



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

**Unit 7 – Family Law**

**Question paper**

**January 2024**

**Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)**

**Instructions and information**

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone’s Statutes on Family Law 31st edition, Rob George, Oxford University Press, 2022.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

**Turn over**

## SECTION A

**Answer at least one question from this section.**

1. Critically evaluate the extent to which the property rights of cohabitants on relationship breakdown can be said to be insufficient compared to the protection offered to married couples.

**(25 marks)**

2. Critically analyse the impact of the Human Rights Act 1998 on the court's ability to make:

- (a) Occupation Orders;

**(11 marks)**

- (b) Financial Relief Orders on Divorce or Dissolution.

**(14 marks)**

**(Total: 25 marks)**

3. The law on financial relief no longer discriminates between the role of the 'homemaker' and the role of the 'breadwinner'.

Critically analyse this statement.

**(25 marks)**

4. The family court does not take a strong enough stance against 'implacably hostile' parents who refuse to comply with court-ordered contact arrangements.

Critically evaluate this statement.

**(25 marks)**

## SECTION B

Answer at least one question from this section.

### Question 1

Louise and Jamal have recently separated after a 12-year marriage. They had two children together, Malia (aged three) and Bryony (aged seven). Louise also has a child from a previous relationship, Christopher, who is 16 years old. Christopher is due to start sixth-form college in September and hopes to go to university after that. Christopher does not have much contact with his biological father and Jamal has always been more of a father figure to him than his biological father. Jamal has always treated Christopher the same as his biological children.

Since the separation, all three of the children have been staying overnight with Jamal one night per week (usually a Saturday night). They live with Louise the rest of the time. This arrangement appears to be working well.

Jamal is an accountant earning £1,300 per week. Louise gave up her career as a teacher to look after the children and intends to return to work once Malia is in school. Louise has been struggling financially since she and Jamal separated. She has contacted Jamal to say that he needs to start paying child maintenance for all of the children, including Christopher.

Advise Louise on her legal options for seeking child maintenance from Jamal for:

(a) Malia and Bryony;

**(12 marks)**

(b) Christopher.

**(13 marks)**

**(Total: 25 marks)**

**Turn over**

## Question 2

David (aged 40) and Edward (aged 35) married five years ago. They have recently separated after Edward found out that David had been having an affair with someone from work. David is now in a relationship with this work colleague.

They have both had successful careers, David as a stockbroker and Edward as a freelance digital designer. Edward gave up work three years ago when they adopted Francesca (now three years old). David earns £240,000 per year plus a performance-related annual bonus of around £500,000. Before he gave up work, Edward's salary would fluctuate but would often be around £60,000 per year.

When David and Edward married, David had a number of financial investments, worth £2 million. The investments are now worth £7 million, which David believes is due to his financial management expertise. David also has a pension with a cash equivalent value of £1.5 million. Edward has a small pension with a cash equivalent value of £30,000.

David has now moved out of the substantial five-bedroom family home and is currently renting a one-bedroom flat near to his work. The family home was recently valued at £1.5 million and is mortgage free. This was purchased four years ago and is in both of their names as beneficial joint tenants. Edward contributed £500,000 towards this purchase from the money he made on a previous property that he sold before he met David. David paid the rest of the money.

David has tried to discuss the possibility of divorce with Edward. Edward became upset at the prospect of this and said that he wants to avoid the 'stigma'. Edward has asked David if he would consider judicial separation instead. David thinks that Edward might be in denial that the marriage is over and may also be worried about his financial position if they were to divorce.

Advise David on the difference between judicial separation and divorce, including the financial orders that the court would be able to make in either scenario.

**(25 marks)**

### Question 3

Habiba (aged 23) is seeking advice about her recent marriage to Ibrahim (aged 25). Despite marrying Ibrahim at her parents' insistence, Habiba has been in a relationship with someone else, Kian, for three years. Habiba and Kian had discussed getting married and having children together in the future. Habiba kept her relationship with Kian a secret from her parents, who she felt would not approve.

Habiba's parents were born in Pakistan and moved to the UK just before Habiba was born. As a child, Habiba would often travel to Pakistan with her parents during school holidays to visit her extended family. Habiba is her parents' only daughter and ever since she was a child, they have spoken about her marrying a 'good Pakistani boy' in that country. Habiba's parents believe that British boys are disrespectful. When Habiba was a teenager, she would have arguments with her parents about this because she wanted the freedom to decide who she would marry. This put a great deal of strain on their relationship. When Habiba was 18, she used university as an excuse to move out and get some freedom. This was where she first met Kian. Habiba continued to see her parents every week at the mosque they attend. However, Habiba has been careful about what she discloses to them.

Habiba had hoped that her parents would eventually agree to the idea of her choosing her own husband. However, one month ago they explained that as a young child she had been betrothed to her first cousin, Ibrahim, who lives in Pakistan. The news came as a shock to Habiba. While she had a good relationship with Ibrahim as a child, she had not seen him in over 10 years and did not want to marry him. Her father explained that the wedding would take place the next week in Pakistan because Habiba was getting too old to be unmarried. Her parents had organised a big celebration and the flights had been booked. Her father told Habiba that if she did not agree to the wedding, she would bring shame and dishonour on the family. Habiba had heard about girls in England and Pakistan who were subjected to serious violence for refusing to obey their parents. Habiba reluctantly went ahead with the wedding on this basis. However, she instantly regretted it and has returned to the UK.

Habiba has since discovered that she is eight weeks pregnant with Kian's child. She now wants to bring her marriage to Ibrahim to an end as quickly as possible so that she can start a future with Kian.

Advise Habiba on how she can bring her marriage to an end.

**(25 marks)**

**Turn over**

#### **Question 4**

Yasmine and Todd recently separated following an incident that occurred when Todd was drunk, whereby he attacked Yasmine and pinned her to the floor in front of their two children, Anna (aged four) and Henry (aged nine). The police were called and Todd was removed from the property. Yasmine attended the family court the next day and successfully obtained a non-molestation order and occupation order, excluding Todd from the family home and prohibiting him from contacting her. Todd could only contact Yasmine through solicitors for the purpose of making arrangements for the children.

Yasmine states that this was the first physical altercation that had taken place but that Todd had been verbally abusive towards her throughout their 15-year relationship and would often ridicule her or call her names in front of the children. Todd would also prevent her from going to social events without him, saying that a woman out drinking without her husband is 'disgraceful'.

Yasmine has now received a letter from a solicitor instructed by Todd indicating that he wants to have contact with both children and suggesting that this takes place at his new home from 17:00 on Friday until 16:00 on Sunday each weekend. The letter threatens that Todd will make an application to court if Yasmine does not agree to the proposals.

Yasmine is very upset by this. She does not believe that the children will be safe in Todd's care, particularly if he has been drinking. She is worried about the influence that he may have over Henry with the negative views he often expresses about women. Yasmine also understands from a mutual friend that Todd is living in a very small two-bedroom flat and she does not believe there is enough space for him to have both children overnight.

Henry has said that he misses his father and wants to see him, despite what has happened. Anna has not communicated any particular views but seems to be thriving in her father's absence, appearing less withdrawn and happier in her brother's company.

Advise Yasmine on the order that Todd might potentially apply for and the factors that the court will consider when deciding whether or not to make the order.

**(25 marks)**

**End of the examination**

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