



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES
UNIT 15 – THE PRACTICE OF LAW FOR THE ELDERLY CLIENT*
QUESTION PAPER

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 Mary Fletcher, Thomas Andrews has doubts about Mary's capacity to make a new Will.

(a) Explain why medical evidence on Mary's mental capacity should be obtained.

(6 marks)

(b) Explain the tests in Banks v Goodfellow (1870) that would be used to determine whether Mary has mental capacity.

(4 marks)

Medical evidence is obtained, which confirms that Mary does have the mental capacity to make a Will and a Lasting Power of Attorney.

(c) Draft paragraphs to go in a letter to Mary explaining:

(i) the powers that an attorney will have under a Lasting Power of Attorney for Property and Financial Affairs;

(5 marks)

(ii) the powers that an attorney will have under a Lasting Power of Attorney for Health and Welfare;

(5 marks)

(iii) when the attorneys can exercise these powers.

(4 marks)

(Total: 24 marks)

Question 2

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

- (a) Following Thomas Andrews' meeting with Denzil Lewis, he would like you to draft paragraphs for inclusion in a letter that he is going to send to Denzil, explaining:

(i) a home reversion plan;

(5 marks)

(ii) the advantages of a home reversion plan;

(5 marks)

(iii) the disadvantages of a home reversion plan.

(2 marks)

Having received Thomas Andrews' letter, Denzil decides not to go ahead with a home reversion plan.

- (b) Explain which welfare benefits Denzil would be entitled to, in order to renovate his house and to pay for his care at home.

(5 marks)

- (c) Explain the Inheritance Tax implications for Denzil's estate, if he died within seven years of giving his property to his daughter Rosemary.

(8 marks)

(Total: 25 marks)

Question 3

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

Following the meeting with Ahmed Khan, Thomas Andrews asks you to draft paragraphs for inclusion in the letter he is going to send to him dealing with the following:

- (a) Explain the Capital Gains Tax consequences for Ahmed and his wife if they sell their rental property.

[NOTE TO CANDIDATES: For the purpose of question (a), you are not required to provide a mathematical calculation, unless this will help you to illustrate your answer.]

(7 marks)

Following your meeting, you are given medical evidence confirming that Ahmed's mother does not have the capacity to make a Will or to manage her financial affairs.

- (b) Outline the principles that the Court of Protection will apply when considering a Statutory Will for Ahmed's mother.

(7 marks)

- (c) Explain the procedure for registering Ahmed's mother's Enduring Power of Attorney with the Court.

(7 marks)

(Total: 21 marks)

End of Examination Paper