



CHIEF EXAMINER REPORT

JANUARY 2026

LEVEL 6 UNIT 7– FAMILY LAW

The purpose of the report is to provide candidates and training providers with guidance as to the key points candidates should have included in their answers to the January 2026 examinations.

The 'suggested points for responses' set out points that a good (merit/distinction) candidate would have made.

Candidates will have received credit, where applicable, for other points not addressed.

Chief Examiner Overview

Candidates who had studied across all topics should have been well prepared for this question paper. Reviewing past papers and Chief Examiner reports would also have helped candidates to structure their learning so as to be able to apply this in the examination.

In Section A, the strongest answers were able to both identify and explain the relevant law AND answer the specific question. In Section B, many candidates were able to identify and apply relevant law. However, candidates should be prepared to fully address the scenarios as set.

Candidate Performance and Suggested Points for Responses

It is noted that the low numbers of candidates taking the Level 6 exams limits the scope for constructive feedback to be given and for firm conclusions to be reached. Therefore, feedback on candidate performance may be limited.

Section A

Question 1	25 marks
Many candidates who attempted this question were unable to cite specific cases on this issue and did not engage in critical assessment. Answers which provided a general overview of child law, but without focussing on the specific issue of international relocation, did not achieve all potential marks.	
Suggested Points for Response:	
• S.8 CA 1989 - child arrangements order • S.8 CA 1989 – prohibited steps order • International relocation issue explained • S.1(3) CA 1989 parental responsibility • S.2(7) CA 1989 sharing parental responsibility • S.13(1) CA 1989 • S.13(2) CA 1989 • Payne v Payne [2001] approach • Key role of S.1(1) CA 1989 welfare principle and S.1(2A) CA 1989 and its relevance • Welfare checklist S.1(3) CA 1989	

Question 2	25 marks
The number of candidates answering this question was low, therefore data is limited.	
Suggested Points for Response:	
• MCA 1973 Part II • Explanation of S.25 MCA 1973 • Particular focus on judicial guidance on S.25 – White v White, Miller v Miller; McFarlane v McFarlane; Charman v Charman • Starting point of equal division of marital assets • Discussion of issues such as: inheritances, special contributions, compensation • Discussion of how to define ‘matrimonial property’ or ‘family property’	

Question 3	25 Marks
The number of candidates answering this question was low, therefore data is limited.	
Suggested Points for Response Question 3a:	13 marks
• MCA 1973 S.11 prior to CPA 2004 and Marriage (Same Sex Couples) Act 2013 • Rules of capacity • Background and case law: Corbett v Corbett; Bellinger v Bellinger; Goodwin v UK; I v UK; Rees v UK; Cossey v UK. • Articles 8, 12 and 14 ECHR defined and explained in this context • Gender Recognition Act 2004 ('GRA') • GRA 22 2 and 3 • Discussion of framework in GRA for gender recognition certificate, including criteria	
Suggested Points for Response Question 3b	12 marks
• CPA 2004 • Capacity under CPA 2004 prior to 2019 • Steinfeld and another v SS for Education [2018] • Marriage (Same Sex Couples) Act 2013 and potential inequality for opposite sex couples. • Articles 8 and 14 ECHR explained and applied to the context	

Question 4	25 marks
This was most popular question in Section A and across the paper. Many candidates provided a purely descriptive answer, whereas the question paper asked for a critical analysis. Candidates who were able to do this focussed on the extent to which the new law is 'easier' and 'less acrimonious' to those seeking a divorce. Stronger answers discussed divorce-related issues which the new law does not address, and which remain potentially difficult and acrimonious – eg, issues relating to finances, property and children.	
Suggested Points for Response:	
• Demonstration of understanding of the DDSA 2020 and its effect on MCA 1973. • Single ground • Removal of 5 facts • Time requirements • No opportunity to defend application/joint applications • Change of terminology • Explanation of divorce procedure under DDSA 2020 • DDSA 2020 does NOT impact financial proceedings	

Section B

Question 1	25 marks
This was equally the most popular question in Section B. Most candidates who attempted this question were able to discuss prenuptial agreements, but often without a clear explanation of the ruling in <i>Radmacher v Granatino</i> (2011). Some responses that identified that Harry was not honest and therefore that it might be unfair to uphold the agreement were required to support this with legal authority.	
Suggested Points for Response:	
• Definition of prenuptial agreement. • Discussion of ruling in <i>Radmacher v Granatino</i> [2011] and whether such an agreement is automatically valid. • Requirements for valid prenuptial agreement • Application to the facts and discussion of the aspect of fairness in excluding intervening circumstances (such as the birth of Rosa) • Discussion on legal advice • Discussion of whether Maria entered into the agreement willingly and whether it is fair in all the circumstances • Discussion of Harry's lack of honesty and its impact on fairness. • Other relevant case law: <i>M v M</i> (Pre-nuptial Agreement) 2002; <i>K v K</i> (Ancillary Relief: Pre-nuptial Agreement) 2003 • MCA 1973 and application of S.25 if the agreement is not upheld • Case law relevant to S.25 MCA 1973	

