



## 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 2019-2020, 28th edition, Rob George, Oxford University Press, 2019.**
- 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.

Cora Hibbert telephones the office. She confirms that she wishes to proceed with a divorce and asks you to prepare the paperwork that she will need.

(a) Explain to Mrs Hibbert the ground for divorce and, with reasons, which fact she should rely on.

**(5 marks)**

(b) Describe to Mrs Hibbert how she could proceed with the divorce, if Emma fails to return the necessary documentation to the court.

**(10 marks)**

(c) Explain to Mrs Hibbert the effect of the decree absolute on inheritance and pensions.

**(5 marks)**

**(Total: 20 marks)**

## Question 2

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

Your secretary hands you an urgent email sent to Molly by Zahara Rashid earlier this morning (**see Document A at the end of this examination paper**).

(a) Explain to Mrs Rashid the steps you will need to take to issue financial proceedings, referring to any relevant documents.

**(5 marks)**

(b) Explain, with reference to Mrs Rashid's position, what factors the court will look at, in determining her application for financial orders.

**[NOTE: There is no need to discuss which orders you think the court may make in Mrs Rashid's case.]**

**(25 marks)**

**(Total: 30 marks)**

### Question 3

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

Jasper Oakley attends at the office for his appointment with you.

- (a) Explain to Mr Oakley how he can secure his right to be involved in the decision-making about Paige.

**(7 marks)**

- (b) Analyse the factors which the court will take into account in relation to the court order that Mr Oakley should apply for regarding the proposed holiday.

**(16 marks)**

**(Total: 23 marks)**

### Question 4

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

Leah Varley attends at the office for her appointment with you.

- (a) Explain what orders you should apply for to protect Miss Varley and why she is entitled to apply.

**(6 marks)**

- (b) Advise Miss Varley what the likely outcome of the case will be, with reference to the factors that the court will consider when deciding whether to grant the orders sought.

**(21 marks)**

**(Total: 27 marks)**

**Turn over**

## DOCUMENT A

### (TO BE USED WITH QUESTION 2)

#### Email from Zahara Rashid

**From:** Zahara Rashid  
**To:** Molly Unsworth  
**Subject:** Urgent: Finances  
**Date:** [Today's date]

Hi Molly,

Could I please come into the office to see you urgently today?

Adeel called by this morning. He showed me a document headed 'pre-marital agreement' and told me that I had signed it before we were married.

I must admit I had completely forgotten about this document. I vaguely remember that Adeel gave it to me a couple of days before our wedding.

I didn't have time to go and see a lawyer about it at the time, as I was trying to sort out some last-minute arrangements for the wedding. I remember asking Adeel if I needed to know about his finances, and he said that everyone was making these agreements nowadays and that it was nothing to worry about. In the end, I just signed it.

I've had a quick look through it now, and what worries me is that I said in it that I would not claim any maintenance other than child maintenance from Adeel nor make any claims on his property! Am I bound by this?

I think we had better refer things to court now. Adeel said as he left this morning that he would be relying on this agreement, and he didn't need to pay me anything.

Many thanks,

*Zahara*

**End of Examination Paper**