



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 **Documents 1 and 2** of the case study materials.

- (a) Advise Aleksander of the ground he must satisfy to obtain a matrimonial order and how it could be established.

(10 marks)

Following his meeting with you, Aleksander has instructed you to commence an application for a matrimonial order and wishes to proceed as quickly as possible.

- (b) Identify the documents that will need to be filed with the court in order to issue proceedings.

(3 marks)

- (c) Prepare the draft Statement of Case for Form D8, for the approval of your supervising solicitor, Kasha Patel.

[NOTE TO CANDIDATES: Write your draft Statement of Case in your answer booklet.]

(7 marks)

(Total: 20 marks)

Question 2

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Explain the 'clean break' principle and advise whether it would apply in Aleksander and Catherine's case.

(5 marks)

- (b) Explain in relation to financial settlement:

- (i) any **two** financial orders that Catherine could apply for in this case;

(4 marks)

- (ii) the purpose of a First Appointment;

(3 marks)

- (iii) the purpose of a Financial Dispute Resolution Hearing.

(3 marks)

(Total: 15 marks)

Question 3

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

(a) Explain why Yin should apply for:

(i) a non-molestation order;

(4 marks)

(ii) an occupation order.

(4 marks)

(b) Explain the test that the court will apply, in deciding whether to grant an occupation order in Yin's case.

(5 marks)

(c) Identify and explain any **three** factors that the court will consider, if an application is made for an occupation order.

(6 marks)

(Total: 19 marks)

Question 4

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

(a) Advise Yin:

(i) which s.8 order she could apply for, to ensure that Daniel and Pearl continue to live with her;

(3 marks)

(ii) whether she is eligible to apply for this order.

(4 marks)

Yin has instructed you to proceed with an application for a section 8 order.

(b) Identify what matters the court will consider at the First Hearing Dispute Resolution Appointment, giving examples of how they apply in this case.

(9 marks)

(Total: 16 marks)

End of Examination Paper

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