Question 2	25 marks
This was equally the most popular question in Section B. Candidates who performed well on this question had read the scenario thoroughly, noting that Ayesha had been advised to 'go to the police.' This would have led to consideration of the criminal law approach to domestic abuse, identifying and applying the law on controlling and coercive behaviour as well as Domestic Abuse Protection Notices and Domestic Abuse Protection Orders.	
Some candidates who applied only the law on non-molestation orders and occupation orders did not achieve higher marks. With regards to occupation orders, many candidates did not identify the correct section of the Family Law Act 1996 under which Ayesha would apply and demonstrated misunderstanding over the meaning of 'home rights.'	
Suggested Points for Response:	
• Definition of domestic abuse – DAA 2021 including financial and emotional abuse • Ayesha and Malik are connected persons under DAA 2021 • Maryam is also a victim of domestic abuse under DAA 2021 • Involvement of police – criminal approach • Controlling and coercive behaviour – SCA 2015 S.76 - defined • Steps to establishing the offence of controlling and coercive behaviour • Potential punishment if offence is established • DAPN and DAPOs – explained and applied to the facts	

Question 3	25 marks
Most candidates who answered this question were able to apply the key principles and welfare checklist in S.1 Children Act 1989. The stronger answers identified that the issue here was enforcement of contact and the possibility of implacable hostility and parental alienation. Discussion and application of relevant case law was required in this regard.	
Suggested Points for Response:	
• Both parents are making S.8 CA 1989 child arrangements order applications • Definition of child arrangements order • Both parents have parental responsibility – S.3(1) CA 1989 • Both parents can apply under S.10(4) CA 1989 as parents of the children • Discussion of difficulties of enforcing contact • Discussion of implacable hostility and parental alienation • Relevant case law: Re S [2004]; Re C [2007]; V v T [2007] • Enforcement techniques: Children and Adoption Act 2006, S.11A /11C /11G /11J - CA 1989 • Application to the facts – no evidence that James is a danger to the children. • S.1 CA 1989 principles • S.1(3) application of welfare checklist.	

Question 4a	17 Marks
Question 4 was a popular question. Question 4a was generally well answered. Most candidates showed understanding of the law on trusts of the family home and ability to apply the relevant statutory and case law to the facts of the case. The stronger answers clearly identified that this was a case of sole legal ownership, with the starting point identified in <i>Stack v Dowden</i> as ‘equity follows the law.’ Those candidates went on to discuss (with the support of case law) whether the renovations would amount to direct financial contributions to the purchase price, or whether the conversations would amount to evidence of a common intention to share the beneficial interest – followed by discussion of how, if successful, a beneficial interest would be quantified.	
Suggested Points for Response Question 4a:	
• Parties are cohabitants and must rely on trusts law • <i>Stack v Dowden</i> [2009] and presumption that equity follows the law • Sole legal ownership case • <i>Lloyd’s Bank v Rosset</i> [1990] • Common intention plus detrimental reliance • Gisela cannot rely on financial contributions as indirect • No express declaration of trust • Gisela will have to rely on the conversations and words used (e.g., our home) • If successful – the interest will have to be quantified – looking at the whole course of dealing – <i>Oxley v Hiscock</i> [2004] • Constructive trust will apply • Discussion of likely outcome • TOLATA 1996, Ss 14 and 15	

Question 4b	8 marks
Question 4b was not as generally well answered as 4a. The question required understanding of cohabitation agreements, beginning with a clear definition. Many candidates could apply the case of <i>Sutton v Mishcon de Reya and Another</i> (2004) but without taking the answer any further. The strongest candidates identified what would make a cohabitation agreement legally valid, going on to actually apply this to the facts – namely the lump sum of £10,000 – coming to a reasoned conclusion.	
Suggested Points for Response Question 4b:	
• Definition of cohabitation agreement • Identification that this is a cohabitation contract concerning finances (not a contract for cohabitation) • Historically void for public policy • Conditions for such an agreement to be upheld • How the courts approach such agreements • Application to the facts: the cohabitation contract could put Emma at a disadvantage compared with her establishing a beneficial interest.	