

24 January 2022  
Level 3  
THE PRACTICE OF FAMILY LAW  
Subject Code L3-12

**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.**

## Question 1

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

(a) Explain what a non-molestation order is and why Wendy should apply for one.

**(5 marks)**

(b) Explain what an occupation order is and why Wendy should apply for one.

**(4 marks)**

(c) Explain:

(i) the test applied by the court when considering the application for an occupation order by Wendy;

**(5 marks)**

(ii) **three** factors that the court will consider, when deciding whether to grant Wendy an occupation order.

**(6 marks)**

**(Total: 20 marks)**

## Question 2

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

(a) Explain:

(i) what is meant by 'parental responsibility', giving an example; **(4 marks)**

(ii) whether Debbie has parental responsibility for Anya and Naomi; **(2 marks)**

(iii) whether Jaden held parental responsibility for Anya and Naomi. **(3 marks)**

(b) Explain which s.8 order under the Children Act 1989 Monique and Kingston could apply for, to allow them to have contact with Anya and Naomi. **(4 marks)**

(c) Explain why Monique and Kingston need leave to apply for the above order. **(4 marks)**

**(Total: 17 marks)**

**Turn over**

### Question 3

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

- (a) Identify the ground that Tina will have to establish in order to obtain a divorce.  
**(2 marks)**
- (b) Explain how the ground for divorce would be satisfied under:
- (i) the Matrimonial Causes Act 1973, if Tina were to instruct her lawyers to make an immediate application for divorce;  
**(6 marks)**
- (ii) the Divorce, Dissolution and Separation Act 2020, and why Tina would be advised to wait until this Act comes into force.  
**(4 marks)**
- (Total: 12 marks)**

### Question 4

Reference: Question relates to **Documents 3, 4 and 5** of the case study materials.

- (a) Describe any **two** financial orders that Harry could apply for and why.  
**(4 marks)**
- (b) Explain the following and whether they apply in Harry's case:
- (i) the clean break principle;  
**(4 marks)**
- (ii) the principle in White v White (2000).  
**(4 marks)**
- (c) Explain the steps which need to be taken to prepare for the First Appointment, when Harry makes an application for financial orders.  
**(9 marks)**
- (Total: 21 marks)**

**End of Examination Paper**