

**ASSOCIATION OF
CONTENTIOUS TRUST
AND PROBATE
SPECIALISTS (ACTAPS)**

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If you are working in the field of contentious probate and trusts, or want to move into this area, this comprehensive course will give your career a real boost.

The University of Law, in collaboration with the Association of Contentious Trust and Probate Specialists (ACTAPS), offers this training course for those wishing to specialise in contentious probate and trusts.

Predominantly distance learning, but supported by study sessions primarily at our London Bloomsbury campus, this course is designed to be studied over two years although there is an option to defer parts into a third year, if more convenient.

Our ACTAPS course is open to all solicitors, barristers and legal executives. Upon successful completion you will become an associate member of ACTAPS, a forum which allows specialists

in this field to exchange experience and expertise. After two years you will also be eligible to complete an application form for full membership of the association, which is in the absolute discretion of the Association Committee.

For the avoidance of any doubt, the Association has asked us to highlight that successful completion of the education course will not in any way guarantee a successful application for full membership. If you do not have an active contentious trust and probate practice during your two years of associate membership, after having successfully completed the education course, this may adversely affect an application for full membership.

ACTAPS issue associate membership certificates once a year in September following completion of all the elements of the course.

STUDYING THE ACTAPS PROGRAMME WITH US WILL ENABLE YOU TO:

- Identify the strengths and weaknesses of a client's claim in probate and trust disputes
- Progress a case using correct procedure
- Draft appropriate documentation and letters
- Determine a basis for negotiation
- Assist a client in alternative dispute resolution
- Advise settlors, beneficiaries and trustees where there is a possibility that a trust may be a sham
- Advise on steps to trace and recover assets

COURSE CONTENT

Predominantly distance-learning based, this course aims to develop specialist expertise in this field. It is open to all qualified solicitors, barristers and legal executives.

The course is structured around five core modules, with an additional session on Alternative Dispute Resolution (ADR). While the course is predominantly distance-learning based, each module incorporates at least one face-to-face evening session of two hours led by an experienced practitioner.

Year 1	Probate Actions (October to January) Mental Capacity (February to June)
Year 2	Inheritance Act Claims (October to January) Trust Actions (January to March) Sham Trusts and Asset Tracing (March to June)
Alternative Dispute Resolution	<p>The ADR session is delivered as an afternoon face-to-face session of three hours and can be undertaken in June or September.</p> <p>Although most people study the course over two years, it is possible to defer the Sham Trusts and Asset Tracing module together with the ADR session into a third year.</p>

MODULES

PROBATE ACTIONS

WHEN: Year one – October to January

WHO: Henry Frydenson, Frydenson & Co,
and Professor Lesley King, The University of Law

FOUNDATIONS FOR CHALLENGING A WILL/RUNNING A CASE

- Formalities
- Capacity
- Knowledge and approval
- Undue influence
- Solicitor's negligence
- Taking instructions
- Gathering evidence
- Tactics and strategy

JURISDICTION

- Which court?
- Limitation periods
- Foreign element

PROCEDURE

- Initial steps – pre-action protocol and *Larke v Nugus*
- Costs
- Use of counsel
- County Court and High Court proceedings

OTHER TYPES OF ACTION

- Inheritance Act claims
- Claims against personal representatives
- Mutual wills
- Proprietary estoppel
- Beddoe orders
- Charity proceedings

MENTAL CAPACITY

WHEN: Year one – February to June

WHO: Senior Judge Denzil Lush of the Court of Protection and Nori Graham, Geriatric Psychiatrist

TESTAMENTARY CAPACITY

- The test
- Duty of solicitor in relation to capacity
- Instructing a medical practitioner

ENDURING POWERS OF ATTORNEY

- Capacity
- Prescribed form
- Registration
- Reasons for invalidity
- Review and appeals
- Danger and abuse

LASTING POWERS OF ATTORNEY

- Validity
- The role of the certificate provider
- Prescribed forms of LPA
- Procedure for registration
- Matters which will prevent registration
- Objections to registration
- The two types of LPA
- Comparison between health and welfare LPA and advance decisions
- Comparison of EPAs and LPAs

DECISION MAKING AND DEPUTIES

- Court of protection's powers
- Duties of deputies
- When will a deputy be appointed?
- Security and Protection
- Urgent applications
- Appeals

STATUTORY WILLS

- Requirements
- Documentation
- Evidence
- Procedure

CAPACITY TO MARRY

- Effect of lack of capacity
- Test
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-
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INHERITANCE ACT CLAIMS

WHEN: Year two – October to January

WHO: Henry Frydenson, Frydenson & Co,
and Professor Lesley King, The University of Law

TRUST ACTIONS

WHEN: Year two – January to March

WHO: Dawn Goodman, Withers

DISPUTES AS TO THE VALIDITY OF TRUSTS

- Failure to satisfy one of the three certainties or the beneficiary principle
- The trust is a sham failing to impose trustee obligations

THE DUTIES OF TRUSTEES, FOR EXAMPLE

- To acquaint themselves with the nature of the trust property and the terms of the trust
- To act impartially
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SHAM TRUSTS / ASSET TRACING

WHEN: Year three – March to June

WHO: Robert Hunter, Herbert Smith

ALTERNATIVE DISPUTE RESOLUTION

COURSE FEES

The fee for this course for 2021 is £ 1,100 + VAT for each year. You can choose to pay the full amount (£ 3,300 + VAT) upfront, or pay for your first year (£ 1,100 + VAT) at time of booking and pay for years 2 and 3 (£ 2,200 + VAT) at the start of year 2. Course fees are the same whether you take the course over two or three years.

DATES

Our ACTAPS course commences in October 2021 and study takes place over three years. Delegates have the option of completing the course in just two years by studying years two and three simultaneously. This decision is taken on completion of year one.

Face-to-face sessions are held at our London Moorgate centre or our London Bloomsbury centre. Dates to be confirmed after booking.

BOOK