



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

June 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. The Divorce, Dissolution and Separation Act 2020 ensures that people no longer need to be trapped in loveless marriages.

Critically analyse this statement.

(25 marks)

2. Critically analyse the extent to which the following statements regarding matrimonial financial proceedings are correct:

(a) the principle of fairness dictates that there should be an equal division of capital assets;

(15 marks)

(b) the use of a pre- or post-nuptial agreement will justify a departure from an equal division of assets.

(10 marks)

(Total: 25 marks)

3. The principles in Section 1 Children Act 1989 lead to a presumption in child arrangements proceedings that a child should spend equal time with both parents.

Critically analyse this statement.

(25 marks)

4. Critically analyse whether the law on surrogacy fulfils the purpose for which it was created.

(25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Abe and Melissa were in a relationship for six years; they lived together but never married. They had two children together, Hannah, aged 13 and Thomas, aged 10. Abe was named as the father on Thomas' birth certificate but not on Hannah's. Melissa took care of registering Hannah's birth so Abe does not know why his name was not included.

Abe has always had a very good relationship with both of the children and considers himself a devoted father. Melissa works in a restaurant and as a result works most evening and weekends. Therefore, the children spent most of their time with Abe when they were not at school.

The relationship ended in February when Melissa discovered that Abe had been having an affair. She asked him to move out and he has now moved into a small one-bedroomed flat. The children have remained living with Melissa. Since the separation, Melissa has prevented Abe from seeing the children and is refusing to speak to him altogether. Abe has discovered that Melissa's parents are looking after the children while she is at work. The children have been staying at Melissa's parents' house every weekend.

Melissa has told a friend that Hannah is not Abe's biological child and this news has reached Abe. Melissa also told the friend that she intends to pursue Abe for 'as much maintenance as she can get' for both children. There is currently no formal arrangement in place for child maintenance.

Abe has received several text messages from the children saying that they miss him and want to be with him at weekends and not with their grandparents.

Abe wants advice about what legal steps he can take to see the children. Ideally, he would like them to spend each weekend with him. He also wants to know if he can refuse to pay any money for the children's upbringing until he gets to see them.

Advise Abe on the following:

- (a) what legal steps he can take to see the children and to have greater input into their lives;

(18 marks)

- (b) whether he can refuse to pay child maintenance for the children in the meantime.

(7 marks)

(Total: 25 marks)

Turn over

Question 2

Sara and Jayden have been in a relationship for two years, after meeting in the café where Sara works.

To begin with they would have occasional arguments but no more than other couples. However, things started to deteriorate between them a year ago when Jayden lost his job. He was bored at home as he was struggling to find new employment so he would often go to work with Sara to keep her company on her shifts. Jayden started to get jealous of Sara's friendship with her manager, Neil. Jayden would often drink heavily in the evening and his jealousy increased the more he had to drink. This would often lead to him texting insulting messages to Sara before apologising for them the next day when he was sober.

Money started to become a problem in the period after Jayden lost his job and he told Sara that he was struggling to pay his rent each month. Jayden convinced Sara that it would make more sense, given his financial situation, for him to move into the flat that she rented. Sara reluctantly agreed. They moved in together six months ago and Sara added Jayden's name to the tenancy agreement.

Soon after they moved in together a serious argument erupted between Sara and Jayden about their financial situation. Sara felt as though Jayden was not making any effort to find new employment. She tried to walk away from him but he grabbed her by the hair before shoving her on to the bed. The next day, Jayden promised it would never happen again and that he would cut down on his drinking. He also started going to the job centre again. Things were then fine for the next few months.

However, another incident occurred two days ago as Sara was getting ready for work. Jayden was drinking alcohol and watching TV. As Sara was leaving for work, she suggested that he might help her out a bit by washing the dishes while she was out. Jayden lost his temper and said to Sara that it was her fault he was the way he was because she was always after other men. He then pushed her hard on to the floor. Sara managed to get up and ran out of the flat. He shouted after her: 'When I get hold of you, I will kill you.'

