

**INSTITUTE OF LEGAL EXECUTIVES**

**UNIT 20 – PRACTICE OF FAMILY LAW**

**Time allowed: 3 hours 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 may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Family Law 2010-2011, Mika Oldham, Oxford University Press.**
- Candidates must comply with the ILEX 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 ILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL**

### Question 1

Reference: This question relates to **DOCUMENTS 1, 2 and 3** of the case study materials.

- (a) Advise Samantha as to the ground for divorce, the fact(s) she could use, and whether her petition is likely to succeed.

**(8 marks)**

- (b) Draft Samantha's divorce petition on the form supplied (**Document A**) You should use: Kempston County Court, 9 High Street West, Kempston, Bedfordshire, MK42 7AB.

**(15 marks)**

**Important: Detach Document A from the question paper and at the end of the examination attach it securely to your answer booklet.**

- (c) Explain to Samantha what you are required to do under R2.03 Solicitors Code of Conduct 2007, and how her proceedings are likely to be funded.

**(7 marks)**

**(Total: 30 marks)**

### Question 2

Reference: This question relates to **DOCUMENTS 4 and 5** of the case study materials.

- (a) Explain to Cara Bentley what factors the court would look at in determining financial relief on divorce, and the likely outcome that she could expect.

**(20 marks)**

- (b) Briefly explain to Cara Bentley the purpose and possible outcomes of the Financial Dispute Resolution hearing (FDR).

**(5 marks)**

- (c) Briefly explain to your client the overriding objective regarding proportionality of costs.

**(5 marks)**

**(Total: 30 marks)**

### Question 3

Reference: Question relates to **DOCUMENT 6** of the case study materials.

- (a) Explain to John what order(s) he could seek in relation to his children, Amy and Ben, and the likely outcome.  
*(5 marks)*
- (b) Explain to John the procedure to obtain such order(s).  
*(10 marks)*
- (c) Assuming an order is made, briefly explain to John, the likely outcome(s) should Tracey not comply.  
*(5 marks)*
- (Total: 20 marks)*

### Question 4

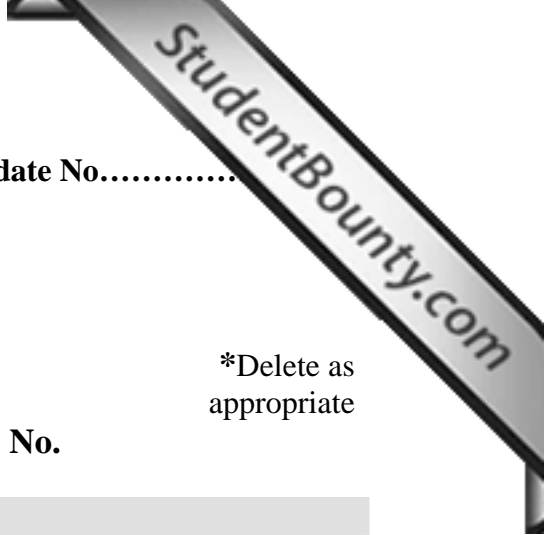
Reference: Question relates to **DOCUMENTS 7 and 8** of the case study materials.

- (a) Advise Maria what applications she can make, the factors the court will take into account and the likely outcome.  
*(13 marks)*
- (b) Briefly explain to Maria how her property dispute will be resolved.  
*(7 marks)*
- (Total: 20 marks)*

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Candidate No.....

**Document A**

**In the**

**County Court\***

\*Delete as appropriate

**In the Principal Registry\***

**No.**

***Introduction***

- 1. **THIS PETITION IS ISSUED BY** (“the Petitioner”)
- 2. **THE OTHER PARTY TO THE MARRIAGE IS** (“the Respondent”).

