



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 2025

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. *Stack v Dowden* [2007] made clear that the law on trusts of the family home starts with the principle that 'equity follows the law.'

Critically analyse:

- (a) whether case law supports the accuracy of this statement;

(10 marks)

- (b) whether the law on implied trusts of the family home requires reform.

(15 marks)

2. Family law has gradually moved towards recognising the autonomy of adults to arrange their family lives as they think appropriate, and without the input of the courts.

Critically evaluate this statement.

(25 marks)

3. The law on 'who is a child's parent' has struggled to keep pace with changing social conceptions of the meaning of 'family'.

Critically analyse this statement.

(25 marks)

4. Critically assess whether the criminal law approach to protecting victims of domestic abuse under the Domestic Abuse Act 2021 is sufficient or whether a civil law approach is more effective.

(25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Daisy is a 12-year-old girl. Daisy has suffered from a heart condition since birth and has had a series of unsuccessful operations to try to correct it. In the last year, and as Daisy continues to grow, the condition has worsened and Daisy is now unable to play sports or engage in many school activities.

The medical doctor overseeing Daisy's care has told Daisy's parents, Maeve and Angus, that the condition will continue to worsen and result in heart failure unless Daisy has a heart transplant. The medical doctor would like to put Daisy on the transplant list so that when a suitable donor arises, the transplant can take place.

Maeve and Angus decided to talk with Daisy but she immediately refused to discuss the issue any further. Daisy told her parents that she has been through enough medical procedures, hates hospitals and will not have any more operations.

Maeve and Angus have also disagreed on whether Daisy should have the transplant. Angus says that Daisy is old enough to make her own decisions and that while he would like her to have the transplant, he cannot override her wishes. Maeve says that Daisy is too young to make such a huge decision and that as her parents it is their duty to make the decision that is right for Daisy and her future, which means having the transplant.

Advise Maeve and Angus as to the legal position in this matter.

(25 marks)

Turn over

Question 2

Gabriella and Tony married 10 years ago in Italy and moved to London eight years ago for Gabriella to work. They were happily married until about two years ago when Gabriella had an affair with a work colleague and moved out of the flat they both lived in. The affair was short lived and Tony decided to allow Gabriella to come back and give their marriage a chance to heal, however, it has now become apparent that the marriage is at an end. Tony says that he has lost all trust in Gabriella and can no longer live with her.

Tony and Gabriella jointly own a large, four-bedroomed flat in London, worth £1.75 million. The purchase of the flat was paid for partly by an inheritance that Gabriella received when her grandmother died and partly by the proceeds from the sale of a property in Italy that Tony had owned. Gabriella is a doctor and earns £60,000 annually. Tony is an artist and has used one of the large bedrooms in the flat as a studio. He does not earn a regular income from his painting but tries to sell a few paintings each year. He supplements his income from painting with art classes, which he holds in the flat. Last year he earned approximately £10,000 from his classes and £5,000 from the sale of paintings.

Gabriella has a work-based pension currently worth £400,000, as well as investments she made with the remaining money from her inheritance. The investments are currently worth £600,000. Tony spent a great deal of time helping Gabriella decide on how to invest her inheritance and his choices have resulted in substantial gains in the value of the capital invested. Tony has no pension.

One of the other reasons Tony and Gabriella moved to London is because Tony's former partner, Francesca, also lives in London with their son, Alex, who is now 13 years old. Tony has provided financial support for Alex with Gabriella's help. Tony has told Francesca that he may find it difficult to continue supporting Alex once the divorce is finalised.

Advise Tony:

- (a) how he can bring his marriage to Gabriella to an end;

(10 marks)

- (b) on the financial orders a court could make if he and Gabriella cannot reach an agreement as to how to divide their assets, and the factors the court would take into consideration when deciding whether to make any such orders.

(15 marks)

(Total: 25 marks)

Question 3

Aliyah, aged 25, moved to England from Pakistan with her parents when she was 10 years old. Ibrahim, aged 32, moved to England when he was 20 years old to pursue a higher degree in engineering at a UK university. Their respective parents arranged their marriage and Aliyah and Ibrahim agreed to be married. They married five years ago in a Muslim ceremony in London. Since the marriage, they have lived in a two-bedroomed house owned by Aliyah's father.

Aliyah and Ibrahim now have two children, aged two- and four-years old. Ibrahim's work takes him away from home for lengthy periods of time and can include travel within the UK and abroad. Aliyah recently discovered that Ibrahim has formed a relationship with a woman who lives in Dubai, where Ibrahim regularly goes for work purposes.

Aliyah confronted Ibrahim about the relationship and he admitted it was true. Aliyah has sought advice on how to bring the marriage to an end as she would like to go to university and become self-sufficient. Ibrahim has not taken this news well and says that he may move to Dubai. He has said that if Aliyah does not want to be married to him any longer then she will have to take full responsibility for herself and the children.

- (a) Explain whether the marriage of Aliyah and Ibrahim is valid.

(13 marks)

- (b) Advise Aliyah whether Ibrahim can refuse to pay maintenance for the children.

(12 marks)

(Total: 25 marks)

Turn over

Question 4

George and Daniel are civil partners and have a six-year-old daughter named Annie, who they adopted when she was a baby. George works for an international news agency and Daniel is a part-time nurse. Daniel took full-time care of Annie until she was three years old and started nursery.

George and Daniel separated six months ago and have decided to dissolve their civil partnership. When they separated, both declared their devotion to Annie and a wish to share parenting responsibilities. This arrangement has worked well, with Annie spending weekdays with Daniel and weekends with George. The two men live within five miles of each other.

George has now been offered the opportunity to move to New York City to manage the news agency's office there; this opportunity is something that George has wanted for years. He and Daniel had discussed their hope to move to New York with Annie at some point in the future. Consequently, George immediately accepted the offer. He has secured a two-bedroomed apartment in New York as well as a school placement for Annie and has told Daniel that he wants to move there with Annie as soon as possible.

George is surprised to discover that Daniel is no longer keen to move abroad as he has found love in a new relationship and plans to move with Annie into his new partner's house. His new partner has two children close in age to Annie, who live with him full time. The three children all seem to get along well with each other and Daniel thinks this is a very positive move for Annie. George has said that he intends to get a court order permitting Annie to move with him to New York.

Advise Daniel on what order he can apply for to ensure that Annie stays with him in the UK and how the court might address the dispute with George.

(25 marks)

End of the examination