



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

Unit 15 – The Practice of Law for the Elderly Client

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.

Following her meeting with Andres Carlos, Katie Matthews is concerned about whether Andres has the mental capacity to update his Will or to make Lasting Powers of Attorney.

Draft paragraphs for inclusion in a memorandum for Katie Matthews dealing with the following:

- (a) Explain the tests used to determine whether Andres has mental capacity in:
- (i) the Mental Capacity Act 2005; **(5 marks)**
 - (ii) Banks v Goodfellow (1870). **(4 marks)**
- (b) Explain why medical evidence on Andres' mental capacity should be obtained. **(6 marks)**
- (c) (i) Explain the differences between a Property & Affairs and a Health & Welfare Lasting Power of Attorney. **(6 marks)**
- (ii) Give **two** examples of decisions that attorneys cannot make unless authorised under the Lasting Power of Attorney. **(2 marks)**

Andres' doctor confirms that Andres does not have the mental capacity to update his Will to give £25,000 to each of Sandra's three children.

- (d) Outline the principles that the Court of Protection will apply when considering a Statutory Will for Andres to give effect to the legacies to Sandra's children. **(7 marks)**

(Total: 30 marks)

Question 2

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

Draft paragraphs for inclusion in a letter to Babak, dealing with the following:

- (a) (i) Explain the nature of a Home Reversion plan. **(10 marks)**
- (ii) Give **three** advantages of a Home Reversion plan. **(3 marks)**
- (b) Draft a memorandum to Katie Matthews explaining each of the following benefits and whether or not Babak will qualify for them:
- (i) Guarantee Pension Credit; **(3 marks)**
- (ii) Attendance Allowance at the higher rate; **(3 marks)**
- (iii) Disabled Facilities Grant. **(6 marks)**

(Total: 25 marks)

Turn over

Question 3

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

Draft paragraphs for inclusion in a letter to David, dealing with the following:

- (a) Explain how David's estate will be treated for Inheritance Tax, including any exemptions and allowances that may be available to him.

(8 marks)

You obtain a medical report for Sylvia's mental capacity, which confirms that she does not have the capacity to make financial decisions for herself. You advise David to apply for a Deputyship Order.

- (b) Identify which forms are required when applying for a Deputyship Order for property and finances, and explain the purpose of each form.

(7 marks)

(Total: 15 marks)

End of the examination

© 2022 The Chartered Institute of Legal Executives