(1) On \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ was lawfully married to \_\_\_\_\_

at \_\_\_\_\_

(1a) Since the date of the marriage the name of the petitioner has not changed [has changed]

(1b) The petitioner believes that since the date of the marriage the name of the respondent has not changed [has changed]

(2) The petitioner and respondent last lived together as husband and wife at \_\_\_\_\_

(3) The court has jurisdiction under Article 3(1) of the Council Regulation on the following ground(s):

The petitioner is habitually resident in England and Wales and has lived there for at least a year immediately prior to the presentation of this petition.

(4) The petitioner is by occupation \_\_\_\_\_ and resides at \_\_\_\_\_

The respondent is by occupation \_\_\_\_\_ and resides at \_\_\_\_\_

(5) There are no children of the family now living *except* \_\_\_\_\_

(6) No other child, now living, has been born to the petitioner/respondent during the marriage (so far as is known to the petitioner) *except* \_\_\_\_\_

***Turn over***

- (7) There are or have been no other proceedings in any court in England and Wales or elsewhere with reference to the marriage (or to any child of the *family*) or between the petitioner and respondent with reference to any property of either or both of them except
- (8) There are or have been no proceedings in the Child Support Agency with reference to the maintenance of any child of the family except
- (9) There are no proceedings continuing in any country outside England or Wales which are in respect of the marriage or are capable of affecting its validity or subsistence except
- (10) (This paragraph should be completed only if the petition is based on five years' separation.)  
No agreement or arrangement has been made or is proposed to be made between the parties for the support of the petitioner/respondent (and any child of the family) except
- (11) The said marriage has broken down irretrievably.
- (12) The petitioner and the respondent have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to a decree of divorce being granted.

(13) **Particulars**

**2.1. PRAYER**

The Petitioner therefore prays

(1) **The suit**

That the said marriage be dissolved

(2) **Costs**

That the \_\_\_\_\_ may be ordered to pay the costs of this suit

(3) **Ancillary relief**

That the petitioner may be granted the following ancillary relief:

- (a) an order for maintenance pending suit
- a periodical payments order
- a secured provision order
- a lump sum order
- a property adjustment order
- an order under section 24B, 25B or 25C of the Act of 1973 (Pension Sharing/Attachment Order)

(b) **For the children**

- a periodical payments order
- a secured provision order
- a lump sum order
- a property adjustment order

**2.1.1. SIGNED**

The names and addresses of the persons to be served with the petition are:

Respondent:

Co-Respondent (adultery case only):

The Petitioner's address for service is:

**3. DATED THIS**

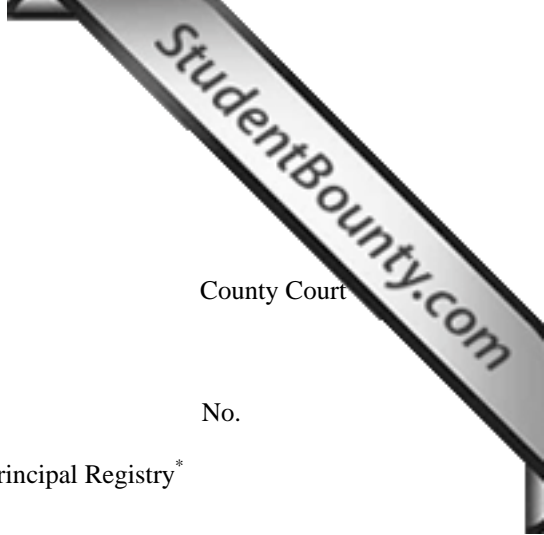
**DAY OF**

**20**

Address all communications for the court to: The Court Manager, County Court,  
The Court }  
office at }

is open from 10 a.m. to 4 p.m. (4.30 p.m. at the Principal Registry of the Family Division) on Mondays to Fridays.





In the

County Court

\*Delete as appropriate

No.

In the Principal Registry\*

Between

Petitioner

and

Respondent

**3.1.1.1. DIVORCE PETITION**

Full name and address of the petitioner or of solicitors if they are acting for the petitioner.

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