



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 20 – The Practice of Family Law

Question paper

June 2022

Time allowed: 3 hours and 15 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 100 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 can use your own unmarked copy of the following designated statute book – ***Blackstone's Statutes on Family Law 2021-2022, 30th edition, Rob George, Oxford University Press, 2021.***
- 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 **Documents 1, 2 and 3** of the case study materials.

- (a) Advise Mrs Howard of the ground for divorce and the fact that she would have had to rely on had she wished to proceed at the time she consulted you in August 2021, giving reasons for this advice.

(9 marks)

- (b) Advise Mrs Howard of the ground for divorce under the Divorce, Dissolution and Separation Act 2020, how it will be satisfied and explain how this Act will assist Mrs Howard in obtaining a divorce.

(5 marks)

- (c) Describe in outline the process for divorce under the 2020 Act.

(6 marks)

(Total: 20 marks)

Question 2

Reference: Question relates to **Documents 1 and 4** of the case study materials.

- (a) Explain the options available to Mrs Abbott to resolve financial matters amicably and without recourse to court.

(7 marks)

- (b) Advise Mrs Abbott whether Tyrone, as an unmarried co-habitant, can make any claims on her property, the family home, once it is transferred into her sole name, and what action she should take to prevent a possible claim.

(13 marks)

(Total: 20 marks)

Question 3

Reference: Question relates to **Documents 1 and 5** of the case study materials.

You attend Ms Smith.

- (a) Explain, with reasons, which orders you should apply for to protect Ms Smith. **(4 marks)**
- (b) Advise Ms Smith on the likely outcome of an application without notice, with reference to the factors the court will consider when deciding whether to grant these orders. **(16 marks)**

For the purpose of Question 3(c) below, assume that the orders you have applied for in Question 3(a) have been granted by the court.

- (c) Explain to Ms Smith how those orders would affect the court's approach to any application made by Mr Lake for a Child Arrangement Order in order to spend time with Rollo and Oscar. **(10 marks)**
- (Total: 30 marks)**

Question 4

Reference: Question relates to **Documents 1 and 6** of the case study materials.

- (a) Explain to Mr and Mrs Jackson the order that they would need to apply for to have contact with Alvita, the initial court application that you would need to make on their behalf, and state, with reasons, whether this is likely to be successful. **(12 marks)**

For the purpose of Question 4(b) below, assume that you are successful with this initial application to the court.

- (b) Explain the factors that the court will have considered and applied when deciding whether to grant the relevant section 8 order that Mr and Mr Jackson should apply for. **(18 marks)**
- (Total: 30 marks)**

End of the examination

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