



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

Unit 7 – 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.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- 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 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

SECTION A

Answer at least one question from this section.

1. Critically analyse the law on surrogacy and whether reform is required. **(25 marks)**

2. Critically evaluate the extent to which the Gender Recognition Act 2004 can be said to have revolutionised family law for the transgender community. **(25 marks)**

3. Critically analyse the extent to which the current law is unfair to cohabitants compared to married couples with reference to:
 - (a) the distribution of assets on relationship breakdown; **(14 marks)**
 - (b) the maintenance of children following relationship breakdown. **(11 marks)****(Total: 25 marks)**

4. Critically evaluate the extent to which the family court can intervene where one parent is preventing the other parent from spending time with their biological child. **(25 marks)**

SECTION B

Answer at least one question from this section.

Question 1

Hilda (a German national) and Ahmet (a Turkish national) are university lecturers and met in 2015 at an academic conference in Australia. They got on well immediately and discussed their individual plans to tour Australia after the conference. At the end of the conference, Ahmet suggested that they go travelling together to keep each other company. Hilda agreed and part way through this trip their romantic relationship began. By the end of the trip, they decided that they wanted to continue their relationship, but both felt that a long-distance relationship would be too difficult. They therefore decided to look for academic roles in a country in which they would both want to live, eventually settling on England. Hilda secured a role in Manchester and Ahmet secured a role in Leeds. They managed to find a home to rent halfway between these two cities.

They had a son, Yusuf in 2017. Since then, Ahmet has spent a lot of time away on academic trips to other universities across the world, leaving Hilda alone to juggle a busy job and care of their son without any support from friends or family members. This has left her feeling very isolated and homesick. Ahmet and Hilda therefore agreed that she would take Yusuf to visit her parents in Germany over the Easter vacation. Ahmet hoped that this would cheer her up and that she would return to England much happier.

Unfortunately, things have been very difficult between Hilda and Ahmet since Hilda returned to England. Hilda enjoyed being back in Germany and the support that her parents could offer. Yusuf also enjoyed spending time with his grandparents. Hilda has now said that she is no longer happy in England and wants to return to Germany with Yusuf. Yusuf is bilingual, speaking fluent German and should therefore have no problem starting school in Germany. Hilda's parents have a second property close to them and have offered this to Hilda as somewhere to live rent free. Ahmet does not want to move to Germany, as he has just been offered a promotion at work. He believes that the education system is better in England and staying in England would therefore be better for the family unit as a whole. Ahmet also finds Hilda's parents to be overbearing and believes they would try to interfere in his care of Yusuf if they were to move to Germany.

Advise both parties about any applications they can make in relation to Yusuf and the likely outcome of those applications.

(25 marks)

Turn over

Question 2

Jason's wife died three years ago and he met his new partner Linda a year ago at group bereavement counselling. She had lost her son in a car accident at a similar time to Jason losing his wife. At first, their relationship was just about companionship, but it quickly developed into a romantic one and they decided to move in together six months ago. Jason's children, Matilda and Anita, are both adults and live abroad so they did not meet Linda until they returned to the UK for a visit at Christmas time. It was at this point that Jason told them his plans to move in with Linda. They did not approve, telling Jason that he was moving too quickly and they found Linda to be rude and overbearing. However, Jason put this down to the children still grieving for their mother and not wanting to think of him with someone else. Ignoring his children's advice, he gave up his tenancy on his property and moved into the flat that Linda owns.

When Linda found out what the children had said, she was not happy. Linda said that she didn't want to speak to them again and didn't want any pictures of them around the house. She would also get upset whenever Jason was on the phone with them, leading Jason to limit the contact he has with his children to try and keep Linda happy.

Recently Jason has found Linda to be very controlling. He has been paying towards the bills on the property and buys the weekly food shop. However, Linda has suggested that he should pay his entire wage into her bank account, saying that as a successful accountant, she would be better at managing the finances than him and that this is only fair if he is living in her house. Linda has also invested in a home security system and has admitted to Jason that she will often watch the live camera feeds while she is at work, later questioning him if he leaves the flat at any point. When Jason confronted her about this, she said she just wants to make sure he is safe after losing her son in such awful circumstances. However, Jason has started to suspect there are different motivations because Linda has also been checking his phone and has accused him of cheating on her a number of times.

