

LO Ref	Learning Outcomes	Knowledge, understanding and skills and assessment criteria
1.	Understand the Legal Services Act 2007 as it applies to probate activities.	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • understand what is meant by a reserved activity • understand that preparing any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales is a reserved activity • understand and apply ACCA's Code of Ethics and Conduct • understand the relationships between the LSB, ACCA, LeO and the Act/Government • understand the diversity of frontline legal regulators, and how ACCA as an approved regulator differs from the applicable approved regulators • understand the principle of regulatory independence, and how ACCA achieves this • understand the impact of the recent CMA findings on the legal services market (and ongoing push for change, e.g. to address unmet legal need)
2.	Understand the main principles of the law of trusts and the law of property in so far as they apply to the practice of probate and administration of estates.	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • identify relevant core legal principles or rules and • apply them appropriately and effectively to the practice of probate and the administration of estates

<p>3.</p>	<p>Understand the requirements for a valid will and of testamentary capacity.</p>	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • identify and apply the relevant law in scenarios concerning testamentary capacity • identify and apply the formal requirements for the execution of wills • identify and apply the relevant law in cases concerning the revocation of wills • identify and apply the law as to the effect of marriage and divorce
<p>4.</p>	<p>Understand how to interpret the contents of a will and advise on the distribution of testate, intestate and partially intestate estates</p>	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • interpret the individual clauses of a will including the administrative provisions • identify situations where gifts fail • identify cases of total or partial intestacy • apply the intestacy rules to advise on the distribution of the estate • identify property passing outside the estate • explain to whom it passes • understand the effect of letters of wishes
<p>5.</p>	<p>Understand the scope for claims under the Inheritance (Family and Dependents) Act 1975</p>	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • identify potential applicants • understand the grounds for making a claim • identify possible ways to minimise such claims

6.	Understand the different types of will trusts and taxation implications.	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • identify the more commonly arising kinds of trust • understand the IHT rules which apply to these trusts
7.	Understand how to apply the law and practice in connection with an application for a grant of representation.	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • identify cases where a grant of representation is or is not required • identify cases where either a grant of probate, a grant of letters of administration or a grant of letters of administration with the will annexed is required • identify who is entitled to apply for a grant of representation • identify the procedure to apply for a grant of representation <p>identify and be able to complete the documents required to apply for a grant of representation, including the oath and the IHT return</p>
8.	Understand how to administer an estate (both testate and intestate);	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • understand and apply the requirements for Personal Representatives to collect in the assets of the estate • consider which assets should or should not be sold to raise any funds required to pay funeral and administration expenses, tax, debts and legacies • understand the requirement for Personal Representatives to: <ul style="list-style-type: none"> ○ pay pecuniary legacies, ○ vest gifted property in the beneficiaries, distribute the residue and ○ prepare estate accounts.

<p>9.</p>	<p>Understand key aspects of Inheritance Tax</p>	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • understand the use of the nil rate and residence nil rate band • understand how the charge to tax on potentially exempt transfers arises • understand the availability of exemptions and reliefs • understand the use and tax consequences of post death variations. • Identify the dates for payment of tax • Identify and select the most appropriate method of raising funds to pay tax before the issue of the grant • Identify the taxable estate on death • complete the relevant IHT returns • give appropriate advice on inheritance tax planning to a client contemplating making a will
<p>10.</p>	<p>Understand the duties, powers and liabilities of Personal Representatives</p>	<p>The delegate should be able to:</p> <ul style="list-style-type: none"> • apply the law and practice relating to the more commonly used powers of Personal Representatives and Trustees. • understand the administrative and fiduciary duties of trustees • understand the rights and remedies of beneficiaries. • explain the liability of Personal Representatives in respect of Income Tax and Capital Gains Tax. • explain the Capital Gains Tax liability of beneficiaries