



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 7 – FAMILY LAW*

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

Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper 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 question paper or in your answer booklet during this time, if you wish.
- **The question paper is divided into TWO sections. You must answer ALL the questions from Section A. There are three scenarios in Section B. You must answer the questions relating to ONE of the scenarios in Section B ONLY.**
- 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 PRACTICE**, **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

BLANK PAGE

StudentBounty.com

SECTION A

(Answer ALL questions in Section A)

1. (a) Identify which Act cohabitants can use to establish rights in property.
(1 mark)
- (b) Name **two** types of trust which cohabitants may use to establish rights in property.
(2 marks)
(Total: 3 marks)
2. (a) Name **two** types of legal personnel who may deal with family law cases.
(2 marks)
- (b) Identify any **three** Acts relevant to family law.
(3 marks)
(Total: 5 marks)
3. State in full any **two** facts on which irretrievable breakdown of marriage can be based.
(4 marks)
4. What is incorporated into the law by the Human Rights Act 1998?
(1 mark)
5. Identify any **two** duties parents with parental responsibility owe their children.
(2 marks)
6. Name **three** cases that discuss the definition of marriage.
(3 marks)
7. Explain what is meant by a civil partnership.
(4 marks)
8. Explain **two** reasons why judicial separation may be used rather than divorce.
(4 marks)
9. Explain the law which allows the Family Proceedings Court to make financial provision during marriage.
(4 marks)

(Total Marks for Section A: 30 marks)

SECTION B

(There are three scenarios in Section B. Answer the questions related to
ONE of the scenarios ONLY)

Scenario 1

Liz and Anne celebrated the registration of their civil partnership in 2009. There are two children, James and Rebecca. James was born in 2005 to Anne and her husband at that time, Dan. James has no contact with his father. Rebecca, born in 2010, was adopted by Liz and Anne in 2011.

Liz works as a nurse on a part-time basis and is the main carer for the children, taking them to school and picking them up each day. Anne is a doctor who works long and unsociable hours; her high income supports the whole family and enables Liz to stay at home with the children. The house the family live in is owned jointly by Anne and Liz. Anne also owns an apartment near the coast in her sole name, has substantial savings and she will receive a generous pension. Liz has no savings or pension provision.

Liz has been upset that recently Anne has seemed to work even more than usual. Quite often Anne is late home and Liz has heard rumours about an intimate relationship between Anne and one of her male colleagues.

Anne was very surprised when she came home one day last week and found the house empty. There was a note from Liz saying that she had taken the children to stay with her parents and that she did not know when they would be back. Anne has since spoken to Liz on the telephone and asked her to bring the children home so that she can see them. She is very concerned that Liz was able to take the children away from her and may make it difficult for her to see them.

Scenario 1 Questions

1. Explain the basis on which Liz can apply for the dissolution of the partnership.
(6 marks)
2. Identify and explain any **three** financial and property orders the court may make on the dissolution of Liz and Anne's relationship.
(7 marks)
3.
 - (a) Define parental responsibility.
(3 marks)
 - (b) Explain who has parental responsibility for Rebecca.
(3 marks)
 - (c) Explain who has parental responsibility for James.
(3 marks)**(Total: 9 marks)**
4. Identify which section 8 orders are relevant in relation to James and Rebecca and explain how they might apply.
(8 marks)

(Total Marks for Scenario 1: 30 marks)

Turn over

Scenario 2

Mikhail and Irena have been married for 12 years. They have no children. Mikhail is the owner of a number of businesses. Irena takes care of their large country home and supports Mikhail in making his businesses successful by entertaining his associates with lavish parties.

Mikhail provides Irena with a very good allowance as he is aware of her contribution to his business success and wants her to have a nice lifestyle. Mikhail was disappointed to discover that when he was away on business, Irena has had relationships with other men. Irena explained to Mikhail that she was lonely whilst he was away. Mikhail forgave Irena for these relationships.

Mikhail had believed that both he and Irena wanted to have children. However, Irena recently told him that she has had surgery preventing her from having children. Mikhail was devastated by this and finds the situation intolerable.

The country home, income, the savings and the businesses are all in Mikhail's name. He pays Irena an allowance of £5,000 per month.

Scenario 2 Questions

1. Advise Mikhail whether he can divorce Irena and if so on what basis.

(10 marks)

2. Explain the clean break principle and how it may apply in this case.

(3 marks)

3. Identify and apply any **four** factors which the court would consider when making financial and property orders in these circumstances.

(9 marks)

4. Identify and explain the case law relating to finances after divorce in 'big money' cases and how they may apply in this case.

(8 marks)

(Total Marks for Scenario 2: 30 marks)

Scenario 3

Ria and Jack have a daughter Christabelle, aged 14. For 10 years they lived with 25 other families in a commune (a group of people living together and sharing possessions). Ria believes they are common-law husband and wife having gone through a ceremony in the commune which consisted of an informal blessing and celebration. Nothing was signed and the commune officer who presided over the ceremony was not officially registered.

A few years ago Ria, Jack and Christabelle left the commune. They bought an old house which was registered in Jack's name. Jack paid the deposit and pays the mortgage. Ria carried out the majority of the renovation to the house and has continued to make many improvements to it since. As a result of Ria's work the value of the house has increased.

Ria and Jack have now separated. Jack still lives in the house and Ria has moved in with her parents.

Christabelle is currently living with Jack and Ria has seen Christabelle regularly since the separation. Ria would like Christabelle to live with her. Christabelle says she wants to live with Ria but Jack believes that Christabelle is not old enough to decide where she lives.

Scenario 3 Questions

1. Advise Ria whether she is legally married to Jack.
(8 marks)

2. Explain what a cohabitation contract is and whether such a contract could be a benefit for couples like Ria and Jack.
(4 marks)

3. Advise Ria if she has any rights in the house she shared with Jack.
(10 marks)

4. (a) Explain the order the court may make to decide with whom Christabelle lives.
(4 marks)

- (b) Explain whether Christabelle is old enough to decide with whom she lives.
(4 marks)

(Total Marks for Scenario 3: 30 marks)

End of Examination Paper

© 2013 The Chartered Institute of Legal Executives

BLANK PAGE

StudentBounty.com

BLANK PAGE

StudentBounty.com

BLANK PAGE

StudentBounty.com