



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 12 – THE PRACTICE OF FAMILY LAW\*

**Time allowed: 1 hour and 30 minutes 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 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 **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

## Question 1

Reference: Question relates to **Document 1** of the case study materials.

### Additional information

Faria has phoned to say that Alan has just left to attend a three-day academic conference in Edinburgh. When she asked him to leave her with some extra money in case of emergencies, he flew into a rage and pushed her down the stairs. Faria suffered a dislocated shoulder and serious bruising, and has been treated at the local hospital. She is very shaken and has arranged for a friend to help with the children. Faria has decided that she cannot live with Alan any longer. She is very frightened about what Alan will do on his return, and wants to take immediate action to protect herself and the children.

- (a) Explain the purpose of a non-molestation order and why Faria should apply for one. **(4 marks)**
- (b) Explain to Faria:
- (i) what an occupation order is and why she should apply for one; **(3 marks)**
- (ii) whether she is eligible to apply for this order. **(6 marks)**
- (c) Describe the procedure for applying for these orders *ex parte*. **(8 marks)**

**(Total: 21 marks)**

## Question 2

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

- (a) Explain which s.8 order under the Children Act 1989 Lloyd could apply for to ensure that Vicky and Robin maintain regular contact with him and his children. **(3 marks)**
- (b) Explain any **two** of the key statutory principles under the Children Act 1989 that the court must consider when dealing with Lloyd's application. **(6 marks)**
- (c) Outline the procedure for obtaining a section 8 order under the Children Act 1989. **(8 marks)**

**(Total: 17 marks)**

### Question 3

Reference: Question relates to **Documents 3 and 4** of the case study materials.

(a) Explain how Kamesha can establish the ground for a matrimonial order.  
**(4 marks)**

(b) Identify the documents that will need to be filed with the court, in order to commence proceedings.  
**(3 marks)**

(c) Identify the most likely method of service of the application for a matrimonial order in this case.  
**(1 mark)**

(d) Explain what Jamar will need to do, when he is served with the application for a matrimonial order.  
**(3 marks)**

**(Total: 11 marks)**

### Question 4

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

(a) Explain any **two** financial orders available to Kamesha and how they apply in her case.  
**(4 marks)**

(b) Explain **two** statutory factors contained in s.25(2) Matrimonial Causes Act 1973 which a court would consider and how they apply to Kamesha's case.  
**(6 marks)**

(c) Explain how the principle established in White v White (2001) would apply in Kamesha's case.  
**(4 marks)**

(d) Advise Kamesha on the steps to be taken to prepare for the First Appointment, when she makes an application for a financial order.  
**(7 marks)**

**(Total: 21 marks)**

**End of Examination Paper**

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