



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES
UNIT 15 – PRACTICE OF LAW FOR THE ELDERLY CLIENT*

Time allowed: 1 hour and 30 minutes plus 15 minutes reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the paper or in your answer booklet during this time if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following CILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

Question 1

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

- (a) With reference to Jomo's capacity to make a health and welfare lasting power of attorney:
- (i) Explain why medical evidence is needed before you can accept Jomo's instructions to prepare the health and welfare lasting power of attorney.
(4 marks)
- (ii) Refer to the Mental Capacity Act 2005 and explain what the medical evidence should consider.
(6 marks)
- (b) Jomo's doctor has now confirmed that Jomo **does** have the capacity to make a health and welfare lasting power of attorney.

Draft the contents **only** of a letter to Jomo outlining:

- (i) the nature and scope of a health and welfare lasting power of attorney;
(5 marks)
- (ii) the factual information and instructions you would need from him to draft the health and welfare lasting power of attorney;
(8 marks)
- (iii) who would need to sign the health and welfare lasting power of attorney for it to be effective.
(4 marks)
- (c) Identify what alternative document Jomo could use to ensure that he is not given artificial life-sustaining treatment and explain the nature and effect of this document.
(5 marks)

(Total: 32 marks)

Question 2

Reference: Question relates to **Documents 1 and 4** of the case study materials.

- (a) Explain what additional means tested state benefits Frank might be eligible to receive.

(6 marks)

- (b) Explain what additional grants might be available to Frank and Beatrice to enable them to carry on living in their home.

(4 marks)

- (c) Outline the options available to Frank and Beatrice for raising additional capital from their assets and how they work.

(10 marks)

(Total: 20 marks)

Question 3

Reference: Question relates to **Documents 1, 5 and 6** of the case study materials.

- (a) Explain to Emily why you are unable to give her specific financial advice and from whom she should seek financial advice.

(2 marks)

- (b) Identify Emily's sources of income, explaining how each is treated for income tax purposes and identify which income tax allowances Emily is entitled to.

You are not required to make a tax calculation.

(10 marks)

- (c) Outline how Emily's Capital Gains Tax liability would be calculated if she gave the rented property in Liverpool to Jill.

You are not required to make a tax calculation.

(6 marks)

(Total: 18 marks)

End of Examination Paper