Sara has been staying with her sister since the incident as she was too scared to return home. She contacted the police but they have indicated that there is insufficient evidence for them to take the matter further and that Sara may want to seek protection through the family court instead. After suffering a panic attack, Sara went to see a doctor today and has been diagnosed with an anxiety disorder.

Advise Sara on what protective orders might be available to her through the family court.

(25 marks)

Question 3

Teresa and Isla are French nationals. They had been in a relationship for five years before they entered into a marriage ceremony in France six years ago. They were both 26 years old when they got married. They followed the proper legal requirements to enter into a marriage.

Last year, Teresa was headhunted for a job in England. Teresa spoke to Isla and said that she thought this was a good career opportunity and wanted to take the job offer. Isla did not want to move to England so they agreed that Isla would remain in France until Teresa had settled in and was sure that the job was right for her. Teresa moved to England a couple of months later. They agreed that they would review the position towards the end of the year and then decide whether Isla would join Teresa in England.

Teresa really enjoyed her new job and was quickly promoted to a more senior role. She thought that on receiving this news, it would prompt Isla to give up her own job and move to England. Teresa even went so far as to rent a two-bedroomed cottage in a nice area for them to move into together. Teresa told Isla that her promotion meant that Isla would not have to work when she moved to England and that she could either study or stay at home. However, Isla said that she was not yet ready to move and that they could discuss it again at Christmas when they were due to spend the holidays together.

Isla told Teresa in December that she was not going to move to England and that she felt that their marriage was over. She told Teresa that they had drifted apart as Teresa had prioritised her new career over her relationship with Isla. Teresa is now settled in England and does not want to return to France. She therefore reluctantly agrees that the marriage has no future.

- (a) Advise Teresa on how to bring the marriage to an end.

(15 marks)

Teresa informs you that Isla has a venereal disease and has had this since before they were married.

- (b) Explain to Teresa whether or not this changes your advice and, if so, why.

(10 marks)

(Total: 25 marks)

Turn over

Question 4

Belinda (aged 72) and Eric (aged 78) met four years ago at a dance class. They immediately became good friends before starting a romantic relationship a few months later. A year into their relationship, Eric suggested that Belinda should sell her house and move into his bungalow with him. Eric said this would mean that they would have more disposable income from the sale of Belinda's house and so would be able to enjoy themselves more. Both had been married previously and had adult children from those relationships.

They both felt that it was unnecessary to remarry as they were happy simply living together without any formalities. Eric's bungalow is registered in his sole name and is mortgage free. They agreed that Belinda would use the money from the sale of her house to pay the utility bills, any repairs on the bungalow and for any holidays they might wish to take.

When Belinda moved into the bungalow it was clear that a lot of repairs were required at the property in order to make it suitable for two people to live in comfortably. This included adding a small extension to the back. Eric suggested they go on a year-long luxury cruise while the repairs and the building of the extension were being carried out. Belinda was initially concerned about the price of the cruise which, along with the property renovations, would use up most of her money from her house sale. However, Eric reassured Belinda that she had nothing to be worried about as he would leave half of the bungalow to her and the other half to his children in his Will.

Unfortunately, Belinda and Eric's relationship has now broken down. The couple enjoyed their cruise together but on moving in together on their return, Belinda quickly realised that Eric had different expectations to her in respect of their relationship. Eric expected Belinda to do all the cooking and cleaning while he sat reading or went out to play golf. He also became more reluctant for them to go to social events together, saying that he would prefer just to stay in the bungalow and watch TV. Belinda now wants to end the relationship and find somewhere new to live but has very little money left from the house sale. They never discussed what would happen if they split up, only what would happen if Eric died; neither of them having considered that the relationship would not work. Therefore, she is now worried that if she leaves Eric, she will be left with nothing.

Advise Belinda.

(25 marks)

End of the examination

© 2024 The Chartered Institute of Legal Executives