



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**

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SECTION A**(Answer ALL questions in Section A)**

1. In each of the following circumstances identify the relevant Act of Parliament which should be relied upon:
 - (a) Albert is seeking a divorce from Bridget and needs to apply to the court for financial orders.
(1 mark)
 - (b) Christopher and David wish to register their relationship legally.
(1 mark)
 - (c) Edward has lived as a female, known as Eleanor for three years and recently underwent gender reassignment surgery. She wishes to be legally recognised in her acquired gender.
(1 mark)**(Total: 3 marks)**

2. Identify those who can apply for any s8 order under the Children Act 1989 as of right.
(5 marks)

3. Identify the right contained in Article 12 of the European Convention on Human Rights.
(1 mark)

4. During their marriage, Francesca has been violent to her husband Marco on several occasions, most recently two weeks ago when Marco fled from their home. He has been staying at a hostel ever since and is in need of some financial support from Francesca.
Explain if he can claim financial support.
(5 marks)

5. What are the grounds for judicial separation?
(5 marks)

6. Define:
 - (a) void marriage and
(2 marks)
 - (b) voidable marriage.
(2 marks)**(Total: 4 marks)**

7. Identify the advantages of a cohabitation contract.
(2 marks)

8. Define marriage.
(3 marks)

9. Name any **two** legal rights civil partners have which are similar to those of married couples.
(2 marks)

(Total Marks for Section A: 30 marks)**Turn over**

SECTION B

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

Scenario 1

Konrad and Heidi have been married for eight years and have one child, Elsa, aged six. Konrad works as a consultant for a car manufacturing company. Seven years ago, Konrad and Heidi moved from the North of England to the South when he was offered a very good salary of £150,000. The company also provided a fully furnished home, rent free and a top of the range company car.

Heidi was proud of her husband, willing to leave her friends and family and to give up her own career to start a family and support her husband's career. Heidi agreed that they would make their permanent home in the South of England. Heidi has been a homemaker and stay at home mum since Elsa was born.

Before they moved, Konrad promised Heidi she could visit her family whenever she wanted. He also said he would help her return to work when their first child was old enough to go to school.

After they moved, Heidi found that Konrad was away from home for most of the day and often much of the night too, entertaining clients. Initially, Heidi and Elsa visited her family in the North regularly. When Elsa started school, Konrad said that Heidi was no longer allowed to take her to the North of England more than once a year as the journey was too long and he felt this would interfere with her schooling and making friends. Now that Elsa is six Heidi would like to go back to work. Konrad insists that Heidi cannot go back to work because she should be at home for Elsa.

Heidi feels isolated, bored and frustrated and finds the more she tries to talk about this to Konrad the longer he stays away from home and ignores her. Konrad also withholds money from Heidi if she irritates him and she has no access to their bank accounts.

Heidi is unhappy and is thinking of taking Elsa and moving back to the North of England, which is an eight hour drive from their family home in the South.

Scenario 1 Questions

1. Advise Heidi whether she can divorce Konrad and if so on what basis.

(10 marks)

2. If Heidi decides to divorce Konrad, explain the financial orders the court may make in their particular circumstances.

(10 marks)

3. (a) Identify and explain the **three** principles of the Children Act 1989 which the court will use to decide who Elsa should live with.

(5 marks)

- (b) Advise Heidi if there is anything that Konrad could do to prevent her from taking Elsa to live in the North of England.

(5 marks)

(Total: 10 marks)

(Total Marks for Scenario 1: 30 marks)

Scenario 2

Pavel and Nadya have considered themselves as good as married since they went through an informal ceremony with friends on a holiday three years ago when they were both 17. The couple live together in a house which is in Pavel's name although Nadya paid half the deposit and contributes to the mortgage. Pavel is a youth worker and Nadya is a nurse, their salaries are similar.

Pavel and Nadya have one child, Sasha who is two years old. Pavel was working at a youth camp in America when Sasha was born. Pavel helped Nadya choose her name before she went to register the birth but he was very sad to not be there with them. Pavel did not meet his daughter for the first time until she was three months old. Since returning home Pavel has developed a very close relationship with Sasha. He has found a job locally and has altered his working hours so that he can look after Sasha when Nadya is at work.

Pavel and Nadya's relationship has become increasingly strained. After some months of arguing, having realised they are no longer in love, Pavel and Nadya have separated. They are both still living in the family home to share the care of Sasha. Pavel tells you that the atmosphere is unsettling for Sasha and he seeks your advice on a number of matters.

Scenario 2 Questions

1. Advise Pavel if he and Nadya are legally married.
(8 marks)
2. Explain to Pavel whether Nadya has any beneficial interest in the family home.
(5 marks)
3. (a) Explain what is meant by parental responsibility.
(4 marks)
(b) Identify who has parental responsibility for Sasha.
(3 marks)
(Total: 7 marks)
4. (a) Explain the orders which Pavel could apply for in relation to Sasha.
(7 marks)
(b) Explain whether Pavel is entitled to apply for the orders identified in question 4(a).
(3 marks)
(Total: 10 marks)

(Total Marks for Scenario 2: 30 marks)

Turn over

Scenario 3

Ben, aged 22 and Salina, aged 20 have been married for just over one year. They are currently separated having discovered in the past year that they just do not get on and have very little interest in each other except as friends. Ben is seeking advice on divorce. Salina does not wish to be divorced, her religious beliefs and those of her community disapprove of divorce and she fears she may be rejected by her family and friends.

Salina has never worked as she moved straight from her father's home to Ben's and has always been provided for. Salina left school at 16 with no qualifications, skills or training for the workplace. Ben owns an import business and draws an income of around £90,000 a year from this. He has a pension and the house they live in is registered in Ben's name only. Salina is currently still living with Ben because her father has refused to allow her to return home to live with him and she has nowhere else to go.

Scenario 3 Questions

1. Advise Ben whether he can divorce Salina and if so on what basis.
(10 marks)
2. Explain if Salina can prevent a divorce because of her objections.
(10 marks)
3. Identify and apply any **five** factors the court may consider when making financial and property orders on the divorce of Ben and Salina.
(10 marks)

(Total Marks for Scenario 3: 30 marks)

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