



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 7 – FAMILY LAW\*

**Time allowed: 3 hours plus 15 minutes' reading time**

#### Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper 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 carry 25 marks. Answer FOUR only of the following EIGHT questions. This question paper is divided into TWO sections. You MUST answer at least ONE question from Section A and at least ONE question from Section B.**
- 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 2017-2018, 26th edition, M. Oldham, Oxford University Press, 2017.**
- 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** and the **LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE**

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**SECTION A**  
**(Answer at least one question from this section)**

1. Analyse the significance of entering into financial agreements or financial contracts for couples about to enter into:

(a) cohabitation; **(13 marks)**

(b) marriage or civil partnership.

**(12 marks)**  
**(Total: 25 marks)**

2. (a) Compare the different approaches taken to adultery as a way to terminate a marriage/civil partnership in the Matrimonial Causes Act 1973, the Marriage (Same Sex Couples) Act 2013 and the Civil Partnership Act 2004.

**(18 marks)**

(b) Consider the future of civil partnerships following the introduction of same-sex marriage.

**(7 marks)**  
**(Total: 25 marks)**

3. Analyse the approach that the courts take when one parent is actively seeking to deny the other from having contact with their children.

**(25 marks)**

4. Explain why the Gender Recognition Act 2004 needed to be introduced.

**(25 marks)**

**Turn over**

**SECTION B**  
**(Answer at least one question from this section)**

**Question 1**

Sandi and Heidi are Danish nationals: they were both born in Denmark and had lived there all their lives. They had been in a relationship for four years, before they entered into a marriage ceremony in Denmark on 1 December 2012. They were both 25 years old when they got married, and they followed the proper legal requirements to enter into a marriage.

In April 2016, Sandi was headhunted for a job in Norwich, England. She was not sure whether she should leave Denmark, but eventually decided that she wanted to take the job, as it was a good career move for her. Heidi was not keen to move to England, so they agreed that Heidi would remain in Denmark until Sandi settled in. They thought that if Sandi enjoyed her job, they would review the situation in May 2017, to see whether Heidi would move.

Sandi loved her new job and was promoted in May 2017. She expected Heidi to give up her own job and move to England, as Sandi had rented a two-bedroom cottage for them in a nice area. Heidi would not have to work when she moved and could either study or stay at home. However, Heidi said that she was not yet ready to move, but would think about it again at Christmas, when they were due to spend the holiday together.

Heidi told Sandi in December 2017 that she was not going to move to England and that she felt that their marriage was over. She told Sandi that they had drifted apart, as Sandi was more interested in her job than she was in Heidi. Sandi agrees that the marriage has come to an end. She has no intention of returning to Denmark.

(a) Advise Sandi on how to bring the marriage to an end in the circumstances described.

**(18 marks)**

(b) Would your advice change, if Sandi told you that Heidi had HIV, which she had had at the time of their marriage?

**(7 marks)**

**(Total: 25 marks)**

## Question 2

Eric and Mavis met last year at an over-50s dance class for singles in their local town in Sussex. They were regular dance partners and soon started dating.

Mavis had previously been happily married until five years ago, when her husband died. Her children, Frederick and Rosie, are both adults and live in London. When they met Eric, they did not like him. When he asked Mavis to move out of her council house and move in with him, the children objected, telling her that she was rushing into things.

When Eric found out what the children had said, he told Mavis she must choose between him and her children. Mavis chose Eric, moved out of her council house and moved into his three-bedroom, mortgage-free flat. The children were not happy, and their relationship with Mavis has been strained ever since.

Mavis works at the local supermarket and Eric wants her to pay her wages into his bank account. She is not keen to do this. She has so far been paying him a monthly contribution to the bills, and she does the food shopping for them both. Eric is a retired police officer and receives a good income from his pension.

Eric will not give Mavis a key to his flat, as he says that it is a security risk. He insists on letting her in and out of the flat himself, and needs to know where she is at all times.

He locks the front door of the flat as soon as she returns home and keeps the key with him. Every evening, he takes Mavis's mobile phone from her and checks her messages, her call history and her location history. He likes to know where she has been and who she talks to.

