

## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 7 – FAMILY LAW\*

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

#### Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper 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.
- **This question paper is divided into TWO sections. You must answer ALL the questions from Section A. There are three scenarios in Section B. You must answer the questions relating to ONE of the scenarios from Section B ONLY.**
- 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**

## SECTION A

### (Answer ALL questions in Section A)

1. Explain the requirements for a valid marriage.  
[**Note to candidates:** Do **NOT** discuss formalities.]  

**(4 marks)**
2. State the **three** orders available under the Civil Partnership Act 2004 on the breakdown of a civil partnership.  

**(3 marks)**
3. Identify **two** ways in which an unmarried father can acquire parental responsibility if the mother does not agree to it.  

**(3 marks)**
4. Explain **three** reasons why parties to a marriage might seek judicial separation.  

**(3 marks)**
5. Explain what is meant by a 'family assistance order', giving full statutory citation.  

**(2 marks)**
6. Explain the significance to family law of the judgment in White v White [2000].  

**(4 marks)**
7. Name the statute that introduced civil partnerships for opposite-sex couples.  

**(1 mark)**
8. Explain the provisions in s.14 and s.15 of the Trusts of Land and Appointment of Trustees Act 1996 ('TOLATA').  

**(4 marks)**
9. Identify **two** rights in the European Convention on Human Rights which a parent can rely on, when applying for a child arrangements order.  

**(4 marks)**
10. State the significance of the Divorce, Dissolution and Separation Act 2020, and give **one** example of the changes it makes to divorce law.  

**(2 marks)**

**(Total Marks for Section A: 30 marks)**

## **SECTION B**

**(There are three scenarios in Section B. Answer the questions relating to ONE of the scenarios ONLY)**

### **Scenario 1**

Ekene, 44, and Nikky, 40, were married for six years and divorced one year ago. They have two children, Imose, 12 years old, and Ayo, 10 years old. Ekene is an accountant with a large London firm. Nikky is a social worker and she started working full-time when Imose began school.

Ekene and Nikky purchased a house, as the family home, around the time when Ayo was born. It is still registered in their joint names, and Nikky lives there with the children. The house is worth £450,000 and has no mortgage. Since Ekene and Nikky separated, Ekene has been living with his brother an hour away from the family home. Ekene now wants to sell the family home.

Ekene would like Ayo and Imose to attend a private Christian school. Nikky would like the children to remain in the local state schools they currently attend. Ayo wants to be able to stay with his friends, but is worried about upsetting his father. Imose does not want to move schools.

Ekene would also like Imose and Ayo to stay with him every weekend, so that they can all attend church together. Nikky is opposed to this, as the children have activities at the weekend and play with their friends. Imose has said that she does not like Ekene's church. Ayo will no longer be able to play in his local football team, if he is away every weekend.

## Scenario 1 Questions

1. (a) Define 'parental responsibility'.  
**(2 marks)**
- (b) State whether Ekene has parental responsibility for Ayo and Imose and, if so, why.  
**(2 marks)**  
**(Total: 4 marks)**
2. (a) Explain what order Ekene can apply for with regard to Ayo and Imose's education.  
**(3 marks)**
- (b) Define the 'welfare principle', and explain how it may affect Ekene's application for the above order.  
**(3 marks)**  
**(Total: 6 marks)**
3. (a) Explain what order Nikky should apply for, to regulate living and visiting arrangements for Ayo and Imose.  
**(3 marks)**
- (b) Apply **three** relevant factors from the welfare checklist, which the court will consider when dealing with both parents' applications.  
**(6 marks)**  
**(Total: 9 marks)**
4. (a) Identify **two** financial orders that Nikky can apply for with regard to the family home and explain how these orders would benefit Nikky and the children.  
**(4 marks)**
- (b) Identify and apply **three** factors that are relevant to Nikky's application regarding the family home.  
**(7 marks)**  
**(Total: 11 marks)**

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

## **Scenario 2**

Scott and Angus have lived together for four years and are considering formalising their relationship. Scott has a daughter, named Julia, from when he was married to Beth. Julia is 7 years old and lives with Beth during the week. Julia stays with Scott and Angus at weekends, and this arrangement generally works well. Angus has a good relationship with Julia.

