



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 7 – FAMILY LAW*

Time allowed: 3 hours plus 15 minutes' reading time

Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper 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 carry 25 marks. Answer FOUR only of the following EIGHT questions. This question paper is divided into TWO sections. You MUST answer at least ONE question from Section A and at least ONE question from Section B.**
- 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: 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 and the LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE**

SECTION A
(Answer at least one question from this section)

1. (a) Analyse the importance of domicile to the requirements for a valid marriage.

(18 marks)

(b) Critically assess the law in relation to divorce and the dissolution of religious marriages.

(7 marks)

(Total: 25 marks)

2. Examine the significance of financial agreements for a couple on entering:

(a) a marriage or civil partnership;

(12 marks)

(b) a cohabitation.

(13 marks)

(Total: 25 marks)

3. Analyse the effectiveness of surrogacy laws in the UK.

(25 marks)

4. Critically assess the protection afforded to victims of domestic abuse by reference to:

- non-molestation orders;
- protection from harassment;
- controlling and coercive behaviour.

(25 marks)

SECTION B
(Answer at least one question from this section)

Question 1

Alliyah and Bartimus have been married for 10 years and they lived together for two years before they got married. They have two children, Chloe (aged 11) and Davina (aged four).

Alliyah is a chartered accountant and she works full-time, while Bartimus is at home looking after Davina. They have lived comfortably on the income that Alliyah earns. Chloe goes to a private school that costs £12,000 per year and Davina is due to start at the same school in September.

Recently, Alliyah and Bartimus have been arguing, because Alliyah wants Bartimus to go out to work when Davina starts school, so that she can reduce her working hours. Bartimus, however, wishes to continue to stay at home and look after the house and be responsible for the childcare.

In a recent argument, Alliyah let slip that Chloe is not Bartimus's biological child and that she had an affair when they were first together, before they got married, which resulted in the pregnancy. Bartimus had always thought that he was Chloe's biological father and has always treated her as such. He is named on her birth certificate.

This news is the last straw for Bartimus. He wants to know what his rights are in relation to both his children, as he now wants to divorce Alliyah. Bartimus wants the children to remain living with him, as he feels that he has been the main care giver since they were born.

(a) Advise Bartimus on what orders he could apply for under the Children Act 1989 and the likelihood of his application being successful.

(5 marks)

(b) Apply the principles and factors that the court would consider when making orders in relation to the children.

(10 marks)

Divorce proceedings have now been issued by Bartimus.

(c) Advise Bartimus what financial obligations Alliyah has to the children.

(10 marks)

(Total: 25 marks)

Turn over

Question 2

Erin and her partner Ffion have been in a civil partnership for six years. They live in a flat, which they jointly own, in the middle of town. The flat is near where Erin works at the local supermarket. Ffion has not worked for four years due to a back injury.

For the last two years, Ffion has been expressing a wish to present as a male and has started to take hormones, to dress as a male and to request that people call him Fin. Erin has stood by Fin through this transition and wishes to remain in a civil partnership with him.

The hormones have made Fin very aggressive. Erin and Fin have had a number of heated arguments, which have turned to violence on a number of occasions. The latest argument ended with Fin threatening to kill Erin, which was the breaking point for Erin. She now feels that she needs some space from Fin, to decide what she wants to do next. She still loves Fin, but cannot continue in this way.

Fin is mortified by his own behaviour and has gone to stay with his brother. However, he wants to return home and gets quite angry when Erin suggests that he should stay with his brother for a while, to allow them some time to reflect on their relationship.

- (a) Advise Erin whether she can exclude Fin from the flat and what she can do to achieve this.

(16 marks)

- (b) Advise both Fin and Erin what their respective options are in terms of their relationship.

(9 marks)

(Total: 25 marks)

Question 3

Imani (35) and James (37) have been married for two years, but have decided to get a divorce. Imani has two children from a previous marriage who live with her, aged 12 and 15. Imani receives child maintenance for her children from her ex-husband.

Imani owned a three-bedroom, semi-detached house for 10 years before they were married, which James moved into. The house was valued at £160,000 with a £90,000 mortgage. When James moved in, he was added as a legal owner and became a party to the mortgage on the property.

Imani earns £30,000 gross per annum and has a good public service pension. James earns £19,000 gross per annum and has no pension apart from the statutory pension that was set up a couple of years ago.

Neither party has a particularly extravagant lifestyle, but James is less careful with money, so has no savings, whereas Imani has saved £10,000 over the last few years.

Both parties are amicable and want to handle the divorce themselves. They just wish to leave the marriage with what they are entitled to.

Advise Imani and James on a fair division of the assets that would be approved by the court.

(25 marks)

Turn over

Question 4

Karl and Liam have been in a relationship for six years. Karl (27) is a teacher and earns £35,000 gross per annum. Liam (29) is a pilot and earns £160,000 gross per annum.

Three years ago, Karl and Liam decided to live together. They bought a two-bedroom flat for £200,000 near the airport, so that it was easy for Liam to get to work. Liam already owned a property when they met, which he then sold, and he used the proceeds to pay the deposit of £30,000, taking out a mortgage for the remainder. Karl paid the stamp duty land tax and the legal fees for the purchase, which came to £3,500. They decided to put the flat in Liam's name only, as Karl had County Court Judgments against him, which would not have allowed him to get a mortgage as easily. Karl has been contributing to the mortgage payments since the property was purchased.

Two years ago, the couple adopted twins Mika and Nico, then aged 18 months. Initially, Karl took time off work to look after the twins, but he is planning to go back to work when the twins start school.

While away on a long-haul flight, Liam started a relationship with one of the cabin crew, Octavia, and he has been seeing her for eight months during each trip with work.

Liam now wants to end his relationship with Karl and says that he doesn't want Karl or the twins to stay in his house.

Karl is worried that he and the children will be left with nowhere to live.

Advise Karl on what legal steps he can take to protect his contribution to the flat and what financial help he can expect from Liam in relation to the twins.

(25 marks)

End of Examination Paper

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