Two weeks ago, Frederick turned up at the property to make amends with his mother. Eric refused to let him in and rudely sent him away. After Frederick had left, Eric threatened to punish Mavis, if she did not behave herself. He locked her in the flat for two days on her own, telling her that she needed to learn to appreciate him more. She missed a shift at work and was in trouble with her boss. Eric took her mobile from her and she had no way of contacting anyone.

Mavis has come to see you on her lunchbreak for some advice regarding her situation.

Advise Mavis on all issues.

**(25 marks)**

**Turn over**

### Question 3

Maya was 27 years old when she gave birth to her daughter Seva, three years ago. Harry is Seva's father: he and Maya had been dating for a short while, but had broken off their relationship six months before Seva was born. Maya had made up her mind to have the baby, but she did not want Harry to be involved, so she did not tell him that she was pregnant. She told him about Seva after the birth and told him that she was happy to be a single parent.

Harry agreed with this arrangement because he had a new girlfriend, and he did not want to upset her by staying in contact with Maya. He felt that at 25 years old he was too young to be a father and did not want to be burdened by a child. By mutual agreement, Maya did not put Harry's name on Seva's birth certificate and, until recently, he had never seen Seva.

Maya met Dan at work and they started dating a year ago. They have been living together for the past six months. They are very happy as a family; Seva loves Dan and calls him Daddy, as he is the only father she has ever known. They were all in the park a month ago, enjoying a family day out, when they bumped into Harry. Maya and Harry were chatting and she mentioned to him that Seva was enrolled to start at a local Catholic school. Harry told Maya that he thought it was a bad idea for Seva to go there, as he had heard that it was not a good school.

Maya told Harry that it was none of his business where Seva went to school, as he had never seen her and he had no involvement in her life. At the end of the heated conversation, she told him that he was no more than a sperm donor and that Dan was Seva's father as far as she was concerned. She also told him that if he tried to interfere in Seva's life, she would deny that he was the father.

Harry has come to see you, because he is very upset by the incident in the park. He says that he had heard Seva addressing Dan as Daddy and this had upset him, as she clearly had no idea who he, Harry, was. Harry realised that he had been foolish not to be involved in Seva's life since she was born, and he now wants to know what his rights are.

Advise Harry on all issues.

**(25 marks)**

#### Question 4

Carla (42) and Davide (45) have been married for seven years and they do not have any children. Before they married, they lived together in a rented property for 18 months. They have been having difficulties in their marriage during the last year, and Carla started divorce proceedings against Davide six months ago. The petition was based on unreasonable behaviour, which Davide did not contest, and the decree nisi was pronounced two weeks ago.

When they met, Carla and Davide were earning £100,000 per annum each plus bonuses and other benefits. They are both qualified Chartered Accountants and initially worked for the same employer. Six years ago, Carla changed jobs. She went to work for a rival company, earning a basic salary of £120,000 per annum plus discretionary bonuses. After she joined the new firm, she quickly earned bonuses totalling £2 million. Four years ago, they used that money to buy their first home for £1.5 million. The property they bought had six bedrooms, a swimming pool and half an acre of land. It was purchased in their joint names as joint tenants. The property is now worth £2.5 million and, at present, they both live there, although Carla is unhappy about this arrangement.

Carla kept the rest of the bonus money in a bank account in her sole name. She has none of that money left, as she spent it all on decorating the house and installing new bathrooms and a kitchen.

Neither party has any debt. There is no mortgage on the property.

Carla and Davide both have final salary pensions. Carla's pension has a CEV of £475,000 and Davide's pension has a CEV of £525,000.

Davide currently earns £125,000 per annum plus bonuses. His bonus last year was £40,000, which he still has. They have no other investments or savings. He has been to see a mortgage broker and has been told that he could raise a mortgage for £400,000 on his current income. He has looked at three-bedroom houses in the same area and he would like to purchase a property for £1.5 million. He has told Carla that he thinks he is entitled to 50% of the value of the house.

Carla has also been to see a mortgage broker, who has told her that she could raise a mortgage of £350,000. She would like to stay in her current home, as it was purchased using her bonus money and she does not want to move to a smaller property. She does not think that Davide should get anything more than £250,000, which represents 50% of the increase in value of the property. Carla comes to you for advice about financial matters.

Advise Carla what financial orders the court is likely to make and why.

**(25 marks)**

**End of Examination Paper**

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