



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 12 – THE PRACTICE OF FAMILY LAW*

Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the **CILEX LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

Question 1

Reference: Question relates to **Document 1** of the case study materials.

(a) Identify the ground that Judy must currently establish to obtain a divorce.

(2 marks)

(b) Explain to Judy how the ground can be established in her case.

(7 marks)

(c) Explain how the changes in the Divorce, Dissolution and Separation Act 2020 would assist Judy in obtaining a divorce.

(4 marks)

(Total: 13 marks)

Question 2

Reference: Question relates to **Document 2** of the case study materials.

(a) Explain the orders available under the Matrimonial Causes Act 1973 to deal with the matrimonial home and identify which **one** is most suitable in Nyra's case.

(6 marks)

(b) Explain how Nyra can ensure that Hari continues to:

(i) financially support his children;

(3 marks)

(ii) pay for their education.

(1 mark)

(c) Explain **three** statutory factors under s.25(2) Matrimonial Causes Act 1973 which a court would consider and how they apply in Nyra's case.

(9 marks)

(Total: 19 marks)

Question 3

Reference: Question relates to **Document 3** of the case study materials.

- (a) Explain why Charlie should apply for a non-molestation order. **(4 marks)**
- (b) Explain:
- (i) what an occupation order is and why Charlie should consider applying for one; **(4 marks)**
 - (ii) whether Charlie is eligible to apply for an occupation order. **(5 marks)**
- (c) Describe the procedure for applying for the above orders *ex parte*. **(8 marks)**
- (Total: 21 marks)**

Question 4

Reference: Question relates to **Document 4** of the case study materials.

- (a) Explain which s.8 order under the Children Act 1989 Paul should apply for, to ensure that Zuzanne does not leave the country until arrangements have been made for Paul to have contact with his daughters. **(3 marks)**
- (b) Explain any **two** of the key statutory principles under the Children Act 1989 that the court must consider when dealing with Paul's application for the above order. **(6 marks)**
- (c) Describe the procedure to obtain a s.8 order under the Children Act 1989. **(8 marks)**
- (Total: 17 marks)**

End of Examination Paper