



**CILEX Level 3 Certificate in Law and Practice/  
CILEX Level 3 Professional Diploma in Law and Practice**

**Unit 7 – Family Law**

**Question paper**

**June 2023**

**Time allowed: 1 hour and 45 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.
- You must answer **all** questions from Section A.
- There are three scenarios in Section B — you must choose **one** scenario and answer **all** questions relating to that scenario.
- This question paper is out of 60 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.
- You are **not** allowed access to any statute books.
- 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 all questions

1. Identify **three** consequences of an order for judicial separation.  
(3 marks)
2. State what right is protected under Article 14 of the European Convention on Human Rights.  
(1 mark)
3. Identify the options available to same sex couples who wish to have their relationship legally recognised and the relevant statutes.  
(2 marks)
4. Define a cohabitation contract and state **two** advantages of a cohabitation contract.  
(3 marks)
5. Explain the term 'Mesher Order.'  
(3 marks)
6. Explain the factors a court will consider when an unmarried father applies for a parental responsibility order.  
(3 marks)
7. Explain the definition of marriage in common law with reference to a relevant case.  
(2 marks)
8. State **three** grounds on which a civil partnership is voidable.  
(4 marks)
9. Explain **two** principles in s.1 Children Act 1989.  
(4 marks)
10. State the ground on which a marriage may be dissolved.  
(2 marks)
11. Identify those who are entitled to apply for any s.8 Children Act 1989 order without leave of the court.  
(3 marks)

**(Total Marks for Section A: 30 marks)**

## **SECTION B**

**There are three scenarios — you must choose one scenario and answer all questions relating to that scenario.**

### **Scenario 1**

Anne and Ben met ten years ago through an internet dating site. Shortly after meeting, Ben gave up the tenancy on his own flat and moved in with Anne, into a property which is registered in Anne's sole name. The property consists of an old farmhouse and two outbuildings. Anne works as an accountant but spent many years and a great deal of money renovating the farmhouse. The property is valued at £300,000 and there is a small mortgage on it.

The couple had two children, Christopher, aged 6, and Danielle, aged 4. Ben is named as the father of both children on their birth certificates. Early in their relationship, Anne and Ben orally agreed that, in the event of their relationship ever ending, they would split their assets equally, including the property. They did not put anything in writing.

Two years ago Ben was made redundant and he decided to start a business restoring antique furniture. Ben used his redundancy money to renovate the two outbuildings, which he now uses as workshops and the business operates completely from the outbuildings. His business grew very quickly. Because he works from home, Ben has been able to take on the day-to-day care of the two children as well as the upkeep of the property.

One year ago, Anne and Ben decided to end their relationship. Anne now wishes to sell the property so that she can live closer to her work. Ben does not want to sell, as his business is located at the property, and it is the only home that Christopher and Danielle have ever known. Ben fears that if the property is sold, he may end up with nothing. Anne would like the children to spend equal amounts of time with both parents. Ben wants the children to stay living with him in the family home.

***Turn over***

### Scenario 1 Questions

1. Explain whether Ben has any rights to the property and, if so, how he could realise those rights.  

**(10 marks)**
  
2.
  - a) Identify **two** requirements for a valid cohabitation agreement.  

**(2 marks)**
  
  - b) Identify **two** advantages to Anne and Ben of a valid cohabitation agreement.  

**(2 marks)**
  
3.
  - a) Define parental responsibility.  

**(2 marks)**
  
  - b) Explain whether Ben has parental responsibility for Christopher and Danielle.  

**(2 marks)**
  
  - c) Explain **two** rights or responsibilities that Ben has regarding the children if he has parental responsibility.  

**(2 marks)**
  
4. Explain which order Anne should apply for with regards to Christopher and Danielle and why.  

**(3 marks)**
  
5. Identify the order Ben can apply for with regards to Christopher and Danielle and apply **three** relevant factors from the welfare checklist that the court will consider when hearing Ben's application.  

**(7 marks)**

**(Total Marks for Scenario 1: 30 marks)**

## Scenario 2

Jamal and Kara met three years ago through an internet chat room. They had a lot in common, including the fact that they had both been adopted. Having chatted over the internet for a couple of months, they agreed to meet in person. They got on so well together that Kara moved into Jamal's house to live with him. They married two months later.

