



Syllabus

STEP Advanced Certificate in Administration of Estates

(England and Wales)



www.step.org/qualifications

Administration of Estates

Introduction

This document contains the detailed syllabus for the STEP Advanced Certificate in Administration of Estates (England and Wales).

For more information about the course and how to apply, please visit the programme website: www.clint.com/courses/step-advanced-certificate-in-administration-of-estates-england-and-wales/.



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Module 1

VALIDITY OF THE WILL

This module covers:

- The requirements for the making of a Will, including:
 - Capacity
 - Knowledge and approval
- The importance of section 9 Wills Act 1837, covering the:
 - Preparation
 - Signing, and
 - Witnessing of a Will

By the end of this module you should be able to:

- Identify the requirements for the making of a Will
- Explain the circumstances of privileged wills and statutory Wills
- Understand the importance of section 9 Wills Act 1837
- Explain who may witness a Will
- Advise when a Will is not valid



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Module 2

THE LAYOUT AND CONTENT OF WILLS

This module covers:

- The general layout of a Will
- The standard clauses used in a Will
- Different types of gift that may be given in a Will

By the end of this module you should be able to:

- Describe the general layout of a Will
- Identify the standard clauses used in a Will
- Explain the different types of gift that may be given in a Will



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Module 3

PROFESSIONAL WILL DRAFTING AND THE ROLE OF THE COURTS

This module covers:

- The role of professionals in the preparation of a Will
- How documents can be incorporated
- When negligence issues may arise
- How the court approaches issues on the construction of Wills
- The remedies available to deal with problem Wills

By the end of this module you should be able to:

- Describe the role of professionals in Will preparation
- Identify when negligence issues may arise
- Understand how the court approaches issues on the construction of a Will
- Be aware of the remedies available to deal with problem Wills



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Module 4

REVOCATION, ALTERATION AND REPUBLICATION OF THE WILL

This module covers:

- The ways in which a Will may be revoked
- The effect of marriage and divorce on a Will
- The effect of alterations to a Will
- The mode and effect of republishing a Will

By the end of this module you should be able to:

- Identify the ways by which a Will may be revoked
- Explain the doctrine of dependent relative or conditional revocation
- Explain the effect of a marriage and divorce on a Will
- Describe the effect of alterations in a Will
- Explain the nature and effect of republication



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Module 5

BENEFICIARIES AND BENEFICIAL ENTITLEMENT

This module covers:

- The various types of legacy that might appear in a Will
- The requirements for ascertaining the identity of beneficiaries in a Will
- The position where a beneficiary predeceases the testator
- The relevance of survivorship clauses to Will drafting
- The principles of forfeiture

By the end of this module you should be able to:

- Identify the various types of legacy that might appear in a Will
- Identify the requirements for ascertaining the identity of beneficiaries in a Will where there is doubt
- Describe the position where a beneficiary predeceases the testator
- Explain the relevance of survivorship clauses in a Will
- Explain the principles of forfeiture



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Module 6

DONATIO MORTIS CAUSA

This module covers:

- The meaning of *donatio mortis causa*
- The requirements for a valid *donatio mortis causa*
- An explanation of when the doctrine applies

By the end of this module you should be able to:

- Define what is meant by a *donatio mortis causa*
- Identify the requirements for a valid *donatio mortis causa*
- Explain when the doctrine applies



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Module 7

INTESTACY

This module covers:

- The intestacy rules
- Entitlement to benefit under intestacy
- When an intestacy situation occurs

By the end of this module you should be able to:

- Describe and apply the intestacy rules
- Identify who is entitled to benefit under an intestacy
- Explain how the intestacy rules apply to children
- Describe the position of personal representatives
- Recognise when an intestacy situation arises



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Module 8

APPLYING FOR THE GRANT

This module covers:

- When a grant is required
- The steps necessary to obtain a grant
- The excepted estates procedure
- Delivery of the inheritance tax (IHT) account

By the end of this module you should be able to:

- Identify when a grant is required
- Explain the steps necessary to obtain a grant
- Describe what needs to be done if there are problems with the Will
- Identify the documents that need to be lodged to obtain a grant of representation
- Identify which of the deceased's assets are to be included for the purposes of IHT
- Describe the excepted estates procedure and process for the delivery of the IHT Account
- Explain the issues involved in valuing property for the purposes of the IHT account



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Module 9

OBTAINING THE GRANT

This module covers:

- Who can obtain a grant
- The different types of grant
- The grant application process
- The different special forms of grant and when they should be used

By the end of this module you should be able to:

- Identify who can obtain a grant
- State the different types of grant
- Follow the grant application process
- Identify the different special forms of grant and explain when they should be used



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Module 10

ADMINISTRATION OF THE ESTATE

This module covers:

- The definition of a solvent and insolvent estate
- The statutory order for the payment of debts
- Directions in a Will for the payment of legacies
- The duties and responsibilities of personal representatives in relation to the administration of the estate

By the end of this module you should be able to:

- Distinguish between a solvent and insolvent estate
- Explain the statutory order for the payment of debts
- Identify whether or not there are directions in a Will for the payment of legacies
- Explain the duties and responsibilities of personal representatives in relation to administering the estate, in particular:
 - Finding creditors
 - Finding beneficiaries
 - Dealing with personal injury and fatal accident claims



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Module 11

JOINT WILLS, MUTUAL WILLS AND SECRET TRUSTS

This module covers:

- What is meant by a joint Will
- The characteristics of a mutual Will
- Secret trusts

By the end of this module you should be able to:

- Explain what is meant by a joint Will
- Identify the characteristics of a mutual Will
- Explain the difference between mutual Wills where a constructive trust has been created and those where it has not
- Identify the characteristics of secret trusts and half-secret trusts



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MODULE 12

THE INHERITANCE (PROVISION FOR FAMILY DEPENDENTS) ACT 1975

This module covers:

- When the Inheritance (Provision for Family and Dependents) Act 1975 (I(PFD)A) applies
- Persons eligible to make a claim under the (I(PFD)A)
- What type of financial orders may be obtained as a result of a claim

By the end of this module you should be able to:

- Explain when the (I(PFD)A) applies in relation to:
 - Spouses or civil partners;
 - Former spouses or civil partners;
 - Co-habitees;
 - Children;
 - Those treated as children of the marriage or civil partnership; and
 - Persons maintained by the deceased
- Define what is meant by reasonable provision
- Identify the factors taken into account by the court to assess reasonable provision
- Describe the financial orders that the court may make as a result of a claim under the (I(PFD)A)



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Module 13

POST- DEATH VARIATIONS

This module covers:

- The characteristics of:
 - A variation
 - A disclaimer
- The differences between the two and why one may be preferred to the other
- When a variation may be beneficial

By the end of this module you should be able to:

- Describe the characteristics of:
 - A variation
 - A disclaimer
- Understand the differences between the two and explain why one may be preferred to the other
- Explain when a variation may be beneficial



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Module 14

ELECTION AND SATISFACTION

This module covers:

- The definition of election and satisfaction
- When an election may be made
- The relevance of the doctrines to the administration of a deceased's estate
- When the requirements of the doctrine of satisfaction apply

By the end of this module you should be able to:

- Explain what is meant by election and satisfaction
- Identify when an election may be made and when it does not apply
- Describe when the requirements of the doctrine of satisfaction apply



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Module 15

FOREIGN PROPERTY AND WILLS

This module covers:

- Terminology relating to domicile and foreign Wills
- The distinction between movable and immovable property
- The importance of the choice of law governing a Will

By the end of this module you should be able to:

- Identify and use terminology relating to domicile and foreign Wills
- Explain the distinction between movable and immovable property
- Describe the importance of the law governing a Will



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Module 16

DIGITAL ASSETS

This module covers:

- Provide an introduction to digital assets
- Detail how digital assets differ from traditional, tangible assets and the importance of practitioners appreciating this
- Learn how to deal with digital assets on death
- Learn how to protect digital assets, including financial abuse and the risks of owning the assets

By the end of this module you should be able to:

- Explain the difference between digital assets and traditional, tangible assets
- Describe the process for dealing with digital assets on death
- Describe how to protect digital assets and some of the risks that come with owning them



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