



STEP CPD Learning

Contentious Estates – Course Outline



MODULE 1

DISPUTED WILLS

- Disputing the validity of wills
- Wills of soldiers and sailors
- Formalities of wills with a foreign element
- Testamentary capacity
- Practical issues in dealing with disputed wills

MODULE 2

INTERPRETATION, RECTIFICATION AND CONSTRUCTION OF WILLS

- Rectification
- The Administration of Justice Act 1982
- Construction and interpretation of wills

MODULE 3

ADMINISTRATION DISPUTES

- Duties of personal representatives during administration
- Interests of a beneficiary during administration
- Personal representative's duty to keep and provide accounts
- Expenses and remuneration of personal representatives
- Removal and substitution of personal representatives

MODULE 4

INHERITANCE ACT 1975 CLAIMS

- Domicile
- Who can apply
- The claim process
- Claim outcomes



MODULE 5

SETTLEMENT AND COMPROMISE OF CLAIMS

- Introduction to settlement
- Negotiation and mediation
- Early neutral evaluation
- Chancery financial dispute resolution
- Court approval
- Tax and tax techniques

MODULE 6

INSOLVENT ESTATES

- When is an estate insolvent?
- Methods of administering an insolvent estate
- The consequences of insolvency
- The risks for personal representatives and solicitors

MODULE 7

THE COURT OF PROTECTION AND STATUTORY WILLS

- The role and jurisdiction of the Court of Protection
- The principles of the Mental Capacity Act 2005
- The test of capacity
- Applying for a statutory will
- Executing a statutory will

MODULE 8

CLAIMS AGAINST PROFESSIONALS

- Claims arising out of negligent will-drafting
- Claims arising out of the administration of estates
- Applications for the removal of personal representatives



MODULE 9

INTERNATIONAL SUCCESSION DISPUTES

- Concepts
- England and Wales
- European Principles (EUSR)

MODULE 10

INTERNATIONAL ADMINISTRATION DISPUTES

- Principles of England and Wales
- The European Union

MODULE 11

FORCED HEIRSHIP CLAIMS

- Domestic laws of succession
- Forced heirship – how it operates
- Forced heirship in an international context

MODULE 12

COSTS

- Costs in probate and family provision claims
- Costs in trust disputes