

Legal Profession Admission Board

March 2024

Succession

Examiner's comments

General observations:

1. Candidates were required to provide answers in response to three problem questions. All three problem questions were compulsory. All topics were covered in the exam.
2. 40 candidates sat the examination. Final marks ranged from 34 to 80. Four candidates were awarded a Pass Distinction grade, 10 candidates were awarded a Pass Merit grade, and 22 candidates were awarded a Pass grade. The exam allowed students to showcase their knowledge of succession law. Most topics were covered in the exam, but with a particular emphasis on family provision claims and the grants of representation.
3. Generally speaking, the quality of student responses was good. Students evidently addressed the basic and most intermediate issues arising from the facts in each question. However, the level of detail in the responses could have been better, with far too many students giving cursory or superficial responses to the problem questions. It was also evident that students did not identify or discuss some of the more complex issues arising from the facts.

Questions:

- (a) All succession law students should have been familiar with the issues in Question 1. Those issues included testamentary capacity, knowledge and approval, undue influence, informal wills, construction of wills, and the statutory will regime. Students generally answered the first sub-question satisfactorily, but the responses typically needed more depth. The responses to sub-question 2 were generally lacking. Many students identified features of the statutory wills regime but could not go further to show some of the difficulties that Belinda faced in pursuing this process.
- (b) Question 2 was primarily concerned with the prospects of success in relation to certain family provision applications. It was pleasing to see most students identify the logical steps in such an application. Students, however, tended to spend too much time on less controversial steps in this process, which left less time for them to discuss the real substance in each of these applications. Students generally answered sub-questions (1) and

- (2) in a satisfactory way, but the responses typically lacked depth and a sophisticated understanding of the relevant issues.
- (c) Question 3 was the most poorly answered question in the exam. The question required students to consider mutual wills, oblations and interim grants of representation. Students generally identified the latter two issues but did not properly grasp the legal issues in the mutual wills aspect of the problem question.
4. Overall, students would benefit from practising adapting (rather than recapitulating) the key principles to the problems and thinking more deeply about the practical issues that arise from the question.