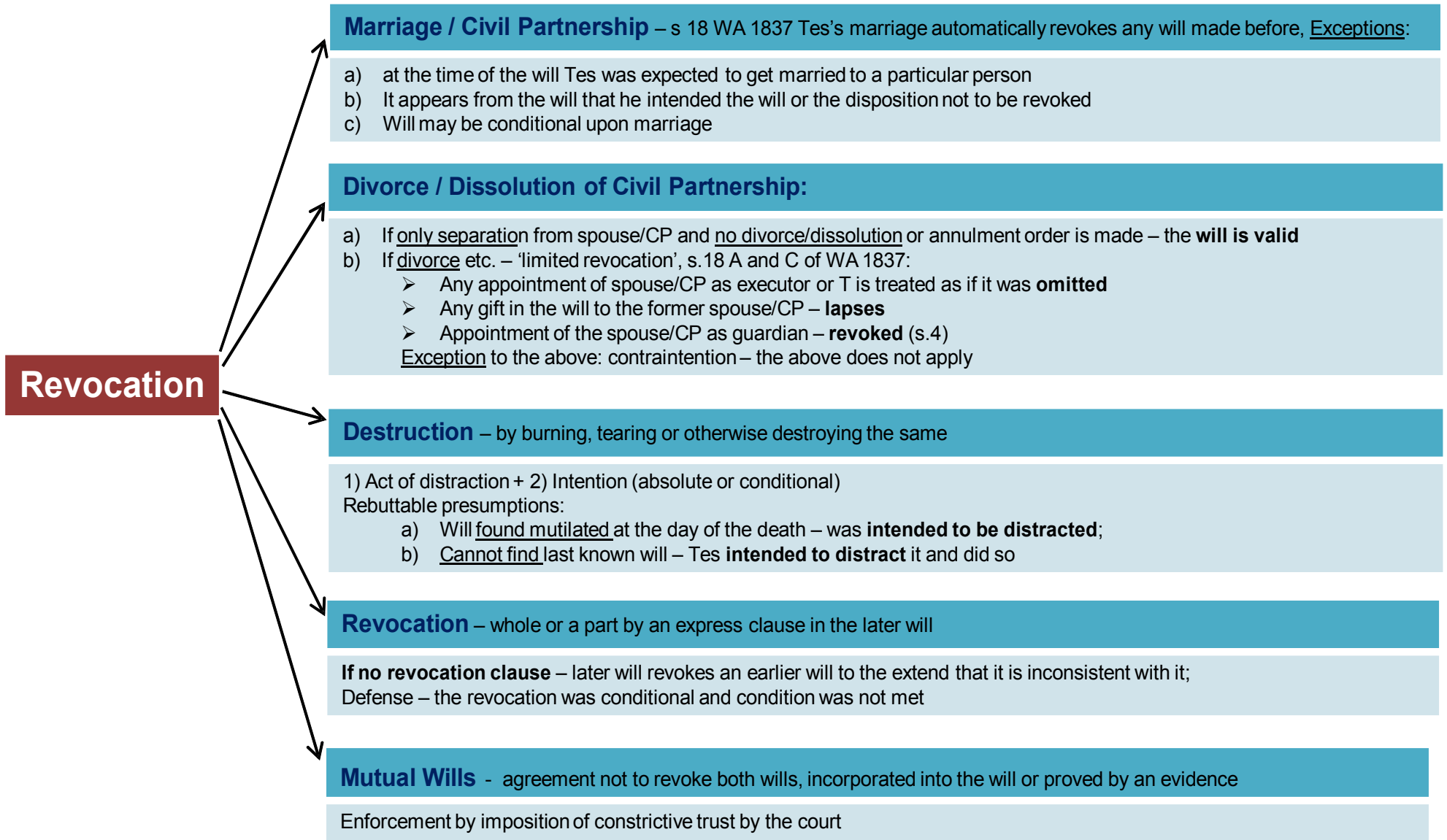
changes to existing will signed and witnessed in the same way the will

#### Other documents / attachments

Incorporation by reference:

1. Clearly identified
2. Already exists at the date of the will
3. Referred in the will as already in existence

## 3. Revocation





# Will

1. **ss. 4, 9, 18 of the Wills Act 1837**
2. **Legal Practice Companion:** Valid wills; Content of a will; Problems which can arise / Failure of a gift **or LPC Handbook**
3. **Foundations for the LPC (OUP):** “Wills And Administration Of The Estate ”, Entitlement to the estate / Basic stricture of entitlement to the estate / Wills / Validity of wills; Revocation of a will; Incorporation by reference; Failure of gifts by will; Gifts to children in wills; Wills: checkpoints.
4. **Legal Foundations (CLP):** Succession to Property on Death