



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

Unit 12 – The Practice of Family Law

Question paper

June 2022

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.
- You must answer **all** questions.
- This question paper is out of 70 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 use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- 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

Answer ALL questions

Question 1

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

- (a) State the ground that Genna must satisfy to obtain a divorce under the Divorce, Dissolution and Separation Act 2020. **(2 marks)**
- (b) Explain to Genna how she can establish the ground under this Act. **(3 marks)**
- (c) Describe to Genna the procedure to obtain a divorce under this Act. **(6 marks)**

(Total: 11 marks)

Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

- (a) (i) Explain the orders available to Julian to deal with the matrimonial home and identify which order would enable Naomi to continue living with Tommy in Hurn House. **(5 marks)**
- (ii) Explain the financial order that Naomi could apply for to help her after the divorce. **(2 marks)**
- (b) Explain **three** factors under s25 Matrimonial Causes Act 1973 that a court would consider in making a financial order and how they would apply in Naomi's case. **(6 marks)**
- (c) (i) Explain the First appointment. **(4 marks)**
- (ii) Explain the Financial Dispute Resolution Appointment. **(4 marks)**

(Total: 21 marks)

Question 3

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

- (a) Explain what protections can be provided by the police and the criminal justice system to help and support Lloyd. **(5 marks)**
- (b) (i) Identify and explain which order Lloyd should apply for to protect himself from Chandice. **(4 marks)**
- (ii) Explain whether Lloyd is eligible to apply for this order. **(4 marks)**
- (c) (i) Explain why this order should be applied for *ex parte*. **(2 marks)**
- (ii) Explain the procedure from application to final hearing. **(6 marks)**
- (Total: 21 marks)**

Turn over

Question 4

Reference: Question relates to **Document 6** of the case study materials

- (a) (i) Explain which s8 order under the Children Act 1989 Vicky should apply for to enable her to see Isla and William.

(3 marks)

Vicky is impatient to see the children and has told Eddie that she may take matters into her own hands and collect Isla from school. Eddie remains convinced that she is not yet fit to have contact.

- (ii) Explain which s8 order under the Children Act 1989 Eddie could apply for to prevent Vicky from collecting Isla from school.

(3 marks)

- (b) Describe the welfare principle under s1(1) Children Act 1989 that the court must consider when dealing with the above applications and how it would apply.

(2 marks)

- (c) Identify which matters the court will consider at the First Hearing Dispute Resolution Appointment, giving examples of how they apply in this case.

(9 marks)

(Total: 17 marks)

End of the examination

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