Jamal's house is worth £150,000. Jamal works full-time earning £40,000 a year and has investments worth about £90,000. However, he also had several large debts. Kara is a freelance writer, and she can earn an annual income up to £45,000. She had £75,000 in savings but subsequently used all this money to pay off Jamal's debts. Neither of them has any pension provision.

Before the marriage, they entered into a prenuptial agreement which stated that, in the event of the marriage ending, Jamal would repay the £75,000 to Kara and they would then have no further financial claims against each other. They both received legal advice prior to signing the agreement.

Two months ago, Kara decided that she would trace her birth family. She had a copy of her original birth certificate and, using the internet, discovered that her birth mother had had several other children. One of these children was the same age as Jamal, and further research revealed that she and Jamal have the same mother.

Following this devastating discovery, both Kara and Jamal were very upset and agreed to separate. Kara went to stay with her friend Nicola. Kara is so distressed at present that she is unable to work and therefore has no income.

Kara and Nicola have always been close, but in recent weeks they have realised that their feelings for each other go beyond friendship, and they have developed an intimate relationship.

***Turn over***

## Scenario 2 Questions

1.     a) Explain whether Kara's marriage to Jamal is valid.  
**(4 marks)**  
  
       b) Identify which order Kara could apply for to confirm the status of her marriage to Jamal and give **one** advantage of obtaining such an order.  
**(2 marks)**  
  
**(Total: 6 marks)**
2.     Identify and apply **five** financial orders that the court could make in Kara's case.  
**(10 marks)**
3.     Explain whether the prenuptial agreement will be taken into account by the court when deciding what financial orders to make and why this is the case.  
**(6 marks)**
4.     Identify the ways in which Kara could legally formalise her relationship with Nicola.  
**(4 marks)**
5.     Outline any **four** consequences for Kara of having her relationship with Nicola legally formalised.  
**(4 marks)**

**(Total Marks for Scenario 2: 30 marks)**

### Scenario 3

Zak, a singer and songwriter, started a relationship with Tim in 2006. In 2007, Zak asked Tim to become his manager. Under Tim's management, Zak's success and earnings increased dramatically, enabling them to enjoy a very good lifestyle. Zak bought a house in London in his sole name, as a home for them. Zak also bought a holiday home on a Mediterranean island in his sole name. Zak then started to invest the royalties from his work to buy other properties which have now increased in value. He calls these properties his 'pension pot'. Zak only paid Tim a small salary for acting as his manager because he said Tim enjoyed the benefits of Zak's work in other ways. Tim has no savings or pension provision.

In January 2010, they entered into a civil partnership. In June 2014 they adopted twin boys, aged six months. They agreed that as Zak's work provided their income, Tim should stay at home and look after the twins. To enable Tim to care for the twins properly, Zak decided that he would appoint a new manager. After several interviews, Suzi was selected.

Tim soon noticed that Zak was working longer hours in his studio and spending little time with the family. When Zak was working, Suzi was always with him. Tim suspected that their relationship was more than a professional one.

Last week Zak told Tim that he was leaving him as he is now in an intimate relationship with Suzi. Zak and Suzi plan to live permanently in his holiday home with the twins, who would be looked after by a nanny.

Tim has just been diagnosed with a serious illness. He is very concerned about his financial position and his rights regarding the twins.

***Turn over***

### Scenario 3 Questions

1. Explain whether Tim can end his civil partnership with Zak and, if so, how the matter will proceed.

**(10 marks)**

Assume for the purpose of Question 2 that Tim is successful in ending his civil partnership with Zak.

2. Define and apply **three** financial and property orders the court may make on the dissolution of Tim and Zak's civil partnership.

**(9 marks)**

3. Describe which order Tim should apply for to prevent Zak from taking the twins out of the country.

**(2 marks)**

4. Explain **four** factors from the welfare checklist that the court must take into account when considering an application for an order in this case.

**(9 marks)**

**(Total Marks for Scenario 3: 30 marks)**

**End of the examination**