



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 15 – THE PRACTICE OF LAW FOR THE ELDERLY CLIENT*

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.

Following his meeting with Peter Walters, Thomas Andrews is concerned about whether Peter has the mental capacity to update his Will or to make a Lasting Power of Attorney (LPA).

Draft paragraphs for inclusion in a memorandum for Thomas Andrews, explaining:

- (a) the tests used to determine whether Peter has mental capacity in:
- (i) the Mental Capacity Act 2005 **(5 marks)**
 - (ii) Banks v Goodfellow (1870) **(4 marks)**
- (b) why medical evidence on Peter's mental capacity should be obtained. **(6 marks)**

Medical evidence is obtained, which confirms that Peter does not have the mental capacity to make either a Will or a Lasting Power of Attorney.

- (c) Identify the forms required when applying for a Deputyship Order for property and finances, and explain the purpose of each of the forms. **(8 marks)**
- (d) Explain what the Court of Protection should consider, if an application for permission to make a Statutory Will was made for Peter. **(4 marks)**

(Total: 27 marks)

Question 2

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

Following his meeting with George and Christine Matthews, Thomas Andrews would like you to prepare some further information for them.

(a) Explain the inheritance tax allowances that would be available to the estates of both the first of them to die and the second to die.

(6 marks)

(b) Explain the inheritance tax exemptions that would be available if they make a gift of £70,000 to their daughter Susan during their lifetime.

(6 marks)

Draft a paragraph for inclusion in a letter to Mr and Mrs Matthews, explaining:

(c) (i) the differences between an Enduring Power of Attorney and a Lasting Power of Attorney;

(7 marks)

(ii) the circumstances when they would each need to be registered.

(3 marks)

(Total: 22 marks)

Question 3

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

Following the meeting with Fariba Ahmed, Thomas Andrews asks you to draft paragraphs for inclusion in the letter he is going to send to her.

[NOTE TO CANDIDATES: Do NOT discuss home reversion plans in your answer to Question 3(a).]

(a) (i) Explain how a lifetime mortgage works. **(10 marks)**

(ii) Explain why a lifetime mortgage would be an appropriate means for Fariba to raise money to repair her house. **(3 marks)**

(b) Explain what welfare benefits Fariba would be entitled to, in order to help renovate her house and to pay for her care at home. **(6 marks)**

(c) Identify **two** other welfare benefits that Fariba could claim. **(2 marks)**

(Total: 21 marks)

End of Examination Paper

© 2021 The Chartered Institute of Legal Executives