Last night, Linda checked Jason's phone while he was in the shower and found that he had been telling his children about her behaviour. Linda lost her temper and in a fit of rage, she threatened Jason with a knife, saying that if he betrayed her again she would make him pay.

Jason came to your office today for advice, telling Linda that he was going to do the food shop.

- (a) Advise Jason what his legal options are for protecting himself against Linda. **(10 marks)**
- (b) Advise Jason what factors the family court will consider when deciding whether to make an order (or orders) and the likely outcome.

[Note to candidates: you are **not** required to comment on criminal or civil orders in this part of the question.]

(15 marks)

(Total: 25 marks)

Question 3

Alexia and Fareeha met at work 10 years ago. They were immediately attracted to each other and quickly began a romantic relationship. They decided to move in together after six months, but Fareeha was clear that she would never be able to marry Alexia because her family would never approve of same sex marriage. She told Alexia that she could not imagine getting married without her family there. Alexia was happy to agree to this, having never been too concerned about marriage herself.

Alexia has a child, Louise, from a previous relationship. It was therefore decided that Fareeha would move into the house that Alexia owned so that Louise would not have to be uprooted from her home. The couple informally agreed that Fareeha wouldn't have any financial claim on the house if their relationship were to break down. They agreed that Fareeha would pay towards the bills, but that Alexia would pay for everything else on the property, including any repairs and improvements to the property as and when they became necessary. The house is mortgage free.

Three years ago, they decided to adopt a child together so that Louise would have a sibling. They adopted a three-year-old boy called Simon. They were told that Simon had experienced a traumatic start to life and may have attachment issues. Fareeha and Alexia therefore agreed that Alexia would give up work to look after Simon and help him settle into the family. However, it also quickly became clear that the house would require an extension to be able to comfortably accommodate all of them as Simon and Louise get older. As she had given up her job, Alexia was unable to pay for this herself. Fareeha was happy to pay for the work from her savings despite their previous agreement because she now saw them as being a family unit. The extension cost Fareeha £10,000 and was completed two years ago.

Unfortunately, Alexia and Fareeha's relationship has now broken down. The couple have agreed that they will share the care of the children, but they have been unable to reach an agreement about financial issues. Alexia is concerned about what will happen with the family home and whether the agreement they reached 10 years ago will be upheld. Alexia has a vague memory of writing this agreement down, but she isn't certain of this and hasn't been able to find a copy of a written agreement anywhere.

Advise Alexia on her position and any challenges that Fareeha might make to that position.

(25 marks)

Turn over

Question 4

Leila and Terry have been married for seven years. Leila and Terry have a daughter together, Sophie, who is four years old. Leila also has a child from a previous marriage, Jodie, who is 10 years old and lives with them. Jodie sees her biological father Harry every other weekend. Harry pays child maintenance for Jodie at an amount assessed using the Child Maintenance Service online calculator.

Leila gave up her job as an accountant when she had Sophie and was planning on returning to work next year when Sophie starts school. However, Leila is concerned that she might struggle to find a job again after such a long career break. Terry had been supportive of Leila giving up her job and told her not to rush going back to work, as he was able to support the family on his income alone. Terry has a successful business organising sporting events around the country and earns £175,000 a year.

Even though Jodie is not his biological child, Terry has been paying for her to go to a local private school and it was anticipated that Sophie would start at the same school next year. The fees are £10,000 per child per year. Terry also pays for both children to have private horse-riding lessons, which cost £400 per month.

Unfortunately, the couple's marriage has recently broken down. Terry has discovered that Leila had been having an affair with Harry and had been using dropping Jodie off as an excuse to see him. Leila has recently suggested that Sophie might not be Terry's child. Terry now wants to stop paying the school fees for Jodie and doesn't want to pay anything more for Sophie until he knows that she is his biological child.

(a) Advise Terry on what he can do to establish Sophie's parentage.

(11 marks)

(b) Advise Terry on what financial obligations he has towards Sophie and Jodie.

(14 marks)

(Total: 25 marks)

End of the examination

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