



Syllabus



STEP Advanced Certificate in Will Preparation

(England and Wales)



Introduction

This document contains the detailed syllabus for the **STEP Advanced Certificate in Will Preparation (England and Wales)**.

For more information about the course and how to apply, please visit the [course page](#) on the CLTI website.

Module 1:

AN INTRODUCTION TO WILL WRITING

This module covers:

- The socio-legal background to Will preparation
- Will preparation as an occupation
- The purpose of a Will and what may be disposed of by a Will
- Powers of appointment and their importance in Will drafting
- The Wills Act 1837 in Will preparation.

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

- Describe the socio-legal context in which Will preparation operates
- Explain the purpose of a Will and explain what property may be disposed of by Will
- Identify and distinguish between the different types of powers of appointment
- Effectively draft powers of appointment in a Will to accurately reflect the intentions of a testator
- Outline the requirements of a valid Will by reference to the relevant provisions of the Wills Act 1837.

Module 2:

MANAGING THE PROCESS OF WILL PREPARATION

This module covers:

- The duty of care owed by a Will drafter to the testator and others
- The implications of the time taken to prepare a Will
- Retainers to prepare a Will
- Processes in the preparation of a Will and effective control of risk.

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

- Explain the Will drafter's duty of care and the risks of breaching it
- Identify and apply the factors that should be considered when determining the timescale for a Will to be prepared
- Explain the purpose of the retainer for the preparation of a Will and describe how the terms of a retainer may vary in different circumstances
- Explain the importance of having a risk management policy and outline the six steps in policy creation
- Describe the key stages in the Will preparation process.

Module 3:

TAKING INSTRUCTIONS

This module covers:

- The importance of taking good instructions
- The benefits of good instruction meetings
- The testator's language
- The importance of reviewing previous Wills
- Recording instructions
- Money laundering and confirming a testator's identity
- Conflicts of interest.

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

- Explain the importance of accurate and comprehensive instructions
- Identify the risks of not taking detailed instructions
- Explain the main legal issues of the Will preparation process in a clear and concise manner that is understandable to testators
- Evaluate the importance of reviewing previous Wills
- Explain why it is necessary to confirm a testator's identity when taking initial instructions with reference to the appropriate money laundering legislation
- Define a conflict of interest and identify the circumstances in which such a situation may arise in the Will preparation process
- Explain working procedures that minimise the risks associated with taking instructions.

Module 4:

TESTAMENTARY CAPACITY, UNDUE INFLUENCE AND KNOWLEDGE AND APPROVAL

This module covers:

- What testamentary capacity is and the effect of not having it
- The time available for assessment
- Tests of capacity: *Banks v Goodfellow* and Mental Capacity Act 2005
- The Golden Rule
- Undue influence
- Knowledge and approval
- Practical application of the concepts of capacity, undue influence and knowledge and approval.

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

- Explain the significance of mental capacity of a testator in the Will preparation process
- Explain when capacity should be assessed and identify and apply the tests for mental capacity with reference to *Banks v Goodfellow* and the provisions of the Mental Capacity Act 2005
- Apply the 'Golden rule' in relation to the assessment of mental capacity and explain how it interacts with the decision in *White v Jones*
- Define the concept of undue influence
- Explain and apply the concepts of knowledge and approval in the Will preparation process
- Identify and describe the procedures used to ensure that capacity, undue influence and knowledge and approval are appropriately investigated when advising a testator.

STEP Advanced Certificate in Will Preparation (England and Wales)

Module 5:

THE FOREIGN ELEMENT

This module covers:

- Domicile
- Situs of assets
- Formal and essential liability
- Conflicts of law
- Practical tips for dealing with a Will involving a foreign element.

Module 5:

THE FOREIGN ELEMENT CONTINUED

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

- Explain the significance of domicile in relation to the preparation of a Will
- Explain the law of succession applicable to both moveable and immoveable property
- Outline the key factors to be considered when dealing with the foreign element of an estate when drafting a Will
- Explain how a Will can be held to be essentially invalid as a result of conflict of law
- Assess the governing law to be applied where there is no express provision in the Will relating to this
- Explain how both moveables and immoveables are dealt with where there is revocation of a Will
- Explain the circumstances in which a person will obtain a domicile of choice and describe what will happen if a domicile of choice is lost
- Evaluate the effect of a person being domiciled validly in more than one jurisdiction
- Explain the importance of obtaining advice from a lawyer from the relevant jurisdiction when dealing with a testator of foreign domicile
- Understand the current impact of EU Regulation 650/2012 on Will drafting
- Identify and describe procedures used to ensure that domicile is dealt with appropriately when advising a testator, and
- Appreciate that domicile has been replaced with the concept of 'long-term UK resident' from 6 April 2025 as the connecting factor for UK inheritance tax purposes.

Module 6:

JOINT PROPERTY

This module covers:

- How joint property devolves
- How jointly owned interests can be bequeathed by Will
- Severance of joint tenancy interests
- The importance of *Carr-Glynn v Frearsons*
- Joint gifts in Wills.

