



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 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, 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.

Luke York telephones the office. He confirms that he wishes to proceed with dissolution and asks you to prepare the paperwork that he will need.

- (a) Explain to Luke the ground for dissolution and, with reasons, which fact he should rely on.

(5 marks)

- (b) Advise Luke of all the options available for him to proceed with the dissolution, should Jared fail to return the necessary documentation to the court.

(10 marks)

- (c) Explain to Luke the effect of the final dissolution on inheritance and pensions.

(5 marks)

(Total: 20 marks)

Question 2

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

Dorcas Charles attends the office. This morning you have received an email from her husband's lawyers (**Document A**).

- (a) Explain to Mrs Charles the effect of the Notice of Severance mentioned in Document A.

Note: In your answer, you should explain any further action that Mr Charles' lawyers should take to formalise the changes effected by the Notice and whether either party needs to do anything to protect their position as a result of this Notice.

(5 marks)

- (b) Advise Mrs Charles whether she should accept her husband's offer, in light of the factors the court would consider if the matter proceeded to court.

(25 marks)

(Total: 30 marks)

Question 3

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

Rory Bennett attends at the office.

- (a) Advise Mr Bennett of the court order he can apply for in relation to the change of Octavia's surname and the factors which the court will take into account when considering his application.

(20 marks)

- (b) Explain to Mr Bennett the nature of a Family Assistance Order and how it could help with his difficulties in seeing Octavia.

(5 marks)

(Total: 25 marks)

Question 4

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

Trudy Ingham attends at the office for her appointment with you.

- (a) Explain, with reasons, which orders you should apply for to protect Mrs Ingham.

(7 marks)

- (b) Advise Mrs Ingham on the likely outcome of her application, with reference to the factors that the court will consider when deciding whether to grant these orders.

(18 marks)

(Total: 25 marks)

Turn over

DOCUMENT A

FOR USE WITH QUESTION 2(a)

(Letter from Briars LLP, Kingsley Charles' lawyers)

Kempstons LLP,
The Manor House,
Bedford,
MK42 7AB
Our Ref: BD/KE/C232

(dated last Friday)
Without Prejudice

Dear Sirs,

Re: Your client: Dorcas Charles
Our client: Kingsley Charles

Further to your letter of 11th June 2018 we have now received the valuation report in relation to the former family home. We can confirm that our client agrees the suggested valuation figure of £350,000.

We attach a Notice of Severance* in relation to the former family home and would be grateful if you would kindly acknowledge safe receipt.

In advance of the parties' FDR Hearing, our client has instructed us to put forward the following offer in full and final settlement of your client's claims.

- 1) that the former family home, 2 Rowton Road, Clayton, Barnardshire, be sold and the net proceeds of sale divided equally between the parties.
- 2) that the joint life assurance policy be surrendered and the proceeds paid to our client.
- 3) that both parties retain their own remaining assets (including their pensions).
- 4) that our client continues to pay child maintenance via the CMS.
- 5) that there should in all other respects be a clean break in respect of all capital and income claims between the parties.
- 6) that both parties bear their own costs

We look forward to hearing from you with the necessary acknowledgement and with your client's reply to our client's offer of settlement.

Yours faithfully,

Briars LLP.

(*Note to candidates: you can assume that the Notice of Severance referred to is attached to this letter and is correctly drafted.)

End of Examination Paper