



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

**Unit 7 – Family Law**

**Question paper**

**January 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 the legal requirements that must be met for two people to enter into a civil partnership.  
*(3 marks)*
2. List any **five** ways in which a father can acquire parental responsibility.  
*(5 marks)*
3. Give **two** reasons why a person may apply for an order for judicial separation rather than apply for a divorce.  
*(2 marks)*
4. State **three** categories of people who are entitled to apply for a s.8 Children Act 1989 child arrangements order.  
*(3 marks)*
5. State **four** grounds that render a marriage voidable.  
*(5 marks)*
6. State what the Human Rights Act 1998 incorporated into domestic law.  
*(1 mark)*
7. Identify **three** social relationships that are the concern of family law.  
*(3 marks)*
8. Give the definition of marriage in common law with reference to a relevant case.  
*(2 marks)*
9. Describe **three** rights or obligations that parties to a marriage have that cohabitants do not have.  
*(3 marks)*
10. Identify **three** appropriate property orders a court can make on divorce.  
*(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**

David and Eddie met 10 years ago and became civil partners shortly afterwards. They lived together in a modern, spacious flat in London, which was registered in their joint names. Both David and Eddie work in the music industry, and are both aged 43. When they became civil partners, they signed an agreement, according to which they would not make any financial claims against each other should their relationship come to an end. David and Eddie separated recently, after Eddie admitted that he had fallen in love with another man. Eddie has now moved into his brother's house.

Five years ago, Eddie was in a serious car accident, suffering injuries that left him unable to drive or work full-time, and in need of regular physical therapy. He has had two operations since the accident and may require further surgery. The flat owned by David and Eddie was adapted for Eddie's needs after the accident. Living at his brother's house is proving difficult for Eddie, as he finds climbing stairs painful.

David has remained living in the flat he owns with Eddie, which is valued at £1.5 million. When the flat was purchased, David and Eddie both contributed to the deposit from their work savings, and Eddie put in an additional sum of £100,000, which he had inherited from his grandmother. The flat has a mortgage of approximately £500,000. Both David and Eddie have pensions.

While going through some belongings that Eddie left in the flat, David has found a marriage certificate, indicating that Eddie was married in 2002 to a woman named Carla. David remembers hearing Eddie talk about someone named Carla but had no idea that they were ever married. David has searched for any evidence of their divorce, but without success.

***Turn over***

### Scenario 1 Questions

1. (a) Explain whether David's civil partnership to Eddie is valid if it is proved that Eddie is still married.

**(4 marks)**

- (b) Identify what orders David can apply for in respect of his civil partnership in the event that it is proved that Eddie is still married.

**(2 marks)**

**(Total: 6 marks)**

Assume for the purposes of the following question that the civil partnership is valid.

2. Explain the nature of the agreement that David and Eddie made when they became civil partners and explain whether the agreement could be enforced in their case.

**(6 marks)**

3. If the agreement is not enforced:

- (a) Identify **three** financial orders a court could make in Eddie's case and explain why they are relevant;

**(6 marks)**

- (b) Identify and apply **four** factors that a court will consider when making these orders;

**(8 marks)**

- (c) Identify **one** case that provides guidance on financial orders and explain how this guidance is relevant to David and Eddie's case.

**(4 marks)**

**(Total: 18 marks)**

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

## **Scenario 2**

Ben, 55 years old, and Jogeeta, 50 years old, have been married for 30 years. They have three children over the age of 18 years. All the children have left home, apart from Peter, who is a university student. Ben, Jogeeta and Peter live in the family home, a five-bedroomed detached property, which is valued at £500,000 free of mortgage.

Ben is a successful insurance broker earning £100,000 a year, receives bonuses and has a private pension. Jogeeta, a former secondary school teacher, gave up her career on the birth of their first child, and has since stayed at home and cared for the children. Jogeeta would like to return to work, but feels that having been away from the workplace for so long will make returning very difficult.

Ben and Jogeeta are not happy. For the last two years they have been leading separate lives. They have been sleeping in separate bedrooms, doing their own shopping, cooking and cleaning. Ben has recently admitted that he is having an affair with a female work colleague, which Jogeeta had suspected.

Jogeeta wants a divorce, but wants to remain in the family home. Ben is agreeable to the divorce but wants the family home sold and the proceeds divided.

***Turn over***

## Scenario 2 Questions

1. Explain whether Jogeeta can divorce Ben, and if so, how the matter will proceed.  
*(10 marks)*
2. If the parties do proceed with a divorce, identify and briefly explain **three** orders the court could make with regard to financial provision in this case.  
*(6 marks)*
3. (a) State what the court must consider under s.25(1) Matrimonial Causes Act 1973 in relation to financial relief proceedings.  
*(2 marks)*  
  
(b) Explain and apply **four** factors that the court will consider when deciding the financial provision order in this case.  
*(8 marks)*  
  
*(Total: 10 marks)*
4. Identify and briefly explain the duty imposed by s.25A Matrimonial Causes Act 1973 in this case.  
*(4 marks)*

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

### **Scenario 3**

Victor and Charlene lived together for 20 years. Five years ago, when Victor inherited money from his father, they purchased a house. The house was registered in Victor's sole name, although Charlene contributed £10,000 of her savings.

They have two children, Florence (aged 15) and Hector (aged 5).

Last year Victor met Dino and formed an intimate relationship with him. Six months ago, he moved in with Dino and they are currently living in Dino's rented flat.

Charlene and the children have moved out of the family home and are now living with Charlene's new boyfriend, a wealthy footballer. Victor has put the family home up for sale. He has recently received a letter from Charlene, saying that she wants half the sale proceeds.

Since Victor has been living with Dino, Charlene has prevented him from having any form of contact with the children. Charlene even returned the birthday cards that Victor sent to the children. Victor managed to speak to Florence on her mobile phone a couple of times, but when Charlene found out, she took away Florence's mobile phone.

Victor has heard via mutual friends that Charlene has told the children that Victor left them because he does not love them. Hector has become withdrawn; he told his teacher that his daddy left because his daddy hates him. Florence, however, says that it is all Charlene's fault and has threatened to run away.

***Turn over***

### Scenario 3 Questions

1. Explain whether Charlene is entitled to any of the proceeds of sale of the house.

**(10 marks)**

2. Explain whether Victor has parental responsibility for Florence and Hector and, if not, how he could acquire it.

**(4 marks)**

3. Explain which order Victor could apply for, in order to ensure that he maintains a relationship with the children.

**(6 marks)**

4. Explain and apply **five** factors from the welfare checklist in the Children Act 1989 that the court will consider if Victor applies for an order to maintain a relationship with the children.

**(10 marks)**

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

**End of the examination**