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

- Identify and differentiate the characteristics of a tenancy in common and a joint tenancy
- Explain and advise a testator as to how jointly owned interests devolve on death
- Demonstrate how to take relevant instructions to ascertain the extent of a testator's property and determine the nature of any co-ownership
- Identify the circumstances in which a joint tenancy can be severed and explain the effects of severance
- Evaluate the findings in *Carr-Glyn v Frearsons* and identify the risks to the drafter of not taking adequate instructions on the subject of co-ownership
- Evaluate the practical risks posed by the subject of co-ownership in Will preparation
- Select the correct terminology to bequeath joint gifts in a Will to reflect a testator's instructions.

Module 7:

INHERITANCE (PROVISION FOR FAMILY AND DEPENDANTS) ACT (I(PFD)A) 1975

This module covers:

- The drafter's role in dealing with I(PFD)A issues
- The main features of the I(PFD)A
- Who may claim under the I(PFD)A.

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

- Explain the purpose of the I(PFD)A in relation to Wills
- Identify the key provisions of the I(PFD)A that should be considered when establishing a claim under the Act
- Outline the factors to be taken into consideration when determining who may make a claim under the I(PFD)A
- Identify potential claimants under the I(PFD)A
- Advise a testator as to how to reduce the risk of claims under the I(PFD)A being made against their estate
- Analyse, evaluate and apply the most important case law relating to claims under the I(PFD)A when advising a testator.

Module 8:

PRINCIPLES OF TRUST AND ESTATE TAXATION

This module covers:

- The tax regimes applicable to personal representatives and trustees
- The steps required in calculating liability under each tax regime
- The exemptions and reliefs of each tax regime
- When each tax falls due for payment.

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

- Understand the principles of income taxation of an individual
- Explain how personal representatives are taxed for income and capital gains
- Advise clients on the income tax and capital gains tax consequences of including the different types of trusts in a Will
- Explain the taxation impact on beneficiaries under a Will trust
- Understand how capital gains tax is calculated
- Explain to clients how death affects assets which are subject to a capital gain
- Understand capital gains tax issues for both personal representatives and trustees
- Explain the inheritance tax consequences of including discretionary trusts in a Will.

Module 9:

GENERAL INHERITANCE TAXATION ISSUES, EXEMPTIONS AND RELIEFS

This module covers:

- The calculation and payment of inheritance tax (IHT) on death
- Exemptions from IHT
- Property excluded from IHT
- Reliefs from IHT
- The nil-rate band, including the transferable nil-rate band and the residence nil-rate band.

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

- List and explain the main exemptions and reliefs from IHT
- Distinguish a relief from IHT from an exemption and an exclusion, and explain in what circumstances a relief may be available
- Advise clients who may wish to take advantage of the reduced 36% IHT rate
- Explain how the nil-rate band is calculated and how it may be transferred
- Outline how the residence nil-rate band works
- Explain what property is excluded from IHT
- Understand the spouse/civil partner exemption where one spouse is not UK domiciled
- Calculate the transferable nil-rate band.

Module 10:

TAXATION AND WILL DRAFTING

This module covers:

- The IHT consequences of different types of trusts created in a Will
- Immediate post-death interests
- Protecting the vulnerable
- Bereaved minor's trusts and 18-25 trusts
- Funding issues to pay IHT charges on death
- The difference between variations and disclaimers
- Exempt and non-exempt shares of residue.

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

- Explain the IHT treatment of different types of trust under a Will
- Explain the requirements of immediate post-death interests (IPDIs)
- Explain when a bereaved minor's trust or an 18-25 trust may be appropriate
- Explain the tax effect of putting the family home into a trust
- Understand how single grossing up works
- Describe the way in which a Will can protect the interests of vulnerable beneficiaries
- Understand how funding issues may impact on Will drafting
- Explain the income tax treatment of different forms of provision under a Will
- Explain the consequences of ss.142, 143 and 144 of the Inheritance Tax Act 1984.

MODULES 11A–C:

DRAFTING THE WILL

This module covers:

- Practical guidance on drafting and checking Wills
- The order, structure and content of a Will:
 - Commencement and declarations
 - Executors and trustees
 - Testamentary guardians
 - Funeral instructions
 - Types of gift.

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

- Identify the constituent parts of a Will and explain their purpose
- Appreciate the need for a logical order, clear language and proper grammar in a Will
- Identify the most common errors in Will preparation and explain how to avoid them
- Explain the importance of up to date precedents
- Explain how precedents and standard provisions should be used to implement more complex instructions into a Will
- Draft the most common dispositive and non-dispositive clauses in a Will to accurately reflect a testator's instructions.

Module 12:

NON-STANDARD WILLS

This module covers:

- Will drafting in an emergency
- The rules governing privileged Wills
- Wills for deaf or blind testators
- Mutual Wills
- Wills for those lacking testamentary capacity.

