



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 2026

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, 2023.
- 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 assess the extent to which courts balance competing interests when one parent wishes to move abroad with a couple's children against the wishes of the other parent.

(25 marks)

2. Critically analyse the extent to which the legal framework on financial and property orders encourages or discourages parties to a divorce to seek financial proceedings in England and Wales.

(25 marks)

3. Critically analyse the impact of the Human Rights Act 1998 on:

- a) legal recognition of acquired gender for transgendered persons;

(13 marks)

- b) reform of the law leading to the passing of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019.

(12 marks)

(Total: 25 marks)

4. 'The Divorce, Dissolution and Separation Act 2020 has succeeded in making the entire process of ending a marriage or civil partnership easier and less acrimonious.'

Critically analyse this statement.

(25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Harry, aged 45, is a successful technology developer. Maria, aged 35, is a part-time art tutor. They have a daughter, Rosa, who is four years old. Harry and Maria have been married for 12 years and are now going through divorce proceedings.

Harry earns £100,000 per annum; Maria earns approximately £20,000 per annum from her teaching. They live in a three-bedroomed house in London registered in Harry's sole name. The house is valued at £1,500,000 and has no mortgage. When Rosa was born, Maria agreed to stay at home with her full time. Maria delivers online tutoring sessions in the evenings and on occasional weekends. Harry also owns a holiday flat registered in his name, which is valued at £650,000 and has no mortgage.

In the course of seeking legal advice, Maria tells her solicitor that she and Harry have a prenuptial agreement. She explains that six weeks before their wedding, Harry surprised her with the suggestion that they sign a prenuptial agreement. Harry assured Maria that the agreement was fair and legitimate because he had discussed it with a solicitor. The terms of the agreement stated that in the event of their divorce neither party would make a claim against the other for financial or property orders. Under the agreement, Maria would be entitled to a lump sum payment based on 50% of the sale of the holiday flat. The agreement was to be considered binding and would not take account of any intervening circumstances. Maria has since discovered from Harry's brother that Harry has never been entirely honest with her about his wealth, much of which is located in jurisdictions outside of England and Wales.

Advise Maria whether the prenuptial agreement is likely to be upheld in a court and the consequences if it is not.

(25 marks)

Turn over

Question 2

Ayesha, aged 25 and Malik, aged 30 were married three years ago. They live in a flat owned by Malik's father and have a daughter, Maryam, who is two years old. The marriage was generally happy for the first two years. Malik worked hard as a delivery driver and Ayesha was finishing an undergraduate degree.

Over the last year, Malik's behaviour has changed. The first issue Ayesha remembers is when Malik pressured her to close her personal bank account and transfer her money to his account. At this time, Malik became very controlling about money, giving Ayesha a weekly allowance, which is all she can spend on household expenses, leaving nothing for her to go out with friends or buy small treats.

Malik also insists on reading on Ayesha's phone the text messages that she has with her sister and friends from the university. Over a period of time, he has gradually separated Ayesha from her family and friends, always having a reason why she should not see them or have contact with them. He says that his own family is all the family Ayesha needs.

Two weeks ago, Ayesha received a letter informing her that her mother was very ill. On the pretence of going shopping, Ayesha travelled by bus with Maryam to her parents' house. Unbeknown to her, Malik had followed her and furiously confronted her when she returned later in the day. He threatened to kill Ayesha, to take Maryam away from Ayesha and give her to his parents, and grabbed her around the throat while pushing her across the room. Ayesha managed to escape the flat with Maryam and is staying with her cousin, Samira. Samira is trying to persuade Ayesha to go to the police because she will never be safe from Malik if she does not do so.

Advise Ayesha.

(25 marks)

Question 3

Sarah and James divorced two years ago after 10 years of marriage. They have two children: Lily (aged 10) and Max (aged 7). Following the divorce, the children have lived primarily with Sarah, under the terms of a child arrangements order.

The terms of the order initially granted regular contact between James and the children – alternate weekends and one mid-week, overnight stay. For the first year, the arrangement worked relatively well. However, issues began to arise when James entered a new relationship and moved in with his partner, Rachel, who has a child of her own.

Lily has said she does not like it when Rachel is around, saying she feels left out and ignored. Max has started refusing to go to James's house altogether. Sarah, concerned for the children's emotional wellbeing, has recently refused to comply with the contact arrangements set out in the child arrangements order. She agrees only to short visits between the children and James in public places when she is also present.

James has made an application to court for enforcement of the original child arrangements order and has also requested an increase in the number of times the children stay overnight with him. Sarah has responded by applying to vary the order, arguing that continued contact in the current form is not in the children's best interests. Sarah's application is that all contact with James ceases as she considers that the children are not safe with James since he formed the relationship with Rachel. James stated in his application that Sarah is turning the children against him and that this accounts for why they are refusing to see him. James says it is completely impossible now to talk about contact with Sarah and, in his view, she is becoming increasingly irrational about her fear of the children being with him.

Both children have told a Cafcass (Children and Family Court Advisory and Support Service) officer, appointed by the court, that they are afraid of James and that being with him and Rachel makes them feel very unsafe. Max told the officer that Rachel drinks a lot of alcohol and does not pay any attention to him and Lily. When asked about Rachel's drinking, James responded by saying that Rachel does not drink any alcohol, having given up when her mother was diagnosed with cancer 10 years ago.

Advise James how a court will address the issues raised in this situation and how his application, including Max's comments about Rachel, will be dealt with in the Family Court.

(25 marks)

Turn over

Question 4

Gisela and Milo began living together 11 years ago. They were in a long-term romantic relationship but never married or entered into a civil partnership. Nine years ago, they purchased a three-bedroomed house for £400,000. The legal title to the property was registered in Milo's sole name.

Milo paid the deposit of £40,000 from a loan taken from his parents. The mortgage was in Milo's name and he made the monthly mortgage payments from his salary. Gisela's income covered most of the household bills and expenses, and the couple shared a joint bank account for day-to-day living costs.

Gisela and Milo always referred to the house as 'our home' and Gisela alleges that Milo frequently made comments suggesting they were equal partners. Gisela also paid for renovations amounting to £15,000, including converting the attic into a bedroom.

Last year, the relationship broke down and Gisela moved out. She has told Milo that she thinks they should sell the house and share the proceeds. Milo insists the house was purchased solely by him and that Gisela has no right to any of the equity in the house. He claims that Gisela's contributions were limited to helping with living expenses and not the property itself.

Advise Gisela on the following issues:

a) Whether she is able to establish an interest in the house.

(17 marks)

b) Whether a cohabitation contract restricting Gisela to a lump sum of £10,000 in the event of a relationship breakdown is likely to be upheld in court.

(8 marks)

(Total: 25 marks)

End of the examination