

Legal Profession Admission Board

October 2024

Succession

Examiner's Comments

General observations:

1. Candidates were required to provide answers in response to two problem questions. Both problem questions were compulsory. All topics were covered in the exam.
2. 40 candidates sat the examination. The highest final mark (being the combination of a student's assignment and examination marks) was 79. Four candidates were awarded a Pass Distinction grade, 16 candidates were awarded a Pass Merit grade, and 19 candidates were awarded a Pass grade. The exam allowed students to showcase their knowledge of succession law. It also allowed students to demonstrate how they would advise one or more clients on matters of significance to them in the succession law space.
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. An overwhelming number of students did not grasp the legal nuance in many of the issues for consideration, however. This may be put down, in part, to the pressure of responding to many issues under timed examination conditions, but students also had ample time to read both questions and plan their responses accordingly. More effective planning during the reading time may have assisted students to reflect on and then tackle the real issues for discussion.

Questions:

1. All succession law students should have been familiar with the issues in Question 1. Those issues included testamentary capacity, knowledge and approval, undue influence and fraud, informal wills, intestacy, and limited grants of administration. Students generally answered the first sub-question satisfactorily, although few students offered a coherent structural method to address a factual situation in which there were multiple issues with respect to the mental element of will-making. Very few students identified the correct answer to sub-question (b), and those that did generally failed to give considered reasons for their choice.
2. Question 2 was a challenging question designed to test how students respond to a complex set of facts with multiple potential solutions. Students generally identified the family provision aspect to the problem question, and most responses adequately addressed the sub-issues in this area. However, on the whole, students did not satisfactorily deal with the issues presented under the two wills, and why those issues mattered on the facts. Very few responses even considered the law surrounding the revocation of a grant of probate in common form.