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

- Describe the circumstances under which emergency Will drafting is required and the difficulties of so doing
- Describe how the Will drafter can minimise the risks of dealing with Will writing in emergency circumstances
- Define what is meant by a privileged Will and list those persons who are entitled to make such a Will
- Explain how a privileged Will can be executed
- Describe the risks associated with taking Will instructions from a deaf or blind testator and how these can be mitigated
- Define what constitutes a mutual Will and advise a testator as to the advantages and disadvantages of this type of Will
- Identify and explain the criteria to establish when a statutory Will is appropriate, making appropriate reference to the Mental Capacity Act 2005.

Module 13:

EXECUTION AND REVOCATION OF A WILL

This module covers:

- The statutory requirement for valid execution
- Amendments to executed Wills
- Supervision of execution by the drafter
- Inspection of executed Wills
- The ways in which revocation can be done.

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

- List the statutory requirements under the Wills Acts 1837 and 1963 for valid execution of a Will
- Advise a testator as to the statutory requirements for execution and revocation of a Will
- Describe how an executed Will may be amended legitimately
- Analyse, evaluate and apply the most appropriate case law relating to the supervision of execution of a Will by a drafter
- Highlight the risks associated with failure to supervise the execution of a Will and recommend ways of minimising those risks
- Advise a testator in concise but sufficiently comprehensive terms on the subject of execution of a Will
- Explain the importance of inspecting executed Wills and identify the risks of not inspecting an executed Will
- List the circumstances in which a Will may be revoked with reference to the appropriate provisions of the Wills Act 1837
- Advise a testator as to the statutory requirements for revocation.

Module 14:

SOME TRAPS IN WILL WRITING

This module covers:

- What is meant by misdescription
- The importance of dating the Will
- What is necessary for republication and revival
- The difference between *per stirpes* and *per capita* distributions
- The need for a trust for sale (or not)
- Potential problems with secret and half-secret trusts
- Professional duties regarding exoneration provisions
- The significance of precatory words
- Forfeiture.

Module 14:

SOME TRAPS IN WILL WRITING CONTINUED

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

- Explain what is meant by misdescription in Will preparation and the effect of this
- Outline ways of minimising the risk of misdescription
- List the requirements for a document to be incorporated by reference into a Will
- Explain the importance of dating a Will
- Define what is meant by republication and be able to draft a clause into a will to allow legitimate republication of a Will
- Describe and distinguish the concepts of *per stirpes* and *per capita* in relation to distribution of assets in a Will
- Explain the effect of the Trusts of Land and Appointment of Trustees Act 1996 (TLATA) in relation to land that is to be held on trust in a Will
- Explain how trusts of personalty are outside the provisions of TLATA and explain what alternative statutory regime applies
- Explain and distinguish the concepts of secret and half-secret trusts
- Identify clauses in a Will that create secret and half-secret trusts
- Describe ways to minimise the risks created by secret and half-secret trusts
- Explain the purpose of an exoneration clause
- Describe the professional duties of a Will drafter in relation to exoneration and ways of minimising the risks of exoneration clauses
- Explain what is meant by 'precatory words' and describe the effect of these on gifts in a Will
- List the circumstances in which forfeiture of a Will applies.

Module 15:

OTHER AREAS OF LAW FOR THE WILL DRAFTER

This module covers:

- The doctrine of abatement
- The principle of ademption
- The doctrine of election
- Distribution of an intestate estate
- Guardianship
- Gender Recognition Act 2004
- How a gift under the Will may lapse
- Perpetuities and accumulations
- Proprietary estoppel.

Module 15:

OTHER AREAS OF LAW FOR THE WILL DRAFTER CONTINUED

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

- Describe the doctrine of abatement, list the order of abatement of legacies and explain how legacies are abated
- Define what is meant by ademption and discuss ways to circumvent the potential effects of this on the administration of an estate
- Define the doctrine of election and list the circumstances in which it will apply
- Explain the processes by which an intestate estate will be administered
- Describe who may be classed as a guardian, how they may be appointed and list their rights and duties
- List and explain the key provisions of the Gender Recognition Act 2004 that are most appropriate to Will drafting
- Describe when a gift by Will may lapse and explain how this should be dealt with
- Identify, explain and apply the key provisions of the Perpetuities and Accumulations Act 2009
- Evaluate the effect of the Perpetuities and Accumulations Act 2009 on the drafting of a Will
- Define what is meant by 'proprietary estoppel'
- Identify when the doctrine of proprietary estoppel applies in the Will writing process
- Advise a testator as to how to avoid the problems proprietary estoppel may present.

Module 16:

DIGITAL ASSETS

This module covers:

- Different types of digital assets
- The importance of considering digital assets in Will writing
- How a testator may incorporate digital assets into their Will.

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

- Explain what constitutes a digital asset
- Understand the issues that can arise for digital assets on death
- Explain the options for a testator when considering how to include digital assets in their Will.