Angus inherited £1.5 million when his parents died. Part of this money is currently invested and produces an income that Angus shares with Scott. The other part of the money was used to purchase a house, which is in Angus's sole name. Scott contributed £10,000 of his own savings towards building an extension to the house. The extension is used as a gym for Scott and Angus. When planning this extension, Angus told Scott that he wanted Scott and Julia to make the house their home.

Angus has some concerns about formalising the relationship. While he loves Scott and Julia, and he and Scott are very happy at the moment, he worries what will happen if the relationship were to break down. He is particularly concerned as to whether, if this were to happen, he could protect his parents' inheritance. Angus recently tried to discuss making an agreement about this with Scott, but Scott got very upset, stating that it was not necessary. Angus reminded Scott how much he supports him and Julia. Angus decided that he would raise the issue again after a few weeks, when Scott has had time to think about it.

## Scenario 2 Questions

1. (a) Explain what options Scott and Angus have, in order to legally formalise their relationship.

**(4 marks)**

- (b) Explain **four** ways that Scott and Angus, or either of them alone, could benefit if they formalise their relationship.

**(4 marks)**

**(Total: 8 marks)**

2. Explain whether Angus will acquire any rights regarding Julia, if he and Scott formalise their relationship.

**(6 marks)**

3. Explain whether Scott currently has any rights in Angus's house and, if so, how he could realise those rights if the relationship were to break down while he is cohabiting with Angus.

**(10 marks)**

4. Explain what Angus can do to protect his inheritance if he and Scott formalise their relationship, and explain whether this arrangement will be legally binding.

**(6 marks)**

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

### **Scenario 3**

Christa and Erik have been married for 25 years. Christa is 52 years old and Erik is 58. They have two children, who are both adults. By mutual agreement, Christa stayed at home with the children until they were in secondary school, and then trained as a teacher.

Erik recently admitted to Christa that he has been having an affair with a work colleague named Lisa. As a result, Christa asked him to leave the family home and he has moved in with Lisa.

Christa and Erik own a house worth £800,000, which has an outstanding mortgage of £30,000. They have investments worth £500,000, most of which are in stocks and shares. Ten years ago, they purchased a two-bedroom flat, which they rent out for £700 per month and which has no mortgage.

Erik earns approximately £150,000 per annum as a self-employed financial adviser and Christa earns approximately £30,000 per annum as a primary school teacher. Christa has a work-based pension, which she has been paying into for 20 years, but Erik has no pension. He had always assumed that their savings and investments, plus Christa's pension, would provide them with a satisfactory retirement income.

The stress of these events has affected Christa's health and she has taken a leave of absence from work on a reduced salary. She hopes to return to work within six to 12 months. Erik has stopped putting his salary into the couple's joint bank account, and Christa is finding it difficult to meet all her expenses on her reduced salary. She is hesitant about seeking a divorce, because she has been told by a friend that she will be at a financial disadvantage.

### Scenario 3 Questions

1. Explain whether Christa can obtain financial support from Erik to help her with living expenses while they are still married.

**(6 marks)**

2. Explain whether Christa can obtain a divorce from Erik and, if so, on what basis.

**(7 marks)**

3. (a) Identify **two** financial orders that Christa can apply for if a divorce is granted and explain why you think they are the most important orders for Christa to seek.

**(4 marks)**

- (b) Identify and apply **three** factors which the court will consider that relate to the financial orders above.

**(7 marks)**

**(Total: 11 marks)**

4. (a) Explain the court's starting point if Christa and Erik cannot agree a division of their assets, using case law to illustrate your answer.

**(2 marks)**

- (b) Explain **one** case that Christa can rely on, which will support the argument that she should not be disadvantaged for having stayed at home with her children instead of going out to work.

**(2 marks)**

- (c) Explain whether Christa can rely on Erik's adultery in financial proceedings.

**(2 marks)**

**(Total: 6 marks)**

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

**End of Examination Paper**