



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 15 – THE PRACTICE OF LAW FOR THE ELDERLY CLIENT*

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.

Following his meeting with Frank, Mr Andrews has doubts about Frank's capacity to make a Lasting Power of Attorney.

- (a) Explain the test in the Mental Capacity Act 2005 used to determine whether a person has mental capacity.

(4 marks)

Frank's doctor has produced a medical report, in which she confirmed that Frank does have capacity to make a Property and Financial Affairs Lasting Power of Attorney. Frank has telephoned Mr Andrews, to say that he would like some further advice about attorneys.

- (b) Mr Andrews has asked you to list the **contents only** of a letter to Frank, explaining:

- (i) the factors that Frank should consider, when choosing and appointing his attorneys;

(10 marks)

- (ii) the duties and responsibilities of an attorney, when managing the financial affairs of a donor.

(10 marks)

Mr Andrews has also explained to Frank that he should make a new Will as soon as possible because, if he loses capacity, the Court of Protection may make a Statutory Will on his behalf.

- (c) Explain the principles which the court will apply when considering an application for a Statutory Will.

(6 marks)

(Total: 30 marks)

Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

Following Mr Andrews' meeting with Bethan, he has reviewed the paperwork and advises Bethan to seek a Deputyship Order.

List the contents **only** of a letter to Bethan, identifying and explaining the following:

(a) the documentation to be sent with the application form (COP1) to the Court of Protection;

(8 marks)

(b) the procedure for obtaining a Deputyship Order after the application form (COP1) has been submitted and how it applies in this case.

(10 marks)

(Total: 18 marks)

Question 3

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

(a) Explain whether Henry may be entitled to local authority assistance to make modifications to his house that will enable him to continue living there.

(7 marks)

(b) Explain which non-means-tested benefits Henry could now be entitled to receive.

(4 marks)

(c) (i) Explain the principle of Capital Gains Tax.

(3 marks)

(ii) Explain the Capital Gains Tax consequences to Henry, if he sells the landscape painting.

[NOTE TO CANDIDATES: This question does not require any calculations.]

(8 marks)

(Total: 22 marks)

End of Examination Paper

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