



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 20 – THE PRACTICE OF FAMILY LAW\*

**Time allowed: 3 hours 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 may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Family Law 2020-2021, 29th edition, Rob George, Oxford University Press, 2020.**
- 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 following CILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

## Question 1

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

Miriam Aronowitz telephones the office. She confirms that she wishes to proceed with a divorce and asks you to prepare the paperwork that she will need.

(a) Explain to Mrs Aronowitz which fact she should rely on and why, including the earliest date when we can lodge the petition at court.

**(9 marks)**

(b) Advise Mrs Aronowitz what statutory defence, if any, her husband can use, and whether or not such defence is likely to be successful.

**(8 marks)**

(c) Explain to Mrs Aronowitz any additional formalities required as a result of her and her husband's Jewish faith.

**(6 marks)**

**(Total: 23 marks)**

## Question 2

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

The Financial Statements on the Shaw case have been exchanged and filed. The parties' positions and orders sought are reflected in the instructions from the client in **Document 3** of the case study materials.

(a) Draft the Statement of Issues for the Applicant, Mrs Shaw, in your **Answer Booklet**, on the basis of these instructions.

**(14 marks)**

At the First Directions Appointment, a Consent Order is agreed between the parties. The Order provides for the transfer of the former family home to Mrs Shaw, the transfer of the investment property to Mr Shaw, and the payment of a lump sum of £125,000 to Mrs Shaw. Your secretary tells you that Mrs Shaw telephoned the office this morning and has booked an urgent appointment with you later today. Your secretary hands you a copy of the telephone attendance note [**see Document A at the end of this Examination Paper**].

Advise Mrs Shaw of the most suitable enforcement action to take on her behalf, in order to secure the payment of the lump sum.

**(6 marks)**

**(Total: 20 marks)**

### Question 3

Reference: Question relates to **Document 4** of the case study materials.

Mrs Yvette Bamford and Mr John Bamford attend at the office for their appointment with you.

- (a) Explain to Mr and Mrs Bamford the initial court application you would need to make on their behalf and, with reasons, whether this is likely to be successful.

**(11 marks)**

For the purpose of Question 3(b) below, assume that you are successful with this initial application to the court.

- (b) Analyse and apply the factors, which the court will consider, when deciding whether to grant the relevant section 8 order that Mr and Mrs Bamford should seek.

**(18 marks)**

**(Total: 29 marks)**

### Question 4

Reference: Question relates to **Document 5** of the case study materials.

Rose Fielding attends at the office for her appointment with you.

- (a) Explain which orders you should apply for in order to protect Miss Fielding and why she is entitled to apply for those orders.

**(6 marks)**

- (b) Advise Miss Fielding on the likely outcome, with reference to the factors that the court will consider when deciding whether to grant these orders.

**(16 marks)**

For the purpose of Question 4(c) below, assume that the orders you have applied for in Question 4(a) have been granted by the court.

- (c) Explain to Miss Fielding how those orders would affect the court's approach to any application by Mr Pauling for a Child Arrangements Order to spend time with Bethany.

**(6 marks)**

**(Total: 28 marks)**

## **DOCUMENT A**

### **To be used with Question 2**

#### **Extract from Telephone Attendance Note re Natalie Shaw**

Telephone attendance upon Mrs Shaw.

She told me that she had just had an argument with her husband, because he told her that he had ripped up the transfer deed we have sent him for the transfer of the former family home to Mrs Shaw.

She said that she tried to reason with him, saying that he had agreed to transfer the house to her, as that was one of the terms of the Consent Order the court had approved. Apparently, he just said that he had changed his mind. He also said she could think again, if she thought he was going to pay her the £125,000 now.

Mrs Shaw can't understand why her husband is being so difficult, as he knows that she has already signed the transfer deed for the transfer of the investment property to him, and nothing has changed in their circumstances since they agreed the order.

She remembers from his financial statement that he had at least £150,000 in the Clayton Building Society in his sole name, so he has the means to pay the lump sum.

I gave Mrs Shaw an appointment with you for this afternoon.

Time taken: 6 minutes.

**End of Examination Paper**